

STATE OF INDIANA)
)
COUNTY OF DEARBORN) SS: IN THE DEARBORN SUPERIOR COURT II
) GENERAL TERM, 2011

STATE OF INDIANA)
)
V.)
)
DANIEL BREWINGTON) CAUSE NO. 15D02-1103-FD-084

DISCOVERY ANSWER

Comes now the State of Indiana by M. Joseph Kisor, Chief Deputy Prosecuting Attorney for the Seventh Judicial Circuit, and having been Ordered by the Court to supply Defendant with Discovery, submits its Answer as follows:

ITEM I: State's witnesses:

Sheriff Michael Kreinhop
Dearborn County Sheriff's Dept.
Lawrenceburg, IN

Attorney Angela Loechell


Dr. Ed Connor
c/o Prosecutor's Office
Lawrenceburg, IN

Judge James Humphrey
c/o Prosecutor's Office
Lawrenceburg, IN

Heidi Humphrey
c/o Prosecutor's Office
Lawrenceburg, IN

Melissa Brewington
c/o Prosecutor's Office
Lawrenceburg, IN

ITEM II: Copies of the following are attached hereto:

<u> X </u>	Indictments
<u> X </u>	Case Report
<u> X </u>	Waiver of Immunity
<u> X </u>	CD of Grand Jury Exhibits provided to defense counsel
<u> X </u>	Transcript of Grand Jury proceedings will be provided to defense counsel upon availability
<u> X </u>	404(b) Evidence of Other Crimes, Wrongs or Acts contained within above (or any Supplemental Discovery filed subsequently)

- X Criminal History may be viewed by appointment with Prosecutor's Office
- X Physical Evidence may be viewed by appointment with Prosecutor's Office

(State intends to supplement its Discovery Answer as witnesses and documents become available.)

F. Aaron Negangard

F. Aaron Negangard
Prosecuting Attorney

CERTIFICATION OF SERVICE

I hereby certify that I have served a true and exact copy of the above and foregoing Discovery Answer upon John Watson, Attorney for Defendant, personally or by placing same in the U.S. Mail, postage prepaid, this 23 day of ~~April~~ ^{May} 2011.

F. Aaron Negangard

F. Aaron Negangard

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Case Report
16-09-000166

Print Date/Time:
10/28/2009 17:41

Narrative Type: Initial Report
Narrative Officer: KREINHOP, MICHAEL

Topic:
Narrative Date/Time: 10/28/2009 13:50

On 8-24-09 I was requested by Dearborn County Prosecutor Aaron Negangard to contact Dearborn Circuit Court Judge James Humphrey in regard to possible threatening or intimidating written communications. Prosecutor Negangard also provided me with a copy of a twenty-two page document titled "Dan's Adventures in Taking on the Family Courts" that had been prepared and posted by Dan Brewington on the web site www.danbrewington.blogspot.com on 8-23-09. A copy of this document is attached and listed as item #1.

Also on 8-24-09, I met with Judge Humphrey. The following is a summary of my conversation with him. In late 2008, Judge Humphrey was appointed as a special judge concerning the divorce of petitioner Melissa Brewington, who was represented by Lawrenceburg Attorney Angela Loechel and respondent Dan Brewington, who represented himself. The divorce was initially filed with the Ripley Circuit Court on 1-8-07. In late 2008, Ripley Circuit Court Judge Cari Taul recused himself upon Dan Brewington filing a motion for change of judge due to an allegation that the judge had ex parte communications with Dr. Edward Connor, a psychologist, located in Erlanger, Kentucky, who had been previously appointed by the Ripley Circuit Court to conduct a child custody evaluation of the petitioner and respondent. Dr. Connor had previously submitted the evaluation report to the Ripley Circuit Court in August 2007. On 8-17-09 Judge Humphrey issued a final order concerning the marriage of Petitioner Melissa Brewington and Respondent Daniel Brewington. The final order dissolved the marriage and gave full custody of the two minor children to the petitioner. Additionally, along with other findings, the order stated that Dan Brewington shall not be entitled to visitation with his children until he underwent a mental health evaluation with a mental health care provider approved by the Court. A copy of the Judgment And Final Order On Decree Of Dissolution Of Marriage was obtained from Judge Humphrey and is attached and listed as item #2.


In response to the order by Judge Humphrey, Dan Brewington, pro se, filed a motion to grant relief from the judgment and order with the Dearborn Circuit Court on 8-24-09. A copy of the Motion To Grant Relief From Judgment And Order was also obtained from Judge Humphrey and is attached and listed as item #3.

