

Timeline -Criminal case – Daniel P. Brewington – Dearborn County, Indiana 11/7/11

Cause No. 15D02-1103-FD-084

Charges - 6 counts in the indictment: (found guilty on 5 counts a-e)

- a. Intimidating Judge James D. Humphrey, Class D Felony;
- b. Intimidating Dr. Edward Connor (Child custody evaluator from Erlanger, Kentucky, (Class A Misdemeanor);
- c. Intimidating Heidi Humphrey,(a member of the Indiana Supreme Court's Ethics and Professionalism Committee and the Judge's wife);
- d. Perjury (for not knowing Heidi Humphrey was the wife of James Humphrey);
- e. Obstruction of justice (for prolonging his divorce case);
- f. Releasing grand jury information (this charge was not pursued by the prosecutor).

#### **BACKGROUND ON DANIEL P. BREWINGTON:**

Brewington has no criminal record. He exercised his First Amendment rights to tell his story on the internet about his divorce. His story can be found on [danhelppskids.com](http://danhelppskids.com) and [danbrewington.blogspot.com](http://danbrewington.blogspot.com)

#### **TIMELINE ON ACTIONS IN HIS CASE:**

**BREWINGTON WAS DIVORCED AUGUST 18, 2009. (Link to the divorce decree & the appellate decision.)**

#### **BREWINGTON CRIMINAL TIMELINE:**

1. Norwood, Ohio Police served a warrant for Daniel P. Brewington at his home, on Monday, March 7, 2011, at 2:30PM and took him to the Hamilton County Justice Center (Cincinnati, Ohio). He stayed there until Wednesday at 2:00PM when he was bailed out for \$1,000.00.
2. On Thursday, March 10, 2011, Ohio attorney Robert G. Kelly spoke to Prosecutor F. Aaron Negangard and told him that Brewington would need a public defender and that Mr. Kelly would like to represent Brewington pro hac vice, since he is not licensed in Indiana. Mr. Kelly said that he would be doing this pro bono.
3. On Friday, March 11, 2011, Brewington surrendered himself to the Dearborn County Law Enforcement Center (DCLEC) at 6:00AM.
4. Brewington's arraignment hearing was at 11:10AM before Judge Sally Blankenship, Dearborn County Superior Court II, who sits on the same bench as Judge Humphrey. Brewington did not have an attorney at the arraignment. Blankenship set bond for Brewington at \$600,000. Brewington has absolutely no criminal history or any history of violence.

5. Sheriff Kreinhop denied Kelly the ability to see Brewington in the Dearborn County Jail because Kelly was not licensed in Indiana.
6. On Thursday, March 17, 2011, 6 days after setting the bond for Brewington, Judge Blankenship wrote to Chief Justice Randall T. Shepard to disqualify herself and asked him to appoint another judge. She also wrote that no judicial officer in Dearborn County should be appointed.
7. Prosecutor Negangard did not disqualify himself from prosecuting the case although
  - a. Brewington's writings about Judge Humphrey and Dr. Connor are intertwined with writings about Negangard and the Dearborn County Prosecutor's office.
  - b. Dr. Connor has served as an expert witness for the Dearborn County Courts and Prosecutor's office.
  - c. Judge Blankenship declared that "no judicial officer in Dearborn County is able to hear this matter to avoid the appearance of bias or prejudice."
  - d. Negangard's testimony is needed to determine the nature of the "attacks" and how it negatively impacted Negangard's ability to prosecute suspected criminals.
  - e. Brewington filed 2 complaints against Negangard with the Indiana Supreme Court Disciplinary Commission, June 2010 and July 2010.
  - f. Negangard named Brewington as a target of a grand jury investigation 5 days after the complaints against him were dismissed. Brewington received a letter from Randall T. Shepard dated February 10, 2011 dismissing his complaints against Negangard and received a Target Notice from Prosecutor Negangard dated February 15, 2011.
  - g. In an email, dated July 12, 2010 sent from his Blackberry, Prosecutor Negangard accused Brewington of "attacking" his office in an attempt by Brewington to get Prosecutor Negangard "not to do his job of prosecuting those who violate the law." This was forwarded to 12 county officials and to Brewington.
  - h. Negangard has administrative control over the Special Crimes Unit, therefore Negangard is the lead investigator and may be required to testify; especially since Negangard received the initial complaint and initiated the investigation.
  - i. Negangard was involved with the investigation by the U.S. Office of Special Counsel after Brewington filed a complaint against former SCU detective Mike Kreinhop for potential Hatch Act violations.
8. Chief Justice Randall T. Shepard appointed Judge John Westhafer of Decatur County.
  - a. Two months after being assigned to the case, Westhafer asked to be disqualified because he is a 25 year friend of Judge Humphrey. Chief Justice Randall T. Shepard appointed a 3<sup>rd</sup> judge.
9. Brewington, while incarcerated, is denied the medication that he has been taking for 9 years for ADHD. He had letters from his doctor and therapist from The Affinity Center in Cincinnati, Ohio.
10. An attorney from Sunman, Indiana, John Watson, was appointed the public defender before Judge Blankenship recused herself. (March 15, 2011)
  - a. Watson filed a bond reduction application, on May 13, 2011; two months and two days after Brewington arrived in jail. The document had 2 serious flaws.
    - (1) The name of the client was incorrect. He had listed a woman's name.
    - (2) He added a Schedule C Felony, battery with a deadly weapon.

