

Daniel Brewington

contactdanbrewington@gmail.com

April 27, 2016

Re: Fear of prosecutorial retaliation for exposing abuse of grand jury process

To whom it may concern,

My name is Dan Brewington and the purpose of this correspondence is to ensure that other government officials are aware of the enclosed complaint to the Indiana Public Access Counselor ("PAC"). My concern is that I will be subjected to further retaliatory prosecution by Dearborn County Prosecutor F. Aaron Negangard. The enclosed complaint pertains to Rush Superior Court Judge Brian Hill's actions in obstructing public access to the audio from a grand jury proceeding. Please note that the transcripts of the grand jury audio in question are already public record. Judge Hill currently serves as Special Judge to the Dearborn Superior Court II in matters pertaining to Cause No. 15D02-1103-FD-084. The Indiana PAC recently issued an opinion stating the grand jury audio in question should be released. Despite informing the PAC that he would release the grand jury audio to comply with the advisory opinion of the PAC, Hill has yet to order the release of the audio. Judge Hill maintains the transcripts represent the "official record" of the grand jury proceeding yet the transcripts portray the beginning of witness testimony to be the beginning of the entire proceeding. Apart from Prosecutor Negangard's brief instruction that Indiana law prohibits individuals from making "over-the-top" and "unsubstantiated statements" about court officials and a general reading of statutes that appear in the final pages of the transcripts, the record is void of any examples where the prosecution offered any instruction to the grand jury. The information in the complaint indicates that the Chief Court Reporter for the Dearborn Superior Court II, Barbara Ruwe, conspired with Prosecutor Negangard to alter the written record of a grand jury, making it impossible for me to prepare a defense against Negangard's unconstitutional criminal defamation trial. As Hill upheld my \$600,000 bond, ignored requests for evidence and specific charging information, denied my right to assist the preparation of my own defense, and sentenced me to 5 years in prison, I fear further prosecutorial and judicial retaliation.

Please note that this is not a formal complaint but merely an attempt to shelter myself from further retaliatory prosecution for demonstrating how Dearborn County Courts alter grand jury records to give the Dearborn Prosecutor F. Aaron Negangard an unconstitutional advantage in criminal prosecutions.

Thank you for your time. Please do not hesitate to contact me with any questions.

Sincerely,

Dan Brewington



**OFFICE OF THE PUBLIC ACCESS COUNSELOR
FORMAL COMPLAINT**

State Form 49407 (R6 / 3-14)

PUBLIC ACCESS COUNSELOR
Indiana Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Telephone: (317) 234-0906
Toll free: (800) 228-6013
Fax: (317) 233-3091

INSTRUCTIONS: This form is to be used only when filing complaints under Indiana Code 5-14-5.
All information provided is disclosable under the Access to Public Record Act. **PLEASE TYPE OR PRINT.**

FOR OFFICE USE ONLY

Date received (month, day, year)

Complaint number

Date due (month, day, year)

COMPLAINANT INFORMATION

Name (last, first, middle initial)

Brewington, Daniel

Address (number and street)

City

State

ZIP code

Ohio

45212

Telephone number

Fax number

()

E-mail address

contactdanbrewington@gmail.com

INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS

Name of public agency

Dearborn County Superior Court II

Address (number and street)

City

State

ZIP code

215 West High St

Lawrenceburg

IN

47025

Telephone number

Fax number

()

E-mail address

Name of elected / appointed official or presiding officer responsible for the denial

Special Judge Brian Hill, Rush County Superior Court

COMPLAINT (Check all that apply.)

☐ **Open Door Law Violation**

☐ Executive Session

☐ Notice

☐ Other: _____

☒ **Public Records Access Violation**

☒ Denial of Access

☐ Copy Fee

☐ Denial of Electronic Access

☐ Other: _____

☐ **Request for priority status** [See Indiana Administrative Code (62 IAC 1-1-3).] (Must include in narrative the reason for priority status.)

IMPORTANT

Date denied access to public record (month, day, year)

April 5, 2016

Date notified of denial of access to meeting (month, day, year)

N/A due to non-response

Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)

Please see complaint and appendix against the above mentioned regarding the non-response to

Brewington's request for a complete transcription of an already public grand jury proceeding. This complaint also addresses Judge Brian Hill's non-compliance with a prior PAC opinion in Hill's failure to order the release of grand jury audio, per Hill's agreement with the PAC. Any further efforts by Judge Hill to rationalize withholding the already public record indicates that Hill has a personal and/or professional interest in obstructing Brewington's access to the record and Hill should take the appropriate measures to recuse himself from the matter. Hill's recusal serves to prevent Brewington from incurring further hardship resulting from the Dearborn Superior Court II altering the record of a grand jury proceeding in an effort to assist Dearborn County Prosecutor F. Aaron Negangard in prosecuting free speech.

PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.