Judge Humphrey expressed concerned with two of the writings prepared by Dan Brewington. The first was located on page 7 of the document I had previously received from Prosecutor Negangard titled "Dan's Adventures in Taking on the Family Courts" (attached item #1) which contained the following statement by Brewington: "Copy this letter and send the letter along with your own personal comments and opinions to the Ethics and Professionalism Committee Advisor located in Dearborn County, Indiana. Please save a copy of the letters for future use if necessary. Send the information to"

Heidi Humphrey


Heidi Humphrey is the wife of Judge Humphrey and the address indicated by Brewington is the home address of Judge Humphrey and his wife. Judge Humphrey suspected that Brewington was attempting to intimidate him by placing his wife's name and their home address in this writing that Brewington had placed on the internet for the public to read and respond to.

The second writing was located on page 10 of the motion to grant relief from judgment and order (attached item #3) prepared by Brewington on 8-24-09 and stated the following: "Any person, law enforcement agency, etc... who takes action against the respondent for protecting the respondent's children and the public from the child abducting tactics of Judge Humphrey will be held personally responsible for their actions." Judge Humphrey viewed this statement as a further attempt to intimidate him and also as a threat to his and his family's personal safety. Judge Humphrey further advised me that Brewington had an Indiana handgun license.

On 9-15-09 I met with Angela Loechel, attorney for the petitioner Melissa Brewington, at her office located . Loechel had previously contacted Prosecutor Negangard in regard to Dan Brewington. Loechel was concerned that the internet posting titled "Dan's Adventure in Taking on the Family Courts" was a possible veiled threat to Judge Humphrey. She specifically mentioned page 7 of this document, which I previously received from Prosecutor Negangard and had previously indicated in my interview with Judge Humphrey. Loechel also advised me that Brewington had contacted her husband, who is a police officer in Kentucky, at their residence concerning firearms training. Loechel suspected that this was an attempt by

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Brewington to intimidate her by showing her that he knew where she lived. Loechel provided me with copies of faxes, letters and other documents that had been sent to her by Dan Brewington. Copies are attached and listed as items #4 through #13.

Also on 9-15-09 at 4:25 PM, I met with Melissa C. Brewington in the parking lot of the Bob Evans Restaurant located along North Bend Road and just south of Interstate 74 near Cheviot, Ohio. Brewington lives at [REDACTED]. Ms. Brewington was married to Dan Brewington for approximately four years and together they have two young girls. The girls were the primary focus of her ex-husband as he did not agree with the Court giving her full custody of the children and denying him visitation until he submitted to an additional evaluation, which he refused to do. Her ex-husband also disagreed with the child custody evaluation previously conducted by Dr. Edward Conner and it was her opinion that most of his anger was directed toward Dr. Conner.

Brewington also advised me that her ex-husband had been arrested five days ago by the Green Township, Ohio, Police on her complaint of telephone harassment. At the time of my interview, Brewington had not spoken with her ex-husband nor had she heard from him since his arrest. The complaint was investigated by Green Township, Ohio, Det. Dale Stanley.

Ms. Brewington stated that her ex-husband was primarily verbally abusive and very manipulative of her. He has made threats of physical violence to her and there was some pushing and shoving of her by him in the past. Although there has not been any actual physical violence, she did believe that he was capable of committing acts of violence. Brewington advised me that her ex-husband often stays with his mother, Sue Brewington, who lives [REDACTED].

On 10-8-09 I telephoned the cell phone [REDACTED] of Dan Brewington and requested that he contact me. Brewington subsequently returned my call and questioned me concerning why I wanted to speak with him. I advised Brewington that I was conducting an investigation at the request of the prosecuting attorney concerning a complaint made against him and I wanted to give him an opportunity to respond. Brewington asked several questions of me, including who had made the complaint and the nature of the complaint. I declined to provide Brewington with further details or information at that time. I advised Brewington I would provide more information and detail at the time of our meeting and I again requested if he would be willing to meet with me. Brewington stated he would have to think about it and get back to me. The following day a message was left on my cell phone voice mail by Bob Kelly, who identified himself as Dan Brewington's attorney, and requesting that I return his call.

