DANIEL BREWINGTON PETITIONER,	)	IN THE SUPERIOR COURT II DEARBORN COUNTY, INDIANA
v.	)	SS:
STATE OF INDIANA RESPONDANT.	)	CAUSE NO. 15D02-1702-PC-0003

REQUEST FOR RULING ON SUMMARY DISPOSITION

Plaintiff, Daniel Brewington ("Brewington"), respectfully requests this Court to issue a ruling on Brewington's Motion for Summary Judgment/Disposition[1], dated March 31, 2017 and in support, Brewington states as follows:

THE STATE CAN'T SAY WHY IT CONVENED GRAND JURY

Summary Disposition is necessary because the State cannot tell this Post-Conviction Court why former Dearborn County Prosecutor F. Aaron Negangard[2] made Brewington a target of a grand jury investigation because the record of the grand jury is incomplete. There is no record to explain why Negangard convened the grand jury. Whether the Dearborn Superior Court II failed to record the entire

[1] Brewington's June 19, 2017 response to the State's response to Brewington's original Motion for Summary Judgment addresses how Brewington incorrectly requested Summary Judgment under Indiana R. Trial P 56 rather than request the appropriate relief for Summary Disposition under Ind. R. P. 4(g).

[2] F. Aaron Negangard now serves as Chief Deputy to Indiana Attorney General Curtis Hill.

grand jury investigation of Daniel Brewington as required by Indiana law; and/or, the Dearborn Superior Court II, under Sally McLaughlin, modified the record of the grand jury proceedings to the benefit of the Dearborn County Prosecutor is irrelevant. No amount of spinning by the Dearborn County Prosecutor can change the state of these facts. The State's attempts to circumnavigate these facts are disingenuous at best. Any record of the grand jury investigation of Brewington occurring prior to witness testimony has likely been erased. The State created this problem when it proceeded to trial knowing that the Dearborn Superior Court II knew the record to be incomplete. Now the Office of the Dearborn County Prosecutor is trying to convince this Court to grant the State a reprieve from the State's own unconstitutional conduct. The State got its hand stuck in the proverbial cookie jar in this matter and the State's Response to Brewington's Motion for Summary [Disposition], filed June 6, 2017 only serves to support the State's misconduct.

State's Own Motion Supports Summary Disposition in Favor of Brewington

The State contends that multiple issues of material fact exist in Brewington's Verified Petition for Post-Conviction Relief. The State argues:

> "Among Brewington's twenty alleged grounds for relief is that his indictment for Intimidation violated his First Amendment right to Freedom of Speech. This contention, however, is barred under the doctrine of res judicata as the Indiana Supreme Court has already ruled explicitly on the merits of Brewington's First Amendment claims. Brewington v. State, 7 N.E.3d 946 (Ind. 2014)."

The State created the issues of material fact several years ago when former Dearborn County Prosecutor F. Aaron Negangard failed to make a record of why he made Brewington the target of a grand jury investigation. Deputy Prosecutor Andrew Krumwied stated:

> "Brewington now seeks to argue that he was indicted only for intimidation on the basis of 'criminal defamation.'"

This is where the State's hand gets caught. Neither Brewington nor the current Dearborn County Prosecutor, Lynn Deddens, can affirmatively state upon what grounds the grand jury returned indictments for intimidation. The grand jury indictment could rest exclusively on unconstitutional grounds and Brewington has no ability to contest otherwise. A defense was never presented during Brewington's trial for two reasons: 1) Brewington's public defender, Bryan Barrett had no understanding of the case because he refused to meet with Brewington to discuss the nature of the case, and; 2) The only instruction Negangard provided to the grand jury was when Negangard explained Brewington's communications were "over the top, um, unsubstantiated statements" about the alleged victims that "crossed the lines between freedom of speech and intimidation and harassment." [Tr. 338] Deputy Krumwied now tries to argue something the State cannot; that the grand jury returned indictments against Brewington for communicating "true threats." The Indiana Supreme Court ruled Brewington's "true threats" did not enjoy First Amendment protections. Brewington never argued such at trial because Brewington believed he was on trial for making "unsubstantiated statements." The

