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February 9, 2016

Re: Commission on Judicial Qualifications advice to Dan Brewington

Dear Adrienne Meiring,

Though I appreciate your prompt response to my email, dated January 31, 2016, regarding my request for public records addressed to Dearborn County Superior Court II Judge Sally McLaughlin, current applicant for Indiana Supreme Court Justice, I find it concerning and somewhat disingenuous that you advised me to engage in potential criminal activity. Your email, sent on February 1, 2016 at 8:21 a.m., stated the following: "The Commission cannot consider your concerns unless you file a complaint." In late 2008, I filed a complaint with the Kentucky Board of Examiners of Psychology against Kentucky Psychologist Dr. Edward J. Connor for a number of reasons, one of which was due to Dr. Connor's ex parte communication that Dr. Connor claimed to have with Ripley County Circuit Judge Carl H. Taul. On June 16, 2010, I filed a separate complaint against Dearborn County Prosecutor F. Aaron Negangard. On July16, 2010, I filed an amended complaint against Prosecutor Negangard where in closing I stated, "I am afraid that Mr. Negangard may be retaliating against me for filing the complaint and for pointing out to county officials that he was less that truthful in his denial of my public record request." On January 10, 2011, the Indiana Supreme Court dismissed the complaint I filed against Prosecutor Negangard. Former Chief Justice Randall T. Shepard issued a ruling on the complaint against Negangard because Executive Secretary of the Indiana Supreme Court Disciplinary Commission, G. Michael Witte, removed himself from the matter given Mr. Witte's former position of judge of the Dearborn Superior Court. On January 15, 2011, just five days following the dismissal of my complaint, Negangard made me the target of a grand jury investigation out of the Dearborn County Superior II Court. Negangard successfully secured indictments by arguing that my complaint against Dr. Connor was an illegal act in retaliation for a prior lawful act in an attempt to intimidate Dr. Connor and obstruct my divorce proceedings. While researching the grand jury process initiated out of the court of Judge Sally A. McLaughlin (Sally A. Blankenship at the time), I discovered that

Judge McLaughlin publicly endorsed a computer and network service provider named Midwest Data, Inc. Knowing it to be a violation of the Indiana Judicial Code of Conduct to lend the prestige of the judicial office to advance the personal or economic interests of others, I wrote a blog to advise the public of the conduct and posted copies of the endorsements on the internet. [Judge McLaughlin/Blankenship public endorsements]. On March 2, 2011, Dearborn County Prosecutor F. Aaron Negangard instructed the grand jury that I could be indicted for making "over the top, um, unsubstantiated statements against either Dr. Connor or Judge Humphrey." [See Negangard's closing statements in grand jury transcripts] On the morning of March 11, 2011, I voluntarily reported to Dearborn County officials regarding the warrant for my arrest where I appeared before Dearborn County Superior Court II Judge Sally A. McLaughlin (Blankenship) for arraignment. Judge McLaughlin took the matter under advisement and later that day issued an order establishing my bond. My chances of getting a fair trial were greatly hampered when Judge McLaughlin set my bond for $500,000 surety and $100,000 cash Judge McLaughlin's Bond Order stated, "The State provided evidence that the Defendant has a history of not following Court orders and a general disdain for the authority of the Court and the legal system." Judge McLaughlin set the high bond relying on the State's claim was that I did not follow the orders of my civil divorce decree in which I have never been held in contempt. **[The State claimed I did not follow through with a psychological evaluation as ordered by Judge Humphrey. Humphrey delayed setting a hearing and continued to preside over my divorce case nearly ten months after being named as a victim in the above case. Humphrey recused himself just seven days prior to a hearing to approve my proposed psychological professional thus obstructing my ability to follow through with Humphrey's order and then the prosecution argued my failure to follow through somehow made me dangerous. Humphrey testified Adrienne Meiring advised him to stay on the case in an effort to protect other judges from having to deal with Dan Brewington. See Humphrey trial testimony alleging that Adrienne Meiring advised Humphrey to remain on Brewington's divorce case, while claiming to fear for the lives of Humphrey's family, in an effort to protect other judges.]** The State's argument was void of any evidence from the prosecution that I was dangerous or a flight risk.[See Arraignment Transcripts] Seven days later, Judge McLaughlin recused herself from my case stating no Dearborn County judge could preside over the case due to a conflict of interest. After being the attorney of record for two months in my case, my first appointed public defender, John Watson, withdrew from representing me citing a conflict of interest because he had cases in front of Dearborn County Circuit Court Judge James D. Humphrey. The only Dearborn County Official who did not step down from my case due to the perception

