

TRANSCRIPT OF GRAND JURY PROCEEDINGS

DANIEL BREWINGTON

FEBRUARY 28, 2011,

MARCH 1, 2011,

MARCH 2, 2011

PAGES 1 - 250

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Official Court Reporter
Dearborn Superior Court II

APPEARANCES

ON BEHALF OF THE STATE:

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GRAND JURY – DANIEL BREWINGTON – FEBRUARY 28, 2011

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

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

MR. KREINHOP: I do.

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

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

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

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

1 to my election of Sheriff.

2 MR. NEGANGARD: And while you were employed as an investigator in

3 the Prosecutor's office and assigned to the Special

4 Crimes unit, did you conduct an investigation of

5 Dan Brewington?

6 MR. KREINHOP: I did.

7 MR. NEGANGARD: And that kind of bled over to when you became

8 Chief Deputy of the Sheriff's department?

9 MR. KREINHOP: That's correct.

10 MR. NEGANGARD: Would you briefly tell the grand jury how you came

11 to investigate Dan Brewington?

12 MR. KREINHOP: On August 24th of 2009, the Prosecutor requested

13 that I conduct an investigation of Dan Brewington

14 for concerns that he may have made threatening or

15 intimidating written communications for the current

16 Circuit Court Judge, James Humphrey. And also at

17 that time, the Prosecutor provided me with a

18 document titled "Dan's Adventure in Taking on the

19 Family Courts". This was a document that had been

20 posted on the internet and provided to me by the

21 Prosecutor at the time of the request of the

22 investigation. After receiving this assignment and

23 the document, I then contacted Judge Humphrey

24 and the following is a brief summary of my

25 conversation with him: I learned from the Judge

1 that in late 2008, he had been appointed as a special
2 judge concerning a divorce between Petitioner,
3 Melissa Brewington, who was then represented by
4 Lawrenceburg Attorney, Angela Loechel, and
5 Respondent, Dan Brewington, her husband at that
6 time and he was representing himself. The divorce
7 was initially filed with the Ripley Circuit Court on
8 January 8, 2007 and then in 2008, Ripley Circuit
9 Court Judge Carl Taul recused himself based on a
10 motion filed by Dan Brewington that he had ex-
11 parte communications with a Dr. Edward Conner
12 who is a psychologist located in Erlanger, Kentucky
13 who had been employed by the Court, the Ripley
14 Circuit Court, to conduct a child custody evaluation
15 of both the Petitioner and Respondent, Dan
16 Brewington. Dr. Conner had previously submitted
17 the evaluation report to the Ripley Circuit Court in
18 August of 2007. Subsequently on August 17th of
19 2009, Judge Humphrey issued a final order
20 concerning the marriage of Petitioner Melissa
21 Brewington and Respondent Daniel Brewington.
22 The final order dissolved the marriage and gave full
23 custody of the two (2) minor children to the
24 Petitioner. Additionally, along with other findings,
25 the order stated that Dan Brewington would not be

1 entitled to visitation with his children until he
2 underwent a mental health evaluation with a mental
3 health care provider approved by the Court. In
4 response to this order, Brewington filed a Motion
5 for Relief from the Judgment and order from the
6 Court on the same day. Following, or in addition to
7 this information, Judge Humphrey also expressed
8 concern with two (2) of the writings that
9 Brewington had prepared. The first was in page 7
10 of the document that I previously mentioned, that
11 being Dan's Adventure in Taking on the Family
12 Courts. In this document, uh, Dan Brewington
13 indicates or states to the readers that he wants
14 readers to copy the letter that he had prepared and
15 posted on the internet and send this letter along with
16 their own personal comments and opinions to the
17 ethics and professionalism committee located in
18 Dearborn County. And he indicated that advisor to
19 be Heidi Humphrey and an address of 1406 Indian
20 Woods Trail, Lawrenceburg, Indiana. Heidi
21 Humphrey is the wife of Circuit Court Judge
22 Humphrey and the address indicated is their
23 personal residence. The second writing that Judge
24 Humphrey was concerned with was on the motion
25 for relief filed by Dan Brewington and it indicated

1 that um, any person, law enforcement agency, etc.
2 who takes action against the Respondent for
3 protecting the Respondent's children and the public
4 from the child abducting tactics of Judge Humphrey
5 will be held personally responsible for their actions.
6 Judge Humphrey viewed both of these statements
7 as an attempt to intimidate him and also as a
8 possible threat to his and his family's personal
9 safety.
10 MR. NEGANGARD: Can I stop you there for a second?
11 MR. KREINHOP: Sure.
12 MR. NEGANGARD: Alright I'm going to show you what's been marked
13 for identification as Grand Jury Exhibit 101 and ask
14 if you can identify that.
15 MR. KREINHOP: This is the document that had been posted on the
16 internet titled "Dan's Adventure in Taking on the
17 Family Courts", the same that I've just testified
18 about.
19 MR. NEGANGARD: And in this document, he makes several statements
20 about Dr. Conner and Judge Humphrey. Is that
21 correct?
22 MR. KREINHOP: Yes.
23 MR. NEGANGARD: And he accuses Judge Humphrey of child abuse.
24 MR. KREINHOP: Yes.
25 MR. NEGANGARD: And um, and then in this long berate, basically says

1 after he berates Judge Humphrey for a considerable
2 length of time, it says, "My job's to hold people
3 accountable for doing mean things to my children
4 and my family to make sure that these people do not
5 have an opportunity to hurt others. Please pass my
6 message on to everyone that you can and copy this
7 letter and send a letter along with your own personal
8 comments and opinions to the ethics and
9 professionalism committee advisor located in
10 Dearborn County, Indiana" and then gives Judge
11 Humphrey's wife and her home address. Is that
12 correct?

13 MR. KREINHOP: That's correct.

14 MR. NEGANGARD: And that's not the proper...and we'll have other
15 people testify to this, but that's not the proper
16 procedure to make a complaint, an ethics complaint
17 about the judges.

18 MR. KREINHOP: No it's not.

19 MR. NEGANGARD: And he in fact posts Heidi's, the Humphrey's home
20 residence is not listed in the phone book, is it?

21 MR. KREINHOP: No it is not.

22 MR. NEGANGARD: He posted that on the internet.

23 MR. KREINHOP: Correct.

24 MR. NEGANGARD: At this time I'll show 101 is admitted and pass that
25 around. Um, after interviewing Judge Humphrey,

1 oh, and then, he made a considerable point about
2 having his children taken away and isn't it in fact
3 true that all that Dan Brewington needed to do to get
4 visitation with his children was submit to a
5 psychological evaluation?
6 MR. KREINHOP: That's correct.
7 MR. NEGANGARD: Okay. And he refused to do so.
8 MR. KREINHOP: That's correct.
9 MR. NEGANGARD: And has continued to refuse to do so even today.
10 MR. KREINHOP: Yes.
11 MR. NEGANGARD: Okay. Um, If you could continue on what you need
12 next with regards to your investigation.
13 MR. KREINHOP: I then contacted Lawrenceburg attorney, Angela
14 Loechel. She, as I mentioned previously, was the
15 attorney for the Petitioner in the divorce proceeding,
16 Melissa Brewington. She is the individual that
17 actually brought this document to the Prosecutor's
18 attention and in doing so, she expressed concern
19 that this was a possible threat to Judge Humphrey.
20 In my interview with her, she had mentioned
21 specifically page 7 of this document which again is
22 what I previously testified to as far as the sending
23 letters and other correspondence to Judge
24 Humphrey's wife, which I might add by the way
25 that she did receive three (3) letters in regards, in

1 the mail from this internet posting. Um, in
2 continuing on with my interview with Ms. Loechel,
3 she had also told me that Brewington had actually
4 contacted her husband via telephone. He is a police
5 officer in Kentucky. At their residence he contacted
6 him indicating that he was interested in receiving
7 firearms training from him. Loechel felt this was
8 way out of line and suspected that this was an
9 attempt by Brewington to intimidate her and to
10 show her that he knew where she lived.

11 MR. NEGANGARD: Angela Loechel was Ms. Brewington's attorney. Is
12 that correct?

13 MR. KREINHOP: That's correct. Further, she provided me with
14 several documents which were faxes and letters that
15 she had received from Brewington concerning the
16 divorce proceedings between him and her client,
17 Melissa Brewington. That concludes the
18 information that I received from Ms. Loechel.