State now argues the grand jury transcript and audio are void of both "true threats" and "criminal defamation." As such, the State argues Brewington errored in assuming criminal defamation formed the basis of the State's intimidation indictments. The State's argument is even less black and white than it appears. The term "criminal defamation" was not used in Brewington's case until after Brewington's trial. The State argues that Brewington not only had to guess which of the eight (8) definitions of "threat" under the intimidation statute applied to Brewington, while also placing the burden on Brewington to ignore Negangard's unconstitutional instruction that Brewington's "unsubstantiated statements" crossed the lines of free speech and intimidation and harassment.[3]

Unsatisfactory Indictments

Brewington's convictions require reversal because the incomplete record prohibits Brewington from contesting the State's argument that the indictments are constitutionally sufficient. Assuming arguendo that the State's intimidation indictments were constitutionally adequate, Negangard intentionally misled the grand jury and Brewington by claiming Brewington's "unsubstantiated statements" violated Indiana law. The State finds its hand in the cookie jar again because the State cannot burden Brewington with the responsibility of knowing that making

[3] To Brewington's knowledge, Negangard never presented a harassment ground for Brewington's conviction; however, in the absence of a complete grand jury record, it is impossible to confirm or deny.

"unsubstantiated statements" was not an actual crime without holding Negangard to at least the same legal standard. Any contention that Brewington was smart enough to know the "unsubstantiated statements" argument was plainly unconstitutional requires the understanding that Negangard also knew the argument to be unconstitutional when Negangard intentionally misled the grand jury and Brewington to place Brewington in grave peril. Negangard would have gotten away with this if Brewington would not have obtained the audio after Brewington's release from prison. The Office of Dearborn County Prosecutor actively avoids this issue because it potentially involves criminal conduct. Put simply, if the incomplete grand record is not a product of innocent incompetence, then this is a conspiracy to deprive Brewington of civil rights. It is of utmost importance to note that "innocent incompetence" must encompass more than just a court reporter failing to hit the "record" button. On March 8, 2011, the State filed its Praecipe directing the court reporter of the Dearborn Superior Court II to prepare a transcription of the grand jury record. On June 15, 2011, Official Court Reporter Barbara Ruwe signed the transcription of the proceedings and stated, "I further certify that the foregoing transcript, as prepared, is full, true, correct and complete." Ruwe made no mention the grand jury audio was incomplete. At no point did Negangard make any mention of the grand jury record being incomplete.

The State tries to argue something it cannot; that the grand jury returned indictments against Brewington for communicating "true threats." Without a record

of the grand jury proceedings prior to witness testimony, the State cannot affirmatively say whether Negangard instructed the grand jury to return indictments against Brewington for "true threats," or "criminal defamation," or any other fictional crime. Even more, the State cannot now contest the State's own arguments of Brewington's intent:

> "Subsection C6, this is the one that if you had a paint brush, it would be all over the ceiling. It would be all over the windows, the floor, this podium, my face. This is the one he just could not stop doing — exposing the people that he was threatening through the hatred and contempt and disgrace and ridicule. That was his whole intent. That's his only intent." - Chief Deputy Kisor Trial Tr. 455-456"

During trial, the State successfully argued that Brewington's *whole and only* [emphasis added] intent was to expose people to "hatred and contempt and disgrace and ridicule." Subsection C6 of the intimidation statute is essentially criminal defamation. Now the State claims Brewington errored in assuming the grand jury indictments were based on the same argument the State made during trial. Full responsibility for any confusion of the indictment information falls on the shoulders of the State. There are very few checks on the powers of prosecutors. The court in *Wurster v. State*, 715 N.E.2d 341, (1999) emphasized that the importance of how keeping a record of the grand jury proceeding was intended to serve as one of the few checks on prosecutorial abuses:

> "The legislature's requirement that a record be kept of grand jury proceedings can only be designed to serve as an important check on the potential of prosecutorial abuse of the grand jury process." *Id.* at 347

This case is unprecedented. If this Court should see the need for a hearing on the matter, this Court should prevent the State from continuing to ignore the elephant in the room and compel the Dearborn County Prosecutor and the court staff of Dearborn Superior Court II to explain why the grand jury record is not complete. If the State wishes to shift blame, then that blames falls squarely on the shoulders of Brewington's public defender Bryan Barrett because Barrett if there was any confusion as to the indictment information, Barrett failed to take any measures to determine or investigate what actions of Brewington's Barrett was appointed to defend; requiring reversal under *United States v. Cronic*, 104 S.Ct. 2039, 466 U.S. 648, 80 L.Ed.2d 657, (1984).