- b. Watson filed a Motion to Withdraw on May 23, 2011 because Watson had active cases in front of Judge Humphrey. Watson originally indicated that he would be willing to sponsor Mr. Kelly pro hac vice. Mr. Kelly wrote the public defender a letter indicating what he thought should be done by now. The public defender responded and then filed his motion to withdraw.
- c. The public defender gave Sue Brewington, Dan's mother, the discoveries that he received from the prosecutor. This consisted of about 1400 pages of Brewington's internet postings on his blog and websites. Watson gave Brewington a copy of Detective Michael Kreinhop's report on his investigation on May 24, 2011. Kreinhop wrote the report on October 28, 2009. Watson also gave Brewington a list of witnesses.
  - (1). Sheriff Michael Kreinhop
  - (2). Dr. Ed Connor
  - (3) Judge James D. Humphrey
  - (4) Heidi Humphrey
  - (5) Attorney Angela Loechel
  - (6) Melissa Brewington
- 11. Judge James D. Humphrey remained as the Judge of record from August 24, 2009 until June 9, 2010 on Brewington's divorce case, ruling on motions and setting hearings even though he was intimidated and felt his family was intimidated by Brewington's writings. Brewington never had any contact whatsoever with the Judge or his family.
- 12. Chief Justice Randall T. Shepard appointed Judge Brian D. Hill from Rush County, as the 3<sup>rd</sup> judge in Brewington's case. Judge Hill set a hearing for June 17, 2011 to rule on the public defender's Motion to Withdraw. Judge Hill set 2 new dates for hearings: pre-trial, trial. He also said he would appoint another public defender.
- 13. The new public defender was appointed June 20, 2011. His name is Bryan E. Barrett and he is the public defender for Rush County. July 18, 2011, was the first and only time he visited Brewington at the jail, until after the trial. Brewington would never have known that a public defender had been appointed if Sue Brewington had not checked the computer in the Dearborn County Clerk's office.
- 14. On June 29, 2011 Prosecutor Negangard filed additional Supplemental Discovery Answers indicating that the Transcript of the Grand Jury proceedings has been emailed to public defender #2.
- 15. Brewington had no opportunity to subpoena or depose witnesses for his bond hearing or his trial. Brewington has been in jail on excessive bail for 4 months and has not seen an attorney from May 24, 2011 until July 18, 2011 and never met with an attorney after that date until each time he had to go to court. Brewington does not have any idea of the evidence against him except for 3 binders full of his own blog and website postings, Kreinhop's report and the witness list.
- 16. Brewington continues to post on his blog, [danbrewington.blogspot.com](http://danbrewington.blogspot.com)

