

**FILED**

STATE OF INDIANA )  
 ) SS: JAN 24 2012  
 COUNTY OF DEARBORN )  
 ) *Philip D Weaver*  
 STATE OF INDIANA, )  
 ) CLERK OF DEARBORN CIRCUIT COURT  
 Plaintiff, )  
 ) CAUSE NO. 15D02-1103-FD-084  
 )  
 v. )  
 )  
 DANIEL BREWINGTON, )  
 )  
 Defendant. )

**PETITION FOR BAIL PENDING APPEAL**

Defendant, by counsel, pursuant to Ind. Code § 35-33-9-1 *et seq.*, and hereby petitions the Court for bail pending appeal. In support of this Petition, Defendant would show:

1. On October 6, 2011, judgment was entered against Defendant on five counts:
  - a. Count I: Intimidation, Class A misdemeanor, Ind. Code § 35-45-2-1(a)(1);
  - b. Count II: Intimidation of a Judge, Class D felony, Ind. Code § 35-45-2-1(a)(2)(b)(1);
  - c. Count III: Intimidation, Class A misdemeanor, Ind. Code § 35-45-2-1(a)(1);
  - d. Count IV: Attempt to Commit Obstruction of Justice, Class D felony, Ind. Code § 34-44-3-4; and
  - e. Count V: Perjury, Class D felony, Ind. Code § 35-44-2-1(a)(1).
  
2. On October 24, 2011, the Court entered the following sentence:
  - a. Count I: six (6) months, executed, in the Dearborn Co. Jail (with credit for 231 days of pre-sentence confinement plus 231 days of good time credit for a total of 462 days);
  - b. Count II: two (2) years, executed, in the Indiana Dept. of Correction (consecutive to Counts I, IV, and V);

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- c. Count III: six (6) months, executed, in the Dearborn Co. Jail (concurrent to Count II);
  - d. Count IV: two (2) years, executed, in the Indiana Dept. of Correction (concurrent to Count I, with 231 days of pre-sentence confinement plus 231 days of good time credit);
  - e. Count V: one (1) year, executed, in the Indiana Dept. of Correction (consecutive to Counts I, II, III, and IV).
3. Defendant was not convicted of a Class A felony or a felony for which the court may not suspend the sentence pursuant to Ind. Code § 35-50-2-2.
4. Defendant requests that the Court set a reasonable bond and allow Defendant to be released on bail pending the appeal of his convictions and sentence.
5. A memorandum of law setting forth the reasons that this Petition for Bail Pending Appeal should be granted is filed with this petition.
6. Defendant is willing to agree to reasonable conditions of release, including: (1) a no-contact order prohibiting Defendant from contacting, directly or indirectly communicating with James Humphrey, Heidi Humphrey, and Dr. Edward Connor, other than through counsel; (2) agreeing to refrain from posting any information on the Internet concerning his divorce proceedings or any of the previously listed individuals (James Humphrey, Heidi Humphrey, and Dr. Edward Connor), during the pendency of this appeal and subsequent re-trial, if any; (3) monitoring and/or other forms of supervision; and (4) any other conditions reasonably related to this Court's authority to restrict Defendant's ability to harass or intimidate the previously listed individuals, if such condition is imposed after a hearing on this matter.

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WHEREFORE, Defendant respectfully requests that this Court enter an order setting a reasonable appeal bond, not to exceed \$50,000 surety bond, including any reasonable conditions of release. Should this Court deny this Petition, Defendant respectfully requests that it do so in a written order, so that Defendant may then include as part of his motion for appeal bond in the Indiana Court of Appeals.