Nobody Knows What Brewington Was Required to Defend

In addition to not being able to define which of Brewington's actions were responsible for the intimidation indictments, the prosecution also failed to specify which statement was responsible for Brewington's perjury indictment. During closing arguments, Bryan Barrett stated:

> Count V is perjury alleging that Mr. Brewington who voluntarily testified before the Grand Jury perjured himself, lied, under oath and as near as I can tell what they're referring to is the address issue with the Humphrey's. [Tr. 498-499]

"As near as I can tell…" Barrett openly admitted during closing arguments that he was unable to subject the State's case to any adversarial testing because Barrett had no idea what Brewington allegedly did. Barrett's assistance was not

ineffective; it was non-existent. Even the Indiana Supreme Court was confused as to which of Brewington's statements constituted perjury because the opinion in *Brewington* cited two different statements as being responsible for Brewington's single perjury indictment/conviction:

> "And the jury's perjury verdict implicitly recognized that intent, finding that Defendant lied to the grand jury about his true motives for posting the Judge's address." *Id.* at 958

> "And again, the jury apparently reached the same conclusion, convicting Defendant of perjury for feigning ignorance in his grand-jury testimony of whether Heidi Humphrey was the Judge's wife, and that her address was his address." *Id.* at 966

Brewington should not be held to a higher standard than the Indiana Supreme Court. If the Indiana Supreme Court was unable to discern what statement was responsible for Brewington's sole perjury indictment and conviction, Brewington had no ability to determine what statement required defending, thus requiring the reversal of Brewington's perjury conviction.

Quite possibly the greatest prosecutorial abuse is demonstrated by Brewington's indictment for releasing grand jury information, in which Brewington was found not guilty. Brewington was unable to mount a defense against the indictment because the State offered no evidence that Brewington violated the law. During trial Negangard stated:

> "And there's a Grand Jury charge, it's a B Misdemeanor, it's not of any significance of any kind. We'll talk about that at the end but that's now why we're here today." Tr. 25

> "Count VI - that's not why we're here today. You know, the Grand Jury indicted him on that, he clearly, you know, I submit to you that they were offended by the fact that we went over and over, you're not to post anything about the Grand Jury and then sure enough he did the very next day. But that's not why we're here today. I don't really care about that charge. I think, you know, you guys decide whether you think he violated it, look through Exhibit 10 and see whether he crossed the line. That is not why we're here today ladies and gentlemen — not at all. Do not get hung up on that one." Tr. 524

There is no "crossing the line" in releasing grand jury information. Information is either released or it is not. Negangard obtained an indictment without any evidence of a crime and Barrett went to trial without contesting the indictment. Just as he did with Brewington's intimidation and perjury indictments, Barrett blindly walked into Brewington's trial without any investigation into the indictment for releasing grand jury information. The reason Barrett refused to allow Brewington to participate in the preparation of Brewington's own defense is because Barrett never attempted to prepare one.

The Trial Court and Prosecution Ignored Brewington's Pleas for Legal Counsel

Brewington first implores this Court to review Brewington's opening comments prior to Brewington's trial on October 3, 2011. Bryan Barrett refused to speak with Brewington about the criminal indictments prior to trial, forcing Brewington to file pro se motions in the hope of preserving issues. Rather than investigate the matter, Judge Brian Hill stated:

> "Mr. Brewington, you have legal counsel and I'm not inclined to contemplate pro se motions. I guess, what's your uh, what are you going

> for here? You've got counsel to represent you to give you legal advice and make these filings. Are you're uh, indicating to me that you're wanting to represent yourself or do you want to clarify that for me please?" Tr. 3