17. Tuesday, July 19, 2011, Sue Brewington checked the clerk's office and an appearance had been filed Monday, July 18, 2011 by Bryan E. Barrett.
  - a. Matthew Brewington and Sue Brewington spoke to Mr. Barrett after the July 18, 2011 hearing. Barrett saw the material that Brewington had put together, 8 binders of information that Brewington used when he testified before the grand jury, Barrett gave Sue Brewington 2 phone numbers and 2 emails for contact purposes but he never returned any calls or responded to any emails. Sue Brewington called Barrett several times, emailed him, and sent 2 certified letters that were signed for but she got no response.
  - b. Brewington called Barrett's office from jail and they would not pick up. (he was not calling collect)
  - c. A Bond Reduction hearing has been scheduled for August 3, 2011 but was later vacated.
18. Brewington had only talked to Mr. Barrett 1 time since July 18, 2011 and that was because Brewington kept calling the public defender's office until he picked up. A rational call from Mr. Barrett to explain that he had a family emergency would have been a courtesy.
19. On August 1, 2011, after not hearing from Mr. Barrett since seeing him at the July 18, 2011 hearing, Sue Brewington emailed Barrett. Sue Brewington told Barrett that Brewington did not want a continuance, that Brewington had a lot of information and people that could be subpoenaed to testify as character and medical witnesses. Sue Brewington told Barrett that Brewington needed to talk to him that day and sent Barrett her cell phone number again. Brewington had signed papers so Mr. Barrett could discuss his case with his Ohio attorney Robert G. Kelly and Sue Brewington.
20. On August 2, 2011 Sue Brewington received a call from Mr. Barrett's investigator, Justin Kerr, (not an attorney). Kerr told Sue Brewington there would be no bond hearing because Mr. Barrett had a family emergency.
21. Kerr wanted Brewington to continue his trial and Kerr said that Brewington had to decide today, Aug. 2, 2011, whether to continue the trial or not.
22. Brewington did not want to continue his trial because he was concerned about the speedy trial rights.
23. The trial was scheduled for Tuesday, August 16, 2011 at 8:30.
24. Brewington had to file a Motion to Vacate Hearing. This pertained to the Bond Reduction Hearing that was scheduled for August 3, 2011.
  - a. The judge did this because the public defender was out of town on a personal matter.
  - b. Then the judge said that since the trial is set for August 16, 2011 there is no need for a bond reduction hearing.
  - c. An order vacating the hearing was also filed on August 4, 2011.
25. On Monday August 8, 2011 Attorney Robert G. Kelly from Norwood, Ohio became licensed to practice in the United States District Court Southern District of Indiana. He took his oath of office

in Indianapolis and went straight to Dearborn County Law Enforcement Center to see Brewington. After almost 5 months Mr. Kelly could finally see Brewington under attorney-client privilege.

26. On Tuesday, August 9, 2011 Mr. Kelly filed a Writ of Habeas Corpus with the United States District Court Southern District of Indiana.
27. On August 9, 2011 Deputy Prosecutor, M. Joseph Kisor filed a Motion for Confidentiality of Juror's Names and Identities.
  - a. Alleging Brewington has previously attempted to interfere with the judicial process, including continuous and long-term harassment of witnesses, judges, and attorneys involved;
  - b. Brewington has previously made threats against witnesses, judges, and attorneys involved in the current court proceedings.
  - c. Juror's safety would be jeopardized...
  - d. To support his argument Prosecutor Negangard uses the case of Carl A. Major vs. State of Indiana, 873 N.E. 2d 1120 (Ind. Ct. App. 2007). This case involved the shooting of 5 people, 3 died and they were executed organized crime style, 3 shots to the back of the head.
28. On August 11, 2011 there is an Order Vacating Jury Trial because the public defender had a family emergency, which he truly did, and Judge Brian D. Hill wanted to make sure the Brewington would get his right of effective assistance of counsel at trial.
29. As part of the above order, Judge Brian D. Hill also set a Bond Reduction Hearing for Wednesday, August 17, 2011 at 10:00AM.
30. On Friday, August 12, 2011 Bryan E. Barrett called Sue Brewington in a 1 minute 17 second phone conversation to tell Sue Brewington the trial had been vacated and that a bond reduction hearing was to be set for August 17, 2011 and Barrett would be there.
31. No communication with Barrett until August 17, 2011.
32. Bond Hearing – Wednesday, August 17, 2011
  - a. Brewington came in with help from a CO trying to carry all of his documents because he didn't know what counsel would want or what he intended to do.
  - b. Barrett never talked to Brewington before the hearing began.
  - c. Barrett pointed out that, Brewington had no criminal record, had ties to the community, was not a flight risk, had no passport, and would get a psychological evaluation by a court recommended mental health expert. Brewington could only afford \$1000.00.
  - d. Barrett had no witnesses to call for Brewington. No character or mental health witnesses. They would have been available if called.
  - e. Negangard calls Det. Shane McHenry to the stand.
    - (1). He testified that they have a recorded interview with someone who was in Hamilton County Justice Center when Brewington was there. The man's name is Keith L Jones. The Cincinnati Police got a crimestoppers call (they are all anonymous) with a story that someone in jail was trying to hire a person to do a drive by on a judge.
    - (2). that someone was "allegedly" Brewington.