19 MR. NEGANGARD: Who else did you interview?

20 MR. KREINHOP: I next then contacted Melissa Brewington who at
21 that time was the ex-wife of Dan Brewington. She
22 related to me that she had been married to Dan
23 Brewington for approximately four (4) years and
24 that they had two (2) young children, two (2) young
25 girls as a result of the marriage. Uh, she indicated

1 to me that Dan Brewington was extremely upset
2 with the Court and also with Dr. Edward Conner
3 who had made the evaluation, child custody
4 evaluation of her and her ex-husband and that he
5 was very angry with and in particular Dr. Conner
6 because of that evaluation and that he did not agree
7 with it. She also went on to tell me that her ex-
8 husband had continued to attempt to make contact
9 with her when he had been told not to do so by the
10 Court. She's living in Green Township, Ohio, at
11 this time by the way and so she subsequently
12 reported his telephone calls to a Green Township,
13 Ohio police subsequently resulting in his arrest for
14 telephone harassment. She went on to tell me that
15 her husband had been primarily verbally abusive
16 during their marriage and was very manipulative of
17 her. She also went on to tell me that he had made
18 several threats of physical violence to her and that
19 there had been some pushing and shoving of her by
20 him but no actual striking or injuries sustained by
21 her from him. But she said that she did feel like that
22 he was very much capable of committing acts of
23 violence and causing harm to her. She went on to
24 tell me that her ex-husband often stayed with his
25 mother who is Sue Brewington and that she lived in

1 Norwood, Ohio. She also provided me with his
2 phone number, cell phone and home number at that
3 location. And based on that information, I
4 subsequently contacted Brewington by telephone or
5 actually I should say the initial contact was a
6 message that I left on his cell phone requesting that
7 he contact me. Brewington subsequently did return
8 my phone call and I advised him at that point that I
9 was assigned to investigate a complaint against him
10 and I wanted to meet with him to give him an
11 opportunity to respond to the complaint. He then
12 told me he would have to give it some thought and
13 he would get back with me. I subsequently then
14 was contacted by his attorney who is an individual
15 by the name of Bob Kelly who informed me that he
16 would not allow his client to speak with me and so I
17 had never had an opportunity to actually question
18 Mr. Brewington concerning the complaint, however
19 I did contact him at his mother's home around the
20 first (1st) of November simply to confirm that the
21 individual who identified himself as Bob Kelly as
22 his attorney, that that was in keeping with his
23 wishes that he did not wish to answer any questions.
24 And upon my personal contact with him, he did
25 confirm that fact. However he went on to spend the

1 next three (3) hours explaining his side of this
2 situation and so I didn't have the opportunity to ask
3 questions of him. I was able to make statements but
4 in keeping with fifth (5th) amendment rights, I did
5 not ask direct questions of him but he volunteered a
6 considerable amount of information and for the
7 most part it was simply a rehash of other documents
8 that I had received from him concerning his contact
9 with the Circuit Court and also Dr. Conner. So I
10 didn't really learn anything new that I hadn't already
11 received in the way of writings or internet postings.

12 MR. NEGANGARD: He spoke with you though for three (3) hours?

13 MR. KREINHOP: Yes, actually a little over three (3) hours. After I
14 had uh, had my meeting with Mr. Brewington then I
15 met with Dr. Edward Conner and uh, interviewed
16 him and the following is a brief summary of my
17 interview with Dr. Conner. Dr. Conner related to
18 me that issues with Dan Brewington began in
19 August of 2007 after Dr. Conner had issued a report
20 concerning the evaluation of Brewington and his
21 wife and their children for child custody purposes.
22 As previously indicated, the evaluation had been
23 ordered by the Ripley Circuit Court where the
24 marriage Petition, or the dissolution of marriage
25 was first filed. They lived at Milan, Indiana in

1 Ripley County at that time if I may add that. Uh,
2 after Dr. Conner had issued a report concerning this
3 evaluation, he then received a seventeen (17) page
4 document or letter from Dan Brewington taking
5 issue with the evaluation and Brewington went on
6 to demand what he termed to be the case file which
7 included the evaluation of the children as well as
8 Melissa Brewington. Dr. Conner received a ruling
9 from the Ripley Circuit Court at that time that the
10 only document he had to release was the evaluation
11 of Dan Brewington himself, which he did do.
12 However, Dan Brewington persisted through phone
13 calls, e-mails, faxes and other correspondence,
14 letters and other correspondence to Dr. Conner
15 demanding the case file which Dr. Conner
16 continued to refuse to release. Uh, also Brewington
17 then made allegations that Dr. Conner was not
18 licensed in Indiana to conduct these evaluations
19 which it's true that at that time Dr. Conner did not
20 have a license to practice psychiatry or psychology
21 rather in Indiana, however he was licensed in
22 Kentucky and that's where the evaluations were
23 done -- in Kentucky. Dr. Conner has since then
24 received a license to practice in Indiana but again he
25 didn't have it at the time. It was a mute issue but

1 Dan Brewington continues yet today to make an
2 issue of the fact that he was not licensed in Indiana.
3 And again, it's a mute issue. He was licensed in
4 Kentucky and that's where the evaluation was done.
5 Um, Dr. Conner went on to say that it was his
6 opinion that Dan Brewington was the type of
7 individual that took issue with anyone who
8 disagreed with him or had an opinion that was
9 different from his. Although Brewington has not
10 directly threatened Dr. Conner with physical harm,
11 Dr. Conner believes that Brewington was certainly
12 capable of committing physical violence. Dr.
13 Conner went on to say that Brewington was
14 possibly paranoid and paranoid patients have a
15 history of striking out especially against those who
16 disagree with him. Dr. Conner also stated that he
17 had recommended to the Court that Melissa
18 Brewington have full custody of the children and
19 that Dan Brewington have usual and regular
20 visitation of the children. Despite this
21 recommendation by Dr. Conner, the Court found
22 that there were other factors that resulted in the
23 Court ordering Dr., or rather Mr. Brewington to
24 submit to an evaluation, a mental evaluation and as
25 previously indicated, Mr. Brewington has refused to

1 this day to submit to this mental evaluation. Um,
2 and so after the conclusion of this interview with
3 Dr. Conner, I essentially have not done anything
4 further other than to monitor postings that Mr.
5 Brewington has continued to post on the internet.
6 These documents that you see before me are a
7 sampling of some of those documents. There are
8 many more which I have not printed out but these
9 are just simply some examples but based on the fact
10 of his refusal to answer questions, I've reached a
11 point with the investigation that I haven't proceeded
12 other than to monitor his statements on the internet
13 via his writings.

14 MR. NEGANGARD: Thank you. We'll get into some of those documents
15 later. Does anyone have any questions?

16 JUROR: Sheriff, what was the reference again to his
17 involvement with the firearms training?

18 MR. KREINHOP: He does have a license to carry a firearm in Indiana
19 and that was mentioned to me by not only Ms.
20 Loechel but Judge Humphrey as well and I hadn't
21 mentioned it previously but in regards to contacting
22 Ms. Loechel's husband who is a police officer, he
23 had done so by telephone inquiring as to whether or
24 not he could provide firearms training to him and
25 which was very much unusual. If someone wants to

1 do that sort of thing, they could certainly go out and
2 target practice on their own. He had a license to do
3 that sort of thing and there is, there was some
4 testimony in court through the divorce proceedings
5 that he had given instruction to his children who at
6 that time I believe were five (5) and three (3) years
7 old concerning firearms as well. At that age, again,
8 I would find that to be very unusual.

9 JUROR: Thank you.

10 MR. KREINHOP: And again just to re-state what I mentioned before,
11 Ms. Loechel expressed concern over the fact that he
12 was able to make contact even though by telephone
13 with her husband which demonstrates to her that he
14 was able to get their phone number and also would
15 be a means by which he could learn where she lived
16 and she was also expressing concern for her own
17 safety given the fact that he was known to have
18 weapons or have a gun and she was representing his
19 wife at that time in the divorce proceedings.

20 JUROR: Sheriff if he took a psych. eval. and he flunked it or
21 it came back with a negative report, would he lose
22 his license to carry firearms?

23 MR. KREINHOP: He would have to be convicted of a felony and
24 someone would have to petition the court and show
25 evidence that it possibly could be taken away if he's

1 demonstrated to be unstable but otherwise as far as
2 an automatic loss, uh, it wouldn't be done
3 immediately but if he was convicted of a felony, he
4 would lose his license to have a handgun at that
5 point, but otherwise it would have to be
6 demonstrated in court that he's unstable to continue
7 to possess or have a firearm.
8 JUROR: He doesn't have a license to carry and conceal, does
9 he?
10 MR. KREINHOP: Uh, I've got a copy of his license. I think it is to
11 carry and conceal. I believe it is but I would have to
12 look it up to make sure. There's two (2) types – one
13 for personal protection which is what I think he has
14 and the other is for target practice or hunting –
15 hunting and target practice. It would take me a
16 while to find that but I know, I've got a copy of it. I
17 just don't recall right off hand which of the type it
18 is.
19 MR. NEGANGARD: We'll get to that later.
20 MR. KREINHOP: Okay.
21 MR. NEGANGARD: We're back on record to so that we're addressing
22 the handgun issue.
23 MR. KREINHOP: He had filed for an application for a handgun in
24 Ripley County in January 22nd of 2007 and at that
25 time he did not indicate the type of permit that he

1 was seeking and I haven't checked further but uh, it
2 is interesting to note that the divorce was filed on
3 January the 8th and approximately two (2) weeks
4 later, he obtained a handgun permit so that's worth
5 mentioning. I would guess at this point that he does
6 have some type of permit. Generally if there's not a
7 felony conviction, then they are issued or they are
8 approved and he filed for this one with the Ripley
9 County Sheriff and then they are subsequently
10 reviewed and approved by the Indiana State Police
11 Superintendent and I would venture to say or guess
12 to say at this point that he has a valid permit but I'm
13 not sure exactly which type.