The State remained silent on the matter, taking full advantage of a defendant that had been deprived of any assistance of legal counsel outside of the courtroom. This has been a toxic issue that the State and prior Courts have continued to ignore. Despite Brewington's ongoing pleas to Judge Hill for legal assistance, Hill continued to pressure Brewington into waiving Brewington's constitutional right to counsel (Tr. 5-6):

> **COURT**: Okay, I've listened for about three (3) or four (4) minutes I think uh by filing this, tells me you don't want counsel. You're filing motions by yourself. So, you're ready to go...
>
> **MR. BREWINGTON**: No, no, no, I want [competent] counsel. I want to know what's going on. I can't and even if I were to make a decision to do it on my own, I don't have, I haven't been given the medication that I need that is prescribed by a doctor to do this sort of stuff, I mean to read, to process, to question and everything like that. I just, I would have raised the issue earlier except Mr. Barrett at the September 19th hearing, said that he would be in to discuss the case with me and he never appeared. He said the same thing at the hearing before that. He said that he would be in to see me and he never appeared. He said over the phone that he would be in to see me when he had the chance and he never appeared. So I haven't had the opportunity to have effective counsel. It's not that I want to do it on my own. It was a last resort effort.
>
> **COURT**: Okay that was the answer to my question. Uh, Mr. Barrett, are you ready to proceed with this case today?

Hill proceeded to trial without questioning Barrett about Brewington's claims. The opening moments of Brewington's trial defy logic. If Brewington's jury

trial would have instead been a hearing on a plea arraignment between Brewington and the State, Judge Hill would have assumed the responsibility to inquire whether Brewington understood the nature of the indictments against him. If Brewington sought to waive defense counsel and represent himself, Hill would have also been saddled with the responsibility to advise Brewington on the dangers of self-representation, while also properly determining whether Brewington's "waiver was knowing, intelligent, and voluntary. *Greer v. State*, 690 N.E.2d 1214, 1216 (Ind.Ct.App.1998)" *Jones v. State*, 783 N.E.2d 1132, (2003). Both Indiana and Federal Courts have held "[t]he right to counsel can be waived only by a knowing, voluntary, and intelligent waiver." Id. (citing *Jones v. State*, 783 N.E.2d 1132, 1138 n. 2 (2003)) *Hawkins v. State*, 970 N.E.2d 762, (2012). This Court need only to review the facts of Brewington's case as demonstrated in the opening moments of Brewington's trial. Though this Court can find guidance on waiver of counsel in *Redington v. State*, 678 N.E.2d 114, (1997), Redington also helps steer this Court in the direction of the facts in Brewington's case:

> "Turning to the facts of this case, we conclude that Redington was fully informed of his right to counsel before he pled guilty and that he voluntarily, knowingly and intelligently waived that right. At the guilty plea hearing, the following dialogue among the trial court, Redington, Justice (Redington's co-defendant) and Redington's parents, Mr. and Mrs. Justice, took place." Id at 119

The "facts" of the case, as referred to by the Indiana Court of Appeals in *Redington*, are simply statements gleaned from the record of the transcripts. The facts of Brewington's case are just as evident. At the beginning of Brewington's

trial, Brewington stated Brewington's public defender Bryan Barrett refused to discuss the case with Brewington or allow Brewington to play any role in preparing his own defense. Brewington stated he was unaware of any defense. Brewington stated Barrett refused to provide Brewington with all the State's evidence against Brewington. Brewington said he was prohibited from taking his medication for ADHD as prescribed by his doctor. Neither Hill nor the prosecution contested Brewington's claims or even suggested Brewington was exaggerating. There is no evidence to suggest Brewington's claims are exaggerated or false. Any past or future arguments that Brewington knew or should have known what actions the State required Brewington to defend during trial are irrelevant. The facts as reflected in the record of Brewington's case are clear; Brewington was prohibited from participating in his own defense because Brewington's public defender, Bryan Barrett, refused to meet with Brewington prior to trial, thus depriving Brewington of the ability to play any role in the preparation of Brewington's own defense. In *Faretta v. California*, 95 S.Ct. 2525, 422 U.S. 806, 45 L.Ed.2d 562, (1975) the Supreme Court of the United States of America stated:

> "The Sixth and Fourteenth Amendments of our Constitution guarantee that a person brought to trial in any state or federal court must be afforded the right to the assistance of counsel before he can be validly convicted and punished by imprisonment."

