

STATE OF INDIANA

IN THE DEARBORN SUPERIOR COURT II

COUNTY OF DEARBORN

CAUSE NO. 15D02-1103-FD-084

STATE OF INDIANA,  
Plaintiff

vs

DANIEL BREWINGTON,  
Defendant

**FILED**

FEB 02 2012

*F. Kelly D. Weaver*  
CLERK OF DEARBORN CIRCUIT COURT

**ORDER DENYING PETITION FOR BAIL PENDING APPEAL**

Comes now the Defendant having filed his Petition for Bail Pending Appeal.

And the Court having reviewed the Petition, Defendant's Memorandum in Support of Petition, and Defendant's Corrected Memorandum in Support of Petition now **FINDS** and **ORDERS** as follows:

1. Defendant alleges that his three counts of intimidation and one attempted count to commit obstruction of justice are likely to be overturned on Constitutional grounds due to the nature of his communications, however, these arguments were made to the Jury and that Jury found the Defendant to have violated Indiana Code. While the Defendant may successfully argue to the Court of Appeals that the pertinent Indiana Statutes are unconstitutional, at this time, the Court does not find that "likely."
2. As to Defendant's insufficiency claim as to the perjury conviction, the Defendant made these similar claims during his defense to the Jury, and once again, while the Court of Appeals could determine that the finder of fact erred in this conviction, the Court cannot find that to be "likely" as the Defendant contends.

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3. As to Defendant's contentions regarding his risk of flight and dangerousness, the Defendant is serving an executed sentence for his convictions, and the Court does not **FIND** these arguments to be particularly persuasive or relevant under the circumstances.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Defendant's Petition for Bail Pending Appeal should be and is hereby **DENIED**.

**ALL OF WHICH IS ORDERED** this 30<sup>th</sup> day of January, 2012.

  
BRIAN D. HILL, Special Judge  
Dearborn Superior Court II

Distribution:  
Honorable Brian D. Hill  
Aaron Negangard