

1 subpoena for...

2 DAN: No it wasn't a threat. I said that I just put it up front

3 that because what happens is, you don't want to get

4 in a situation where you pay money and put your

5 daughters in treatment and then you have to take

6 them out because somebody doesn't want to get

7 involved in a court case. It involves psychologists.

8 MR. NEGANGARD: Well wouldn't there just be an important aspect of

9 just having your child treated? Wouldn't that have

10 been important -- just having them treated without

11 having to worry about how it would apply in the

12 court case?

13 DAN: Well the problem is...

14 MR. NEGANGARD: ...you already had a decision in the court case that

15 said...

16 DAN: ...the problem is, I didn't threaten him with any

17 kind of legal action or anything, I just said that...

18 MR. NEGANGARD: ...you said that he was going to have to come and

19 testify if he treated your child.

20 DAN: Yell and so because I said that...

21 MR. NEGANGARD: So because he didn't treat your child.

22 DAN: Yell. Because I said that, he said that he wasn't

23 going to treat my child.

24 MR. NEGANGARD: Then after Dr. Dillon started seeing your wife, you

25 threatened him as well. Correct?

1     DAN:                                 No. I didn't threaten him.

2     MR. NEGANGARD:                 You tried to get in to see him.

3     DAN:                                 Because my wife, my ex-wife gave me the number.

4   She said she didn't know if he would see me or not.

5   So I called.

6     MR. NEGANGARD:                 So you tried to get in to see him?

7     DAN:                                 Yell because she gave me the number...

8     MR. NEGANGARD:                 ...then you said you came in to see...

9     DAN:                                 ...she saw my previous therapist of mine from the

10   Affinity Center.

11    MR. NEGANGARD:                 And you tried to get in to see Dr. Malowski as well.

12   Correct?

13    DAN:                                 No I didn't try to get in to see him. I mean I got all

14   the paperwork.

15    MR. NEGANGARD:                 You tried to get in to see Mary Beth Polluck.

16    DAN:                                 No. I said that was before the marriage.

17    MR. NEGANGARD:                 Before her?

18    DAN:                                 I was trying to save my marriage.

19    MR. NEGANGARD:                 Yell and you tried to get in to see her.

20    DAN:                                 I was just trying to save my marriage.

21    MR. NEGANGARD:                 Well she was seeing her to try to save the marriage.

22   She didn't ask you to see her, did she?

23    DAN:                                 Well that's the thing. Yell she saw my...

24    MR. NEGANGARD:                 Why would you be concerned about what she was

25   saying to a therapist? Why couldn't she say that

1 and you just stay out of it?

2 DAN: Well she could.

3 MR. NEGANGARD: No but you wouldn't let it go. Would you?

4 DAN: That's fine.

5 MR. NEGANGARD: You went and harassed Mary Beth Polluck. You

6 tried to schedule to see her...

7 DAN: Did I harass her?

8 MR. NEGANGARD: Well you tried to schedule to see her. Correct?

9 DAN: Did I harass her?

10 MR. NEGANGARD: You tried to...

11 DAN: Did I harass her?

12 MR. NEGANGARD: ...you tried to get in to see her.

13 DAN: No, you're just making that up now. I didn't harass

14 her.

15 MR. NEGANGARD: You tried to get in to see her. Didn't you?

16 DAN: Yell but that's different from harassing.

17 MR. NEGANGARD: No it's not different from harassing.

18 DAN: If I call a doctor to send a letter...

19 MR. NEGANGARD: Well I view that as harassing.

20 DAN: So I harassed Mary Jo Polluck because I sent her a

21 letter?

22 MR. NEGANGARD: Yell because you didn't need to see her.

23 DAN: Okay so your information...

24 MR. NEGANGARD: That's the whole point. You uh, I mean this is the

25 whole problem. It is never your fault.

1 DAN: But, but, when was that?

2 MR. NEGANGARD: It was never your fault.

3 DAN: All I wanted was information and I was...

4 MR. NEGANGARD: That's what you use as your excuse all the time.

5 DAN: Well I still don't have the information.

6 MR. NEGANGARD: Okay.

7 DAN: Well that's fine because I still got the you know, the

8 U.S. Supreme Court and I have every option to use

9 that.

10 MR. NEGANGARD: Okay, we'll see how that goes over.

11 DAN: Yell we'll see how that goes - yell, be smug about it

12 because that's what you people do.

13 MR. NEGANGARD: I'm just amazed.

14 DAN: So am I

15 MR. NEGANGARD: Um, alright, so now um...

16 DAN: ...because everything that you've covered so far is

17 you know, is freedom of speech and...

18 MR. NEGANGARD: Well we'll see.

19 DAN: Yell.

20 MR. NEGANGARD: Um, it said here in the findings, let's go through the

21 findings of the court. Again you referred to Judge

22 Humphrey as a child abuser. Correct?

23 DAN: Yell.

24 MR. NEGANGARD: How does he abuse children?

25 DAN: Dr. Conner testified that if the children were

1 abruptly removed from either parent that uh, that it  
2 would, that it could cause emotional damage. Judge  
3 Humphrey terminated the parenting time – all  
4 parenting time – no supervised visitation.  
5 MR. NEGANGARD: He didn't terminate the parental time.  
6 DAN: Okay, he did it, I couldn't get...  
7 MR. NEGANGARD: You say that in all your proceedings but that's not  
8 what he did.  
9 DAN: Yes, I could not get an evaluator approved until...  
10 MR. NEGANGARD: You didn't try.  
11 DAN: Yes I did.  
12 MR. NEGANGARD: No you didn't.  
13 DAN: Yes I did.  
14 MR. NEGANGARD: Who did you contact then on August 23<sup>rd</sup>?  
15 DAN: August 23<sup>rd</sup>?  
16 MR. NEGANGARD: Mm hmm.  
17 DAN: Well I had phone contact with him then.  
18 MR. NEGANGARD: Who did you contact on August 24<sup>th</sup>?  
19 DAN: 24<sup>th</sup>, hold on, I probably got it written down here.  
20 2009?  
21 MR. NEGANGARD: 2000 uh, yell 2009.  
22 DAN: I don't know who I contacted. I contacted different  
23 kind of, oh, I sent those letters to Jeff Rullman or I  
24 copied it to...  
25 MR. NEGANGARD: No I mean who did you contact to get this

1 evaluation done?

2 DAN: Oh, the evaluation done?

3 MR. NEGANGARD: Yell.

4 DAN: I had the evaluation. I had an evaluation in

5 September.

6 MR. NEGANGARD: Who, by who?

7 DAN: By Dr. uh, by Dr. Henry Waite.

8 MR. NEGANGARD: Was he approved by the Court?

9 DAN: No, because I couldn't get it approved by the Court

10 because Judge Humphrey said he didn't have

11 jurisdiction on the case any more.

12 MR. NEGANGARD: Do you have that evaluation with you?

13 DAN: No. I don't have that one with me.

14 MR. NEGANGARD: You don't have the one from Dr. Henry Waite?

15 DAN: No, no.

16 MR. NEGANGARD: Why not?

17 DAN: I met with him four (4) times and he...

18 MR. NEGANGARD: What dates did you meet with him?

19 DAN: Uh, it was in, I don't know the exact dates off hand.

20 It was in September.

21 MR. NEGANGARD: September when?

22 DAN: Uh, in the latter part of September, early October

23 2009.

24 MR. NEGANGARD: Alright, so you brought boxes of stuff. You didn't

25 happen to bring your evaluation of Dr. Henry

1 Waite?

2 DAN: No.

3 MR. NEGANGARD: *Did you get an evaluation done by Dr. Henry*

4 *Waite?*

5 DAN: No, I don't have the paper.

6 MR. NEGANGARD: Oh wait a minute, you didn't? Now wait a minute.

7 DAN: No.

8 MR. NEGANGARD: You said you got an evaluation done and now you

9 say you don't...

10 DAN: ...no I wasn't evaluated by Dr. Henry Waite. I met

11 with him four (4) times.

12 MR. NEGANGARD: Oh. Oh yell.

13 DAN: Okay (inaudible).

14 MR. NEGANGARD: I mean you say one thing and then you mean

15 another.

16 DAN: If you want to go for indictment, that's fine, I'll

17 bring him to court but I got credit card receipts.

18 I've got billing statements.

19 MR. NEGANGARD: Did you get an evaluation from Dr. Henry Waite?

20 DAN: I was evaluated by him. He's waiting for the Court

21 before he, to know what he needed to do for the

22 evaluation report.

23 MR. NEGANGARD: Did you get an evaluation?

24 DAN: I...

25 MR. NEGANGARD: Did you file any document um, you filed a number

1 of documents after the decree, but did you file  
2 anything in there about seeing Dr. Henry Waite?  
3 DAN: I didn't see him until September.  
4 MR. NEGANGARD: You filed a number of documents since that time.  
5 DAN: Yell.  
6 MR. NEGANGARD: Did you ever mention that you had an evaluation by  
7 Dr. Henry Waite?  
8 DAN: Well I didn't see the evaluation from Dr. Henry  
9 Waite until after September.  
10 MR. NEGANGARD: You didn't mention in any document, in any  
11 document...  
12 DAN: No.  
13 MR. NEGANGARD: ...you didn't mention it.  
14 DAN: So I went a month without, you know...  
15 MR. NEGANGARD: ...no after September 2009, you filed legal  
16 documents. Correct?  
17 DAN: Yell contempt charge.  
18 MR. NEGANGARD: Did you mention that you got evaluated by Dr.  
19 Henry Waite?  
20 DAN: Well, I, in, in, on, on, uh, it was...  
21 MR. NEGANGARD: Did you mention it ever?  
22 DAN: ...on October 13<sup>th</sup>, October 13<sup>th</sup>, well I was going to  
23 uh, present something in Court because I had a court  
24 hearing.  
25 MR. NEGANGARD: When did you ever mention that you had been



1 evaluated by Dr. Henry Waite?