On 10-20-09 at 1:00 PM, Prosecutor Negangard and I met with and interviewed Dr. Edward Conner in the office of Prosecutor Negangard. At the request of Dr. Conner he had been subpoenaed for the interview. A copy of the subpoena is attached and is listed as item #14. A transcript of the recorded interview will be attached when received. The office of Dr. Conner is located [REDACTED]. The following is a brief summary of the interview with Dr. Conner. Issues with Dan Brewington began in August 2007 after Dr. Conner had issued a report concerning the evaluation of Brewington, his wife, and their children. The evaluation had been ordered by the Ripley Circuit Court to determine custody and visitation of their two minor children as part of the divorce proceeding of Melissa and Dan Brewington. Dan Brewington did not agree with several items contained in his evaluation and wanted a copy of the case file which included copies of the evaluation reports of his children and his then wife, Melissa. Dr. Conner had provided Brewington with a copy of his evaluation report but declined to provide a copy of the case file which included the evaluation reports of his children and wife. Ripley Circuit Court Judge Carl Taul subsequently ruled that he did not have to provide Brewington with a copy of the case file which included copies of the evaluation of his children and wife. Brewington also alleged that Dr. Conner was not licensed in Indiana to conduct evaluations for the court. Dr. Conner stated that he was not licensed in Indiana at the time of the evaluations, however the evaluations were done at his office in Erlanger, Kentucky and that he was and still is licensed in Kentucky. Dr. Conner has since been licensed in Indiana. Brewington has made two complaints against Dr. Conner with the Kentucky State Board of Psychology and that the board had subsequently cleared him of both complaints. It was the opinion of Dr. Conner that Brewington was the type of individual that took issue with anyone who disagreed with him or had an opinion that was different from his. Although Brewington had not threatened Dr. Conner directly with physical harm, Dr. Conner believed that Brewington was capable of committing physical violence.

Dr. Conner stated that Brewington was possibly paranoid and paranoid patients have a history of "striking out". Dr. Conner also stated that he recommended to the court that Melissa Brewington have custody of the children and

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that Dan Brewington have usual and regular visitation of the children. Dr. Conner provided me with copies of several items of written correspondence received from and sent to Dan Brewington. In reviewing the documents provided to me by Dr. Conner, Dan Brewington states that he is an attorney in items #57, #58, and #59. All documents provided to me by Dr. Conner are attached and listed as items #15 through #88.

Also on 10-20-09 I received from Prosecutor Negangard three letters that had been mailed to the residence of Judge Humphrey and to the attention of Heidi Humphrey. The letters are an apparent response to the request to send the letters by Dan Brewington in his posting titled "Dan's Adventure in Taking on the Family Courts" on the web site: <http://danbrewington.blogspot.com>.

The first letter, dated 8-26-09, was signed by [REDACTED] sent the letter after receiving an e-mail from her friend, Sue Brewington, who is the mother of Dan Brewington. This letter and the envelope, in which the letter was sent, are attached and listed as items #87 and #87A respectively. The second letter, dated 9-7-09, was signed by [REDACTED] is the neighbor of Sue Brewington. This letter and the envelope, in which the letter was sent, are attached and listed as items #88 and #88A respectively. Envelope #90A also contained a copy of the posting on the internet by Dan Brewington in which he instructs the reader to "copy this letter and send the letter along with your own personal comments and opinions to the Ethics & Professionalism Committee Advisor located in Dearborn County, Indiana." A copy of this posting, which was included with the letter from [REDACTED] is attached and listed as item #89. The third letter, dated 9-18-09, was signed by [REDACTED] LMFT (Licensed Marriage and Family Therapist), [REDACTED]. This letter and the envelope in which the letter was sent is attached and listed as item #90 and #90A respectively.

On 10-21-09 I returned a telephone call to Bob Kelly, who stated to me that he was representing Dan Brewington. After some discussion, Kelly stated to me that he would not permit me to speak with Brewington.

On 10-27-09 I received from Angela Loechel a copy of a posting written by Dan Brewington on the web site <http://danbrewington.blogspot.com>. The posting was titled "I miss my girls" and dated 9-10-09. Ms. Loechel had previously advised me that this posting has since been removed from the web site. A copy of the posting is attached and listed as item # 91.

