

Letter to my appointed Appellate lawyer.

The following is a copy of my letter to my court appointed appellate attorney, Jeffrey E. Stratman. My letter is in response to Mr. Stratman's letter. Mr. Stratman claimed it would probably be necessary to waive some appealable issues in an effort to keep things "simple" for the Indiana Court of Appeals. I'm not sure if Jeffrey Stratman is suggesting that the appellate justices lack the intellectualism necessary to handle complex appeals or if the justices do not want to be burdened with extra work.

11/24/11

Dear Mr. Jeffrey E. Stratman,

I am in possession of your letter postmarked 11/3/11 regarding your appointment by the Dearborn County Superior Court II to serve as my public appellate lawyer. I find it concerning that your appointment came from the office of Judge Sally Blankenship's Court when it was Judge Blankenship's Court that originally expressed concerns about the appearance of impropriety regarding Dearborn County court officers participating on my case. Following the recusal of one public defender and two trial judges due to potential conflicts, the Dearborn County court has appointed a Dearborn County lawyer to serve as my appellate attorney. Even more frightening is the tone of your letter where you bluntly state how you are willing to waive constitutionally protected rights of mine in an effort not to confuse or distract the Indiana Court of Appeals from the core elements of my case. Your letter states although I may not agree with you waiving some of my appealable rights on appeal, you reserve the right to ignore issues which may "confuse" appellate court justices even if the omission of the appealable issues will waive my federal constitutional rights.

Mr. Stratman, the complexity of the injustice in my case is staggering. Any suggestion that you as a local Dearborn County lawyer, do not already have a substantial understanding of the nature of my case is about as naïve/absurd as suggesting the best strategy in appealing a trial court decision dealing with complex constitutional issues is to omit some of the matters to simplify issues for the justices of the high Courts of Indiana. If it is your contention that the justices of the high Courts of Indiana lack the constitutional intellectualism necessary to preside over various complex constitutional issues, your contention only serves to strengthen the argument that ALL appealable issues be preserved so they may be heard at the federal level when all state remedies have been exhausted. If you are suggesting that my appeal needs to be simplified because the high Courts of Indiana do not wish to be bothered with complicated appellate matters, then I would expect you to contact the appropriate government agencies and officials to report such a dereliction of duty.

I am not a lawyer but attempting to simplify my case is what led to my conviction. My trial attorney, Rush County Public Defender Bryan Barrett, went with the same strategy. Bryan Barrett refused to depose witnesses, subpoena evidence, call professional experts, and refused to discuss any part of my case with me prior to trial. Mr. Barrett claimed we had to keep things "simple" for the Dearborn County jurors. Mr. Barrett's strategy of simplifying matters was not a successful one. In fact, Bryan Barrett's strategy would have waived many of my appealable rights if I would not have filed a flurry of pro se motions at the last minute to preserve those rights.

I am formally requesting that you take the necessary measures to withdraw as my court appointed appellate attorney so a non-Dearborn county lawyer may be appointed. If you are unable or unwilling to do so, please provide me with information regarding your win/loss ratio at the appellate level and/or any scientific data supporting the benefits of waiving appealable issues in an effort to ease the intellectual and/or physical workloads of the Indiana Court of Appeals. Before you decide to waive any

rights that may be appealed to a federal court, I would like to see solid evidence supporting the practice thereof. If, while during the course of the appellate process, you come across any unethical and/or illegal conduct on the part of officials like Bryan Barrett and/or Dearborn County Prosecutor F. Aaron Negangard, I would expect you to report said conduct to the appropriate state officials in accordance with the Indiana Rules of Professional Conduct for attorneys. Let this letter also serve as a consent agreement giving you my full permission to share any information with my mother, Sue Brewington and my Indiana Federal Court attorney, Robert G. Kelly.

Thank you for your time and I look forward to hearing from you. A copy of your letter and this response can be found on [www.danbrewington.blogspot.com](http://www.danbrewington.blogspot.com)

Sincerely,

Daniel P. Brewington

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