2 DAN: January 1<sup>st</sup> or January not 1<sup>st</sup> but 30, or January 28<sup>th</sup>,  
3 something like that.

4 MR. NEGANGARD: Of 2011?

5 DAN: No of 2010. I uh, I filed something to have like  
6 records sent to Dr. Henry Waite so he could  
7 evaluate me. But Judge...

8 MR. NEGANGARD: I thought he had done the evaluation in September.

9 DAN: He did but he needed to review records. He needed  
10 to see something from the courts because otherwise  
11 he could just, it would be just be my word.

12 MR. NEGANGARD: Do you got that?

13 DAN: What's that? The motion?

14 MR. NEGANGARD: Yell.

15 DAN: Uh, I do need that. I don't have a whole lot of  
16 copies of that. It was January 19<sup>th</sup>.

17 MR. NEGANGARD: You didn't ask if you could be evaluated by Dr.  
18 Waite. Did you?

19 DAN: I said to have the records released to him.

20 MR. NEGANGARD: No again it was about that custody evaluation case  
21 file that you were obsessed about. Correct?

22 DAN: Well I need that one. I do need a copy of that.

23 MR. NEGANGARD: Okay.

24 DAN: Yell it's a file stamped copy.

25 MR. NEGANGARD: We'll get you a copy of that. Again you didn't

1 mention that he was going to do an evaluation. You  
2 said you wanted the case file released to Dr. Henry  
3 Waite. Correct? That was that case file that you  
4 were obsessed about all the time.

5 DAN: It says...this is just a short copy without the  
6 exhibits.

7 MR. NEGANGARD: Okay.

8 DAN: It says necessary for Dr. Conner to have access to  
9 all, to the information in the child custody  
10 evaluation case file is determined the Respondent  
11 presents a potential danger to the children,  
12 (indiscernible). Dr. Waites (indiscernible) the  
13 information, the evaluation case file from Dr.  
14 Conner says this can provide crucial information to  
15 Dr. Conner (indiscernible) therapeutic and/or  
16 medicinal treatment, or medicinal treatment  
17 recommendation is for Respondent. Dr. Waite will  
18 be able to review Dr. Conner's concerns for  
19 children regarding Respondent's prescription and  
20 make necessary adjustments to Respondent's  
21 current Ritalin prescription if necessary.

22 MR. NEGANGARD: Who does Dr. Henry Waite work for?

23 DAN: Um, he works, he's in private practice.

24 MR. NEGANGARD: Is he employed by the Affinity Center?

25 DAN: No. Well, he works part-time I guess now, but I've

1 never been treated by him.

2 MR. NEGANGARD: So again you didn't mention in there that he was

3 doing your evaluation pursuant to this judgment.

4 You didn't mention that in there. You mentioned

5 that you wanted that elusive case file. Correct?

6 DAN: Well, if, if...

7 MR. NEGANGARD: You wanted...

8 DAN: ...well...

9 MR. NEGANGARD: ...you just came up with another reason for

10 wanting...

11 DAN: ...okay, here's...

12 MR. NEGANGARD: ...the elusive case file. You never once said Dr.

13 Henry Waite...

14 DAN: ...how can I...

15 MR. NEGANGARD: ...was conducting an evaluation.

16 DAN: ...defend myself as a capable parent if the thing I'm

17 defending myself against, might not even exist.

18 MR. NEGANGARD: What are you talking about?

19 DAN: The case file. It said, the Appellate Court said I was

20 given everything provided, as provided by statute.

21 It's impossible to determine that because Judge

22 Humphrey didn't view the case file under camera or

23 anything. I wasn't given the whole case file so how

24 in the world can they establish that I was given the

25 whole case file, if, or I was given everything that I

1 was entitled to if nobody knew what was in it.

2 MR. NEGANGARD: So...

3 DAN: So what the thing is, if I want, if they wanted to

4 determine if I'm safe, which there's nothing to say

5 that I was a bad parent and Dr. Conner

6 recommended that I should be able to watch the

7 children three (3) days a week, there's nothing to

8 say that I shouldn't be a parent and it's all in Dr.

9 Conner's case file, why should Dr. Waite...

10 MR. NEGANGARD: And all you had to do was get a custody evaluation.

11 DAN: What's that?

12 MR. NEGANGARD: All you had to do was get an evaluation by a doctor

13 or a psychologist.

14 DAN: Yell.

15 MR. NEGANGARD: That's all you had to do.

16 DAN: But the thing is, if he doesn't have...

17 MR. NEGANGARD: That's all you had to do.

18 DAN: But yell that's fine...

19 MR. NEGANGARD: The last two (2) years, that's all you had to do.

20 DAN: ...but you know how that is, if you had, well...

21 MR. NEGANGARD: That's all you had to do.

22 DAN: Can I break it down then for you? How the thing

23 went? Because I guess maybe you or somebody

24 went to Judge Humphrey five (5) days before my

25 hearing and had my, so uh, he recused himself five

1 (5) days before the hearing on Dr. Waite. My  
2 attorney then filed another motion uh,...

3 MR. NEGANGARD: But that was a long time after this order came out in  
4 2009.

5 DAN: But you're sitting there saying I...

6 MR. NEGANGARD: So you had plenty of time.

7 DAN: ...waited two (2) years.

8 MR. NEGANGARD: You did.

9 DAN: And okay, well let me tell you the rest of the story  
10 Mr. Negangard.

11 MR. NEGANGARD: It's 2011, you still haven't had your custody  
12 evaluation.

13 DAN: Okay, well Mr. Negangard, are you going to keep  
14 on like interrupting me? Here's the situation, then  
15 Judge Taul appointed Judge Westhaver of Decatur  
16 County which was against the uh, which was  
17 against his own court rules. He was supposed to  
18 name a panel of judges so my attorney filed a  
19 change, uh, for a motion to correct error so he filed  
20 another, or he did a panel of judges we chose from  
21 them. Judge Ted Todd was appointed or accepted  
22 the nomination and uh, in Jefferson County, in  
23 Madison and so after that a hearing wasn't even set  
24 until November 24<sup>th</sup> on the approval of Dr. Waite.  
25 Well then I didn't hear back from that. I didn't hear

1 anything until like January 28<sup>th</sup>, I got something  
2 from my attorney and then that time, he denied my  
3 appointment. He appointed somebody else, a Dr.  
4 Richard Kuhn and Dr. Kuhn went back to the courts  
5 and said no and then Dr. uh, so the court appointed  
6 Dr. uh, uh, Richard Waller and Richard Waller just  
7 got back from vacation and actually yell, he wanted  
8 to set up an appointment when I could, you know,  
9 last week, but I was unaware of what would happen  
10 today. So you know I didn't really want to schedule  
11 something...

12 MR. NEGANGARD: So you didn't set up...

13 DAN: ...if I get indicted for telling my story.

14 MR. NEGANGARD: ...an appointment. Now two (2) years later, you're  
15 finally setting up an appointment with a doctor?

16 DAN: Well I couldn't, because I couldn't set one up  
17 because I already had on.

18 MR. NEGANGARD: But you could set one up.

19 DAN: I tried to, well I did. See 'cause that's what you're  
20 doing to me. I did. I had one in September of '09,  
21 September or October.

22 MR. NEGANGARD: But you didn't. I mean even your own document  
23 doesn't say he's conducted an evaluation, a custody  
24 evaluation. Your own document is just that elusive  
25 case file that you're going to be using as a witness.

1     DAN:                                 ...so okay, but you're saying two (2) years have  
2   passed and I haven't done anything which really  
3   isn't relevant to what you're talking about.  
4     MR. NEGANGARD:                 But you posted right away that your parental rights  
5   were terminated and they weren't terminated.  
6     DAN:                                 They're terminated.  
7     MR. NEGANGARD:                 Correct? No they weren't on August 23<sup>rd</sup>. They  
8   were not terminated.  
9     DAN:                                 Not rights -- my parenting time.  
10    MR. NEGANGARD:                 You said your visitation rights were terminated.  
11   Isn't that what you used?  
12    DAN:                                 Visitation, parenting time. You know, effectively  
13   my parental rights were terminated because I don't  
14   have any right to see my children now.  
15    MR. NEGANGARD:                 So is 128 your motion?  
16    DAN:                                 Yell. If you want a copy of the chronological case  
17   summary, I think I got it.  
18    MR. NEGANGARD:                 I think we've got that.  
19    DAN:                                 I think I might have that that demonstrates my  
20   efforts on, and the time frame was like the lag in  
21   the, in the uh, the court responses.  
22    MR. NEGANGARD:                 You said my name is Dan Brewington. I lost all  
23   visitation right to my children. Correct?  
24    DAN:                                 Yell. That's true.  
25    MR. NEGANGARD:                 You didn't lose your visitation rights?

1     DAN:                                 Did I see them at that time?

2     MR. NEGANGARD:                 Is once you got the evaluation – you didn't lose your  
3   visitation rights. There's a big difference.

4     DAN:                                 Well okay, if you want to make a legal  
5   determination. I lost all right to my children until  
6   the court approved...