Signature

[Handwritten Signature]

Date (month, day, year)

04/27/2016

FORMAL COMPLAINT TO THE OFFICE OF THE PUBLIC ACCESS
COUNSELOR

Brewington files this complaint against Rush County Superior Court Judge Brian Hill (“Hill”) for failing to acknowledge Brewington’s request for the entire written transcript of the grand jury proceedings associated with Cause No. 15D02-1103-FD-084. Hill nor any officials from the Dearborn Superior Court II have addressed the content of Brewington’s public records request dated April 5, 2016 [Attached hereto]. Hill’s failure to address Brewington’s recent request further demonstrates Hill’s ongoing efforts of obstructing Brewington’s access to public records. On April 14, 2016, the Indiana Public Access Counselor (“PAC”) issued an advisory opinion stating,

“[I]t is the Opinion of the Public Access Counselor that because the transcript of the grand jury proceedings have previously been provided to you, a copy of the audio recordings of said proceedings should be released as well. I have spoken with Judge Hill and he has indicated his willingness to amend the February 4, 2016 order and instruct the Dearborn County Court to produce the recordings.”

As of Wednesday April 27, 2016, neither Hill nor the Dearborn Superior Court II have provided Brewington with an amended order directing the clerk to provide Brewington with copies of the audio from the grand jury proceedings despite Hill telling the PAC that Hill would comply with the opinion of the PAC.

Brewington first addresses Hill’s March 8, 2016 response to the PAC, which referred to Brewington’s request for public records as Brewington’s “*latest allegation of a conspiracy between the prosecuting attorney and court reporter.*” Brewington’s January 31, 2016 request simply broke down the facts surrounding the transcription of the grand jury proceedings. Brewington’s April 5, 2016 request cited case law and Indiana Administrative Rules detailing a court’s responsibility to create and maintain a complete record of a grand jury proceeding, less during jury deliberations and when jurors were alone. The opening statements of Dearborn County Prosecutor F. Aaron Negangard (“Negangard”) appearing on page one of the grand jury transcripts [Attached hereto] consist of the following:

“Alright, we would call our first witness, Michael Kreinhop. Would you swear in the witness?”

Brewington did not allege a conspiracy in his request for public records. Brewington simply stated that the transcripts are incomplete because the grand jury proceedings begin with witness testimony. Brewington did offer a warning in his original complaint to the PAC that Brewington expected any response “from Hill or the Dearborn County Superior Court II to be accompanied by an argument that

Brewington's complaint is conspiracy-laden.” Rather than address the incomplete written record of the grand jury proceedings, Hill attempts to detract from Brewington’s integrity. Hill’s apparent strategy inherently backfires in this case because the incomplete record speaks for itself. As the transcription of the audio from a proceeding must accurately represent the events of the proceeding, court reporter Barbara Ruwe was required to transcribe all audio from the grand jury proceedings. Any selective recording or transcribing of the grand jury proceedings by Barbara Ruwe would require the participation of Dearborn County Prosecutor F. Aaron Negangard in some capacity. Best-case scenario would be that the policy of the Dearborn Superior Court II gives the court reporter the authority to selectively transcribe the record of a grand jury proceeding which allowed Negangard to use the incomplete record to strategically eliminate Brewington’s ability to build a defense. During a pretrial hearing on July 18, 2011, Dearborn County Deputy Prosecutor Joseph Kisor informed Brewington that the nature of the indictments could be gleaned from the complete grand jury transcripts to determine when and where the alleged crimes occurred. Brewington’s ability to subject the prosecution’s case to any adversarial testing was ripped from Brewington because Negangard provided Brewington with an abridged version of the grand jury proceedings.

A timeline of Hill’s actions in obstructing the release of the grand jury audio are particularly disturbing, especially in light of Hill’s varying reasons for denial; none of which are valid exceptions under IC 5-14-3 Access to Public Records.

1. *“On January 12, 2012, Judge Hill issued an order giving instruction to the Court Reporter to prepare an audio recording of the grand jury proceedings to a third-party requestor. This order was amended a month later when the Judge was advised they were not admitted into evidence (as previously thought), and the order to produce the audio recordings was vacated.”* –PAC Advisory Opinion, April 14, 2016. Prior to Hill’s verbal communication with the PAC, there is no record of someone contacting and advising Hill that the grand jury audio was not admitted into evidence. Hill’s excuse was neither valid nor mentioned again. Objective analysis suggests Hill’s decision to vacate his January 12, 2012 order to release the grand jury audio had to follow the advice of someone not well versed in law and court procedure, or from a legal professional providing Hill assistance in creating a “plausible-sounding” excuse to obstruct access to the public record. Most concerning are the questions of who contacted Hill with concerns regarding the grand jury audio and why. The PAC is aware the Indiana Supreme Court appointed Rush County Superior Judge Brian Hill to serve as special judge in Brewington’s criminal case in Dearborn County, Indiana. As the courthouses of Rush and Dearborn Counties are roughly sixty ((60) miles apart, any communication between Hill and Dearborn County officials could not occur

during casual passing in the courthouse hall. If Barbara Ruwe, court reporter for Dearborn Superior II Court, Negangard, or anyone else lobbied Hill not to release the audio behind the incomplete grand jury transcripts, Hill failed to take the appropriate measures to set a hearing to allow the public a voice in arguing for transparency. There would be little reason for Ruwe to contact Hill and question the order because Hill also ordered Ruwe to prepare copies of trial audio for the public despite the trial audio not being admitted as evidence during trial. Hill's reference to Brewington's "latest allegation of a conspiracy" appears misaligned as any potential conspiracy theory finds strong footing in Hill's own actions. Regardless of who contacted and "persuaded" Hill to vacate his order releasing grand jury audio, Hill later acknowledged he always maintained the authority to order the release of the grand jury audio, thus admitting that he vacated the order releasing grand jury audio for no plausible reason. Hill has yet to cite any valid exception as to why Hill continues to obstruct the public's access to the grand jury audio nor has Hill stepped forward to offer any accountability for his spurious motives in denying access to a releasable public record for absolutely no reason.