- (3). The man supposedly had details so you would know that he talked to Brewington, or overheard Brewington talking to someone, or talked to someone who talked to Brewington.
- (4). Keith L. Jones supposedly said he knew someone and gave Brewington 2 phone numbers.
- (5). the police checked one number and the person had never heard of Dan Brewington.
- (6). they gave the recording to the judge, as an exhibit.
- (7). Keith L. Jones has a criminal record pages long covering 2 counties in Ohio; Hamilton and Franklin and the Federal Courts.
- (8). Keith L. Jones is an informant for the police.
- (9). Cincinnati Police didn't pursue this further.
- (10). The ATF officer didn't pursue this further.
- (11). The Hamilton County Prosecutor didn't file charges.
- (12). The Dearborn County Sheriff formed a protective unit around the clock for Judge Humphrey and his family, from March 11, 2011 through March 18, 2011.
- (13). during this time Brewington was in custody in the Dearborn Jail but the sheriff didn't interrogate him. They just decided to listen in to all of his conversations for a week. They didn't hear anything about a drive by.
- (13a) Prosecutor Negangard didn't charge Brewington with attempting to assassinate a sitting judge.
- (14). F. Aaron Negangard offered Brewington a plea bargain in May 2011 through public defender #1, John Watson. It was time served.
- (15). Negangard used the Keith L. Jones issue at the Bond Hearing to try to promote his argument that Brewington is dangerous.
- (16). For unofficial minutes to this hearing see  
<http://dearborncounty.blogspot.com/2011/08/17-august-2011-Brewington-brewington-bond.html>

- 33. The Keith L. Jones story that never made it to the official record in Brewington's case.
  - a. The Hamilton County Justice Center (Cincinnati, Ohio) keeps a Movement Log on all inmates at their facility. The Movement logs for Keith Jones and Brewington show that the two inmates never came in contact with each other.
  - b. Keith Jones is a career criminal. We got certified copies of his cases from 1991 to the present from the Franklin County Courthouse in Columbus, Ohio.
  - c. Keith Jones also served time in federal prison.
  - d. Keith Jones wrote a letter to Judge Beatty (Franklin County, Ohio) In it he claims that he helped with 10 cases, 5 of them were murder cases, and the most current case that he was working on was with the feds on an attempted assassination of a judge case. The judge revoked his probation anyway and he is serving 10 years in Ohio.
- 34. Order Denying Bond Reduction – filed August 23, 2011.
  - a. State presented evidence that Brewington has a history of refusing to follow court orders and disdain for authority of the court.
    - (1). Negangard made a point that Brewington didn't have the court ordered mental health exam and Brewington's attorney made no attempt to ask Brewington what he had done.
    - (2). Negangard made a point that Brewington had not paid his ex \$122,000 that he was ordered to pay to her immediately. Note: Brewington has a public defender because he has no money.

- (3). Brewington has not paid Angela Loechel the \$40,000 the court ruled he owed her.
- (4). the first 3 all pertain to Brewington's divorce decree filed August 18, 2009.
- (5). He is current with child support payments, has never missed a payment, or been more than 2 days late through October 20, 2011.
- (7). the state also presented evidence that since his arrest, Brewington may have contemplated violence towards at least one alleged victim in this case. See testimony of Det. Shane McHenry.
- (8). the court concurs with Judge Blankenship's Bond. If Blankenship knew about the "alleged" drive by she didn't mention it.