7     MR. NEGANGARD:                 No you didn't. In fact you got visitation rights in  
8   this order. All you had to do, it was conditional  
9   upon you following through with conditions that  
10                                        you didn't follow through with. You didn't follow  
11                                        through with on August 24, 2009, you didn't  
12                                        follow...

13    DAN:                                 I filed a motion. I filed a motion to...

14    MR. NEGANGARD:                 ...yell you filed a motion to challenge the court  
15                                        ruling instead of just getting an evaluation.

16    DAN:                                 Well okay, so you're saying I'm not allowed to  
17                                        challenge a ruling. Is that a problem?

18    MR. NEGANGARD:                 No I'm just saying you were more concerned about  
19                                        challenging a ruling than seeing your children.

20    DAN:                                 Well because if I, if I overturned the ruling...

21    MR. NEGANGARD:                 Correct? You were more concerned about...

22    DAN:                                 ...if the ruling got changed then I would be able to  
23                                        see my children right away.

24    MR. NEGANGARD:                 ...you were more concerned about overturning a  
25                                        ruling...



1     DAN:                                 Yell, then I could have seen my kids. It makes  
2   sense.  
3     MR. NEGANGARD:                     ...than getting an evaluation because...  
4     DAN:                                 ...because that's what...  
5     MR. NEGANGARD:                     ...than getting to see you children.  
6     DAN:                                 ...that's what any lawyer would have probably  
7   done, file a motion to correct error or a motion to  
8   relieve.  
9     MR. NEGANGARD:                     Well you didn't consult with a lawyer. Did you?  
10    DAN:                                 Okay, so I'm not, so you're saying that I don't have  
11   the same ability or rights to do what a lawyer would  
12   do?  
13    MR. NEGANGARD:                     I would agree that you do not have the same ability  
14   as an attorney.  
15    DAN:                                 Oh okay, well that's fair because I didn't go to law  
16   school.  
17    MR. NEGANGARD:                     Alright, right and you choose to...  
18    DAN:                                 That's pretty condescending though.  
19    MR. NEGANGARD:                     You chose to represent yourself.  
20    DAN:                                 Because they're just saying that you know, I  
21   shouldn't be...  
22    MR. NEGANGARD:                     You chose to represent yourself?  
23    DAN:                                 ...well I couldn't, I was having a hard time  
24   finding...  
25    MR. NEGANGARD:                     Did you choose to represent yourself?

1     DAN:                                 Well no, I didn't. I mean I was...

2     MR. NEGANGARD:                 There was no attorney that would represent you?

3     DAN:                                 I couldn't. Not at that time.

4     MR. NEGANGARD:                 Okay, so you chose to represent yourself.

5     DAN:                                 I went to Barbara Wyly. I went to Donald Meyer. I

6   went to uh, I called Jeff Rullman at Wood, Lamping

7   and Lehner. I contacted I think Frank Cardis and

8   then I just started, I just started, this started going on

9   so I just stuck with it because nobody wanted to get

10   involved with this.

11    MR. NEGANGARD:                 And you continued to post information on your blog

12   site after the court had stated that it would consider

13   evidence presented at this hearing regarding the

14   temporary restraining order in regards to the court's

15   decision as to visitation and custody and how

16   Respondent's actions may affect the best interest of

17   the children now and in the future.

18    DAN:                                 Yell and her motion...

19    MR. NEGANGARD:                 And you continued...

20    DAN:                                 ...her motion was denied but there was nothing bad

21   about the children.

22    MR. NEGANGARD:                 The Court made clear that you would...

23    DAN:                                 ...yell.

24    MR. NEGANGARD:                 ...they would be, that what you posted on the

25   internet was fair game.

1     DAN:                                 Yell.

2     MR. NEGANGARD:                 And you continued to post stuff and in fact portions

3   of the custodial evaluation um, weren't you

4   concerned about what the long term effect that that

5   would have on your children?

6     DAN:                                 Well if it was harassing or dangerous to the children

7   or their mother.

8     MR. NEGANGARD:                 Why would you put something embarrassing about

9   you or your wife on the internet?

10    DAN:                                 It's about Dr. Conner.

11    MR. NEGANGARD:                 Why would you put that on the internet?

12    DAN:                                 Am I allowed to talk the...

13    MR. NEGANGARD:                 Why would you put that on the internet?

14    DAN:                                 Because that's what people do. That's a freedom of

15   information. That's the beauty of the internet.

16    MR. NEGANGARD:                 Why did...

17    DAN:                                 A lot of people do that.

18    MR. NEGANGARD:                 ...and you admitted you posted on your face book

19   page, this is like playing with gas and fire and

20   anyone who's seen me with gas and fire knows that

21   I'm quite the accomplished pyromaniac.

22    DAN:                                 That's a tongue and cheek thing, I mean because I

23   had, you know we have friends in Kentucky.

24    MR. NEGANGARD:                 You posted that on the internet?

25    DAN:                                 What?

1 MR. NEGANGARD: You posted that on the internet?

2 DAN: Yell. The other day I posted a web poll that you

3 know, what people preferred, mayonnaise or

4 miracle whip. I mean I just post you know, crazy

5 things sometimes.

6 MR. NEGANGARD: Okay, well you weren't, no one's supposed to take

7 anything from that.

8 DAN: Well what's...

9 MR. NEGANGARD: That you state that you're quite the accomplished

10 pyromaniac.

11 DAN: Well my, we used to build big fires, camp fires at

12 our friend's house in Kentucky.

13 MR. NEGANGARD: So are you quite the accomplished pyromaniac?

14 DAN: I can build a good campfire. I've never set

15 anything...

16 MR. NEGANGARD: You responded playing with gas and fire and anyone

17 who has seen me with gas and fire knows that I'm

18 quite the accomplished pyromaniac.

19 DAN: Yell where was that?

20 MR. NEGANGARD: You posted that. I don't know. You posted it on

21 your facebook page.

22 DAN: On my facebook page?

23 MR. NEGANGARD: Yes.

24 DAN: Yell see, that's, yell that's another thing.

25 MR. NEGANGARD: These proceedings, in regards to these proceedings,

1 is like playing with gas and fire.

2 DAN: Oh, yell, yell, yell, yell. Okay, yell it was on my

3 facebook page. You see that's the thing. It's a

4 friend's thing so obviously somebody's you know,

5 effectively stalking me on my facebook page

6 because they're trying to get information from it. I

7 mean, I posted that for...

8 MR. NEGANGARD: So you admitted to posting. This is in a court order.

9 DAN: But that's a, but that's a, I have my facebook page

10 private. So essentially what you accused me of

11 doing, hacking into somebody's else's, hacking into

12 somebody's account to get Dr. Conner's picture,

13 somebody hacked into my account or got a friend or

14 something, you know, a friend of a friend, to get

15 that information to put in the court record.

16 MR. NEGANGARD: It's a public domain. Right?

17 DAN: No, mine's, mine was private.

18 MR. NEGANGARD: Isn't that you said.

19 DAN: Mine was private.

20 MR. NEGANGARD: Isn't that what you said? Isn't that what you said,

21 public domain?

22 DAN: Well yell.

23 MR. NEGANGARD: It's all public domain.

24 DAN: Well that's the thing but mine was in a private

25 group. I didn't have it...

1 MR. NEGANGARD: Because it says public domain.  
2 DAN: Yell.  
3 MR. NEGANGARD: Alright and you put on there...  
4 DAN: Well that's the thing...  
5 MR. NEGANGARD: ...that these proceedings are like playing with gas  
6 and fire and anyone who has seen me with gas and  
7 fire knows that I'm quite the accomplished  
8 pyromaniac. You said that. Correct?  
9 DAN: Yell and I also said that I mind trick people.  
10 MR. NEGANGARD: And you also said that if the court wanted to take  
11 down his internet postings concerning the  
12 dissolution they would have to kill them to stop  
13 them.  
14 DAN: Yell, I was just being forceful.  
15 MR. NEGANGARD: Okay.  
16 DAN: You see the thing is...  
17 MR. NEGANGARD: Well instead of...  
18 DAN: ...when Patrick Henry says give me liberty or give  
19 me death, then that's a whole other thing, but I can't  
20 state...  
21 MR. NEGANGARD: Okay, so, well yell because posting stuff on the  
22 internet that's threatening and bad for your children  
23 and not truthful is a problem. Don't you think?  
24 DAN: Well that's your interpretation because nobody said  
25 it was bad for the children. Actually Dr. Conner's

1 testimony which I have right here, he didn't say, he  
2 said there wasn't.

3 MR. NEGANGARD: You didn't see threatening to share information...

4 DAN: ...but no...

5 MR. NEGANGARD: Didn't you threaten to share information about the  
6 dissolution with friends and families of the parties  
7 to poll friends and families to determine which  
8 parent was acting more rational and to put all  
9 information about the dissolution and time capsule  
10 for the children to open in the future?

11 DAN: No. I didn't threaten that.

12 MR. NEGANGARD: You didn't do that?

13 DAN: No, I, in, in a letter...

14 MR. NEGANGARD: Did you say you would do it?

15 DAN: In a letter in 2007 when there was a winter storm  
16 warning, my ex-wife or we were married at the time  
17 wanted me to drive from Cincinnati or from Milan,  
18 Indiana to Cincinnati in the storm or it was  
19 something that had to do with like snow and ice and  
20 rather than me switch, like just switch weekends  
21 with the girls, she told me to put them in a difficult  
22 situation and I put on an e-mail and that wasn't  
23 written in public. It was just an e-mail to her, I said  
24 you know, if you want, we could, you know, I could  
25 take a poll of people to see who's being a more

1 rational parent or whatever it says right there. Did I  
2 do it? No I didn't do it.