of impropriety was the Office of the Dearborn County Prosecutor under F. Aaron Negangard. Negangard continued to lead the criminal defamation prosecution while claiming I broke the law by using the term "child abusers" in referring to Dearborn County Judge James D. Humphrey, who hears many of the criminal cases brought by Prosecutor Negangard, and professional witness Dr. Edward J. Connor, whose services are contracted by the Office of the Dearborn County Prosecutor.

There is no doubt that Dearborn County Prosecutor Negangard initiated the criminal proceedings with retaliatory intentions. Aside from Negangard seeking indictments for making "unsubstantiated" statements against public officials, during my arraignment hearing before Judge McLaughlin, Deputy Prosecutor Joseph Kisor plainly demonstrated Negangard's intentions when requesting the following bond conditions: "we would ask the Court to make a condition of bond that Mr. Brewington not continue to blog about the substance, uh, at least his version of the substance of the case that is here before this Court." Not only did the prosecution fail to provide any history of violent or unlawful conduct, the prosecution failed to make any mention of what specific conduct was responsible for Brewington's arrest. At no point did the State attempt to force me to remove my internet content; the same material Justice Rush dubbed "hidden threats." [All of my web writings Justice Rush alleged to contain hidden threats are still available on the internet] Seven months after Judge McLaughlin set my high bond, I was forced to trial while being refused the right to consult with an attorney prior to my trial. Special Judge Brian Hill and Prosecutor Negangard originally tried to rush me to trial on August 16, 2011 without giving me access to grand jury information that the State alleged to be an explanation of what actions were responsible for the criminal indictments. If not for a "family emergency" of my public defender, the trial would have taken place without the release of any specifics of the charging information. [See CCS] Despite my lengthy plea to the trial court for simple constitutional rights because my public defender Bryan Barrett refused speak with me or allow me to play any role in my own defense, Judge Hill refused to explain the indictments or provide me with copies of the prosecution's evidence against me. I kept stating that I did not understand the charging information and Prosecutor Negangard, Judge Hill, and my public defender Bryan Barrett refused to address the issue. At the beginning of my trial, I made a long plea to Judge Hill for basic constitutional rights including having access to evidence and an explanation of the charging information because my court appointed public defender refused to ever meet with me or allow me to participate in any trial preparation. In fact, Judge Hill gave me the option of representing myself if I wanted access to evidence and an explanation of the charges. [See Brewington's pleas to Judge Brian Hill.] I was convicted under an unconstitutional criminal defamation premise yet Indiana Supreme Court Chief Justice Loretta H. Rush upheld my convictions citing the

existence of hidden threats despite the term "hidden threat" being void from any written record of the trial court or grand jury.