Brewington's convictions are unconstitutional because Brewington was denied any assistance of counsel in preparing for trial. Though Barrett appeared at hearings, Barrett never had any comprehension of Brewington's case because Barrett refused

to meet with Brewington. Barrett never sought Brewington's input on the context of any of Brewington's actions and Brewington made this clear to the trial court. Even the most incompetent judge would investigate a defendant's claim of receiving no legal assistance prior to trial. An allegation of not allowing a client to participate in the client's own defense would also draw a rebuttal from the defendant's public defender, but Barrett offered no comments. Only malicious intent would explain how a trial judge could "interpret" a defendant's pleas for indictment information, evidence, mental health treatment, and legal counsel as a request to waive the assistance of counsel and pursue self-representation; especially as the prosecution and the public defender remain silent.

State Acknowledges no Assistance of Counsel

The State's Exhibit E, is a copy of Brewington's pro se filing of a Motion to Dismiss. Here, at minimum, the State concedes the absence of legal counsel forced Brewington to file last minute pro se motions to protect his rights. In its response to Brewington's Motion for Summary Disposition, the State argued:

> "Brewington arguably raised I.C. 35-34-1-4(a)(11) in his pro se Motion to Dismiss filed with the court on the date his trial commenced (October 3, 2011), no grounds raised in his motion entitled him to dismissal as a matter of law, and the Court had discretion based upon the language of the statute to deny said motion, which he did."

Brewington's rights would have been waived if Brewington had not raised the issues himself. Brewington contested Negangard's unconstitutional criminal defamation argument (aka "unsubstantiated statements") because Barrett refused

to do so. It is worthy to note that the State incorrectly inferred the Court's denial of Brewington's motion had any foundation in law. The only reasoning Judge Hill provided for denying Brewington's pro se motions can be gleaned from the trial transcripts:

> [A]bout twenty (20) or thirty (30) minutes ago I received a file marked Motion to Dismiss, Motion to Disqualify F. Aaron Negangard and appoint Special Prosecutor and Motion to Dismiss for Ineffective Assistive of Counsel. Those are pro se motions filed by the Defendant. Mr. Brewington, you have legal counsel and I'm not inclined to contemplate pro se motions."

As explained in Brewington's Motion to Dismiss for Ineffective Assistance of Counsel, Brewington's public defender Bryan Barrett refused to contact or meet with Brewington to discuss the nature of Brewington's defense. Of utmost importance is the fact Brewington's pro se motions were a last-minute effort to raise constitutional issues in the absence of any legal counsel. Hill denied Brewington's motions because Brewington had legal counsel. The only way Hill would consider Brewington's pro se motions, which included the Motion to Dismiss for Ineffective Assistance of Counsel, is if Barrett filed the motions attacking himself or if Brewington waived the right to counsel so Hill would accept the pro se motions. Either way, the State concedes Brewington filed the motions but continues to remain silent in its hopes of continuing to capitalize on Brewington non-existent legal representation. The case of *Avery v. Alabama* directly addresses the appointment of "sham counsel":

> But the denial of opportunity for appointed counsel to confer, to consult with the accused, and to prepare his defense could convert the appointment of counsel into a sham, and nothing more than a formal compliance with the Constitution's requirement that an accused be given the assistance of counsel. The Constitution's guarantee of assistance of counsel cannot be satisfied by mere formal appointment. *Avery v. Alabama*, 60 S.Ct. 321, 308 U.S. 444, 84. 377, (1940)

Fact: The Grand Jury Record is Incomplete

The incomplete grand jury record requires the reversal of Brewington's convictions under *Wurster v. State*, 715 N.E.2d 341, (1999). The State's response makes the following argument:

> "Even if one is to assume that Brewington's baseless assertion that the grand jury transcripts were altered or otherwise incomplete, the evidence contained therein is more than enough for even a layperson to discern a 'true threat'."