14 MR. NEGANGARD: I would point out that permits in Indiana, if you
15 don't have a felony, they are relatively easy to
16 obtain.

17 MR. KREINHOP: Yes.

18 MR. NEGANGARD: Not difficult to...very liberal gun permit and I don't
19 have a problem with that but that's why the felony
20 convictions generally only means by which one
21 loses a license to carry a firearm.

22 JUROR: With an Indiana license (inaudible) or is not in
23 Ohio?

24 MR. NEGANGARD: I'm not certain how that plays out. There are certain
25 rules with regards to good faith and credit that

1 certain states are entitled to get.

2 JUROR: (inaudible) license in Indiana, one's not.

3 MR. KREINHOP: That's correct. Our license or permits are not

4 honored in Ohio but they are in Kentucky and

5 Indiana does honor, I believe all states. But not all

6 states honor Indiana and Ohio is one that does not.

7 JUROR: That's what I thought.

8 MR. KREINHOP: Yell.

9 MR. NEGANGARD: Um, okay at this point, we'll take a break while I get

10 the next witness. Okay at this time, I would call

11 Melissa Brewington. Mr. Foreman, would you

12 swear in the witness?

13 FOREMAN: Do you solemnly swear or affirm that the testimony

14 you are about to give in the matter now under

15 consideration by the grand jury will be the truth, the

16 whole truth and nothing but the truth? And do you

17 further solemnly swear or affirm that you will not

18 divulge any portion of your testimony before this

19 grand jury except when legally called upon to do

20 so?

21 MELISSA: I do.

22 MR. NEGANGARD: Um, Ms. Brewington, would you please state your

23 name for the record?

24 MELISSA: Melissa Brewington.

25 MR. NEGANGARD: And uh, you were married to Dan Brewington. Is

1 certain states are entitled to get.

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16 whole truth and nothing but the truth? And do you

17 further solemnly swear or affirm that you will not

18 divulge any portion of your testimony before this

19 grand jury except when legally called upon to do

20 so?

21 MELISSA: I do.

22 MR. NEGANGARD: Um, Ms. Brewington, would you please state your

23 name for the record?

24 MELISSA: Melissa Brewington.

25 MR. NEGANGARD: And uh, you were married to Dan Brewington. Is

1 marriage, he was very controlling. Um, it was
2 either his way or no way and if I disagreed with
3 him, it was all out war. Um, we fought mostly over
4 money and him being unemployed and not helping.
5 Even when we were married and had children, even
6 when he was unemployed, our children went to
7 daycare. Um, and in 2000, I believe it was, he
8 started treatment for ADD at the Affinity Center,
9 um and that is a treatment facility for adults with
10 ADD and they also treat children as well. They are
11 known for treating adults with very high dosages of
12 Ritalin. Um, when we were married, he was taking
13 200 mg. of Ritalin a day, 50, every four (4) hours
14 and like I said, his treatment with the Affinity
15 Center started in 2000. Um, and I truly believe that
16 the medication that he's on because it is such a high
17 dosage, I truly think that it has altered his thinking
18 because he is totally different than when I met him.
19 Um, I filed...

20 MR. NEGANGARD: So he always was a bit controlling (inaudible)?

21 MELISSA: Yes.

22 MR. NEGANGARD: And when you say if you disagreed with him, it was
23 all out war, what do you mean?

24 MELISSA: He would make my life a living hell. I mean it
25 would just basically that he would be constantly

1 talking, yelling at me. He would follow me from
2 room to room yelling at me whether it was about a
3 decision, um, he would put things behind my car so
4 that I couldn't leave. Um, he would retaliate.
5 When we were married, I was actually was seeing
6 somebody for depression, um, and he went behind
7 my back. Her name was Mary Jo Pollack. He went
8 behind my back and contacted her and when she
9 told him that she could not talk to him because it
10 was conflict of interest because she was already
11 seeing me, um, he wrote her about, it was about a
12 twenty (20) page letter and attached my personal
13 journaling at home. He had copied them and wrote
14 things all over them. He had mailed this packet to
15 her and then also tried to sneak on her schedule to
16 get in to tell his side of the story. Um, so you know,
17 very controlling even when I went to talk to a
18 counselor about him. He didn't like that I was
19 telling someone else about our problems.
20 MR. NEGANGARD: And you say he put things behind your car, what
21 kind of things?
22 MELISSA: Um, I just had a Jetta so you know like large pieces
23 of, it was like a PVC pipe. I tried to leave the one
24 time when we had an argument and I had um, ran
25 out the door and took the girls into the car, it was

1 late and had them in their pajamas and he was
2 banging on the window and um, I mean almost
3 broke my window in my car, my car window.
4 MR. NEGANGARD: So at what point then did you decide to file for
5 divorce?
6 MELISSA: Things were not getting any better. We tried to go
7 through marriage counseling. I had told him that it
8 was important for him to get a job and to help out
9 around the house. Um, when I would work, the
10 girls would go to daycare and when I came home,
11 nothing would be done which creates frustration.
12 Um, so we had had several talks about him needing
13 to get a job. He refused.
14 MR. NEGANGARD: Hold on, let me ask you...so you would go to work
15 and you would get daycare?
16 MELISSA: Yes.
17 MR. NEGANGARD: He was unemployed. Why didn't he take care of the
18 children?
19 MELISSA: Um, he said that he was working from home which
20 meant he was on the internet. I don't know what he
21 was doing on the internet. He said that he was
22 working from home and that he couldn't take care
23 of the girls and work from home. I think that part of
24 his disillusion, he would come up with weird ideas
25 about creating or making a golf course. It was a

1 grandiose idea, like he would do weird things like
2 he would buy five thousand (5,000) used golf balls
3 and then think that he was going to resell them and
4 make a fortune. Um, he had plans to make a golf
5 course. He would spend hours doing these things
6 that um, it just, they, they were irrational and they
7 weren't jobs.

8 MR. NEGANGARD: Well did he ever generate any income from his
9 working at home?

10 MELISSA: No.

11 MR. NEGANGARD: So all that time he said he was working from home,
12 he wasn't generating any income?

13 MELISSA: No.

14 MR. NEGANGARD: And yet the kids went to daycare?

15 MELISSA: Yes.

16 MR. NEGANGARD: And then what?

17 MELISSA: So when he was doing all this work from home, I
18 gave him like six (6) months because he was
19 supposed to be working on a business. So I had
20 given him six (6) months and um, it was from May
21 of '06 to like around October of '06 and at the end
22 of October, I had had enough and I told him um,
23 that things just weren't working out and at that time,
24 I was going to be filing for divorce. I started seeing
25 my attorney in November of '06. At that time, he

1 specifically told me, he said if you don't like it, then
2 you're more than welcome to leave but if you leave
3 and follow through with the divorce, I will make
4 your life a living hell, we will not be friends, we
5 will be enemies. And he's followed through.
6 MR. NEGANGARD: He said if you follow through and get a divorce, he
7 will make your life a living hell?
8 MELISSA: Yes and we will not be friends anymore, we will be
9 enemies.
10 MR. NEGANGARD: Were you living in Ripley County at the time?
11 MELISSA: Um, yes.
12 MR. NEGANGARD: In Milan, Indiana?
13 MELISSA: Mm hmm, up until about January of 2007 where I
14 moved up to where I grew up with my parents in
15 Cincinnati.
16 MR. NEGANGARD: Um, so what was your address in Milan?
17 MELISSA: Um, 4104 East County Road, 300 North.
18 MR. NEGANGARD: That's in Ripley County?
19 MELISSA: Yell it was in Milan.
20 MR. NEGANGARD: Um, you also stated that he wouldn't help out
21 around the house so after you were working and he
22 was supposedly working at home, what would be
23 the conditions when you would come home from
24 work in the house?
25 MELISSA: It would be an absolute mess. I mean, the dishes

1 wouldn't be done. He was so lazy that if he ate
2 something, he would just throw like the wrappers on
3 the floor. Um, almost like hording, like papers
4 would just be everywhere. It was in complete
5 disarray.

6 MR. NEGANGARD: And during this period of time, he was on, you said
7 200 mg. of Ritalin a day?

8 MELISSA: Yes.

9 MR. NEGANGARD: So um, the attorney you first hired was who?

10 MELISSA: Angela Loechel.

11 MR. NEGANGARD: And she stuck with you this whole time?

12 MELISSA: Yes.

13 MR. NEGANGARD: And um, you said he was going to make your life a
14 living hell. Has he spent a lot of effort at making
15 your life difficult since you filed for divorce?

16 MELISSA: Absolutely. With him being unemployed, he has
17 had lots of time to plot and scheme and make this
18 his job.