My recent request for grand jury audio was simply an attempt to determine if there was any mention of "hidden threat" in Negangard's case to the grand jury. Chief Justice Rush claimed the filing of my complaints and publishing blog posts about what I believed to be unethical conduct helped form the basis of upholding my convictions. Justice Rush wrote that my public defender's trial strategy in taking advantage of Negangard's plainly impermissible and unconstitutional criminal defamation argument invited the errors associated with the unconstitutional criminal defamation argument. Short of a private conversation with Bryan Barrett, it was impossible for Justice Rush to determine the trial strategy of my public defender because even I did not know of any strategy of my public defender because he refused to meet with me before trial. During a hearing on July 18, 2011, Barrett stated "I'm just obviously wondering what the specific things the government is saying that my client did that constituted intimidation and the various other offenses" yet never took any measures to obtain the information and refused to privately speak or meet with me after that hearing. The fact that my public defender failed to compel the State to specify what actions Barrett was appointed to defend may help explain how Justice Rush could have alleged that the jury found me guilty of making two separate false statements though I was only convicted of making one. (To date, I am still not aware of what exactly the State alleged to be perjury.) Rush also wrote the, "prosecutor argued two grounds for Defendant's convictions, one entirely permissible (true threat) and one plainly impermissible ("criminal defamation" without actual malice). See Tr. 455–56." Rush failed to note that her reference to a "true threat" grounds for my prosecution first appeared on pages 455-456 of the trial transcripts, during the arguments of Deputy Prosecutor Kisor near the end of trial, thus making it impossible for even a competent attorney to prepare or mount a defense against any alleged "true threat" as the prosecution failed to raise the argument until the end of trial. Anytime I have attempted to raise the issue of unethical conduct, Indiana officials gloss over the facts I present, yet hold that my complaint is a form of harassment and somehow a sign of my mental instability. In *Brewington*, Rush wrote,

> "Moreover, he accused the Doctor and Carl Taul, the original trial judge, of improper ex parte communications with each other, until Judge Taul eventually recused and appointed Judge Humphrey as special judge. See Ex. 120 (Order Naming Special Judge). Defendant considered his campaign a success as to Judge Taul, referring to the recusal frequently in subsequent blog posts. Exs. 160, 162, 167, 171, 191, 194. But even though those actions had led the Doctor to the

> professional opinion that Defendant was "potentially dangerous," Tr. 131–32"

Rush relied on the "professional" opinion of Dr. Edward J. Connor that I was potentially dangerous to uphold my convictions despite Connor being an alleged victim in my trial. Even more troubling is the fact I did not "accuse" Judge Taul and Dr. Connor of having ex parte communication, it was Dr. Connor whom affirmatively stated in a letter to the parties in my divorce that the ex parte communication took place. The sole purpose of Dr. Edward J. Connor's letter dated February 25, 2008 was to inform the parties that Connor was contacted by Judge Taul to allegedly confirm his agreement in a matter concerning the parties' divorce. Rush points to several of the State's exhibits in an effort to build her case that I had psychological problems worthy of rationalizing the victims' asserted fears however Rush ignored Dr. Connor's February 25, 2008 letter appearing in that evidence. [See State's Exhibit 123]. Connor's letter states, "With this letter please be advised that Hon. Judge Carl Taul contacted me on 2/22/08 to convey his agreement for the review of the above-captioned case" which plainly demonstrates that the parties were not privy to the conversation, hence ex parte communication. Simply put, Connor wrote in a letter that Connor and Taul had a private communication that necessitated Connor having to write the letter; I filed a motion for a change of judge due to the ex parte communication and Judge Taul recused himself; I publicized the conduct on the internet; Negangard argued my conduct was an attempt to obstruct justice. Chief Justice Rush and the Indiana Supreme Court upheld my convictions based partially on Connor's assertions that my writings about the unethical ex parte communication of Connor and Taul made me potentially dangerous. So now I am a dangerous criminal because I told people that Dr. Connor informed me that Connor and Taul engaged in unethical conduct. Rush overlooked Judge Taul's conduct that violates the Judicial Code of Conduct just as Rush glossed over the fact that Negangard initiated a grand jury investigation and obtained indictments for a non-crime of criminal defamation. Rush's failure to take appropriate action against Negangard or Taul is a violation of the Indiana Code of Judicial Conduct.