The State understands Brewington's assertion is anything but baseless. The grand jury proceedings begin at witness testimony. At minimum, the prosecution's opening statements and instructions were omitted from the record. This would also include any instruction as to the nature of the investigation of Brewington. This is not harmless error as the prosecution instructed Brewington to rely on the transcripts for specific charging information; a fact the State does not contest. For the State to ask this Court to believe the State's assertion that the record of Brewington's grand jury proceeding is complete is as absurd as requesting the Indiana Court of Appeals to believe it is possible for a trial record to be complete despite being void of opening arguments or instructions.

The State Alleges Misconduct by Former Prosecutor Negangard

The only instruction Negangard provided to the grand jury was that Brewington's communications consisted of "over the top" and "unsubstantiated statements" about the alleged victims. [Tr. 338] The contention that it was possible for even "a layperson to discern a 'true threat'" in the grand jury record, as suggested in the State's response to Brewington motion for summary disposition, the layperson would still have to look past Negangard's erroneous instruction that Brewington's "unsubstantiated statements" "crossed the lines between freedom of speech and intimidation and harassment." If the State contends "even a layperson" would know "unsubstantiated statements" are not unlawful, then the State acknowledges that Negangard intentionally misled the grand jury by seeking indictments against Brewington's "unsubstantiated statements" against Indiana Court officials[4]. The State cannot place a higher burden of legal understanding on a layperson defendant than what it places in the current Chief Deputy Attorney General. Even more, as the State argues Brewington should have known not to build a defense against Negangard's unconstitutional "criminal defamation," then Judge Hill and Bryan Barrett also would have known the Negangard's argument to be unconstitutional but did nothing to protect Brewington's rights. If the State

[4] The record of the case is void of any evidence or attempt to disprove Brewington's opinions. Negangard convened a grand jury to investigate Brewington's speech about other individuals because Negangard believed the speech to be false.

wishes to argue the purpose of the grand jury proceeding was to indict Brewington for "true threats" and not threats to reputation or "criminal defamation," former Dearborn County Prosecutor F. Aaron Negangard made the unconstitutional criminal defamation argument during closing arguments with the intention of placing Brewington in grave peril.

> "That's the law and you can't go so far as to lie. [Brewington] just didn't say he's a bad judge, he's not a fair judge, he didn't listen to me. That's fine. He could have even called him a son-of-a-bitch if he wanted, alright? That's probably okay. Not smart but probably okay. Not smart when you got cases in front of him. But he can say that. But what he can't say, he's a child abuser because it's not true" -Negangard's closing trial arguments Tr. 516

This fails to consider that Negangard instructed the grand jury to return indictments claiming, "[Brewington] has to suffer the consequences" like an attorney because Brewington represented himself in Brewington's own divorce:

> "But remember he says he's acting like an attorney so we should treat it as he's acting like an attorney. Well if he's acting like an attorney, then he needs to accountable like an attorney. He could hire his own attorney but he didn't. So you know and he has to suffer the consequences." Tr. 515

As an explanation regarding the nature of the grand jury proceedings is void from the transcript, the State cannot argue Negangard's purpose in initiating the grand jury investigation nor can the State argue that the grand jury indictments were not based entirely on constitutionally protected activity. There is no way to determine if Negangard instructed the grand jury to return indictments against Brewington for violating the Indiana Rules of Professional Conduct for attorneys as

Negangard did during trial. The State placed Brewington in a position of grave peril when the State saddled Brewington with the burden of having to guess which actions Brewington was required to defend, while at the same time ignoring the unconstitutional grounds Negangard argued for Brewington's indictments. The State's response alleges Negangard offered both a constitutional and unconstitutional ground for Brewington's indictments, while Negangard and/or the Dearborn Superior Court II opted not to record the entire grand jury proceedings as required by law.