35. Order to Release Grand Jury Exhibits – Filed August 23, 2011.

43. There is an order that sets the Jury Trial for October 3, 2011 and the pretrial for September 19, 2011. There is a deadline for witness lists and subpoenas. Brewington called his public defender on Friday, September 2, 2011 but didn't get any idea of his "plan". As far as Brewington knows there have been no witness lists filed and no subpoenas issued for any support for Brewington. Witness lists have been emailed to Mr. Barrett and sent to him via certified mail.

44. September 19, 2011 Pre-trial hearing.

- a. Barrett still has not contacted Brewington.
- b. Judge Brian D. Hill, F. Aaron Negangard, and Bryan E. Barrett met for ½ hour in judge's chambers for a discussion.
- c. The grand jury transcript was to be made available to Brewington by the end of the day, Monday, September 19, 2011. Brewington did not get this transcript until the following Friday, September 23, 2011. Judge Hill said 2 weeks would be enough to review the transcripts. It turned out to be 10 days. Barrett got the transcript disc July 18, 2011.
- d. The Motion for Confidentiality of Jurors names filed by Negangard was not opposed by Barrett but Brewington did object and was allowed to say that there is a lack of evidence that he poses a threat to anyone. Judge Hill said Brewington had a history of exposing private information and so he granted confidentiality for the names and identities of the jurors. Memorandum in support thereof, Joe Kisor, Deputy Prosecutor, attached *Major v. State* 873 N.E. 2d 1120 (Ind. Ct. App. 2007). This was filed on August 6, 2011.
- e. Summons for the jurors will go out today. 40 will be called in the AM and 40 in the PM, if necessary.
- f. Both attorneys agreed to the other sides' Motion in Limine. Brewington asked Barrett what was in the prosecutor's motion in limine and Barrett responded that he just got a copy today and will get it to Brewington. The reason he just got it "today" is because the Prosecutor filed it "today", September 19, 2011.
  - (1) Barrett waived Brewington's right to talk about his medicine situation regarding his Ritalin dose.
  - (2) Brewington was also not going to be allowed to raise the Keith Jones "drive-by" issue.
- g. Brewington asked to speak. Judge Hill allowed it.
  - (1). Brewington had received no explanation of his alleged crimes.
  - (2). Brewington has had less than 2 hours total with 2 public defenders to prepare for trial.
  - (3). There have been no efforts to approach getting witnesses for his defense.
  - (4). Barrett was not even meeting or getting information from Sue Brewington.
  - (5). Brewington had not been given any exhibits during court proceedings.

- (6). There has been no attempt to defend him against the Keith Jones allegations.
- (7). No first amendment or mental health expert, nor Brewington's mental health providers have been subpoenaed.
- (8). Edward J. Connor's case file has not been subpoenaed.
- (9). There have been no depositions of state witnesses.
- (10). There has not been a motion to dismiss, filed
- (11). Brewington has had no indication as to the strategy for his defense.

h. Judge Hill asked what relief he was seeking

- (1). Brewington said a continuance based on the lack of time spent with his public defender.
- (2). Brewington said "I have been prohibited from playing any role in my defense." There is no way there is time to properly prepare for the defense. There has been little to no communication between me and Mr. Barrett. I do not know what the defense is. I don't even know the basis of the charges in the grand jury transcripts.
- (3). Brewington said you can check the DCLEC phone and visit records and they will document that I have had little to no contact with a public defender.
- (4). The Judge said "last month" you were adamant about not having a continuance. I don't believe there is anything in the official record about being "adamant" about no continuance.
- (5). Brewington did want a speedy trial but he assumed he would have some contact with his public defender before the scheduled trial.
- (6). Judge Brian D. Hill denied the motion for a continuance.
- (7). Brewington asked, through his attorney, to have his handwritten statement be made part of the public record. No objections from counsel. Judge Hill approved. The handwritten statement was admitted to the record.
- (8). Court ended at 2:00PM.
- (9). Barrett then said to Brewington that he would see him at the end of the week. He didn't see or talk to him again until Monday morning, October 3, 2011 when jury selection began.