This is just a brief account of what I have experienced in the Indiana Court System. By the contention of people like Dr. Edward J. Connor, Judge James D. Humphrey, Dearborn County Prosecutor F. Aaron Negangard, Chief Justice Loretta H. Rush, the above is just the manipulated truth by a disgruntled divorce litigant, when it is in fact a demonstration of a very vial attack on the First Amendment rights of an individual who criticized the Indiana Court System. Now the Indiana Courts have placed another unnecessary obstacle in my path as Judge Hill issued a ruling denying my request for the audio from the grand jury proceedings. Judge Hill's ruling is consistent with prior rulings by Indiana courts in both my divorce proceedings and criminal trial as the ruling has no basis of fact and/or law. Judge

Hill's order states, "Mr. Brewington has alleged that these audio recordings were admitted into evidence at his criminal trial, however, the Court finds that they were not, and there's been no sufficient reason set forth which would necessitate the release of said audio recordings." Rather than render my request moot as he did in addressing previous requests for the grand jury audio by other people, Judge Hill denied my request. Despite Indiana law clearly placing the burden on the public agency to provide an explanation for why the records should not be released, Judge Hill based the denial on my failure to provide sufficient reasons for releasing the records. Judge Hill's contention I alleged that the grand jury audio was admitted during trial is patently false. I specifically argued the audio represented the same record of the grand jury proceedings as the transcription of the audio admitted as evidence during trial; thus negating any argument that the release of the grand jury information is still bound by I.C. § 35-34-2-10(a) regarding unauthorized disclosure of grand jury information. Regardless of the motives employed by Judge Hill in issuing an opinion contrary to law with no factual basis, Judge Hill assumed the role as an advocate against the release of the audio record from the already public information from the grand jury proceedings. If Judge Hill claims his denial is based on a lack of authority or jurisdiction, then Judge Hill should have plainly stated that claim in the Court's denial of my request and Judge Blankenship should not have referred the matter to Judge Hill from the start.

The quagmire I presently face is filing a complaint or publicly criticizing Judge Hill for obstructing access to public records may be deemed "hidden threats" in an attempt to intimate Judge Hill in retaliation for Hill issuing an opinion conflicting with fact and law. As Chief Justice Rush agreed with Negangard's contention that the filing of complaints to appropriate government agencies can be a crime and/or considered to be a pattern of criminal activity, I am afraid your advice for me to file a complaint could subject me to further prosecution and I would invite you to read Rush's opinion in *Brewington v. State*, 7 N.E.3d 946 (Ind. 2014) so you can warn people of the potential criminal ramifications of filing complaints against officials operating within the Indiana Judicial System especially in light of Chief Justice Loretta H. Rush rejecting a defendant's fundamental rights by speculating on the trial strategy of legal counsel whom refused to ever discuss trial strategy or the nature of the case with his client before trial. If you could somehow guarantee that I would not face further prosecution for filing a complaint, please advise me of the proper state or federal agency appropriate for the filing of any complaint as it would likely include the above conduct of Chief Justice Loretta H. Rush. [It is worthy to note that Justice Rush sat on the Indiana Supreme Court Juvenile Justice Improvement Committee for at least seven years with both Judge Carl H. Taul and Judge James D. Humphrey, and meeting minutes indicate Rush continued

to attend meetings with, at least, one of the judges while Rush wrote the opinion in *Brewington*. [See meeting minutes of the Committee on the above website.]

A copy of this email can be found on www.danbrewington.blogspot.com for your convenience. The following is a link to my Amended Request for Grand Jury Audio in the hopes that the Dearborn Superior Court II will comply with Indiana laws governing the release of public records and not place the burden on me to provide a sufficient reason to release public records. Also included is a link to my request for grand jury audio from the investigatory records, addressed to Dearborn County Prosecutor F. Aaron Negangard, who also heads the Dearborn County Special Crimes Unit. I am providing the above information to other state agencies and advocacy groups in the case I am the target of further retaliatory action. Please note that any public animosity toward public officials mentioned in this correspondence, no matter how extreme, is a direct result of the conduct of the officials and not the person who publicize the conduct.

Sincerely,

Daniel P. Brewington
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[redacted]
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