2. February 4, 2016 – *"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."* –Hill's order denying the release of grand jury audio, dated February 4, 2016. Not only did Hill's order incorrectly place the burden on Brewington to provide a reason for seeking copies of the grand jury audio, Brewington never alleged that the grand jury audio recordings were admitted during trial. Brewington went to great lengths to explain how Indiana law allowed the release of the audio record from the grand jury proceedings because Hill previously authorized the release of the transcript of the grand jury proceedings during trial. Hill's statement is patently false and Hill can provide no examples to the PAC of where Brewington ever claimed that the grand jury audio was admitted during trial.
3. March 8, 2016 – *"Mr. Brewington's request as to the audio recordings of the Grand Jury proceedings of February 28, 2011, March 1, 2011, and March 2, 2011 was denied by me simply because I did not preside over those proceedings."* –Hill's letter to the PAC, dated March 8, 2016. Hill provides a new excuse as to why he denied Brewington's request for the grand jury audio. Hill made no mention of this new excuse in Hill's order denying Brewington's request for grand jury audio. Speculation as to the validity of

Hill's above reasoning is unnecessary as Hill immediately discredits his own excuse with the following two sentences in Hill's letter to the PAC, appearing in talking point four (4) below.

4. March 8, 2016 – *"I was appointed special judge over the criminal case that followed. I am aware that the statute allows the judge who presided over the criminal trial to make decisions as to the release of grand jury information related to the criminal charges, however, I did not feel it was appropriate in this case."* –Hill's letter to the PAC, dated March 8, 2016. Hill admits the excuse Hill provided to the PAC in the prior sentence in talking point three (3) was unacceptable, effectively claiming that Hill denied Brewington's request for public records for absolutely no reason.
5. March 8, 2016 – *"Mr. Brewington has had full access to the official transcript of these proceedings."* –Hill's letter to the PAC, dated March 8, 2016. Hill is fully aware that page one of the grand jury transcripts lack any introduction, instruction, etc., and the transcripts skip straight to witness testimony. Hill represented to the PAC that Brewington had full access to the entire record of the grand jury proceedings while knowing the transcribed records of the grand jury in question are altered and/or incomplete. Any omissions from the grand jury records have to be court-approved and well noted and the grand jury transcripts are void of any notations of omissions or redactions.
6. March 8, 2016 – *"Mr. Brewington seems to take offense that orders releasing these recordings prohibit the broadcast or publication of the material"* – Hill's letter to the PAC, dated March 8, 2016. Hill's sleight of hand appears to have distracted the attention of the Public Access Counselor from observing Brewington's actual concern. Brewington does believe the prohibition of broadcasting or publication of audio/video from public trials serves more to protect unethical conduct of judges than to protect the integrity of the court system, but Brewington made no mention of such objection in his request or complaint. Hill sidestepped Brewington's true concern regarding the fact that Hill threatened criminal contempt if Brewington shared the audio with anyone. Hill stated, *"The release of these audio recordings are hereby specifically limited to the personal review by Daniel Brewington,"* thus forcing Brewington and family members to pay a "court tax" for individual copies to have the ability to legally listen to court audio or face criminal penalties.
7. March 8, 2016 – *"As I said earlier, I did not preside over his grand jury proceedings and did not feel comfortable releasing those hearings in yet another format. If you come to a different conclusion, I would be happy to*

comply immediately.” – Hill’s letter to the PAC, dated March 8, 2016. The PAC contacted Brewington via phone on April 14, 2016 and indicated he spoke with Hill and stated Hill agreed to issue an amended order directing the court reporter to prepare copies of the grand jury audio for Brewington. Brewington has yet to receive a copy of such order or any notice regarding the preparation of the audio. As to Hill’s reservations about feeling comfortable about releasing the grand jury record in another format, Hill’s new found reasoning lacks any legal standing as Indiana statute makes no mention of “uncomfortable feelings” being a sufficient reason to deny access to public records. If Hill’s level of comfort implies the release of the grand jury audio would have negative ramifications if placed in the hands of Brewington, then Hill acknowledges the grand jury audio is a releasable public record. Hill released the audio from the criminal proceedings without any mention of feeling uncomfortable. The only cause for any uneasy feelings by Hill would be that the grand jury audio demonstrates that Hill marched Brewington through a trial without providing Brewington any specific charging information and then sentencing Brewington to five years in prison. Hill’s ongoing obstruction of public access to the audio from the grand jury would likely cause Hill to face scrutiny. However, if Hill is confident of no wrongdoing, the release of the grand jury audio will only serve to demonstrate that Brewington’s allegations are nothing more than unsupported conspiracy theories.