45. Documents Filed by the Prosecution

- a. Supplemental Discovery Answer, filed September 26, 2011 – New Witness: Anne Jordan  
Indiana Judicial Center, 30 South Meridian St., Suite 900, Indianapolis, IN 46204
- b. Supplemental Discovery Answer
  - (1). There are 51 certified documents listed.
  - (2). Sent to the public defender, Bryan E. Barrett on September 30, 2011.
  - (3). Brewington received a copy in the DCLEC on Sunday, October 16, 2011. His trial was over Thursday, October 6, 2011. Brewington has never seen any of these submitted documents.
- c. Supplemental Discovery Answer
  - (1). Notification to Judge James D. Humphrey of receiving "Outstanding Judge Award".
  - (2). Letter attached. It was bestowed by the Indiana State Bar Association's Young Lawyers Section.

46. Trial begins – Monday, October 3, 2011

- a. Brewington submitted 3 motions the morning of the trial.
  - (1). Motion to Dismiss for Ineffective Assistance of Counsel, Filed by defense, Pro Se
  - (2). Motion to Disqualify F. Aaron Negangard and Appointment of a Special Prosecutor  
File by defense, Pro Se



(3). Motion to Dismiss, Filed by defense, Pro Se

47. All Motions denied.

48. Jury Selection begins. All the bookkeeping chores and they got 6 people and 1 alternate and were ready to go about 1:30. The Jury was identified only by number. The theme for all of the witnesses: Brewington called people bad names on his blog, Brewington was unrelenting in trying to get the custody evaluation case file. He pursued Dr. Connor by filing complaints with the KY Bd. of Examiners of Psychology and the Children's Home in Northern Kentucky. The Connor's and the Humphreys claimed they had to greatly alter their lives because of Brewington's blogging on the internet. Dr. Connor broke down in tears when he said that he had to tell his children about Brewington. Brewington had never threatened anyone's children. The Humphrey family was also afraid. They had to install an alarm system and get a gun repaired so that it was in working order. She is still looking over her shoulder all the time. Every time they were asked by Barrett, they said Brewington had never called their houses, emailed them, drove by their houses, and never been spotted anywhere that he should not have been. All of their "fears" came from the blog and website. One of the oddest questions was why these people put up with living in such "fear" all of these years without filing for any restraining orders, without suing Brewington. They took no civil action what so ever. They didn't even approach Prosecutor Negangard with these charges. When Judge Humphrey had the opportunity to make Brewington take down his internet content in May of 2009, he did not do it because of 1<sup>st</sup> amendment rights, according to Judge Humphrey's testimony. They just lived in "fear". Angela Loechel, Dan's ex-wife's divorce attorney testified. She was the person who brought the concern to the prosecutor on Aug. 24, 2009. Melissa Brewington testified that Dan never did the dishes and was a slob. She was sure he needed help. Sheriff Kreinhop went through blogs and posts from Dan for over 3 hours. Reading what Prosecutor Negangard asked him to read. Negangard always made sure Sheriff Kreinhop did not read too far.

49. The sentencing hearing.

a. Sheriff Kreinhop – Brewington was still blogging.

b. Dr. Edward J. Connor – Brewington had caused them to suffer for over 4 years by blogging about Dr. Connor in very unflattering terms. Dr. Connor accepted no responsibility for not doing anything about Brewington's blogging and his fear. He said Brewington tried to damage his reputation and his career. You are paranoid but you know the difference between right and wrong. We need to send a precedent here about internet stalking. The Courts will not have assistance or citizens to help as they will fear internet retaliation. He said even Brewington's family supports him in his delusional thinking. He said Brewington needed prison time.

c. Dr. Sara Jones-Connor – didn't have prepared statements but said about the same thing. Their lives were altered greatly; they had to tell their children to look out for this man. This is not about free speech; this is about threats and intimidation.

d. Heidi Humphrey – She still is looking over her shoulder. He should stay in jail.

e. James D. Humphrey – Brewington must have more time in jail because of the pain he caused his family by causing them to live in fear of Brewington. This is not about first amendment

rights, but a disturbed person. He has not taken his own kids into consideration. Humphrey praised Judge Hill for taking the case and also the public defender and Negangard for their roles in the case. You will probably be the next target. My wife and I have been targeted in a ridiculous federal lawsuit. Humphrey said this is not a banana republic where judges can be intimidated. We will not be bullied or intimidated by you. Probation will just be a new target of intimidation (if he were to get that).