19 MR. NEGANGARD: Okay. So um, when did you file for divorce?

20 MELISSA: I filed in January of '07.

21 MR. NEGANGARD: And that's when you moved back to Ohio?

22 MELISSA: Yes.

23 MR. NEGANGARD: Did you take the kids with you?

24 MELISSA: When I had my off days, yes, they went with me.
25 Basically, he um, if he, if they weren't in daycare

1 like on the weekend or whatever, he would take
2 them then and usually, at that point because he was
3 trying to make a change, the girls were at daycare all
4 the way up until I filed. At that point he wanted to
5 exercise his parenting time and did not want them to
6 go to daycare so things were changing so that he
7 could set the scene that he was a good dad that
8 watched his children.

9 MR. NEGANGARD: Okay, so up until the time that you filed for divorce,
10 you had to use daycare because he was working at
11 home but once you filed for divorce, then all of
12 sudden the kids didn't need to go to daycare.

13 MELISSA: Right.

14 MR. NEGANGARD: So when you worked, they had, I'm sorry, so when
15 you worked you had custody of the kids. Correct?

16 MELISSA: Yes.

17 MR. NEGANGARD: Or when you worked, he took care of the kids?

18 MELISSA: Yes.

19 MR. NEGANGARD: Okay and when on your off days, you had custody
20 of the kids?

21 MELISSA: Yes.

22 MR. NEGANGARD: Okay, how did things go during that period of time?

23 MELISSA: It was awful. Um, I got many letters from him.
24 Um, some of them being very weird. One of the
25 ones that I brought with me today, it's not a letter.

1 It's a screenplay that he wrote and basically I, this
2 was something that was to intimidate me. This was
3 written in December of '06, so when I was talking
4 about filing for divorce and getting a divorce. Um,
5 it was called "No Where's End" and it says at the
6 top, "Story and screenplay by Dan Brewington" and
7 this kind of, I believe, really shows like how out of
8 touch with reality he was then. Um, it has the
9 beginning of this screenplay and it talks about a
10 husband named Dan and a wife named Kate and a
11 daughter named Mary, which my name is Melissa.
12 So um, he changed the wife's name but still our
13 daughter's name was the same. And I found this
14 after I got done working one day and because at that
15 time I worked from eleven (11) to eleven (11). So
16 when I came home, this was sitting on the desk so I
17 read through it and I got to the end and it didn't
18 really have an ending to it but it was very detailed.
19 He had spent time editing it and what not. So the
20 next day I had asked him you know what is the
21 ending of this screenplay, No Where's End, and he
22 looked at me and he said it's about how a mother
23 and a child, mother and the daughter got into a fatal
24 car accident and how the father got revenge. It
25 started with intimidation at that point. He also um,

1 when I filed, he bought a 357 magnum and it was
2 actually one of his friends that made me aware of
3 this and told me that she said we really want you to
4 watch your back, you know, that he just bought it
5 and we fear for your safety. You can have that and
6 actually on the second page, it's just weird how it
7 says, "you asked for it", so it was just bizarre.

8 MR. NEGANGARD: Is the handwriting on this his handwriting?

9 MELISSA: Yes.

10 MR. NEGANGARD: You've not changed anything?

11 MELISSA: No.

12 MR. NEGANGARD: We'll show that Grand Jury Exhibit 102 is a copy of
13 that screenplay.

14 MELISSA: Yes.

15 MR. NEGANGARD: Um, what else happened after um, during this
16 period of time from January of 2007 while the
17 divorce was pending?

18 MELISSA: Um, he would fight over anything. If my lawyer
19 suggested something, you know, it would be total
20 opposite even if it was something reasonable, like
21 half holidays, you have half holidays, she has...um,,
22 he wanted all the holidays. You know, everything
23 was a fight. Um, in between January and February,
24 it was February 9, 2007, so it was only about a
25 month and a half before we had our provisional

1 hearing, and that was up in Ripley County with
2 Judge Taul, um...

3 MR. NEGANGARD: Did he get an attorney at first?

4 MELISSA: Yes he had...well he had Amy Streater and um...

5 MR. NEGANGARD: He first hired Amy Streater. Is that correct?

6 MELISSA: Yes and then after the provisional hearing with her,
7 he fired her and picketed her office.

8 MR. NEGANGARD: So after the provisional orders, he fired her and
9 picketed her office?

10 MELISSA: Yes, because he was claiming that she failed to
11 provide the Court with a document.

12 MR. NEGANGARD: So from January to February, there was this period
13 of time where you didn't have a provisional order
14 hearing, so there was no order setting forth what the
15 visitation and...

16 MELISSA: Right...

17 MR. NEGANGARD: ...and stuff would be. Is that correct?

18 MELISSA: Mm hmm and at that time, um, there were times
19 that I can remember where he would not return the
20 girls to me like on, you know, because at this time
21 you're supposed to be able to try and work with the
22 other parent to set up time frames. Um, there were
23 times that he did not come to the specified meeting
24 place on time and um, he made it very clear to me
25 that you know, he was going to do everything in his

1 power to get full custody and he was saying that I
2 could not take the girls across state lines, basically
3 anything to threaten and intimidate me. This
4 obviously was not going to be something that we
5 could try and work out.

6 MR. NEGANGARD: Okay. So what happened at the provisional orders
7 hearing?

8 MELISSA: Uh, let's see here. I think that was an eight (8) hour
9 day. Um, you know, I don't think anything really
10 odd happened at the hearing.

11 MR. NEGANGARD: But I mean what was the ruling?

12 MELISSA: Oh, um, that I have sole custody and control of
13 Mary and Audrey and he had visitation while I was
14 at work, um, until our final hearing.

15 MR. NEGANGARD: So he did not like that you had sole custody coming
16 out of those provisional orders?

17 MELISSA: No.

18 MR. NEGANGARD: And um, when was Dr. Conner appointed?

19 MELISSA: I believe that was in May of '07.

20 MR. NEGANGARD: Okay. So he gets uh, you get provisional orders
21 hearing in February of '07.

22 MELISSA: Yes.

23 MR. NEGANGARD: And it doesn't go his way so he fires Amy Streater
24 and then pickets her office.

25 MELISSA: Yes.

1 MR. NEGANGARD: And then um, who does he hire after that?
2 MELISSA: Uh, Tom Blondell.
3 MR. NEGANGARD: And how long did Tom Blondell represent him?
4 MELISSA: Um, I think it was, if I'm right, about nine (9)
5 months maybe.
6 MR. NEGANGARD: Um, what happened with Tom Blondell? Why
7 didn't Tom Blondell continue to represent him?
8 MELISSA: Uh, let's see here. I think, from my understanding,
9 Tom..., let's see here...we had both agreed to have
10 Dr. Conner do our custody evaluation.
11 MR. NEGANGARD: You agreed to have Dr. Conner do the evaluation?
12 MELISSA: Yes, both of us did.
13 MR. NEGANGARD: Okay, so he agreed to Dr. Conner.
14 MELISSA: Yes.
15 MR. NEGANGARD: And Dr. Conner...during this period of time from
16 February of 2007 'til um, after that time, there was a
17 period of time you agreed on Dr. Conner for your
18 custody evaluation.
19 MELISSA: Right. Our custody evaluation went from, I think it
20 was May, and then we got the results of it back, in I
21 believe August of '07, so it was about a three (3)
22 month process.
23 MR. NEGANGARD: Okay and he had Tom Blondell as his attorney
24 during that time.
25 MELISSA: Yes.

1 MR. NEGANGARD: And it was his position that he was fighting for
2 custody.
3 MELISSA: Yes.
4 MR. NEGANGARD: So the Court ordered an evaluation and it was
5 agreed that Dr. Conner would conduct an
6 evaluation.
7 MELISSA: Yes.
8 MR. NEGANGARD: And did Dr. Conner issue a custody evaluation
9 report?
10 MELISSA: Yes.
11 MR. NEGANGARD: And that occurred in August of 2007.
12 MELISSA: Yes.
13 MR. NEGANGARD: And basically what were the findings of that report?
14 MELISSA: Um, the, it said, Dr. Conner had recommended that
15 I have sole custody and control, that this was not a
16 joint custody issue, that Dan was very, from my
17 understanding of the report, very difficult to get
18 along with and that this was impossible, um, to have
19 joint custody, so um, but Dan would have visitation
20 with the girls while I was at work.
21 MR. NEGANGARD: What was Dan's reaction to that?
22 MELISSA: Um, he was not happy at all. Uh, even though the
23 report stated that he should have visitation, um, he
24 was not happy at all. He started targeting Dr.
25 Conner at that time through internet writing, um,

1 negative, very negative and that stuff.

2 MR. NEGANGARD: Um, during this period of time from February of

3 2007 to August of 2007, were there any incidences

4 that stick out in your mind as to unusual, or

5 incidences of behavior with regard to Dan

6 Brewington, that kind of stick out in your mind?

7 MELISSA: Um, it was just the same stuff, like um, just the little

8 arguments over vacations, holidays, you couldn't

9 believe him at all. But from that time when we

10 were doing the custodial evaluation, he really

11 wasn't on bad behavior. I think he knew that he

12 was being watched, so to speak, by Dr. Conner

13 during the evaluation.

14 MR. NEGANGARD: So he kind of toned it down during that time?

15 MELISSA: Yell.

16 MR. NEGANGARD: And then after August of 2007, was he cooperative

17 at all with you?