Brewington entertains no belief that Hill’s bumbling excuses are accidental or coincidental misinterpretations of law. Hill cannot escape the fact that the written record of the grand jury proceedings begins with witness testimony. Hill also cannot continue to overlook the fact that the omissions of the official grand jury record are not unintentional, and the list of people aware of the incomplete grand jury record include at least Dearborn County Prosecutor F. Aaron Negangard and the Chief Court Reporter for the Dearborn County Superior Court II, Barbara Ruwe. Dearborn County Superior Court II Judge Sally McLaughlin continues to overlook the facts of this case and employ Barbara Ruwe while Hill has spent the past four years obstructing the release of the audio from the incomplete grand jury record. Hill demonstrates his penchant for sidestepping the topic of an incomplete grand jury record in Hill’s April 11, 2016 response to Brewington’s request for written transcripts [Attached hereto]. In a public record request to Dearborn Superior Court II Judge Sally McLaughlin (Blankenship) dated April 5, 2016, Brewington requested “a complete copy of the transcription of all audio from the grand jury proceedings.” In response to Brewington’s request, Hill did not attempt to argue that Brewington erred in contending the transcripts were incomplete. Hill made no mention of a written transcript. Hill did not acknowledge ANY aspect of

Brewington's request. In fact, Hill pretended that Brewington made another request for grand jury audio instead of Brewington's actual request for the complete transcription of the grand jury record. Hill's April 11, 2016 response to Brewington's request for the entire transcription of the grand jury record is as follows:

"The Court has ruled on the previous request for audio recordings from the Grand Jury proceedings occurring on February 28, 2011, March 1, 2011, and March 2, 2011. I have also responded to the Public Access Counselor in regards to the formal complaint that was filed in regards to these requests."

"I understand that you disagree with my decision, however, I will not be responding to further requests for those recordings. It is my understanding that this issue is currently being reviewed by the Office of the Public Access Counselor. If that office issues an opinion determining that said recordings have been unlawfully withheld, I will promptly act in accordance with that opinion."

Hill simply portrays Brewington's request to be a redundant request for grand jury audio when Brewington made no such request. Hill's response glosses over the content of Brewington's request because addressing the request for transcripts requires Hill to acknowledge misconduct associated with the incomplete record. Brewington's request effectively forces Hill to affirmatively deny the request claiming the transcription that begins at witness testimony is complete, or grant Brewington's request, which acknowledges that Negangard and Ruwe conspired to deny Brewington of his right to a fair trial. In some respect, the actual content of the grand jury audio is irrelevant for the purposes of demonstrating misconduct because even if the audio matched the transcription, the fact remains that Barbara Ruwe failed to record the entire proceedings and then Dearborn County Prosecutor F. Aaron Negangard strategically used the partial record to eliminate Brewington's right to a fair trial. Even holding that it was possible for Ruwe to accidentally not record the entire proceedings, for Judge McLaughlin to be oblivious to the situation would require Ruwe to, at some point; confide in Negangard that the grand jury audio is not complete. Even then, Ruwe and Negangard would have to agree not to tell Ruwe's boss, which also serves as an agreement between Ruwe and Negangard to engage in illegal conduct that ultimately deprived Brewington of a right to a fair trial and forced Brewington to serve a 2.5 year prison term.

If the audio from the grand jury proceedings contains more content than the written transcript represents, it would demonstrate that the Chief Court Reporter for the Dearborn Superior Court II selectively transcribed portions of the grand jury audio to assist the prosecution's case against Brewington. Only a judge has the authority to modify an office record under very strict circumstances. If the transcription of the

grand jury occurred after Judge McLaughlin's recusal, any approval to selectively transcribe the grand jury audio to assist the prosecution's case would have to come from Special Judge Brian Hill. Any modification to the official record for no other purpose than to punish Brewington for criticizing officials operating within the Dearborn County Court system would likely implicate others in Negangard and Ruwe's conspiracy to deprive Brewington of fundamental civil rights. Judge Hill would be a likely candidate for the role of co-conspirator, not only due to Hill's four year history of obstructing access to the grand jury without reason, but also Hill's refusal to provide Brewington with a public defender who would meet with Brewington prior to trial. [Please see pages 3-6 from the transcripts of Brewington's criminal trial, attached hereto]. Brewington filed three pro se motions detailing how Brewington lacked any understanding of the nature of the indictments against him. Brewington's petitions pointed out the obvious constitutional flaws the associated with Negangard's criminal defamation prosecution. The pro se filings were necessary because Brewington's public defender refused to obtain charging information or challenge the constitutionality of a criminal defamation trial. The trial transcripts demonstrate Brewington voicing concerns that his public defender refused to gather evidence, depose witnesses, or even speak with Brewington about any aspect of Brewington's criminal case prior to trial. The four pages also show how Brewington explained to Hill that Brewington's public defender, Rush County Chief Public Defender Bryan Barrett, refused to even speak with Brewington on the phone prior to trial. Unfortunately for Brewington, Hill's response to Brewington's pleas for evidence, charging information, and legal counsel was the same as Hill's recent response to Brewington's request for the entire written record of the grand jury proceeding. Rather than acknowledging Brewington's concerns or questioning Barrett about Brewington's accusations, Hill simply gave Brewington an "if you don't like it, you can represent yourself" style ultimatum by trying to force Brewington to represent himself. Both McLaughlin and

Brewington thanks the Public Access Counselor for his patience in dealing with the matter. This voluminous complaint is due to Judge Hill's refusal to follow Indiana laws regulating the release of public records. Complicating matters even more is the fact Judge Hill has a record of not providing sufficient, if any, reason for denying requests for audio from an already public grand jury hearing. Brewington simply seeks a complete record of the grand jury proceedings to demonstrate whether Barbara Ruwe altered the record of the grand jury during recording and/or transcription or, in the alternative; Brewington seeks an acknowledgement from the Dearborn County Superior Court II that the transcript provided to Brewington during trial is incomplete. Either finding gives Brewington the ability to seek relief from his convictions.