Attachments:

1. Copy of Dan's Adventures in Taking on the Family Courts.
2. Copy of Judgment and Final Order on Decree of Dissolution of Marriage.
3. Copy of Motion to Grant Relief from Judgment and Order.
4. Copy of document titled Please Help a Dad be a Dad with an attached list of attorneys.
5. Copy of a fax dated 9-9-09 with a letter he sent to the Hamilton County Department of Job and Family Services regarding his children inability to communicate with him.
6. Copy of a fax dated 9-10-09 with a letter sent to Ripley County Sheriff Tom Grills by his mother Sue Brewington.
7. Copy of a fax dated 9-11-09 with a notice of appeal from trial court filed with the Ripley Circuit Court.
8. Copy of a Motion to Clarify and To Reconsider.
9. Copy of a Motion to Grant Relief from Judgment and Order.
10. Copy of a letter dated 9-2-09 to Angela Loechel re: September 8 property exchange [REDACTED]
11. Copy of a letter dated 9-5-09 to Angela Loechel re: Cancelled property pickup.
12. Copy of a letter dated 9-8-09 to Angela Loechel re: Contempt/letters to the children's schools.
13. Copy of a posting on Dearborn County Public Forum dated 8-30-09.
14. Copy of subpoena issued to Dr. Edward Conner.
15. Copy of Dan Brewington letter to [REDACTED]
16. Copy of Dan Brewington Indiana application for handgun license.
17. Copy of Ripley Circuit Court order dated 5-14-07 for custody evaluation.
18. Copy of fax cover sheet dated 5-31-07 sent to Angela Loechel and Thomas Blondell.
19. Copy of Custody Evaluation Agreement signed by Melissa and Dan Brewington 6-5-07 and 6-18-07 respectively.
20. Copy of Taylor-Johnson Temperament Analysis profile of Dan Brewington dated 6-18-07.
21. Copy of letter dated 7-9-07 sent to [REDACTED] with attached release authorization form.
22. Copy of undated letter sent by Dan Brewington listing mistakes and errors in evaluation.

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23. Copy of letter dated 7-10-07 to Dr. Conner from Dan Brewington.
 24. Copy of letter dated 7-10-07 to Melissa Brewington from Dan Brewington.
 25. Copy of letter dated 12-12-07 from [REDACTED] LISW, Co-Director of the Affinity Center, to Dan Brewington.
 26. Copy of e-mail communication from 12-12-08 to 12-27-08 between Dan Brewington and Attorney Thomas Blondell.
 27. Copy of letter dated 12-21-08 from Dr. Conner to Ripley Circuit Judge Carl Taul.
 28. Copy of letter dated 3-4-08 from Dan Brewington to Dr. Conner.
 29. Copy of letter dated 3-4-08 from Dan Brewington to Dr. Conner.
 30. Copy of letter dated 3-11-08 from Dr. Conner to Dan Brewington.
 31. Copy of letter with corrected date of 3-24-08 from Dan Brewington to Dr. Conner.
 32. Copy of letter dated 3-26-08 from Dan Brewington to Dr. Conner.
 33. Copy of letter dated 3-26-08 from Dr. Conner to Dan Brewington.
 34. Copy of letter dated 3-26-08 from Dr. Conner to Ripley Circuit Court Judge Carl Taul.
 35. Copy of letter dated 3-26-08 from Judge Taul to Dr. Conner.
 36. Copy of fax dated 3-26-08 with letter attached from Dan Brewington to Dr. Conner.
 37. Copy of letter dated 3-27-08 from Dr. Conner to Dan Brewington.
 38. Copy of fax dated 3-28-08 from Dan Brewington to Dr. Conner with letter and American Psychological Association's Ethical Principles of Psychologists and Code of Conduct attached.
 39. Copy of fax dated 3-28-08 from Dan Brewington to Dr. Conner with attached letter and order from Ripley Circuit Court.
 40. Copy of letter dated 3-31-08 from Dan Brewington to Dr. Conner.
 41. Copy of fax dated 3-28-08 from Dr. Conner to Dan Brewington.
 42. Copy of letter dated 3-31-08 from Dan Brewington to Attorney Angela Loechel.
 43. Copy of fax dated 4-1-08 from Dan Brewington to Dr. Conner with attached letter.
 44. Copy of fax dated 4-1-08 from Dr. Conner to Judge Taul.
 45. Copy of fax dated 4-1-08 from Dr. Conner to Dan Brewington with attached anonymous letter.
 46. Copy of fax dated 4-1-08 from Dan Brewington to Dr. Conner with attached letter.
 47. Copy of fax dated 7-30-08 from Dan Brewington to Dr. Conner with attached document titled Provisions to Serve as an Impartial Expert in a Custody Evaluation
 48. Copy of fax dated 7-30-08 from Dan Brewington to Dr. Conner with attached letter.
 49. Copy of fax dated 8-4-08 from Dan Brewington to Dr. Jones-Conner attached letter.
 50. Copy of fax dated 8-4-08 from Dan Brewington to Dr. Conner with attached letter.
 51. Copy of fax dated 8-4-08 from Dan Brewington to Dr. Conner with attached letter.
 52. Copy of fax dated 8-4-08 from Dan Brewington to [REDACTED].
 53. Copy of fax dated 8-5-08 from Dan Brewington to Dr. Conner with attached letter, release of information and consent document, and office policy statement document.
 54. Copy of fax dated 8-6-08 from Dan Brewington to Dr. Conner with attached letter and motion to clarify.
 55. Copy of fax dated 8-20-08 from Dan Brewington to Dr. Conner with attached letter and motion for verified petition for contempt citation.
 56. Copy of fax dated 8-28-08 from Dan Brewington to Dr. Conner with attached letter.
 57. Copy of fax dated 9-2-08 from Dan Brewington to Dr. Conner with three attached letters and motion for verified petition for contempt citation.
 58. Copy of fax dated 9-3-08 from Dan Brewington to Dr. Conner with attached letter.
 59. Copy of fax dated 9-5-08 from Dan Brewington to Dr. Conner with attached letter and Ripley Circuit Court order on motion to clarify.
 60. Copy of fax dated 9-8-08 from Dan Brewington to Dr. Conner with attached letter.
 61. Copy of fax dated 10-9-08 from Dan Brewington to Dr. Conner with attached letter and motion to compel Dr. Conner to honor his contract and release the child custody evaluation case file.
 62. Copy of home web page from <http://dadsfamilycourtexperience.com>.
 63. Copy of My Story web page from <http://dadsfamilycourtexperience.com>.
 64. Copy of Dr. Edward J. Conner web page from <http://dadsfamilycourtexperience.com>.
 65. Copy of Poor Legal Representation web page from <http://dadsfamilycourtexperience.com>.
 66. Copy of Honorable Judge Taul web page from <http://dadsfamilycourtexperience.com>.
 67. Copy of Adventures in Representing Myself web page from <http://dadsfamilycourtexperience.com>.
 68. Copy of pages 3 through 10 of e-mail communications between Dan Brewington and Attorney Thomas Blondell.
 69. Copy of web page from <http://www.merchantcircle.com/ConnerEdward>.