3 MR. NEGANGARD: Did you put all the information about the  
4 dissolution? Did you threaten to put all the  
5 information about the dissolution and time capsule  
6 for the children to open in the future? Did you  
7 threaten to do that?

8 DAN: I said, I said, we could do that. I didn't say I was  
9 going to do that. I never said anything because I've  
10 always felt that I wasn't going to do anything that  
11 would make my, that I think my children would say,  
12 dad, why did you do that to mom.

13 MR. NEGANGARD: So you threatened to do that?

14 DAN: No I didn't threaten.

15 MR. NEGANGARD: You said you would do it or you threatened to do it?

16 DAN: No I didn't threaten. I said we, I said that, you  
17 know, what if, I think that's what it says, what if,  
18 you know what if somebody were to do that.  
19 Because I wanted to post, because that's what they  
20 teach in...

21 MR. NEGANGARD: Well you're the one that's putting on the internet.  
22 No one else is. Angela Loechel is not, Dr. Conner's  
23 not. Correct?

24 DAN: Well that was in, hey, excuse me, excuse me,  
25 excuse me, excuse me, excuse me. Did you say that



1 was on the internet?

2 MR. NEGANGARD: No I said you're the one putting anything about your  
3 dissolution on the internet.

4 DAN: Yell but that wasn't on the internet.

5 MR. NEGANGARD: Correct?

6 DAN: Well not everything about the dissolution because I  
7 haven't said anything...

8 MR. NEGANGARD: ...almost everything about the dissolution on the  
9 internet.

10 DAN: Have I? Have you been through it?

11 MR. NEGANGARD: You put a lot on there about the internet. Correct?

12 DAN: Not almost everything.

13 MR. NEGANGARD: Well I'd say a lot.

14 DAN: But you get into that almost everything. It's kind of  
15 like, you said that, you know that, never mind, you  
16 know the, like you...

17 MR. NEGANGARD: So you put a lot of stuff about the dissolution on the  
18 internet. Correct?

19 DAN: Yell. Yell and it wasn't and there's actually a  
20 case...

21 MR. NEGANGARD: Alright, so, well we can argue about what's a lot or  
22 many or...

23 DAN: ...well...

24 MR. NEGANGARD: So you put all this stuff, you put stuff about what  
25 was in a custodial evaluation on the internet.

1 Correct?

2 DAN: Well the thing is, is that Indiana, the Indiana...

3 MR. NEGANGARD: Now that's the question...

4 DAN: ...Appellate Court just ruled on this.

5 MR. NEGANGARD: Did you put stuff on the custodial, from the

6 custodial evaluation...

7 DAN: ...yes.

8 MR. NEGANGARD: ...on the internet? And so did your wife put

9 anything about the dissolution on the internet?

10 DAN: No. She doesn't do the internet.

11 MR. NEGANGARD: Did Dr. Conner put anything on the internet?

12 DAN: Uh, actually I think he might have responded to

13 some of my blogs that I'm in the process of uh

14 possibly getting those IP addresses if we, you know,

15 well will subpoena some of that information if this

16 does go to court.

17 MR. NEGANGARD: Did Judge Humphrey put anything on the internet?

18 DAN: Uh, I don't know but there were IP addresses that

19 may have come from the court house.

20 MR. NEGANGARD: So you threatened to put all the information about

21 the dissolution in a time capsule for the children to

22 open in the future. Correct?

23 DAN: I didn't threaten. I said, I said it was a hypothetical.

24 It was a rhetorical question and it was...

25 MR. NEGANGARD: It's a rhetorical question?

1     DAN:                                 ...I didn't put that on, I put that on the internet.

2     MR. NEGANGARD:                 Okay that's a rhetorical question.

3     DAN:                                 I'll bring, I'll bring the copy of the e-mail for you.

4     MR. NEGANGARD:                 Is that, that's a rhetorical question?

5     DAN:                                 What? That was a rhetorical statement. I'm sorry.

6     MR. NEGANGARD:                 Okay.

7     DAN:                                 Not a question.

8     MR. NEGANGARD:                 You began instructing Mary in the use of firearms.

9     DAN:                                 Yell.

10    MR. NEGANGARD:                 When she was four (4). Correct?

11    DAN:                                 Yell. I taught my, I taught, it was actually after she

12   was five (5). Well see I grew up on a farm and this

13   is what I did and this is, I had no idea why this is,

14   they had pictures of six (6) year olds in the county

15   paper shooting deer. Well when she was four (4), I

16   had a little plastic, a little plastic bee-bee gun. It

17   shoots bee-bees, and like we never, we didn't shoot

18   it. I had a gun safe and I was just explaining to her,

19   like start with gun safety, you know, that the gun

20   stays in the safe, we don't touch it, or you know, if

21   we get it out, we don't point it, you know it's not a

22   toy, but you know, we can have fun, but just

23   teaching discipline.

24    MR. NEGANGARD:                 You didn't ever shoot it?

25    DAN:                                 And then at Christmas, I got her a, a, we shot it, we

1 shot it later on but I think she was five (5) at that  
2 point.  
3 MR. NEGANGARD: What did you shoot? The bee-bee gun?  
4 DAN: Well no, over the bee-bee gun, well Santa, Santa  
5 Claus brought her a bee-bee gun and I set up a, it  
6 was actually an indoor thing with a back drop and it,  
7 you know.  
8 MR. NEGANGARD: Did you have her shoot a firearm at a barn?  
9 DAN: What?  
10 MR. NEGANGARD: Did you help Mary shoot a firearm?  
11 DAN: That was just that little plastic, the one that shot  
12 little plastic bee-bees.  
13 MR. NEGANGARD: It was shot, what kind of weapon was it then? It  
14 wasn't a firearm?  
15 DAN: Well it was a, whatever you call it, like a little uh air  
16 soft, like thing.  
17 MR. NEGANGARD: You bought, after the divorce was filed, you filed,  
18 you bought a 357 magnum. Correct?  
19 DAN: Yell.  
20 MR. NEGANGARD: You didn't buy it before the divorce was filed.  
21 DAN: No.  
22 MR. NEGANGARD: Did you shoot the 357 magnum with her?  
23 DAN: No. That's the thing, the only thing she shot that  
24 was, did you get, I don't consider the pellet gun, I  
25 mean, it's dangerous, I mean, I disapprove of

1 shooting nerf guns at each other because it's the  
2 wrong message but I taught her the gun safety with  
3 the pellet with the little plastic pellet gun and then  
4 when we did uh, then she got a bee-bee gun from  
5 Santa, and like we didn't use bee-bees. We used  
6 lead because it's soft, it doesn't, uh, uh, uh, bounce  
7 off and come back but like I even went to the part  
8 where you know, I never let her touch the lead  
9 because you know, because of lead poisoning and  
10 you know we did eye protection, a bench rest, she  
11 never carried it and then you know, I lose the ability  
12 to see her because she had that experience and she  
13 didn't, I mean she put, she put three (3) shots at  
14 twenty-five (25) feet.

15 MR. NEGANGARD: Did you send letters in 2010, in 2009, to Donna  
16 Biebe and Clara Fox at the St. James School?

17 DAN: Yell, yell, I go to parent-teacher conferences. They  
18 are very nice and that was, yell, like I said, if, you  
19 know, this thing goes through with trial then they  
20 would come and testify. I just had a parent-teacher  
21 conference with uh them a couple of weeks ago and  
22 Mary's doing real well. One thing she's doing well  
23 is computers which I got in trouble in the final  
24 decree because I taught my daughters how to use  
25 computers and access the internet as if like my three

1 (3) and five (5) year old daughters were going to be  
2 able to access my web material and be able to read  
3 that.  
4 MR. NEGANGARD: You sent that Playtime Childcare uh...  
5 DAN: Yell.  
6 MR. NEGANGARD: ...letter too. Correct?  
7 DAN: Yell, because they, and I stopped contacting them  
8 because they threatened to uh, not, to not school my  
9 child anymore if, because they didn't want to get  
10 involved, I mean if Federal education deprive, or  
11 rights to or whatever it is, I'm entitled to the  
12 information unless there's a court order stating  
13 different, uh to educational records and they never  
14 responded but you know, I didn't send them any  
15 more letters because that you know, I didn't want  
16 to...  
17 MR. NEGANGARD: Yell but why do you need to send Playtime  
18 Childcare your rantings and ravings about your  
19 case?  
20 DAN: Well because I want to explain the situation. I'm  
21 allowed to and it's in Hamilton, you know...  
22 MR. NEGANGARD: It caused them to question even having your  
23 daughter at Playtime Childcare. Did it not?  
24 DAN: That's from my understanding.  
25 MR. NEGANGARD: Because of your letters to them?