18 MELISSA: I'm trying to think because it's been such a long

19 road. Um, at that time Tom Blondell was still with

20 him. So it's kind of like Tom Blondell had control

21 of him still, meaning that you know, if he started

22 acting irrational, Tom Blondell kind of, we're not

23 going that route, simmer down, or um, it was in...

24 MR. NEGANGARD: ...eventually Tom...

25 MELISSA: ...March of '08...

1 MR. NEGANGARD: ...eventually he terminated that relationship with
2 Tom Blondell?
3 MELISSA: Yell and if I'm right, I'm believing that Tom
4 Blondell put in a motion to withdraw. I think he
5 had had enough and at that time Dan started
6 targeting Tom Blondell on the internet.
7 MR. NEGANGARD: In what way did he target Tom Blondell on the
8 internet?
9 MELISSA: Um, negative things, um, about him as a person,
10 um, I don't know, he did research on Tom to figure
11 out what organizations he was in. He kind of, if I'm
12 right, targeted like those organizations, um, I think
13 at the time Tom Blondell was running for, was he
14 running for judge or something down here, posted
15 tons of negative information about Tom Blondell on
16 the internet about that.
17 MR. NEGANGARD: Okay. Alright and then um, you say he, he uh,
18 posted things on the internet. Did he start a couple
19 web-sites focusing on these issues?
20 MELISSA: Yes.
21 MR. NEGANGARD: What web-sites did he start?
22 MELISSA: Um, this is Dan's Adventures on Taking on the
23 Family Court. So this is the full thing of it all the
24 way up through February 24th – negative
25 information about me – anybody who has crossed

1 his path who had a different opinion than him,
2 which is basically everybody except his mom.
3 MR. NEGANGARD: So and this starts, the first post is, his first post on
4 that is March 28, 2009?
5 MELISSA: Let's see here. Uh, yell I guess that was it. I have it
6 all so if that's all there is, then...but he had started
7 another web-site which I don't have which kind of
8 got shut down and led into this.
9 MR. NEGANGARD: Oh, here's a post from February (inaudible). It says
10 "hello, my name is Dan, I would like to welcome
11 you to my blog."
12 MELISSA: Okay there you go.
13 MR. NEGANGARD: That's when it starts?
14 MELISSA: Yell, so all of that in two (2) years. That was one
15 web-site.
16 MR. NEGANGARD: Including February 24, 2011 and follow up letter to
17 Dearborn County Prosecutor.
18 MELISSA: Yes and then this other one is...
19 MR. NEGANGARD: Hold on a second. I've got to mark it and have you
20 identify it. Grand Jury Exhibit 103 is a complete
21 copy of the blog from the beginning until his most
22 recent posting, from the beginning it appears from
23 February of 2009 to his most recent posting in
24 February 2011.
25 MELISSA: Yes, okay so then um, another one and he's had

1 other little tiny miscellaneous things like you know,
2 he tweaked stuff, which I don't do, facebook, that
3 kind of stuff but his other one that was pretty
4 significant and this is the one where I am the most
5 upset about, is this www.danhelpskids.com where
6 he has posted my personal medical information in
7 here. He takes quotes from our confidential,
8 meaning private, custodial evaluation that was the
9 report that was put out by Dr. Conner and he puts
10 quotes from that confidential custodial evaluation
11 all in here and some of it has to do with my personal
12 medical history, um, history of OCD and depression
13 which is in here which is highly aggravating.
14 MR. NEGANGARD: And on this web-site, danhelpskids.com, he has legs
15 or he has sections entitled "Ed, Dr. Conner, Judge
16 Humphrey, you, Judge Taul, lawyers involved,
17 Dearborn County officials...
18 MELISSA: Yes.
19 MR. NEGANGARD: ...basically anyone who has ever disagreed with
20 him.
21 MELISSA: Yes and in here too, he's got pictures of our
22 children which I am in total disagreement with. At
23 the bottom, I think well it did at one point, have
24 their names.
25 MR. NEGANGARD: Has there not been any new postings on this one

1 since December...

2 MELISSA: I printed that out then. I haven't, I think I checked
3 that like two (2) weeks ago. I don't think that there
4 was really anything new.

5 MR. NEGANGARD: Okay. And uh, that printed from that web-site,
6 danhelpskids, is Grand Jury Exhibit 104?

7 MELISSA: Yes.

8 MR. NEGANGARD: I mean because he's unemployed he has all the time
9 in the world to create these documents.

10 MELISSA: Yes.

11 MR. NEGANGARD: Alright so, uh, we've got the point, was there
12 anything, did he have any unusual behavior during
13 his visitations with the children that was concerning
14 to you?

15 MELISSA: Um, well yes, he wouldn't take care of them,
16 physically, meaning that the girls would wear the
17 same clothes that they were wearing when they left
18 with him. Um, if they were sick, they would come
19 back sicker, not with any kind of report about what
20 was done with them over the weekend. Um, Mary
21 was telling me some inappropriate things that he
22 was doing. I am a big person when it comes to
23 guns, that they be locked up. While we were
24 married and there was a lot of issues with Dan, um,
25 like leaving guns underneath the couch and whatnot,

1 so one of my big complaints at the provisional
2 hearing was that you know, these guns need to be
3 locked up if I'm not going to be out there to keep
4 picking them up and putting them up high, then
5 something needs to be done. Um, so from that point
6 on, Dan made it very uh, just to go ahead and fight
7 me, introducing guns to the girls. Um, at the age of
8 four (4) uh, he had Mary shooting guns out at our
9 old barn. She would come home and say that um,
10 that she had a hard time pulling back the trigger but
11 daddy helped her. Um, and then it got to the point
12 where for Christmas at the age of four (4), Santa
13 brought her a bee-bee gun and they were using it
14 downstairs in his mom's basement shooting at cans.
15 So at that point, I had enough, I mean, that was one
16 of the major things that was very inappropriate
17 because it would be different if she was saying that
18 this was cool but she came home saying daddy
19 made me shoot this gun. I didn't want to and I was
20 shaking like a leaf in the wind. That's what she had
21 said.

22 MR. NEGANGARD: So the custody evaluation comes down in August
23 2007, um, Tom Blondell, what point does he
24 withdraw?

25 MELISSA: I think it was like around March of um, '09, March

1 of '08, I believe.

2 MR. NEGANGARD: March of '08?

3 MELISSA: Yell. I forget where we're at in the timeline.

4 MR. NEGANGARD: So he was his attorney for maybe a year?

5 MELISSA: Yes. At that point he started representing himself

6 prose.

7 MR. NEGANGARD: So at that point, he became his own attorney.

8 MELISSA: Yes.

9 MR. NEGANGARD: At the point that he became his own attorney, did it

10 become harder?

11 MELISSA: Absolutely. He would file motion after motion after

12 motion because he wasn't having to pay for a

13 lawyer. Um, he would file repetitive motions, um,

14 anything that you could think of he filed for

15 knowing that my main weakness was that I didn't

16 have a whole bunch of money so every time he filed

17 a motion, I would have to go ahead and hire my

18 attorney to answer it. We had to go to Court over it.

19 I think um, and I brought the chronological case

20 summary...

21 MR. NEGANGARD: Uh huh...

22 MELISSA: ...and in like March, April of '08, you can see all of

23 the repetitive motions that he would file.

24 MR. NEGANGARD: And this was the time after um, this was the time

25 after he no longer had legal counsel to kind of...

1 MELISSA: ...control him...

2 MR. NEGANGARD: ...sort through what would be appropriate and what
3 wouldn't be.

4 MELISSA: Right.

5 MR. NEGANGARD: So at that point, the motions really...

6 MELISSA: ...I think there was like, if I'm right, from what I
7 remember because as I go through this, this is
8 actually up through January of 2010, so it's not
9 complete up 'til now but I didn't have time to get
10 one...

11 MR. NEGANGARD: ...this is a certified copy. Correct?

12 MELISSA: This is a copy of the certified copy.

13 MR. NEGANGARD: A copy of the certified copy? That was a
14 certification?

15 MELISSA: Yes. I think if I'm right, there was like twenty-four
16 (24) or twenty-five (25) motions that he had put in
17 himself and I think everyone of them was denied
18 except for one - anything to stall and prolong this
19 process.

20 MR. NEGANGARD: (inaudible) when Judge Humphrey found in the
21 final hearing that your uh, attorneys fees ran up to
22 fifty thousand dollars (\$50,000.00) as a result?

23 MELISSA: Yell and he was ordered to pay forty thousand
24 (40,000) of it which I have not received any of it.

25 MR. NEGANGARD: I'm showing you, so Grand Jury Exhibit 105 is a

1 CCS.

2 MELISSA: Yes.

3 MR. NEGANGARD: I'm going to show that that's entered into evidence.

4 Um, okay, so it was also during this period of time

5 that he uses internet writings and to harass Dr.

6 Conner, Tom Blondell and anyone associated

7 basically with this case?