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70. Copy of web page from <http://www.merchantcircle.com/ConnerEdward>.
 71. Copy of Kentucky Board of Psychology Complaint completed by Dan Brewington with several attachments received 11-21-08.
 72. Copy of fax dated 12-8-08 from Dan Brewington to Dr. Conner.
 73. Copy of letter dated 12-9-08 from Kentucky Board of Psychology to Dan Brewington.
 74. Copy of fax dated 12-5-08 from Dan Brewington to Dr. Conner with letter attached.
 75. Copy of fax dated 12-15-08 from Dan Brewington to Dr. Conner with letter attached.
 76. Copy of letter dated 1-22-09 from Dan Brewington to Dr. Conner.
 77. Copy of letter dated 2-17-09 from Dan Brewington to Asst KY Attorney General Mark Brengelman.
 78. Copy of letter dated 2-17-09 from Dan Brewington to Dr. Conner.
 79. Copy of letter dated 3-4-09 from Dan Brewington to Dr. Conner.
 80. Copy of web page with name, address, and telephone number of Attorney Robert Gregory Kelly.
 81. Copy of web page containing an e-mail from Dan Brewington to Mark Brengelman [REDACTED]
 82. Copy of letter dated 3-13-09 from Dr. Conner to Attorney Robert G. Kelly.
 83. Copy of letter dated 3-16-09 from Dan Brewington to Members of the Kentucky Board of Examiners of Psychology.
 84. Copy of letter dated 3-19-09 from Dan Brewington to Attorney Angela Loechel.
 85. Copy of motion to withdraw appearance dated 3-20-09.
 86. Copy of letter dated 5-26-09 from Dan Brewington to Dr. Conner with attached Respondent's Reply Memorandum in Support of Motion to Reconsider or to Certify the Court's Order of May 14, 2009.
 87. Copy of letter dated 8-26-09 with envelope from [REDACTED] to Heidi Humphrey.
 88. Copy of letter dated 9-7-09 with envelope from [REDACTED] to Heidi Humphrey.
 89. Copy of document prepared by Dan Brewington and contained in letter from [REDACTED] to Heidi Humphrey.
 90. Copy of letter dated 9-18-09 from [REDACTED] to Heidi Humphrey.
 91. Copy of posting prepared by Dan Brewington dated 9-10-09 and titled "I miss my girls" on the web site: <http://danbrewington.blogspot.com>.
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