1     DAN:                                 Yell, well the problem was is they didn't give me  
2   records like they were supposed to do by Federal  
3   law.  
4     MR. NEGANGARD:                 Okay, so once again, it's someone else not giving  
5   you records.  
6     DAN:                                 Well do you know what? Isn't there a protective  
7   order saying that I'm not allowed to have it?  
8     MR. NEGANGARD:                 Once again it's someone else...  
9     DAN:                                 ...yell, see...  
10    MR. NEGANGARD:                 ...not getting the records...  
11    DAN:                                 ...that you're not addressing that. There's not a  
12   protective...  
13    MR. NEGANGARD:                 ...once again it's someone else not...  
14    DAN:                                 ...order saying I'm not allowed to have my  
15   children's academic records and they're not giving  
16   them to me.  
17    MR. NEGANGARD:                 ...giving records. It's someone else is the bad guy.  
18   Right? Is that correct?  
19    DAN:                                 Well see the whole thing is, is this Dr. Conner thing  
20   and like Mr. Negangard takes offense because the  
21   Court keeps on appointing him and...  
22    MR. NEGANGARD:                 Um, you stated in an e-mail September 2009 that  
23   uh, um, how could a mother be so evil where she  
24   doesn't care if she hurts two (2) little girls like this.  
25   I think she's mad because I didn't give in to a

1 crooked judge.

2 DAN: Yell.

3 MR. NEGANGARD: Do you got any evidence that Judge Humphrey's

4 crooked?

5 DAN: That's my opinion. The fact that he....

6 MR. NEGANGARD: No you can't, you can't say lies about people. Do

7 you have any evidence that Judge Humphrey is

8 crooked?

9 DAN: Well...

10 MR. NEGANGARD: Now answer the question. Do you have any

11 evidence that Judge Humphrey's crooked?

12 DAN: Yes.

13 MR. NEGANGARD: Okay, what?

14 DAN: Well I have, he had ex-parte communication with

15 Dr. Conner. You know, then he, uh, and the thing is

16 if he was so, I assume...

17 MR. NEGANGARD: I asked you a simple question. You called Judge

18 Humphrey crooked in September 10, 2009.

19 DAN: Yell.

20 MR. NEGANGARD: Correct?

21 DAN: He terminated...

22 MR. NEGANGARD: Correct?

23 DAN: Yes.

24 MR. NEGANGARD: You called him crooked.

25 DAN: Yes, yes, okay.



1 MR. NEGANGARD: Do you have any evidence that he's crooked?  
2 DAN: Yes. It's the evidence is clear. You have the  
3 evidence. There's nothing that says...  
4 MR. NEGANGARD: What?  
5 DAN: ...that I, there's nothing that says, I went through an  
6 evaluation with Dr. Edward Conner. He said that I  
7 was capable of being a parent, you know there was  
8 no testimony. There was no social services. There  
9 was no police reports. There was no testimony from  
10 school, no testimony of abuse, no testimony of  
11 neglect, no testimony, just, you know, anything...  
12 MR. NEGANGARD: No I think there were several findings...  
13 DAN: ...to the children.  
14 MR. NEGANGARD: ...of um, I think there were several findings in that  
15 report that, in that order that was upheld by the  
16 Court of Appeals that indicated a legitimate concern  
17 for the child's safety.  
18 DAN: Well if I were to have committed...  
19 MR. NEGANGARD: So the question is...  
20 DAN: ...if I were to have committed an act of domestic  
21 violence...  
22 MR. NEGANGARD: ...wait a minute, I asked you a question.  
23 DAN: ...that's my opinion.  
24 MR. NEGANGARD: I asked you a question.  
25 DAN: Okay.

1 MR. NEGANGARD: That's not an opinion.  
2 DAN: Okay, well no.  
3 MR. NEGANGARD: Well you stated he's a crooked judge. Do you have  
4 any evidence of that?  
5 DAN: He terminated my parenting, well it's just from  
6 what other people, a lawyer told me that he was  
7 crooked.  
8 MR. NEGANGARD: Okay, who?  
9 DAN: He said it was the worse thing that he's ever seen.  
10 MR. NEGANGARD: Who?  
11 DAN: His name is Robert G. Kelly.  
12 MR. NEGANGARD: Is he a lawyer licensed to practice in Indiana?  
13 DAN: No he's not.  
14 MR. NEGANGARD: Okay.  
15 DAN: Because I ran it past him and you know, 'cause  
16 he's...  
17 MR. NEGANGARD: So he doesn't even know Judge Humphrey?  
18 DAN: Well not personally.  
19 MR. NEGANGARD: He's not ever practiced in front of him?  
20 DAN: No.  
21 MR. NEGANGARD: Okay. So what evidence do you have that he's a  
22 crooked judge?  
23 DAN: I just have my opinion.  
24 MR. NEGANGARD: Okay, so when you said you had evidence you were  
25 lying. You don't have any evidence. That's just

1 your opinion.

2 DAN: Well it's just, okay it's my opinion. Yes.

3 MR. NEGANGARD: You don't have any evidence.

4 DAN: Well I have, you know, if you could draw a

5 conclusion, just like what you're doing here. You

6 present information and the grand jury comes to a

7 conclusion. I mean you have to compile

8 information and then come to a conclusion. That's

9 my conclusion. I mean if Judge Humphrey finds it

10 to be you know, slanderous, he can file a civil suit.

11 MR. NEGANGARD: Judge Humphrey terminated all my parenting time.

12 DAN: Yell.

13 MR. NEGANGARD: How many times did you say that? And that's not

14 accurate, is it?

15 DAN: Yell.

16 MR. NEGANGARD: He didn't terminate it.

17 DAN: He terminated my parenting time until I get an

18 evaluation. Is that correct?

19 MR. NEGANGARD: Okay you never put that in there though did you?

20 DAN: Well he terminated my parenting time. But the

21 thing is, if I don't get the ability, if I don't get an

22 approved evaluator, then my parenting time is

23 terminated. So yes, it is true.

24 MR. NEGANGARD: What's true? That he terminated your parenting

25 time?

1     DAN:                     That he terminated my parenting time. I mean I got,  
2                             I got an order that said husband shall have no  
3                             parenting time until he undergoes a mental health  
4                             evaluator. Okay, he terminated my parenting time  
5                             until he got the mental health evaluator. I didn't  
6                             know the writings had to be you know, that legal,  
7                             you know, what I publish on the blog or something  
8                             like that.  
9     MR. NEGANGARD:        You didn't know that you had to, should tell the  
10                            truth?  
11    DAN:                     Well that is the truth. He terminated my parenting  
12                            time. Did he?  
13    MR. NEGANGARD:        Well it's...  
14    DAN:                     Did he terminate my visitation time?  
15    MR. NEGANGARD:        Did you...  
16    DAN:                     ...yell.  
17    MR. NEGANGARD:        ...did you um, again you don't have any evidence  
18                            that he's crooked.  
19    DAN:                     Here just, you can take all this and find out, that's  
20                            the conclusion I came to.  
21    MR. NEGANGARD:        And you can't cite anything. You're pretty good at  
22                            citing all the other stuff. You can't cite anything to  
23                            say that he's crooked.  
24    DAN:                     Well...  
25    MR. NEGANGARD:        ...any evidence whatsoever?

1     DAN:                                 ...it's mine, well like in the uh, in the uh...

2     MR. NEGANGARD:                 You just, because he didn't agree with you he's

3   crooked?

4     DAN:                                 Well it's not if he didn't agree. There's absolutely

5   no, if you talk to any psychologist, anybody, there's,

6   if I were to have committed an act of domestic

7   violence in front of the children, Indiana law

8   mandates that I would have supervised visitation

9   with the children for one (1) year, not more than

10   two (2). I didn't commit an act of domestic

11   violence, yet he said that my mother wasn't even

12   capable of supervising children who was a retired

13   eighth (8<sup>th</sup>) grade math teacher. So if I want to say

14   that you know, he did that, plus he said that his

15   main concern was my, you know my writing and

16   Dr. Conner. Just like the Appellate Court. The

17   Appellate Court said that my writings, you know, I

18   could change or write about the proceedings which

19   made it necessary for wife to file for a restraining

20   order on more than one occasion. There was no

21   more than one occasion. She only filed for one and

22   it was properly denied, so I have no idea why, I

23   mean it's just....

24     MR. NEGANGARD:                 I have no idea how, could you...

25     DAN:                                 ...it seems like public officials are just upset with

1 my writings.

2 MR. NEGANGARD: ....explain to me how that explains that he's

3 crooked?

4 DAN: Okay, well, I...

5 MR. NEGANGARD: I mean, all I'm asking is a simple question.

6 DAN: Okay.

7 MR. NEGANGARD: What evidence do you have that he's crooked?

8 DAN: He, he, there was communication with Dr. Conner

9 and him on October 22<sup>nd</sup>, order with the Circuit

10 Court, ex-parte communication.

11 MR. NEGANGARD: It wasn't with him, was it?

12 DAN: What's that?

13 MR. NEGANGARD: That communication wasn't with him. Was it?

14 DAN: I don't know. It says Circuit Court.

15 MR. NEGANGARD: Okay.

16 DAN: And that's, that's ex-parte, I wasn't a party to the

17 communication. So if he, it says he had ex-parte

18 communication with the Circuit Court.

19 MR. NEGANGARD: Did you file a complaint with the judicial

20 commission?

21 DAN: No.

22 MR. NEGANGARD: Why not?

23 DAN: Because at the time I didn't want to get the Indiana

24 Commission involved until my uh, appeal was

25 through.

1 MR. NEGANGARD: You didn't want to get the judicial commission  
2 involved but you posted the ethics and  
3 professionalism committee, um...

4 DAN: Well it's the Appellate, it's with the Appellate  
5 Court or with the Supreme Court.

6 MR. NEGANGARD: Oh, so you understood that. You understood then  
7 how to file a complaint with the judicial  
8 commission?