8 MELISSA: Yell, it even goes beyond that. It goes to at that

9 time, um, I was trying to get help for our daughter,

10 Mary. Our oldest was starting to show signs that

11 um, it was just getting rough on her. You know we

12 were going back and forth and between, meaning

13 the girls were there sometimes, they were with me,

14 they were, so she was starting to show signs of

15 distress. So at that time, I had tried to contact...

16 MR. NEGANGARD: And that's your oldest, Mary?

17 MELISSA: Yes. Um, a Dr. Malowski and I can't remember

18 exactly when I had contacted him but it was before

19 our final hearing so maybe early 2009, um, and Dr.

20 Malowski had me fill out paperwork for Mary and

21 asked Dan to fill out paperwork which he never did.

22 He refused, thinking that it would be used against

23 him in Court and um, before we could even start

24 counseling with Mary with Dr. Malowski, Dan had

25 wrote a threatening letter to him telling him that um,

1 he would be subpoenaed in Court for anything that
2 he says to Mary or anything like that so at that point
3 I got word that Dr. Malowski would not be treating
4 Mary. He said that he was uncomfortable given the
5 circumstances with Dan and threatening him already
6 before counseling even started that he would not be
7 able to treat Mary.

8 MR. NEGANGARD: Um, who else did he threaten as part of his...

9 MELISSA: Um, Dr. Dillon is somebody, he's a child
10 psychologist that I was going to see myself to get
11 input from him to tell me how to make this easier
12 on Mary and Audrey. Um, he has written two (2)
13 letters to Dr. Dillon, both of them threatening him
14 with litigation, um, I'll read you, um, I have always
15 said that I would hold everyone accountable for any
16 unethical or illegal conduct in matters dealing with
17 my children. Some would argue that this appears
18 threatening. I would argue that this is a promise and
19 then it goes on to say um, I want you to be aware
20 that there is a good possibility that you will be
21 subpoenaed to testify in future litigation and I will
22 hold you personally responsible for any therapy or
23 advice that you give to my children in dealing with
24 this illegal action. Um, there is no gray area here.
25 I'm just doing my job is not an excuse. So you

1 know, Dr. Dillon has been nice enough and there's
2 another one with similar kind of stuff but you know,
3 he's been nice enough to continue to...
4 MR. NEGANGARD: So Dr. Dillon didn't back down from this?
5 MELISSA: No, he did not and Dan tried to get on his schedule
6 and he refused and uh, he had also tried on several
7 different ways to call and be manipulative and get
8 on his schedule. I must have misplaced the other
9 one. I had two (2) in here. I was looking over stuff
10 before. If I find it, I will give it to you.
11 MR. NEGANGARD: This is uh, I'm showing you Grand Jury Exhibit
12 106. That's a letter from Dr. Dillon from Dan
13 Brewington?
14 MELISSA: Yes.
15 MR. NEGANGARD: And it's August of 2009?
16 MELISSA: Yes.
17 MR. NEGANGARD: Uh, when was the final decree issued in this case?
18 MELISSA: It was in August of 2009.
19 MR. NEGANGARD: And um, in this he says unfortunately Judge
20 Humphrey was the Judge (inaudible) I cannot gravel
21 in front of a court and go through a psychological
22 evaluation and therapeutic supervised visitations
23 sessions with my daughters. I cannot do it because
24 of the record will follow me the rest of my life and
25 be a public record that I underwent psychological

1 treatment to determine if I was a danger to my own
2 children.

3 MELISSA: Yes and he wrote that to, this letter, it went to the
4 schools, both Playtime which is where Audrey goes
5 and St. James School, making them aware that he
6 was refusing a psych. eval., also to my lawyer there
7 was a letter.

8 MR. NEGANGARD: He said, going through supervised visitations in a
9 therapeutic environment with the girls could do
10 more damage than not seeing them.

11 MELISSA: Yes.

12 MR. NEGANGARD: And is that also the letter where he threatens Dr.
13 Dillon?

14 MELISSA: Yes.

15 MR. NEGANGARD: Okay. Now, is there anyone else, you mentioned
16 Dr. Malowski, Dr. Dillon, um, the schools, what
17 communications did he do with the schools that
18 made it difficult for your children?

19 MELISSA: Um, he, let's see here, with St. James, um, I talked
20 to the principal, she said that he was very
21 demanding as far as things, wanting to look through
22 her file, which she had no problem with, but just
23 being loud at her conference. Um, Dan didn't like
24 what Mrs. Biebe had to say, that's the principal at
25 St. James. So what he did, was, basically she said,

1 look, we're not here to make any kind of judgment
2 on you or your wife or the situation that you guys
3 are in - we're here to talk about Mary. Um, and he
4 started to get loud and I think that she pretty much
5 reprimanded him and said if you've got any more
6 questions about Mary, that's it. Um, he didn't like
7 the way she handled the situation, so once again um,
8 he wrote negative things about St. James on the
9 internet. I think he contacted Mary Henninger. I
10 don't know if she's, something to do with
11 archdiocese. He cc'd a letter to the priest at our
12 church, making it very uncomfortable and also as
13 far as Playtime, which this is just like a small
14 private school that Audrey goes to - like a
15 daycare/preschool, um, in September of 2010, he
16 wrote a letter to them threatening them with
17 litigation if they didn't cooperate in the way that he
18 wanted and at that time, here's these letters - I don't
19 know if you want the ones from, to the schools...

20 MR. NEGANGARD: Yes.

21 MELISSA: There's four (4) here. There was two (2), you
22 know, one (1) written to each school in '09 and then
23 one (1) written to each school in 2010, but um,
24 Playtime, which is where Audrey goes had had
25 enough and in I believe it was in November of

1 2010...

2 MR. NEGANGARD: I'm showing what's marked as Grand Jury Exhibit

3 107. That's a letter he sent to Ms. Donna Biebe

4 dated September 8, 2009?

5 MELISSA: Yes.

6 MR. NEGANGARD: And this is after Court ordered, um, the Court made

7 several findings and in that order that he be

8 psychologically evaluated before he could have any

9 more visitation.

10 MELISSA: Yes. Our final order stated that I should have sole

11 custody and control of Mary and Audrey and that

12 Dan have no visitation with them until he

13 underwent a psychological evaluation. At that time,

14 once the psychological evaluation came out, then he

15 could petition the Court for supervised visitation.

16 Once supervised visitation was going okay, then he

17 could petition the Court for unsupervised visitation.

18 Um, and Dan was...do you need a copy of the

19 orders?

20 MR. NEGANGARD: If you've got them.

21 MELISSA: Uh huh. Yell here you go.

22 MR. NEGANGARD: Okay. I'll mark that. Okay, I'm showing you

23 what's marked Grand Jury Exhibit 112. Is that a

24 copy of the final order?

25 MELISSA: Yes.

1 MR. NEGANGARD: And this is the finding where the Judge determines
2 that he should have to...in this order it says he has
3 to have visitation or he has to get a psychological
4 evaluation.
5 MELISSA: Yes.
6 MR. NEGANGARD: Now...
7 MELISSA: It says something about him being irrational and
8 unable to conduct himself as a parent at this time.
9 MR. NEGANGARD: And he had already attacked Judge Humphrey um,
10 at this point, because I believe it says, the record in
11 this case shows that the husband has attempted to
12 intimidate the Court and Court Staff (inaudible).
13 MELISSA: Yes.
14 MR. NEGANGARD: And that's Grand Jury Exhibit 112?
15 MELISSA: Yes.
16 MR. NEGANGARD: I'll show that that's entered. Um, and 107 is the
17 letter from, to Donna Biebe?
18 MELISSA: Yes.
19 MR. NEGANGARD: Donna Biebe and that was St. James?
20 MELISSA: Yes.
21 MR. NEGANGARD: And 108 is the same?
22 MELISSA: Yes.
23 MR. NEGANGARD: Except that that's the letter on September 28th?
24 MELISSA: Yes.
25 MR. NEGANGARD: And 109 is the letter to Playtime?

1 MELISSA: Yes.

2 MR. NEGANGARD: Childcare, dated September 8th and then um, 110 is

3 September 28, 2010. So these are letters sent at the

4 same time regarding his daughter to Playtime and to

5 St. James?

6 MELISSA: Yes.

7 MR. NEGANGARD: Okay, we'll show 107 and 108, 109 and 110 entered

8 for the record.

9 MELISSA: So as I was saying, Playtime had pretty much had

10 enough of the intimidation from Dan as far as he

11 was threatening them with litigation so um, they had

12 explained to me, Melissa, we know that this isn't

13 your problem but at the same time we cannot afford

14 lawyers. We're a small school. We can't afford

15 lawyers, you know if he were to do this, follow

16 through with what he's saying so they wrote a letter

17 to me on September 30, 2010 and it says "Dear Mrs.

18 Brewington, the purpose of our center is to provide

19 a secure, loving environment and academic

20 preparation for kindergarten for Audrey

21 Brewington. After receiving documents from

22 Audrey's father, Daniel Brewington, it is the

23 position of the school not to be involved in

24 domestic disputes and put our staff in situations that

25 we feel uncomfortable. We understand the need for

1 a parent to be involved in the life of their children,
2 however going about it in a threatening manner
3 seems counterproductive. We are asking for a swift
4 resolution to the situation in order to maintain your
5 children's enrollment in our center". So basically
6 they are telling me that if something isn't done,
7 which is out of my control, that they were going to
8 ask my daughter to leave.

