

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DEARBORN )

IN THE DEARBORN SUPERIOR COURT II  
2011 TERM

**FILED**

STATE OF INDIANA )  
 )  
VS. )  
 )  
DANIEL BREWINGTON )

CAUSE NO. 15D02-1103-FD-084

OCT - 6 2011

*Phillip J. Weems*  
CLERK OF DEARBORN CIRCUIT COURT

**COURT'S FINAL INSTRUCTIONS**  
**NO.1**

This is a criminal case brought by the State against Daniel Brewington. The State of Indiana, by grand jury, has indicted the defendant with Count I, Intimidation, a Class "A" Misdemeanor, Count II, Intimidation of a Judge, a Class "D" Felony, Count III, Intimidation, a Class "A" Misdemeanor, Count IV, Attempt to Commit Obstruction of Justice, a Class "D" Felony, Count V, Perjury, a Class "D" Felony, and Count VI, Unlawful Disclosure of Grand Jury Proceedings, a Class "B" Misdemeanor. The indictment reads as follows:

**COUNT I**  
**INTIMIDATION A CLASS "A" MISDEMEANOR**

The Grand Jurors of Dearborn County, State of Indiana, good and lawful men and women and legally impaneled, charged and sworn to inquire into felonies and misdemeanors in the name of and by the authority of the State of Indiana, on their oaths or affirmations, do present that on or about or between August 1, 2007 and February 27, 2011, Daniel Brewington did communicate a threat to another person, to-wit: Dr. Edward Connor, with the intent that Dr. Edward Connor be placed in fear of retaliation for a prior lawful act, to-wit: issuing a custodial evaluation regarding Daniel Brewington's children. All of which is contrary to the form of the statute made and provided by I.C. 35-45-2-1(a)(2) and constitutes a Class "A" Misdemeanor.

To convict the Defendant of Count I, Intimidation, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant;
2. communicated a threat to Dr. Edward Connor;
3. with the intent that Dr. Edward Connor be placed in fear of retaliation for a prior lawful act.

If the State failed to prove each of these elements beyond a reasonable doubt, you should find the Defendant not guilty of Intimidation, a Class "A" Misdemeanor, charged in Count I.

If the State did prove each of these elements beyond a reasonable doubt, you should find the Defendant guilty of Intimidation, a Class "A" Misdemeanor, charged in Count I.

15D02-1103-FD-00084, 31 Pgs  
10/06/2011 Id: 0000209168  
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