9 DAN: Well later, I mean...

10 MR. NEGANGARD: At that time that you posted.

11 DAN: ...later on, I did.

12 MR. NEGANGARD: Oh now, it's later on.

13 DAN: Well a month or two because I didn't understand it  
14 until I found, until I found out that Heidi Humphrey  
15 wasn't on it any more so I did more investigative  
16 work into it.

17 MR. NEGANGARD: Do you have anything else you would like to add?

18 DAN: Uh, yell, I've got uh, I don't know if you want to  
19 submit this or I don't know if you'll take it but this  
20 is uh, I don't know if people are familiar with face-  
21 book, uh, you can start a group on, if you're a  
22 member of face book, you can start a group, people  
23 join pages, you know, follow it, stuff like that. I  
24 created a group, "Help Dan Brewington see his  
25 girls". I got a thousand (1,000) members on this. I

1 mean, I love my children dearly and like, I got a  
2 thousand (1,000) people that are on here supporting  
3 me. I had people in Australia contact me,  
4 everybody, all these people are contacting me,  
5 there's still more stories of the court system. Mr.  
6 Negangard can sit here and say that I'm paranoid,  
7 everybody's, you know, I think everybody's against  
8 me, whatever, but people are just, you know, people  
9 are supporting me, every..., the thing the court  
10 system sometimes is like cancer where you know,  
11 everybody knows somebody who's had a bad  
12 experience. I only wanted supervised, or I only  
13 wanted equal time with my daughters. I was even  
14 pushing for custody but I wanted this case file from  
15 this custody evaluator and like there's just excuse  
16 after excuse. During a hearing, Judge Taul, which I  
17 had the information, Judge Taul said that, the order  
18 for Dr. Conner to release was to release that which  
19 he's obligated to do under Kentucky law. The guys  
20 telling me that, a Judge, an Indiana Judge is telling  
21 me that I got to follow Kentucky law. I mean it  
22 makes absolutely no sense. Dr. Conner stated on  
23 February, I mean on March 11<sup>th</sup> that I wasn't, uh,  
24 2008, that I wasn't entitled to the case file. March  
25 26<sup>th</sup>, he said he would be happy to give it to, uh,



1 provide me with the case file, March 27<sup>th</sup>, he said  
2 that he interpreted the court's ruling that I wasn't  
3 entitled to it. April 16<sup>th</sup>, he said that our contract  
4 indicates that we will provide the file to the  
5 representing attorney, however we do not believe,  
6 we believe a court order is necessary if we release it  
7 to him, release it to Dan Brewington because he is  
8 representing himself. On April 4<sup>th</sup>, he said there's  
9 state and HEPA laws that prevent him from  
10 releasing the case file and that's after he said I was  
11 already allowed to have and these people are mad or  
12 upset or frustrated because I tend to ramble on about  
13 all these writings, I mean, these are the writings, if  
14 you go to Dan, you know, like, you know, and that's  
15 what I put up there and for some reason, you know,  
16 I'm under scrutiny because I, I publicized that.  
17 You know, I have opinions, yes, I, did I find you  
18 know, Judge Humphrey taking money from uh, in a  
19 back door deal. No, I and I never accused him of  
20 that. No, I accused him of unethical conduct but  
21 that's what, you know, that's what like, you know  
22 that what's Mr., people, like Mr. Negangard want to  
23 do. This Dr. Conner is somebody who's appointed  
24 you know a lot and uh, he was appointed in uh, the  
25 Andrew Conley case. He was involved in the

1 Marco Chapman murder trial in Kentucky and he  
2 said he couldn't understand me because he I had  
3 attention deficit disorder, so either he's not, well,  
4 he's qualified to interview and evaluate people who  
5 are on death row and you know, hear and see things  
6 that aren't there but he's claiming he can't  
7 understand somebody with attention deficit  
8 disorder. Now when I try to tell people about it, if  
9 people don't want to listen, I exercise my right to  
10 free speech and that's why we're here, so you know,  
11 I took (indiscernible), but you know, nobody has  
12 sued me. There hasn't been any restraining orders.  
13 There hasn't been any protective orders. Nobody's,  
14 nobody's told me not to contact him and so you  
15 know, that's, and that's a problem, but this is, you  
16 know, if, it's a situation where if I'm indicted, you  
17 know, I take full responsibility for what I do. I  
18 could have not shown up but this whole time is all  
19 about I share my story with others. It's not tattling  
20 on people. You know I get people, it's uh, it's a  
21 self-help group. I mean I talk to women, I talk to  
22 fathers, I talk to grandparents and uh, and it's just a  
23 way of, if people don't speak out about these things,  
24 then nothing will get changed. The thing that courts  
25 aren't monitored. They don't do, they don't do

1 surveys and when a decision is made, they don't  
2 follow the kids so the only way that it could, the  
3 only way that change comes is either by the people,  
4 you know change comes from the people who run  
5 the system, who get paid to do it or else change  
6 comes from the little guys who kick and scream and  
7 that's just, you know, that's what I've been trying to  
8 do and you know, that's, you know, that's why I'm  
9 here because some people don't agree with me and  
10 that's, you know, that's fine. I'm willing to do what  
11 I have to do to defend the right to freedom of  
12 speech. That's it.

13 MR. NEGANGARD: That's all. Does anyone have any questions?

14 JUROR: The reason you don't like Dr. Conner, is because  
15 you're saying that he's not licensed in Indiana?

16 DAN: The whole thing with Dr. Conner, he wasn't  
17 licensed. I found that out later but just on the  
18 conflicting statements as to why I wasn't allowed to  
19 have the case file and uh, and that was, and the  
20 other thing is, he's done a lot of, uh, like he filed,  
21 uh, he wrote the court and he said that the custody  
22 evaluation had numerous errors and oversights.  
23 Well he charged us for it, for fixing it, okay, you  
24 know, he charged seven hundred dollars (\$700.00)  
25 for fixing it. It wasn't errors that, well like me or

1 my wife, my wife made. There were errors that, he  
2 said he tried to contact my brother Mark, well his  
3 number was disconnected. I don't even have a  
4 brother, Mark and I didn't list my brother, Matt, on  
5 my reference list and he has two (2) phone numbers  
6 and stuff like that, you know, I have no idea where  
7 he gets it. And if he was contacted by other people,  
8 where, it's just a similar thing. It's not a matter of  
9 uh, like who won or who lost or anything, it's how  
10 this guy, like, puts out evaluations, he makes  
11 mistakes in them and then he charges people to fix  
12 them and it just, it's just a, you know, it's just a  
13 rough thing.

14 JUROR: I've got one more question.

15 DAN: Yes ma'm.

16 JUROR: I see in the, I didn't see anywhere in the papers  
17 where that Dr. Henry Waite was licensed in Indiana  
18 so why did you go to him?

19 DAN: Because uh, that was for a evaluation, actually  
20 Judge Humphrey said that uh, not so much, he  
21 didn't say it on the evaluator but he said on the, uh,  
22 uh, like that, after I get approved for an evaluator if  
23 I'm okay, I had to go through therapeutic and uh,  
24 uh, supervised visitation in a therapeutic  
25 environment, with another professional he said in

1 the Greater Cincinnati area, so I went with  
2 somebody in the Greater Cincinnati area, plus uh, I  
3 live in Cincinnati, and they said that I had to follow  
4 any kind of treatment recommendations, so it only  
5 made sense that uh, I mean it only made sense that I  
6 went there and actually uh, my ex-wife even  
7 suggested somebody, you know, people in the  
8 Greater Cincinnati, in the Cincinnati area because it  
9 wasn't for, something for the Court. It was just an  
10 evaluation that I would present to the Court.  
11 JUROR: You said that you were, back in the beginning when  
12 Judge Humphrey ruled that you need to see, have an  
13 evaluation...  
14 DAN: ...yes.  
15 JUROR: ...you're claiming that you were okay with that at  
16 the time?  
17 DAN: No, at the beginning, I mean, I was, I was, I mean  
18 there was an element of like it was just dismay, I  
19 mean it was two and half (2 ½) months after the  
20 final hearing, I watched my kids and then just out of  
21 the blue, I mean the kids had no warning, I mean, no  
22 psychological counseling to get them prepared. My  
23 ex-wife was shocked even. I mean she told me that  
24 and so I got, yell, I was upset but I didn't, my main  
25 concern at the very beginning was like how did that

1 happen, effect my career, well you know just  
2 anything, like my future, because there's a ruling  
3 that says I'm dangerous to my own children. I mean  
4 there was never...

5 JUROR: ...but there wasn't yet, because you hadn't had your  
6 evaluation...

7 DAN: ...I, I...

8 JUROR: ...you just didn't want that to happen.

9 DAN: No I had, well you know, see that's the thing. I had  
10 Dr. Conner's evaluation.

11 JUROR: But Dr. Conner said that you were perfectly capable  
12 of...

13 DAN: ...yell, yell, see that's, well it wasn't that. It was  
14 just, my first response was to file a motion to  
15 correct error or I can't remember exactly what I  
16 filed to see if it you know, to see if it would change  
17 and then uh, later on, it was like in September or  
18 October, then I got it and then, and there was a tad  
19 of defiance there. When I was talking to my  
20 children for about seventeen (17) days following the  
21 order, and then my ex-wife just arbitrarily stopped  
22 allowing me to speak with them. I mean there  
23 wasn't an order saying that I wasn't allowed to.

24 JUROR: Okay, so in this past two and a half (2 ½) years,  
25 have you seen your kids?

1     DAN:                                 No. I haven't seen them since August 18, 2009.

2     JUROR:                             Okay, so wouldn't it make sense to go ahead and do

3   the evaluation?