A copy of this complaint and links to the transcripts of the grand jury proceedings and other documentation can be found on www.danbrewington.blogspot.com. As the above case involves retaliatory and oppressive conduct by government officials, Brewington is forwarding a copy of this complaint and supporting documentation to the Federal Bureau of Investigation Office, 8825 Nelson B Klein Pkwy, Indianapolis, IN 46250 as well as the United States Attorney's Office, 10 W. Market St, Suite 2100, Indianapolis, IN 46204. Thank you in advance for your attention to this matter.

Respectfully,



Daniel P. Brewington

contactdanbrewington@gmail.com

cc: Senator Mike Delph
District 29
200 W. Washington St.
Indianapolis, IN 46204

Senator Brent Steele Judiciary Chair
District 44
200 W. Washington Street
Indianapolis, IN 46204

Hon. Jonathan N. Cleary, Judge
Dearborn Superior Court I
215 W. High Street
Lawrenceburg, IN 47025

Hon. Sally A. McLaughlin, Judge
Dearborn Superior Court II
215 W. High Street
Lawrenceburg, IN 47025

Barbara Ruwe Court Reporter
Dearborn Superior Court II
215 W. High Street
Lawrenceburg, IN 47025

Hon Brian Hill, Judge
Rush Superior Court
101 East Second Street, 3rd Floor
Rushville, Indiana 46173

F. Aaron Negangard
Dearborn County Prosecutor
215 W High St
Lawrenceburg, IN 47025

Dearborn County Sheriff Mike
Kreinhop
DCLEC
301 West High Street
Lawrenceburg, IN 47025

Federal Bureau of Investigation Office
8825 Nelson B Klein Pkwy
Indianapolis, IN 46250

United States Attorney's Office
10 W. Market St, Suite 2100
Indianapolis, IN 46204

Adrienne Meiring, Counsel
Indiana Supreme Court
30 South Meridian Street, Suite 500
Indianapolis, Indiana 46204

Indiana Attorney General's Office
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

Request for Complete Copy of Grand Jury Transcript

April 5, 2016

Dearborn County, Indiana Superior Court II

Judge Sally A. McLaughlin (Formerly Blankenship)

215 W High St

2nd Floor

Lawrenceburg, IN 47025

812.537.8800

Dear Judge Sally A. McLaughlin (Blankenship):

Pursuant to the Access to Public Records Act (Ind. Code 5-14-3), Requester, Daniel Brewington would like copies of the following public records pertaining to the case of State of Indiana vs Daniel Brewington, Cause No: 15D02-1103-FD-00084:

Please provide a complete copy of the transcription of all audio from the Grand Jury proceedings occurring on the following dates, as well as any other dates pertaining to the aforementioned cause:

February 28, 2011

March 1, 2011

March 2, 2011

To ensure specificity in an effort to assist employees of the Dearborn County Superior Court II in complying with this request, Brewington seeks information which is missing from the original transcription of the Grand Jury record. Brewington is in possession of approximately 340 pages of transcripts from the above hearings that were certified as "full, true, correct and complete" on June 15, 2011 by Barbara Ruwe, Court Reporter for Dearborn Superior Court II, however the transcripts fail to provide any record of the proceedings prior to Dearborn County Prosecutor F. Aaron Negangard calling any witnesses. In *Wurster v. State*, 715 N.E.2d 341 (Ind. 1999), the Indiana Supreme Court agreed with the Appellants' contention that Indiana Code § 35-34-2-3(d) requires the following:

"The court shall supply a means for recording the evidence presented before the grand jury and all of the other proceedings that occur before the grand jury, except for the deliberations and voting of the grand jury and other discussions when the members of the grand jury are the only persons present in the grand jury room. The evidence and proceedings shall be recorded in the same manner as evidence and proceedings are recorded in the court that impaneled the grand jury...." *Wurster*, 715 N.E.2d at 346

Page one of the Grand Jury transcripts [Attached hereto] provide the following as Negangard's opening statements to the Grand Jury:

"Alright, we would call our first witness, Michael Kreinhop. Would you swear in the witness?"

Negangard directed the responsibility of swearing in the first witness to the Foreman of the Grand Jury, who then swore in the first witness. This is quite problematic as there is no record of Negangard giving any instruction to the Foreman as to the nature of the Foreman's duties. The record is void of any instruction to the Grand Jury as to their roles in the proceedings not to mention the legal ramifications associated with unauthorized disclosure of any information from the grand jury proceedings.