f. Joseph Kevin McCaleb- Brewington's cellmate for the past 2 ½ months. He had written a letter to Prosecutor Negangard on September 25, 2011, asking for confidentiality, claiming that Brewington had told him about fantasies about following Judge Humphrey home, killing him with his 357 and dropping him in the Ohio River with concrete. Prosecutor Negangard had this before the trial but didn't act on it. He saved it for a time when Brewington would not be prepared to refute this man's statement. Joseph McCaleb even said he had changed his mind and decided that Brewington was not capable of these things. When asked why he changed his mind he said it was because of getting to know Brewington, the way Brewington was with the pictures of his girls, and how he was with his family.

g. Brewington said that he vigorously challenged the legal system. If he felt the activities violated laws I would not have done that. He thought the issues were civil, not criminal. He submitted information to show that he had contacted and seen a psychiatrist, Dr. Henry Waite. Humphrey recused himself 5 days before a scheduled hearing to decide if Dr. Henry Waite was acceptable to the court.(June, 2010) Brewington submitted 4 letters of character references from people who knew Brewington. The final exhibit Brewington wanted to submit was a picture of Brewington and his girls. His voice broke and Barrett helped to fill in the questions. He told the court he was almost 38 and except for a DUI in 1996 he had no criminal record. I didn't know this was against the law. No one told me to stop by filing restraining orders or filing civil actions. Vigorous criticism by citizens is allowed. My speech was harsh but not malicious in terms of violating the law. I did not threaten public safety. I accept the punishment I get – under no circumstances did I knowingly commit a crime. I thought it was free speech.

h. Prosecutor F. Aaron Negangard – Closing arguments.

Charges go to 9 – 10 years maximum. Melissa and Judge Humphrey **suggested** that he stop. He has not paid any sums ordered except child support. He shows his disdain for authority. To this day he has not done what was ordered by the court. (in his divorce). There is psychological evidence for years now Brewington has paranoia and delusions and has yet to be evaluated to shed light on who he is or what makes him tick. Mr. Brewington has attempted to affect the outcome of the judicial process. He's proud that he hasn't turned over the handgun to his wife. (another divorce issue). There is no point in probation. It would just be more letters and targets. We need to protect the judicial system. We need a sentence to send a message. Connor and others won't testify in court if they fear internet harassment. There is a shortage of doctors willing to testify across the state. When witnesses won't testify, that will cause the republic to fall. In blogging, the intent was no longer to stimulate public discourse. Hold him accountable for his attacks on the judicial system. He is not deserving of mercy. Melissa(ex-wife) thought it would be a good thing if he'd address his problems. Brewington could be wrong and he needs to be fixed.

- i. Barrett's Closing -Discussed aggravating and mitigating circumstances. He asked for time served.
- j. Judge Hill – found that Brewington did plan to harm them based on his voluminous amounts published. He said the circumstances are likely to reoccur as he still intends to write, even if it is not criminal. He referred to the judge in derogatory terms as often as possible in his posting about son of a bitch vs. child abuser. The probation issue is not a reasonable solution. Hill said there was significant harm done to people. There were ongoing comments and threat after threat for years. (What were the threats?) You twist the facts to manipulate the justice system to make yourself out to be the victim. Hill used IC 35-50-1-2 regarding consecutive and concurrent terms regarding offenses closely related in time and circumstance. He found that the perjury was separate from the other four charges. He sentenced Brewington to 5 years with 231 days credit and 231 days good time credit. Hill said there was 30 days from today to file a motion to appeal. Brewington said that he intended to appeal and asked for a public defender. Barrett suggested it be someone besides him, but that he has the motion for appeal ready to file.

Court adjourned at 4:00PM.

Compiled by Sue Brewington

[sbrewington@cinci.rr.com](mailto:sbrewington@cinci.rr.com) All of the documents involved in these 2 cases can be found online.

[contactdanbrewington@gmail.com](mailto:contactdanbrewington@gmail.com)