4     DAN:                                 Yell, see, I tried to get it approved like when, uh,

5   see, like I did the uh, I filed the motion to, and

6   then...

7     JUROR:                             Well why did you file a motion? Why didn't you

8   just get the evaluation?

9     DAN:                                 Because it had to be approved.

10    JUROR:                             Okay.

11    DAN:                                 And see that's the problem, it had to be approved

12   and see on the uh, uh...

13    JUROR:                             Did the Court provide you with like an approved list

14   of people?

15    DAN:                                 No.

16    JUROR:                             Did you ask for one?

17    DAN:                                 Uh, well, after, just recently I did but they, see that's

18   the thing, they just said, uh, it had to be court

19   approved and I'm not an attorney and my thinking

20   was that you know, I would go out and find

21   somebody and see if they were approved. I didn't

22   ask for one. I mean in hind sight yell, I mean, I've

23   asked, he asked the court that, my attorney did the

24   last time he filed something.

25    JUROR:                             I'm hearing that you love your girls.

1     DAN:                     Yell.

2     JUROR:                  And I totally believe that.

3     DAN:                     Yell.

4     JUROR:                  So why would you spend the last two and a half (2  
5                               ½) years blogging whether these things are  
6                               opinions, threats, whatever is irrelevant.

7     DAN:                     Yell.

8     JUROR:                  Why would you spend this much time on a  
9                               computer instead of getting the evaluation to see  
10                              your kids?

11    DAN:                     But I can now because it was just, it took that long.

12    JUROR:                  Mayonnaise and Miracle Whip.

13    DAN:                     What?

14    JUROR:                  You said that you spent time blogging things like  
15                              mayonnaise versus Miracle Whip.

16    DAN:                     No, that was just an example, just, I mean...

17    JUROR:                  ...right now if it was me, I would not spend the time  
18                              on that...

19    DAN:                     ...no, but, you know, like...

20    JUROR:                  I would have wasted the time trying to get my kids  
21                              back.

22    DAN:                     I know, I know, but when I made that comparison,  
23                              you know maybe in the evening or something like  
24                              that. It's not a blog – I just say, get on facebook or  
25                              something, say facebook, well mayonnaise or



1 Miracle Whip, I mean that was just an example of,  
2 you know, that's just, you know I communicate  
3 with people, it was just...but no I had an attorney  
4 working uh, I had an attorney working since like  
5 February or March of last year trying to get an  
6 evaluator approve and it just finally got approved  
7 January uh, January 24<sup>th</sup> and I got a message from  
8 the guy just this week wanting to set up an  
9 appointment and I was just, you know, really just  
10 waiting for this before I found out, I mean that's the  
11 fastest with an attorney doing it, that I could have  
12 done it and like I said I have.

13 JUROR: Do you think that if uh, you would have spent less  
14 time putting the things that you put on your blog,  
15 you would be here today?

16 DAN: Oh, no, no, no, I wouldn't be here and that's the  
17 thing. The reason I'm here is because there's a,  
18 there's, you know, there's an element of whether  
19 free speech crosses the line or doesn't cross the line  
20 or uh, you know, where a problem, uh, you know  
21 where the problem is. Like if, like if Judge  
22 Humphrey or Heidi Humphrey felt intimidated by  
23 you know anything that I did, Judge Humphrey  
24 would have recused himself back when the letter  
25 was written and since he doesn't, I assume he

1 didn't, they didn't, you know, find anything wrong  
2 with you know, having people contacting the  
3 professionalism committee advisor in Dearborn  
4 County, but that's, yell, I, I, I mean I've said things,  
5 I've said things and uh, you know, I walk the line  
6 because it's something...

7 JUROR: I understand that but aren't you more passionate  
8 about seeing your daughters?

9 DAN: Yell, yell and that's the thing. All of this time I had  
10 an attorney working since you know, February of  
11 last year, working to try to get a hearing and I  
12 couldn't have made that done faster uh, because I,  
13 because the attorney was doing it and you know, I  
14 wasn't representing myself, the attorney was doing  
15 it, filing the stuff and it just took, because Judge  
16 Taul appointed a judge that wasn't for his own court  
17 rules and then there had to be a motion for a change,  
18 for a correction of error and then he went on to uh,  
19 name a panel of three (3) judges to strike from and  
20 then Judge Todd became the judge and there was a  
21 hearing on November 24<sup>th</sup> and then he didn't get  
22 back with us until uh, uh, like November, or  
23 January 24<sup>th</sup> and uh, Dr. Richard Moeller had been  
24 on vacation for like three (3) weeks and so I just  
25 talked to him, well I talked to him a week and a half

1 ago and then he called me back to set up an  
2 appointment just this past uh, just this past, last  
3 week and it was just, you know I didn't know what  
4 was going on with this, so, I mean, but, I mean, yell  
5 I want to schedule an appointment.  
6 JUROR: I'm sorry...  
7 DAN: ...oh, that's alright.  
8 JUROR: ...so, so your defense here is that Judge Humphrey  
9 is a child abuser because he allegedly revoked your  
10 parenting time is why you're making that statement.  
11 DAN: Yell, yell, yell, it's just...  
12 JUROR: Is that really reasonable?  
13 DAN: It's a matter of opinion, as a parent who lost all their  
14 parenting time, yes. I mean as an outsider, you  
15 know, somebody might have a different opinion, but  
16 uh, you know, I did everything with my children,  
17 you know, I picked them up from school, we did,  
18 we did science projects, we went hiking and we  
19 rode, we did everything together, and you know  
20 fished, I mean I wasn't just a regular dad, we,  
21 everything with science, everything with school,  
22 computers and things like that.  
23 JUROR: Except doctor appointments in your situation.  
24 DAN: Well no, I did go to, I did go to Doctor's  
25 appointments and things like that but see also the

1 thing was we lived in two (2) different places so a  
2 lot of the times she took then. My wife was a nurse  
3 too, so she felt it was her duty, so what it doesn't  
4 say, is a lot of times, I watched our other daughter  
5 when she took the other one to the doctor's office,  
6 but you know, I, it's just a difficult situation and it's  
7 part of how I cope with it. I mean, I couldn't  
8 explain what it feels like to you know, lose, lose  
9 your children, I mean without, I mean with no  
10 warning whatsoever.

11 JUROR: One short one.

12 DAN: Alright, yes sir.

13 JUROR: You seem to be uh talking a lot and your statements  
14 about your first amendment rights.

15 DAN: Yes sir.

16 JUROR: How would you briefly describe what your rights  
17 are?

18 DAN: Uh, it's, see I've done some research. I mean, you  
19 know, it's all relative. My main message is to get,  
20 like, it's not my story, it's to get information, I  
21 mean, because I'm not a, I don't want to come  
22 across as a what was me type of person, because I  
23 want to, like I share information with other people  
24 and see there's a lot of people who can't afford  
25 attorneys because of the long drawn out process and

1 people just kind of feed off of one another and  
2 there's times where, uh, you know, I would have  
3 compared myself to a shock radio person like  
4 Howard Stern or even like Willie Cunningham,  
5 where, but sometimes you know, you push the  
6 handle up a little bit to try to get, you know to get  
7 attention or something like that, but on the same  
8 time, you know, I know, I know you can't go too far  
9 but that's where I've always held that, you know if I  
10 go too far, then, uh, like if, you know if it was Dr.  
11 Conner, Dr. Conner's in Kentucky, he could file a  
12 civil suit against me or something like that, and, but  
13 that's, but that's where, you know and if for some  
14 reason I get indicted here, I mean that's what I have  
15 to accept because that's where I took on but uh,  
16 that's you know, I believe it's my first amendment  
17 right to uh, to go out and you know, to share my  
18 story. I'm sorry, I don't know if I, did I answer it all  
19 right, or I mean, it's uh, I mean 'cause, you know,  
20 it's a broad umbrella and obviously...  
21 JUROR: I know it's discussed among law students and  
22 professionals...  
23 DAN: ...yell, yell...  
24 JUROR: ...in great detail but I think almost everyone in  
25 America, has a basic one or two sentence

1 understanding of that right.

2 DAN: Yell.

3 JUROR: Of what the first amendment is.

4 DAN: Yell.

5 JUROR: So what does that, how does that apply to you?

6 DAN: Oh.

7 JUROR: What can you do with that right?

8 DAN: Yell, yell, okay because uh, this was addressed, this

9 has been addressed in the court case last year in

10 Indiana where the first amendment, where a woman

11 went to uh, and this involved abuse, where a woman

12 went to a newspaper, um, like child abuse, I don't

13 know if it was her if she was accused, I can't

14 remember or her husband but she went to uh, she

15 went to court and tried to get a restraining, or

16 somebody put a restraining order on her because she

17 talked to the news media and she went to the

18 Appellate Court, and the Appeals Court you know,

19 threw it out for prior restraint of the first

20 amendment because there wasn't any uh, the child's

21 interest comes first and but, there was lead-way

22 because first it has to be a professional that says that

23 it's dangerous to the child but then there's also other

24 factors that, like there uh, the benefit of one doesn't

25 necessarily outweigh the benefit of the public so,

1                   you know, if it, I don't want to sound like  
2                   sacrificing children or something because I don't  
3                   put, you know I don't say anything bad about their  
4                   mother or like put derogatory stuff out there, but uh,  
5                   if you, uh, if you do that, uh, if you do that, you go,  
6                   uh, like the situation with my opinion that's on Dr.  
7                   Conner, I want to get that information out and that's  
8                   important to me and I've been contacted by people  
9                   and actually I was on the radio with Eric Deters  
10                  because he covered, not to brag about Eric Deters  
11                  because I guess he's been in trouble lately, but he  
12                  even said something about like Dr. Conner, about  
13                  other people contacting him about it and so that's  
14                  the thing, it's just like protecting, well at least to be  
15                  giving people information and it's you know, and I  
16                  go about it in maybe a little bit more brash way but  
17                  you know, I still believe that it's first amendment  
18                  issue and you know if it, you know if it isn't, then  
19                  you know, I'll accept the consequences.  
20   MR. NEGANGARD:       Um, you just said you didn't put anything  
21                           derogatory about your wife. Didn't you call her  
22                           evil?  
23   DAN:                   What's that?  
24   MR. NEGANGARD:       You said you didn't put anything particularly  
25                           derogatory about your wife on the internet. You

1 called her evil.