CONCLUSION

This is not a John Grisham novel. This criminal case has done immeasurable harm to Brewington's life. From the beginning of Brewington's criminal proceedings, the State demonstrated how the entire action was simply a means to silence and punish Brewington for criticizing officials operating within the Dearborn County Court System. This is best demonstrated by the arguments of Chief Deputy Prosecutor Joeseph Kisor during Brewington's arraignment on March 11, 2011:

> "[W]e is asking that the Court consider making conditions of [Brewington's] bond that he not access the internet, uh, or if the Court would believe that to be too broad, which I'm not sure the State would not concede that but if that were to be considered too broad, 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." Tr. 19

Kisor later clarified the State's concerns regarding Brewington blogging during the criminal proceedings:

> "So I think it's clear um, that he intends to try this case on his blog and I think that not only could be detrimental to the State. It might even be detrimental to him. But in any event, it's not appropriate"

Deputy Kisor clearly explained that the Office of the Dearborn County Prosecutor had an interest in censoring Brewington. Kisor tried to claim the censorship was somehow a means to protect Brewington's right to a fair trial, despite the prosecution remaining silent at the beginning of trial when Brewington informed Judge Hill that Brewington had not received any assistance in preparing for trial. Kisor and the Office of the Dearborn County Prosecutor were never concerned about the alleged victims. Kisor was only concerned about Brewington sharing Brewington's own "version of the substance of the case." Brewington's trial was never about the alleged victims in the case and Negangard explicitly stated such during closing arguments:

> "That's what this case is about. It isn't about Judge Humphrey. It isn't about Dr. Connor. It is about our system of justice that was challenged by Dan Brewington and I submit to you that it is your duty, not to let him pervert it, not to let him take it away and it happens if he's not held accountable. He's held accountable by a verdict of guilty. That's how he's held accountable and that's what we're asking you to do. You cannot allow our system to be perverted that way. The rule of law will fail and ultimately our republic. I submit to you that that is not a result that we want to have happen. That is why we are here today." Tr. 504-505

Brewington's criminal proceedings were never about threats to reputation or safety, because Negangard explicitly said so. Negangard sought and obtained

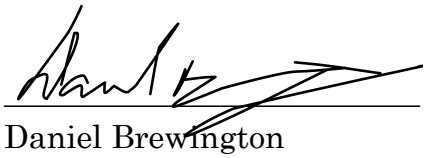
indictments against Brewington under the pretense of intimidation because Negangard argued convictions for intimidation were necessary to prevent Brewington from perverting our system of justice and to hold Brewington accountable like an attorney. These are simply the facts of this case. The State cannot merely retract Negangard's statements. In an act of inane arrogance, Negangard openly admitted that the State of Indiana sought convictions against Brewington to prevent the fall of the rule of law and ultimately the United States of America. Brewington could not invite this error. Brewington could not defend himself against such. Negangard's statement serves as a confession that Brewington's criminal proceedings were beyond unconstitutional, while Judge Hill and Bryan Barrett allowed Negangard to seek convictions against Brewington for perverting the judicial system. Brewington was held on a $500,000 surety/$100,000 cash bond. Brewington was denied access to legal counsel. Brewington was denied the right to an impartial judge. Brewington was denied access to evidence and indictment information. The Dearborn Superior Court II excluded portions of the grand jury proceedings occurring prior to witness testimony. There is no contesting the fact that Negangard affirmatively stated that Negangard sought indictments and criminal convictions against Brewington, under the pretense of intimidation laws, for the "greater good" of protecting the integrity of the judicial system. These are the facts of the case as explained by former Dearborn County Prosecutor F. Aaron Negangard that appear on pages 504-505 of the official transcripts in Brewington's criminal trial. Brewington is not twisting facts. These are facts of the

case as alleged by Negangard, the man who currently serves as Chief Deputy to Indiana Attorney General Curtis Hill.

If this Court should deem this action to be more appropriate for a federal jurisdiction due to reluctance in dealing with abuses by high ranking Indiana officials, Brewington requests the Court to issue an order consistent with such a concern.

WHEREFORE, Brewington requests this Court to grant Summary Disposition in Brewington's favor and vacate Brewington's convictions, or in the alternative, set the matter for hearing; Award Brewington any attorneys' fees and costs in bringing this action; and Award Brewington any other appropriate relief.

Respectfully Submitted,



Daniel Brewington
Plaintiff, Pro se

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been duly served upon parties and counsel of record listed below, by United States mail, priority postage prepaid, on September 23, 2017.

Lynn Deddens, Prosecutor
Dearborn County Prosecutor
215 W High St
Lawrenceburg, IN 47025

Daniel P. Brewington
Plaintiff, pro se