

1 **PETITIONER'S WITNESS - MELISSA BREWINGTON (CROSS)**

2 A. That's what I was told, that it was rental property.

3 Q. So it was rental property. The house across the road from the marital
4 residence, is that rental property?

5 A. It's my understanding it is.

6 Q. So, uh - - so if you lived in an apartment when you filed the
7 dissolution, would you have appraised the appliances that came with
8 the rental unit?

9 MS. LOECHEL: I'm going to object, as far as speculation and
10 irrelevant to the dissolution.

11 COURT: Objection sustained.

12 Q. With regard to the .357 handgun that you're requesting, when was
13 that purchased?

14 A. Uh, I believe that you had told the custodial evaluator that it was
15 purchased in November of '06, I believe.

16 Q. And, uh, were there any - - so you didn't have any - - you don't - -
17 you've - - have you ever seen this firearm?

18 A. No, but for the reason I had asked for it was because I don't even
19 want it near our children.

20 Q. And have the children ever been by - - you know, have they ever been
21 hospitalized or taken to the emergency room or anything for any of
22 these dangerous activities that you accuse the respondent of?

23 A. I believe that during the marriage that I kept the home safe, as far as
24 guns, because you would leave them laying out on the table or
25 underneath the couch and I was the one to put them away. You

1 **PETITIONER'S WITNESS - MELISSA BREWINGTON (CROSS)**

2 refused, at that time, to buy a gun safe. It was only two weeks prior
3 to the provisional hearing that you did that. I believe that they are in
4 a position to where they could possibly get very hurt, given the fact
5 that you're showing Mary how to use guns now at the age of not even
6 - - well, at the time you started this - - at four years old.

7 Q. Can you answer the question, please? Have they ever received any
8 kind of medical attention for anything the respondent has done, you
9 know, the dangerous activities that you accuse respondent of
10 engaging in with the children?

11 A. No, they have not.

12 Q. Did you tell the children that firearms were only for adults?

13 A. At their ages of two and four at the time - - or four and a half - - I
14 absolutely did.

15 Q. But that's not - -

16 A. They're not old enough to be handling, touching firearms.

17 Q. But you told them that they're only for adults, correct?

18 A. Yes, and actually I had looked up on the internet a b-b gun warning
19 and it said that it was to be used by people sixteen years and older.

20 Q. What are the - - what are the age requirements on a four-wheeler?

21 A. I don't know.

22 Q. Have the children or your family or anybody else's children, have you
23 ever taken them on four-wheeler rides?

24 A. I have not personally taken them on four-wheeler rides, no.

25 Q. Or any of your extended family's children, people from out of town?

1 PETITIONER'S WITNESS - MELISSA BREWINGTON (CROSS)

2 simple question and let's get the answers and
3 let's get this done, okay?

4 RESPONDENT: All right.

5 Q. So Dr. Connor's evaluation is - - this part of the report is incorrect?

6 A. Yes.

7 Q. Okay. With regards to the .357 magnum, do you have a permit to
8 carry a firearm in the State of Indiana?

9 A. No.

10 Q. Have you had any kind of gun training, whatsoever?

11 A. No.

12 Q. Does the respondent have other firearms?

13 A. Yes.

14 Q. Why is the .357 magnum - - why is that of concern when the other
15 firearms aren't?

16 A. This is something that could be easily handled by our children. I
17 want it out of their reach.

18 Q. Can they be handled by the children if they're in the gun safe?

19 A. The problem is that you didn't keep them locked up. That's the
20 problem.

21 Q. Well, do you have any evidence or any testimony anywhere else to
22 say the different, that they aren't always locked up in the gun safe?

23 A. During the marriage, they were not.

24 Q. Were they locked in a closet?

25 A. No.

1 **PETITIONER'S WITNESS - MELISSA BREWINGTON (CROSS)**

2 Q. What - - what - - was there a handgun left out anywhere during the
3 marriage?

4 A. You purchased that, you stated, in November of '06. At that time, I
5 had not seen it.

6 Q. So, uh, given that's Dr. Connor's contention of the accounts, so what
7 are you planning on doing with the .357?

8 A. Getting rid of it.

9 Q. Are you aware of the laws - - laws pertaining to transferring firearms
10 across the state lines?

11 A. No, I'm not.

12 Q. Are you trained - - you say you don't have any - - do you know
13 who's going to transport that for you?

14 A. No, I do not.

15 Q. Has the respondent ever allowed the children to shoot the .357
16 magnum?

17 A. I don't know.

18 Q. Do you think a child could shoot that?

19 A. I don't know.

20 Q. So, but other than that, you have absolutely no evidence that the
21 children have fired any real firearm, aside from practicing with maybe
22 a b-b gun?

23 A. I have the multiple statements that Mary has told me and they are
24 things that she could not just come up with on her own, such as lining
25 up cans in your mom's basement and her garage and having to mark -

1 PETITIONER'S WITNESS - MELISSA BREWINGTON (CROSS)

2 - use the mark to line it up with a can and shoot it, and she needed
3 your help to pull the trigger.

4 Q. But nothing - - they've never fired any .357 shotguns - -

5 MS. LOECHEL: I think this has been asked and answered.

6 RESPONDENT: Well, I just - -

7 MS. LOECHEL: She doesn't know.

8 Q. To your knowledge?

9 COURT: Overruled.

10 Q. To your knowledge, have the children ever fired a real firearm that
11 takes a self- - a bullet containing any propellant to fire the gun?

12 A. I don't know.

13 Q. So you don't know? So you don't have any evidence?

14 COURT: Sir, she just said she didn't know. Okay? So,
15 let's ask something else, okay?

16 RESPONDENT: All right.

17 Q. Why won't you allow the respondent to have three overnights in a
18 row with the children on the weekends?

19 A. There's many reasons. Um, one of them being a hygiene issue, when
20 you don't properly give them baths, comb their hair, brush their teeth,
21 because the girls are consistently being returned to me not in - - not
22 having proper hygiene. Also, the manipulative things that you were
23 telling Mary, you not returning my phone calls, not having an idea of
24 when the children are sick enough and need medical attention, um,
25 watching inappropriate movies.