Another example of the incomplete transcription of the record can be found on page 284 of the "abridged" version of the Grand Jury record [Attached hereto]. At line 10, Prosecutor Negangard states:

"Okay are we on record. Let the record show that we're reconvening after our morning break, um, we'll show that the State has called Heidi Humphrey before the Grand Jury."

A problem exists because at no time does the record demonstrate Negangard calling for a break or even acknowledging that it was time to go off the record.

Brewington entertains no belief that the partial transcription of the record was anything less than a conspiracy to retaliate against Brewington for criticizing Dearborn County Court Officials. If the Dearborn County Superior Court II wishes to continue denying Brewington access to public records, the Court faces a new challenge in obstructing Brewington's rights because any claim by the Court that the transcripts are a complete record of the Grand Jury proceedings would be a malicious falsehood. To argue that the current transcription of the grand jury record is complete would require the Foreman of the Grand Jury to have known the role of the foreman without instruction, which would require an unprecedented maneuver by Negangard to essentially plant a "mole" on the grand jury to serve as a foreman and to provide instruction to other members of the grand jury on behalf of the prosecution. Any argument of whether Brewington is entitled to the complete transcription of the grand jury record is a moot point because by just acknowledging the argument is acknowledging that Dearborn County Prosecutor F. Aaron Negangard conspired with the Dearborn County Superior Court II Court Reporter, Barbara Ruwe, to alter the record of the Grand Jury proceedings. Special Judge Brian Hill's obstructive tactics in denying the release of the audio record from the Grand Jury proceedings only serve to demonstrate Hill's involvement in sheltering the misconduct of others. Brewington fully expects this Court to distract attention away from the official misconduct by alleging that Brewington's request contains inaccurate information or that Brewington's request was somehow disrespectful to the Court because Brewington's request demonstrated malicious conduct by the Dearborn County Prosecutor and this Court's Reporter, Barbara Ruwe. If Judge Hill or Judge McLaughlin are not involved in Negangard and Ruwe's conspiracy to alter the official record of the grand jury proceedings, then Brewington assumes Hill and Blankenship will initiate the appropriate disciplinary measures against Court Reporter Barbara Ruwe as well as take the appropriate measures to report Dearborn County Prosecutor F. Aaron Negangard to the proper state and/or federal authorities. It is

imperative to note that during a pretrial hearing on July 18, 2011, Dearborn County Deputy Prosecutor Joseph Kisor stated that the complete transcript of the Grand Jury proceedings was the means by which Brewington could determine what actions the State required Brewington to defend [Attached hereto]. Brewington would appreciate that the Court would promptly respond to this request and acknowledge the incomplete grand jury transcripts so Brewington may not only seek appropriate relief for being denied Brewington's Sixth Amendment Right to build a defense against the prosecution's case, but also demonstrate the egregious and malicious actions of Dearborn County Prosecutor F. Aaron Negangard in the unlawful prosecution of Daniel Brewington. Any denial will be forwarded to the Indiana Office of the Public Access Counselor.

I understand by seeking a copies of these records, there may be a copying fee. Please inform me of the costs prior to making the copies. I can be reached at _____ or by email, contactdanbrewington@gmail.com.

According to the statute, you have seven (7) days to respond to this request. If you choose to deny the request, please remember you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial; so Brewington has the ability to demonstrate how the Dearborn County Superior Court II acknowledges that Court Reporter Barbara Ruwe selectively recorded the grand jury proceedings at the direction of Dearborn County Prosecutor F. Aaron Negangard and/or conspired with Prosecutor Negangard to alter the grand jury proceedings in the partial transcription of the audio record from the grand jury proceedings.

A copy of this request can be found on www.danbrewington.blogspot.com for your convenience. Please note that any frustration with Brewington by this Court should be directed at those who strategically altered the record of the grand jury proceedings to assist Dearborn County Prosecutor F. Aaron Negangard in prosecuting Daniel Brewington for otherwise protected speech. Thank you for your assistance on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Dan P. Brewington", followed by a large, stylized flourish.

Daniel P. Brewington, Requester

contactdanbrewington@gmail.com

GRAND JURY - DANIEL BREWINGTON - FEBRUARY 28, 2011

MR. NEGANGARD: Alright, we would call our first witness, Michael

Kreinhop. Would you swear in the witness?

FOREMAN: Yes. Do you solemnly swear or affirm that the
testimony you are about to give in the matter now
under consideration by the grand jury will be the
truth, the whole truth and nothing but the truth?
And do you further solemnly swear or affirm that
you will not divulge any portion of your testimony
before this grand jury except when legally called
upon to do so?

MR. KREINHOP: I do.

MR. NEGANGARD: Um, please state your name for the record.

MR. KREINHOP: Michael Kreinhop. Kreinhop is spelled K-R-E-I-N-
H-O-P.

MR. NEGANGARD: And if you could briefly give your background and
training in law enforcement.