9 MR. NEGANGARD: And you had been trying to do something for some
10 time?

11 MELISSA: Yes.

12 MR. NEGANGARD: Now so what happened after that?

13 MELISSA: Um, well unfortunately, I'm trying to think of
14 when...Dan started the appeals process because he
15 didn't like the outcome of our final orders. Dan
16 started the appeals process um, a few months after, I
17 think it was like maybe in January of 2010. But he
18 started the appeals process so a lot of the things that
19 were happening I had nothing, no way to go about it
20 because the trial court couldn't hear my contempt's
21 against him or anything because it was out of their
22 jurisdiction and in the appeals court.

23 MR. NEGANGARD: So, 111 is the letter you got from Playtime.

24 MELISSA: Yes.

25 MR. NEGANGARD: And did Playtime end up having to terminate

1 Audrey?

2 MELISSA: No. We had a hearing on November 24, 2010, um,
3 down in, because our...

4 MR. NEGANGARD: This is the third (3rd) judge because Judge
5 Humphrey had to get out.

6 MELISSA: ...judge...yes. So now we are placed in Madison,
7 Indiana with Judge Todd. At that time, we were
8 able to talk to...Dan had a, has a lawyer, or had a
9 lawyer up until last week. He fired him – this Ryan
10 Ray. So we were able, me and my lawyer were able
11 to talk to him out in the hallway and explain to him
12 the importance, that he, you know, explain to Dan
13 that if he does not stop this type of behavior, he's
14 going to cause his child to have to relocate to a
15 different school, make new friends, put her in a very
16 uncomfortable situation because she has routine at
17 Playtime. She has stability there. She knows
18 everyone. So Ryan Ray, his lawyer at the time, he
19 wasn't really aware of what was going on.

20 MR. NEGANGARD: And then um, so what else has happened as a result?
21 What other issues have arisen through Dan
22 Brewington's, relation with Dan Brewington that
23 you haven't testified to?

24 MELISSA: Um, well after our final orders came out in August
25 of 2009, Dan was very angry and still representing

1 himself prose, um, had no control over his anger.
2 Most of it was directed toward me. After the orders
3 came out, I tried to let the girls communicate with
4 him but it was constant yelling at me over the
5 phone, um, saying that I was participating in a
6 crime, um, he was going to sue me. This wasn't
7 going to end well, which I never understood what
8 that meant. Um, he would tell me that if I didn't do
9 something, meaning he wanted me to go ahead and
10 file something with the Court like a mistrial, that if I
11 didn't do something, that he was going to release
12 information to the media, that he was going to be
13 contacting the schools, which I mean, he has. He's
14 done all of that. Um, at that time, I let this go on for
15 like three (3) weeks after our orders came out with
16 him yelling at me. The phone conversations
17 weren't going good. He was texting me, like I had
18 received eight (8) texts like in a half hour, um,
19 about, you better do something, this is, you're going
20 to be implicated in this and you don't want that to
21 happen. If you don't do something, I'm going to
22 release it to the media – all that good stuff. Um, I
23 told him at that time, that he was not to contact me
24 anymore and any and all communication must be
25 done through Angela Loechel. He continued to

1 contact me in a huge way – um, through texts,
2 phone calls, leaving messages on my home phone,
3 which was I was living with my parents at the time,
4 on my cell phone, um, and it was about a week after
5 I told him not to contact me that he continued to do
6 it, so I filed telecommunications harassment against
7 him in Hamilton County.

8 MR. NEGANGARD: And this occurred in the Fall, or actually it occurred
9 after, around the Fall of 2009. Correct?

10 MELISSA: It was in September of 2009.

11 MR. NEGANGARD: Okay. Now I do want to back up before we get into
12 the telephone harassment. At the final hearing how
13 would you describe, the final hearing on this
14 occurred over three (3) days. Is that correct?

15 MELISSA: Yes.

16 MR. NEGANGARD: And he represented himself.

17 MELISSA: Yes.

18 MR. NEGANGARD: How did he behave during that final hearing?

19 MELISSA: Terrible – throwing papers, yelling. Um, he stood
20 up and yelled at the top of his lungs “I demand
21 justice in this Courtroom”. He was acting um, very
22 odd, laughing inappropriately at questions.

23 MR. NEGANGARD: Okay so he did all this. Was a Sheriff’s Deputy
24 brought in to...

25 MELISSA: Yell after Dan would not calm down, you know, the

1 Judge said you're going to be held in contempt if
2 you don't simmer down. We're going to have a
3 Sheriff Deputy standing next to Dan for the entire
4 three (3) days. And we also needed to have a
5 Sheriff, like it wasn't just something simple where I
6 could go out and get my things appraised. We had
7 to have an appraiser appraise all of our items at the
8 house. Um, that had to be done with the Sheriff
9 Deputy there. Um, getting my things actually from
10 the house that I was awarded in our final orders –
11 that had to be done under a Sheriff's supervision
12 because he just is irrational.

13 MR. NEGANGARD: So after the final orders come out in 2000...August
14 of 2009 and in September of 2009, he begins this
15 telephone harassment where he won't leave you
16 alone.

17 MELISSA: Yes.

18 MR. NEGANGARD: And were charges filed in Hamilton County?

19 MELISSA: Um, yes. I filled out an affidavit.

20 MR. NEGANGARD: And then they ultimately dismissed the charges?

21 MELISSA: Yes because they said that is was a, it should be
22 handled in Indiana even though I was living in
23 Hamilton County and I had been for three (3) years,
24 because our final orders were out in...and the no
25 visitation was in those orders and they said that I

1 needed to file contempt in Indiana which I had done
2 but because of the appeals process, the trial court
3 could not hear the contempt against Dan, so yell,
4 Hamilton County, the Prosecutor's office dismissed
5 it on the facts that it was a gray area and it should be
6 handled in Indiana because they were the ones who
7 wrote the orders.
8 MR. NEGANGARD: Um, the telephone harassment - did you document
9 that?
10 MELISSA: Yes. This is the affidavit I filled out.
11 MR. NEGANGARD: I'm showing you Exhibit 115. Is that the affidavit
12 you filled out?
13 MELISSA: Yes. Um, and this is like a record of things that
14 were happening at this time as well. When I filed
15 the telephone communications harassment out of
16 spite, Dan went ahead and he had the police come to
17 our house which is pretty intimidating for a four (4)
18 and six (6) year old to have the police come out to
19 the house. He wanted them to come to check on the
20 girls.
21 MR. NEGANGARD: Um, it shows, this is the timeline you created?
22 MELISSA: Yes.
23 MR. NEGANGARD: Okay, so I'm showing you 114. That's the timeline
24 that you created. Correct?
25 MELISSA: Yes.

1 MR. NEGANGARD: And everything in there is what you recall.
2 MELISSA: Yes.
3 MR. NEGANGARD: And then the last entry is uh, 9/11/09, Dan wrote on
4 his blog web-site about how evil me and my family
5 are and how he used to protect them but now he
6 wasn't going (inaudible)?
7 MELISSA: Yes and I have no idea what that means but it
8 sounds as if he had plans for me.
9 MR. NEGANGARD: Do you have copies of those text messages.
10 MELISSA: Yell, basically that was just...the first seven (7) or
11 eight (8) are to show how many he texted me in a
12 half hour period and then after that it was all the
13 way leading up 'til here.
14 MR. NEGANGARD: Okay so these aren't even, these are actually...
15 MELISSA: They're texts and then I e-mailed it to my phone.
16 MR. NEGANGARD: You e-mailed them and then...so you, he texted
17 you, you e-mailed them so you could document
18 them.
19 MELISSA: Yes. This shows that he contacted me after I told
20 him not to.
21 MR. NEGANGARD: And these texts are Grand Jury Exhibit 115?
22 MELISSA: Yes.
23 MR. NEGANGARD: At this point that he texting you all this, you asked
24 him to stop contacting you. Correct?
25 MELISSA: Yell, it is, oh this was an interesting, by the way if

1 the Judge punishes me for writing five (5) text
2 messages after he emotionally abused the girls, it
3 will make everyone but me look bad. Go file a
4 contempt charge. Um, okay, so on September 5th of
5 2009, I put you are not to contact me anymore. Any
6 and all communication needs to be done through my
7 attorney, Angela Loechel.

8 MR. NEGANGARD: And then he continued to contact you after that.

9 MELISSA: Yes in several ways.

10 MR. NEGANGARD: And um, he also, he also referred to the Judge
11 Humphrey as a motion in abusing his children. Is
12 that correct?

13 MELISSA: Yes.

14 MR. NEGANGARD: All because Judge Humphrey just said hey you got
15 to get an evaluation before you can have visitation?

16 MELISSA: Yes.

17 MR. NEGANGARD: So 113 is the affidavit you signed, 114 is your
18 personal timeline and 115 is copies of your text
19 messages.