2 DAN: What was that, what was that sentence that you

3 read?

4 MR. NEGANGARD: You just testified that you didn't put anything

5 particularly derogatory about your wife on the

6 internet but you called her evil. Did you not?

7 DAN: Uh, read the context of that.

8 MR. NEGANGARD: You called her evil. Correct?

9 DAN: I didn't know if I was talking to my, my wife,

10 because a lot of people like stuff that I respond to

11 about how could a mother do this and stuff like that

12 and I don't, you know, I try to stay off that topic,

13 and I don't put anything...

14 MR. NEGANGARD: That was September 10, 2009, how could a mother

15 be so evil where she doesn't care if she hurts two

16 (2) little girls like this.

17 DAN: Where was that?

18 MR. NEGANGARD: That was you, posted September 10, 2009.

19 DAN: On what?

20 MR. NEGANGARD: On one of your web sites – Dan's Adventures in

21 Taking on the Family Courts.

22 DAN: Yell. I mean, that's...

23 MR. NEGANGARD: You wrote that. Correct?

24 DAN: Yell, I mean, I just lost...yell.

25 MR. NEGANGARD: Okay. That would be derogatory, would it not?



1     DAN:                                 Well, if she did, I mean, it's, she didn't put...

2     MR. NEGANGARD:                 The Judge's order came down August 18, 2009.

3   Correct?

4     DAN:                                 Yell.

5     MR. NEGANGARD:                 You filed a motion to clarify and to reconsider.

6     DAN:                                 Yell.

7     MR. NEGANGARD:                 August 20<sup>th</sup>, correct?

8     DAN:                                 Yell.

9     MR. NEGANGARD:                 And you filed a motion to grant relief from

10   judgment and order on August 24<sup>th</sup>. Correct?

11    DAN:                                 Yell.

12    MR. NEGANGARD:                 Those motions were denied August 25<sup>th</sup>. Correct?

13    DAN:                                 Yell.

14    MR. NEGANGARD:                 You didn't file a motion to have anyone appointed

15   to evaluate you, did you?

16    DAN:                                 No, not until uh...

17    MR. NEGANGARD:                 Okay.

18    DAN:                                 ...well I filed...

19    MR. NEGANGARD:                 ...August 31, 2009, um, or let's see, you filed a

20   petition for contempt September 8, 2009. You

21   didn't file a petition to...

22    DAN:                                 Well I was talking to the children at that time and I

23   was trying to find a lawyer for Appellate Court.

24    MR. NEGANGARD:                 ...you filed a petition for contempt. You didn't

25   bother to file a petition...

1 DAN: ...because I was looking, I was looking for an  
2 attorney at that time.  
3 MR. NEGANGARD: ...you didn't bother to file a petition asking to  
4 appoint a psychiatrist.  
5 DAN: I was looking for an attorney at that time.  
6 MR. NEGANGARD: Did you?  
7 DAN: No.  
8 MR. NEGANGARD: Answer...  
9 DAN: I didn't.  
10 MR. NEGANGARD: ...did you?  
11 DAN: No.  
12 MR. NEGANGARD: A month later, September 11, 2009, here's a hearing  
13 on the petition for contempt.  
14 DAN: Yell.  
15 MR. NEGANGARD: You again, you didn't bother to ask...  
16 DAN: I was waiting for a hearing.  
17 MR. NEGANGARD: ...for...yell, but you didn't file a motion asking for  
18 an appointment. Did you?  
19 DAN: No, but after that, when I got, after I retained an  
20 attorney, I was on the phone with an attorney to do  
21 that, to handle that stuff. I retained an attorney.  
22 MR. NEGANGARD: How long did she last as your attorney?  
23 DAN: Uh, she was my attorney until uh...  
24 MR. NEGANGARD: She wasn't the one that handled your appeal, was  
25 she?

1 DAN: No, that was Ryan Ray.

2 MR. NEGANGARD: Okay, so she didn't last long enough to even get the  
3 appeal file, did she?

4 DAN: She said that she didn't want to deal with the child  
5 issues. She was only qualified to do the trust.

6 MR. NEGANGARD: February 19, 2010, again you filed a motion to  
7 release the custody evaluation case file but again  
8 you didn't ask...

9 DAN: When was that?

10 MR. NEGANGARD: January 19<sup>th</sup>, this is the one...

11 DAN: ...yell...

12 MR. NEGANGARD: ...I mean you didn't, again, there's nothing in there  
13 that says...

14 DAN: ...what...

15 MR. NEGANGARD: There's nothing in there that says...correct? Just  
16 answer the question. There's nothing in there that  
17 asked for him to be appointed to be, to evaluate you  
18 through this order.

19 DAN: I think I read that to you. I didn't word the, I didn't  
20 word the title like that but I said...

21 MR. NEGANGARD: You didn't word anything like that in there.

22 DAN: Yell I did. I think I just read it to you.

23 MR. NEGANGARD: You said you've not contacted anyone who did not  
24 want to be contacted. Your wife asked you not to  
25 be contacted, didn't she? By you - ask you to

1 communicate directly through her attorney?

2 DAN: Well yell.

3 MR. NEGANGARD: And then you contacted her afterwards. Correct?

4 DAN: No. I tried to contact the children.

5 MR. NEGANGARD: You contacted her by text?

6 DAN: I wanted to talk to the children.

7 MR. NEGANGARD: You contacted her by text.

8 DAN: Yell.

9 MR. NEGANGARD: After she said to go through her attorney, you

10 contacted her by text.

11 DAN: I can't talk to the children through her attorney.

12 MR. NEGANGARD: Just answer the questions.

13 DAN: Yell.

14 MR. NEGANGARD: Okay.

15 DAN: Yell and she filed...

16 MR. NEGANGARD: ...after she asked you...

17 DAN: ...a complaint...

18 MR. NEGANGARD: ...you contacted her, so then that's not true.

19 DAN: ...and Hamilton County dropped it and expunged it

20 right away because I have a right to talk to my

21 children.

22 MR. NEGANGARD: So that's not true that you had not contacted anyone

23 who did not want to be contacted?

24 DAN: I was put in the context of a professional.

25 MR. NEGANGARD: So it wasn't true. Correct?

1     DAN:                                 Well with her but I was contacting my children. I  
2   left a message you know.  
3     MR. NEGANGARD:                     So you texted her.  
4     DAN:                                 I know and I said if you're not going to let me talk  
5   to the children, just let me know and I'll stop  
6   texting.  
7     MR. NEGANGARD:                     She made it clear that you were to go through her  
8   attorney. Correct?  
9     DAN:                                 Yell, she's done that before and...  
10    MR. NEGANGARD:                     So you didn't go through her attorney, did you?  
11    DAN:                                 Well the problem was is that she told me that when  
12   I had an attorney when I started representing myself,  
13   I went through Ms. Loechel.  
14    MR. NEGANGARD:                     You didn't go through her attorney.  
15    DAN:                                 And she's done that to me several times.  
16    MR. NEGANGARD:                     So you didn't go through her attorney?  
17    DAN:                                 No, not at that point.  
18    MR. NEGANGARD:                     Okay, nothing further. Any other questions? We're  
19   done. You're excused. Now I will remind you that  
20   you cannot disclose any contents on what occurred  
21   in this proceeding.  
22    DAN:                                 Yell.  
23    MR. NEGANGARD:                     You understand what that means. Right?  
24    DAN:                                 Yes sir.  
25    MR. NEGANGARD:                     Okay, you understand that that means that you can't

1 post about this on the internet?

2 DAN: Yes sir.

3 MR. NEGANGARD: Alright. You don't have freedom of speech to post  
4 about what happened here.

5 DAN: Yell.

6 MR. NEGANGARD: In this proceeding. You understand that?

7 DAN: I understand that, yes sir.

8 MR. NEGANGARD: Okay.

9 **GRAND JURY - DAN BREWINGTON - MARCH 1, 2011**

10 MR. NEGANGARD: Would you please state your name for the record?

11 MR. KREINHOP: Michael Kreinhop.

12 MR. NEGANGARD: And uh, you've previously testified Mike, but just  
13 for the record since it's a new day, we'll have the  
14 foreman swear you in.

15 MR. KREINHOP: Okay.

16 FOREMAN: Do you solemnly swear or affirm that the testimony  
17 you are about to give in the matter now under  
18 consideration by the grand jury will be the truth, the  
19 whole truth and nothing but the truth?

20 MR. KREINHOP: Yes.

21 FOREMAN: And do you further solemnly swear or affirm that  
22 you will not divulge any portion of your testimony  
23 before this grand jury except when legally called  
24 upon to do so?

25 MR. KREINHOP: I do.