MR. KREINHOP: I've been a police officer and I'm in my thirty-
eighth (38th) year as a police officer and currently
hold the position of Sheriff of Dearborn County.
Prior to that I am retired from the Indiana State
Police with thirty-four (34) years of service and I
also worked in the Special Crimes Unit for one (1)
year and also I was Chief Deputy for Dearborn
County Sheriff's Department for one (1) year prior

1 MR. NEGANGARD: Does anyone else have any more questions?
2 JUROR: One that might be more directed to you. What state
3 did he buy this gun?
4 MR. NEGANGARD: We'll have to call Mike back up to have him testify
5 to that. Um, any other questions for the witness?
6 No further questions. I would remind you that you
7 cannot disclose anything about the grand jury
8 proceedings to anyone. Okay?
9 MS. LOECHEL: Okay, thank you.
10 MR. NEGANGARD: Okay are we on record. Let the record show that
11 we're reconvening after our morning break, um,
12 we'll show that the State has called Heidi
13 Humphrey before the Grand Jury. Mr. Foreman, if
14 you would swear the witness in?
15 FOREMAN: Do you solemnly swear or affirm that the testimony
16 you are about to give in the matter now under
17 consideration by the grand jury will be the truth, the
18 whole truth and nothing but the truth? And do you
19 further solemnly swear or affirm that you will not
20 divulge any portion of your testimony before this
21 grand jury except when legally called upon to do
22 so?
23 MS. HUMPHREY: I do.
24 MR. NEGANGARD: Um, would you please state your name for the
25 record please?

1 office, I'm sure we could get this, whatever we've
2 got, we could either reprint it or if there's something
3 we could put on a disk for you, we would be glad
4 to...

5 MR. BARRETT: Okay.

6 MR. KISOR: The paralegal is down there that would be able to do
7 that and I could go down with you.

8 MR. BARRETT: Okay.

9 COURT: So aside from getting that scheduled maybe we can
10 deal with some of the discovery after this hearing.

11 MR. BARRETT: Can I have just a minute Judge? I'm sorry.

12 COURT: Sure, go ahead.

13 MR. BARRETT: The inquiry that my client is making and obviously
14 I'm at some disadvantage Judge as what specific,
15 the informations in the indictments, the information
16 and indictments are pretty general, I guess and they
17 cover broad periods of time and I'm just obviously
18 wondering what the specific things the government
19 is saying that my client did that constituted
20 intimidation and the various other offenses but
21 obviously that's a discovery issue and probably for
22 another hearing.

23 COURT: Okay.

24 MR. BARRETT: And obviously that was kind of the purpose of the
25 bond hearing as well was those can certainly be

1 used for that purpose as well.

2 COURT: Well maybe I'm presuming wrong, I would
3 anticipate the State's going to be putting on some
4 specific evidence at that, for purposes of the bond
5 hearing.

6 MR. KISOR: Uh, possibly, although there were some other
7 matters unrelated to the indictments that were
8 pertinent to the issue of bond, some subsequent
9 matters.

10 COURT: Okay, I understand but I presume we'll hear...

11 MR. KISOR: Yes, I mean, if particularly the Court would make
12 that request. There is a, as far as I know, a complete
13 transcript of the grand jury proceedings.

14 MR. BARRETT: I do have that.

15 MR. KISOR: So I mean that would be what the grand jury
16 determined.

17 MR. BARRETT: I have not had an opportunity to go over that with
18 Mr. Brewington, but that's generally the
19 information that you're relying upon?

20 MR. KISOR: Yes.

21 MR. BARRETT: Okay.

22 MR. KISOR: And I would be glad to talk to you more specifically
23 more about that.

24 COURT: Anything else that needs to be addressed on the
25 record at this time, Mr. Barrett?

GRAND JURY - DANIEL BREWINGTON - FEBRUARY 28, 2011

MR. NEGANGARD: Alright, we would call our first witness, Michael Kreinhop. Would you swear in the witness?

FOREMAN: Yes. Do you solemnly swear or affirm that the testimony you are about to give in the matter now under consideration by the grand jury will be the truth, the whole truth and nothing but the truth? And do you further solemnly swear or affirm that you will not divulge any portion of your testimony before this grand jury except when legally called upon to do so?

MR. KREINHOP: I do.

MR. NEGANGARD: Um, please state your name for the record.

MR. KREINHOP: Michael Kreinhop. Kreinhop is spelled K-R-E-I-N-H-O-P.

MR. NEGANGARD: And if you could briefly give your background and training in law enforcement.

MR. KREINHOP: I've been a police officer and I'm in my thirty-eighth (38th) year as a police officer and currently hold the position of Sheriff of Dearborn County. Prior to that I am retired from the Indiana State Police with thirty-four (34) years of service and I also worked in the Special Crimes Unit for one (1) year and also I was Chief Deputy for Dearborn County Sheriff's Department for one (1) year prior

Brian D. Hill, Judge
Rush Superior Court
101 East Second Street, Courthouse
Rushville, Indiana 46173
Phone: (765) 932-2829 / (765) 932-3520
Fax: (765) 932-2856

Sandra A. Land, Court Administrator

Tonya Muckerheide, Court Reporter

April 11, 2016

Dearborn County Superior Court II
215 W High Street
2nd Floor
Lawrenceburg, IN 47025

RE: State vs Daniel Brewington
Cause No. 15D02-1103-FD-084

Dear Mr. Brewington:

The Court has ruled on the previous request for audio recordings from the Grand Jury proceedings occurring on February 28, 2011, March 1, 2011, and March 2, 2011. I have also responded to the Public Access Counselor in regards to the formal complaint that was filed in regards to these requests.

