

Blogger convicted of “crossing the line” of free speech, October 6, 2011 in Dearborn County, Indiana, in a trial that included an anonymous jury, ineffective counsel, and potential prosecutorial misconduct.

Dan Brewington was sentenced to 5 years in prison at his sentencing hearing on October 24, 2011. He was convicted of 3 felonies (Intimidation of a Judge, Attempted Obstruction of Justice, Perjury) and 2 misdemeanors. (both for Intimidation) He was found not guilty on a charge of leaking grand jury information. Cause No. 15D02-1103-FD-084. All of the charges stem from his Internet writings. He had no prior criminal record.

All 3 “victims” in this case took no measures to stop Dan Brewington from publishing his website and/or blog on the Internet over the course of 3 years; no protective orders or civil action. Judge James D. Humphrey (a “victim”) even continued to preside over Dan’s divorce case for ten months after, eventually, claiming he was intimidated by Dan’s writings. (A claim that the “victims”, themselves, never brought to Prosecutor F. Aaron Negandard) Judge Humphrey took away Dan’s children on August 18, 2009 citing “courtroom behavior” that didn’t even warrant a contempt charge. Dan had his children equal time, overnight, and equal weekends before this ruling with NO complaints from any person or organization. He followed this schedule for 2 ½ years until Judge Humphrey made his ruling. Judge Humphrey allowed nearly 3 months to elapse, after the divorce hearing, before he made his decision that Dan should be separated from his girls. Dan started telling his story and blogging about the absurdity of the ruling. The ruling went to the Court of Appeals and was upheld with the Court actually COMMENDING the judge on his decision. They ruled panel per curiam and didn’t publish their decision. (Case No.69A05-0909-CV-0542) Never mind that there were 2 little girls who had never been away from their father for more than 4 days at one time and now they have not seen their father for over 2 years. They were 5 and 3 when this happened. The custody evaluator, Dr. Edward J. Connor even testified that instant separation could cause harm to the girls. Now, after blogging his opinions of the judge and the family court system in general, Dan has been convicted of intimidating Judge Humphrey. NEVER was there any contact with the judge or threats made to his, or his family’s personal safety. He has also been convicted of Attempting to Obstruct Justice because he was trying to hold Dr. Edward J. Connor, of Erlanger, Kentucky, the custody evaluator, to his contract that said Dan was entitled to the case file. Dr. Connor had numerous contradictions over two years in different circumstances as to why he would not release the case file. Several times he said he would release the case file or that Dan was entitled to the case file. To this day, no one has seen this case file. Prosecutor Negangard presented Dan’s blogging to be an attempt to get Dr. Connor to not testify in Dan’s divorce trial; a trial that Dr. Connor testified in, and that concluded over a year and a half before the charge of attempting to commit obstruction of justice was even filed.

The Perjury charge stems from Dan “lying” to the grand jury regarding whether or not, he knew Heidi Humphrey was Judge Humphrey’s wife. Heidi Humphrey was listed on the Indiana Supreme Court’s website as being on the Supreme Court Ethics and Professionalism Committee. Dan suggested that people write letters to the Ethics and Professionalism Committee advisor from Dearborn County. He testified before the grand jury that he did not know, for sure, that she was Judge Humphrey’s wife because Dan was not from Dearborn County. She got 3 letters that were professionally written and critical of Judge Humphrey’s decision to remove a loving father from two little girls’ lives. As a result, not only was he convicted of perjury (because Prosecutor Negangard convinced the jury that Dan really did know that Heidi Humphrey was the Judge’s wife), he was also convicted of intimidating her. (Again, no direct contact from Dan and no threats made)

The Release of Grand Jury information was just shuffled over because the Prosecutor had nothing. In his closing arguments Prosecutor Negangard said that, "we really aren't here for that today". He is the one who brought the charge against Dan to the Grand Jury. Dan had written on the Dearborn County Forum that he was going to post information from the Grand Jury. He put a link on the Forum that took people to the dialogue from the scene in "A Few Good Men" when Jack Nicholson was on the stand. Dan just substituted Prosecutor Negangard's name for the character. Obviously Prosecutor F. Aaron Negangard didn't want to discuss this charge.

Dan's bond was set at \$600,000 by Dearborn County Judge Sally Blankenship days before recusing herself because of a conflict of interest. Dan was not represented at the arraignment. Dan had 2 public defenders. The first one (John Watson, appointed by Blankenship) filed an application to reduce bail, TWO MONTHS after the bond was set. The application did not even have Dan's name (it was a woman's name), and added a Schedule C felony, assault with a deadly weapon, not one of Dan's charges. Watson then filed a motion to withdraw. The 2nd judge, Judge John A. Westhafer, from Decatur County, recused himself (because of a 25 year friendship with Judge Humphrey) over a month after he was appointed. The 3rd judge, Brian Hill from Rush County granted Watson's motion to withdraw. The next Public Defender was Bryan Barrett, the Rush County Public Defender. He met with Dan on July 18, 2011 for 1 hour and 15 minutes and never met with him again. He just showed up for hearings on August 17, 2011 didn't talk to Dan and left right after the hearing. That was the bond reduction hearing. The same thing happened with the pre-trial hearing, September 19, 2011. The trial was the same. Dan sent him an email, through us, his family. We sent a certified letter citing names of people that could be used for character and medical witnesses, and Dan requested that his attorney, Bryan E. Barrett subpoena Dr. Edward Connor's case file. The public defender called no witnesses, took no depositions, and subpoenaed nothing.

This case is so extensive and had so much paperwork involved that people are reluctant to take a look. It is such an abuse of power, and so vindictive in nature, that the average person cannot believe it can happen in our country. The jury was provided with close to 2000 pages of discoveries from the Prosecutor. The defense presented nothing. Dan Brewington couldn't take the stand because the public defender Bryan E. Barrett knew so little about the case he wouldn't know what questions to ask. The Prosecutor left no stone unturned including having Dan's ex-wife testify that he would not do the dishes and he was a slob. She testified to how many doctor's visits Dan attended for the girls, how many organized activities he attended, and more in that same line of testimony.

We are trying to make people aware of this ludicrous situation and seek help from the "outside" world.

Thank you for your time,

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