I understand that you disagree with my decision, however, I will not be responding to further requests for those recordings. It is my understanding that this issue is currently being reviewed by the Office of the Public Access Counselor. If that office issues an opinion determining that said recordings have been unlawfully withheld, I will promptly act in accordance with that opinion.

Sincerely,



BRIAN D. HILL, Special Judge
Dearborn Superior Court II

BDH/sl

1 **DANIEL BREWINGTON – JURY TRIAL – OCTOBER 3, 2011**

2 COURT: (Outside the presence of the jury) We are here in
3 case number 15D02-1103-FD-84, the State of
4 Indiana vs. Daniel Brewington. Let the record
5 reflect that the State appears by Prosecuting
6 Attorney, Aaron Negangard and the Defendant
7 appears in person and by counsel, Bryan Barrett and
8 this matter is scheduled for jury trial this morning
9 and about twenty (20) or thirty (30) minutes ago I
10 received a file marked Motion to Dismiss, Motion
11 to Disqualify F. Aaron Negangard and appoint
12 Special Prosecutor and Motion to Dismiss for
13 Ineffective Assistive of Counsel. Those are pro se
14 motions filed by the Defendant. Mr. Brewington,
15 you have legal counsel and I'm not inclined to
16 contemplate pro se motions. I guess, what's your
17 uh, what are you going for here? You've got
18 counsel to represent you to give you legal advice
19 and make these filings. Are you're uh, indicating to
20 me that you're wanting to represent yourself or do
21 you want to clarify that for me please?

22 MR. BREWINGTON: No your honor. Uh, I just, Mr. Barrett hasn't met
23 with me since July, I believe the 17th of this year. I
24 don't have any idea of the direction of my case other
25 than what was just explained to me just in the past

1 few minutes before things got settled here. I still
2 don't have some of the evidence. I don't have
3 copies of the Grand Jury evidence. There's
4 documents from Detective Kreinhop's investigation
5 that are not included. There's transcripts that uh,
6 that he said would be included in his investigation
7 that were not included in discovery and I've never
8 been able to obtain that information and Mr. Barrett
9 has not communicated with me about that stuff and
10 I just don't know the direction of my defense and he
11 hasn't been able to meet with me, tell me anything,
12 explain to me anything. I also do not have my
13 medication. I take Ritalin for attention deficit
14 disorder. It's been an issue of the defense. It's been
15 brought up multiple times in the grand jury
16 transcripts and without that I don't even have the
17 ability to concentrate as hard. I have difficulties
18 reading and that sort and Mr. Barrett waived my
19 right to bring that up at trial as he made no objection
20 to the motion in limine which I did not realize that a
21 motion in limine had uh, was requesting the court to
22 prohibit any discussion about medication that was
23 given to me while I was incarcerated in DCLEC. So
24 I have absolutely no idea what's going on in my
25 case. I tried, everything that has been provided here

1 except for the grand jury transcripts which I didn't
2 even receive until Friday, October 23rd I believe or
3 September 23rd.

4 COURT: Okay, I've listened for about three (3) or four (4)
5 minutes I think uh by filing this, tells me you don't
6 want counsel. You're filing motions by yourself.
7 So you're ready to go...

8 MR. BREWINGTON: No, no, no, I want confident counsel. I want to
9 know what's going on. I can't and even if I were to
10 make a decision to do it on my own, I don't have, I
11 haven't been given the medication that I need that is
12 prescribed by a doctor to do this sort of stuff, I mean
13 to read, to process, to question and everything like
14 that. I just, I would have raised the issue earlier
15 except Mr. Barrett at the September 19th hearing,
16 said that he would be in to discuss the case with me
17 and he never appeared. He said the same thing at
18 the hearing before that. He said that he would be in
19 to see me and he never appeared. He said over the
20 phone that he would be in to see me when he had
21 the chance and he never appeared. So I haven't had
22 the opportunity to have effective counsel. It's not
23 that I want to do it on my own. It was a last resort
24 effort.

25 COURT: Okay that was the answer to my question. Uh, Mr.

1 Barrett, are you ready to proceed with this case
2 today?

3 MR. BARRETT: Yes your honor.

4 COURT: And is the State ready to proceed?

5 MR. NEGANGARD: Yes your honor.

6 COURT: Alright, then as I stated in opening the hearing, I'm
7 going to find the pro se motions filed on this
8 morning's date are denied. Um, and I think we're
9 ready to bring in jury then. (Voir dire not
10 transcribed)

11 COURT: (outside the presence of the jury). We're on case
12 #15D02-1103-FD-84, the State of Indiana versus
13 Daniel Brewington. The State appears by
14 Prosecuting Attorney, Mr. Negangard and the
15 Defendant appears in person and by counsel and the
16 jury is not present and I believe the next step would
17 be the instructions for the jury. Do the parties have
18 any uh, there was some proposed preliminary
19 instructions supplied to the parties by the Court.
20 Are there any objections or additions to any of those
21 instructions Mr. Negangard?

22 MR. NEGANGARD: Your honor, uh, on regards to Count I and I had
23 mentioned this, we had prepared and filed relatively
24 early on in this case an amended Count I which
25 added the language, after with intent that Dr.