20 MELISSA: Yes.

21 MR. NEGANGARD: We'll show 113, 114 and 115 entered. Okay is
22 there um, oh there was some other things I wanted
23 to hit on. During the course of the marriage, um,
24 did your children have some health issues?

25 MELISSA: Oh, yell they both did. Audrey, let's see here, um,

1 Mary, my oldest, she dealt with over abundance of
2 ear infections and strept. She had to have two (2)
3 sets of ear tubes put in, her adenoids taken out and
4 her tonsils taken out. She also, because of all of the
5 ear infections, had speech issues. She was delayed
6 in her speech so we had to go through First Steps
7 for speech therapy. Um, that was Mary and then
8 Audrey, she was born with a hip click, itosis and a
9 large anterior fontanel. Um, her head was enlarged.
10 She had jaundice so there was quite a few things
11 that we had to deal with or I dealt with, with her.
12 MR. NEGANGARD: So the report indicated in this order, that you
13 attended, the Court noted that you had been to
14 seventy-one (71) of the seventy-four (74) of the
15 pediatrician visits and he had only been to nine (9)
16 of those.
17 MELISSA: Yes.
18 MR. NEGANGARD: But it wasn't because he was working.
19 MELISSA: No.
20 MR. NEGANGARD: I mean he could have gone to those visits.
21 MELISSA: Mm hmm.
22 MR. NEGANGARD: Um, there were twenty-one (21) specialists'
23 appointments. You were at twenty (20), he was at
24 two (2).
25 MELISSA: Yes.

1 MR. NEGANGARD: And again it wasn't because he was working.
2 MELISSA: No.
3 MR. NEGANGARD: He just didn't go.
4 MELISSA: Dan did have a job in early '05, like when Audrey
5 was born, um, so at that time, he may have not been
6 able to come to some of Audrey's stuff but it was no
7 excuse for Mary.
8 MR. NEGANGARD: Okay, um, he missed an ear surgery of Audrey.
9 Correct?
10 MELISSA: Yes.
11 MR. NEGANGARD: And that was in December of 2006?
12 MELISSA: Yes.
13 MR. NEGANGARD: He was unemployed. Why did he miss it?
14 MELISSA: When was that?
15 MR. NEGANGARD: December of 2006.
16 MELISSA: Mm hmm, yell because he had been unemployed
17 since May of '06. That was when we first started
18 with all of our divorce stuff and I had no idea. It
19 blew my mind away.
20 MR. NEGANGARD: He just didn't go?
21 MELISSA: He didn't go. He was made aware of it.
22 MR. NEGANGARD: He never attended any of the speech therapy
23 sessions.
24 MELISSA: No.
25 MR. NEGANGARD: You attended all of those.

1 MELISSA: Mm hmm.

2 MR. NEGANGARD: And you were, you had a job. Correct?

3 MELISSA: Yes.

4 MR. NEGANGARD: You took the girls to all of their dental
5 appointments.

6 MELISSA: Yes.

7 MR. NEGANGARD: It also says, that the Court made a finding and it was
8 documented that there was one hundred and forty-
9 five (145) extra curricular activities attended by the
10 children. You were at one hundred and thirty-three
11 (133) and the husband was only present for three (3)
12 dance recitals.

13 MELISSA: Yes.

14 MR. NEGANGARD: Why did he not attend any of those organized extra
15 curricular activities?

16 MELISSA: I don't know.

17 MR. NEGANGARD: It says you would spend time with the children at
18 the zoo, museum centers, circus, Disney on Ice,
19 swimming at the Y, going to parks, taking walks,
20 riding bikes, baking cookies, doing arts and crafts
21 and a variety of other activities and he
22 didn't...when he spent time with the kids he taught
23 them how to shoot guns. He didn't take them to the
24 zoo, museum center or any of that?

25 MELISSA: Not that I know of.

1 MR. NEGANGARD: Dr. Conner's testimony at that hearing said the
2 Respondent is paranoid, manipulative and exhibits a
3 manic-like existence unwilling to accept
4 responsibility for his behavior, is self-centered, has
5 difficulty seeing an issue from another's
6 prospective, likes to do things on his own as
7 opposed to being more cooperative, compromising,
8 and does not handle criticism well. Would you
9 agree with that assessment?

10 MELISSA: Yes.

11 MR. NEGANGARD: Um, it also indicated that uh, he admitted on his
12 facebook page that this is like playing with gas and
13 fire and anyone who has seen me with gas and fire
14 knows that I'm quite the accomplished pyromaniac.

15

16 MELISSA: Yes.

17 MR. NEGANGARD: Um, it said a husband is supposed (inaudible) with
18 inappropriate contact for their age and that you had
19 confronted him with that concerning Mary's
20 nightmares. What were those movies and what
21 were the nightmares (inaudible)?

22 MELISSA: Um, oh, like Austin Powers, um, she would have
23 nightmares about that bastard and she would wake
24 up crying. When I addressed it with him, that
25 would just fuel his fire and he would have them

1 watch it more.

2 MR. NEGANGARD: So if you told him you didn't like him watching
3 Austin Powers, was having nightmares about that
4 bastard, he would have them watch it more?

5 MELISSA: Mm hmm.

6 MR. NEGANGARD: Um, was there a time when he had the children that
7 he would have the children with his mom while he
8 would work on this legal project instead of spending
9 time with his children?

10 MELISSA: Yes.

11 MR. NEGANGARD: And the legal project was this case?

12 MELISSA: Yes.

13 MR. NEGANGARD: Is there anything else that you can tell us about
14 Daniel Brewington that you recall right now that
15 you haven't testified to?

16 MELISSA: Um, I feel that out of spite for me filing the
17 telecommunications harassment in Hamilton
18 County, um, and it being dismissed because they
19 said that it needed to be handled in Indiana, he filed,
20 once again, a motion now with Hamilton County, he
21 said that I filed the affidavit out of ill-will malice
22 and hatred and because of this, I have had to retain
23 another lawyer in Hamilton County, which has
24 already cost me five thousand dollars (\$5,000.00)
25 and that is supposed to be taken care of in July.

1 MR. NEGANGARD: Now he has spent and you have documented, his
2 posting blogs saying all sorts of negative things
3 about you.
4 MELISSA: Yes.
5 MR. NEGANGARD: Um, posting personal, confidential information
6 about you on the internet. Correct?
7 MELISSA: Yes.
8 MR. NEGANGARD: And um, you could respond to those blogs. Is that
9 correct?
10 MELISSA: I could have.
11 MR. NEGANGARD: Have you ever responded once to any of his blogs?
12 MELISSA: Never once have I ever retaliated or done anything.
13 MR. NEGANGARD: And um, has he shown the children how to access
14 these blogs on the internet?
15 MELISSA: Um, well he had testified that he was starting to
16 show the children how to get on the internet and
17 that, and I think at our final hearing, he said that
18 Mary could go ahead and get on the internet herself.
19 And Mary is starting to read now. I mean she's in
20 first (1st) grade. She reads very well and some of
21 the stuff that he puts on the internet on his web-sites
22 are directed to...he'll write letters to the girls which
23 are inappropriate like there's ones that are from, on
24 their birthdays, February 6th is Audrey and October
25 30th and if you read those, they are very

1 inappropriate for a four (4) and seven (7) year old to
2 read. You know, who knows when they could
3 access this if I'm not around but they are very
4 inappropriate and he has always threatened to tell
5 the children that once he does get visitation with
6 them that one of the first things he's going to do is
7 tell them the truth which is his side of the story.
8 He's claimed that he's keeping a time capsule so
9 that when he does get contact with the children, he
10 can share all of this information with them which is
11 going to really disturb them I would imagine.

12 MR. NEGANGARD: Is there anything else?

13 MELISSA: I don't think so.

14 MR. NEGANGARD: Thank you. I don't have any questions. Does any
15 of the grand jurors have any questions?

16 MELISSA: Yes?

17 JUROR: Who was paying for his attorneys?

18 MELISSA: Um, I would imagine that his mom did for the
19 majority of the time um, during our case from the
20 beginning of '08 all the way until past when our
21 final orders came out, he was representing himself,
22 so, but I would imagine...his mom testified that she
23 gives him twenty-five hundred dollars (\$2500.00)
24 cash a month.

25 MR. NEGANGARD: And to clarify, his mom has a considerable amount

1 of property. Is that correct?

2 MELISSA: Um, they have some property out in Milan, um, I

3 believe it was appraised for like one point four (1.4)

4 million.

5 MR. NEGANGARD: And the testimony was that mom gave him twenty-

6 five hundred dollars (\$2500.00) a month while this

7 case was pending.

8 MELISSA: Yes.

9 MR. NEGANGARD: And he didn't...once he got rid of Tom Blondell, he

10 didn't incur any attorney's fees. Is that correct?

11 MELISSA: No but I sure did.

12 JUROR: I have a question. Your divorce was final in August

13 of 2009?

14 MELISSA: Yes.

15 JUROR: And his appeals process is still continuing today?

16 MELISSA: No. The appeals process was finished. He took all

17 of the steps necessary in the appeals process. He

18 first...the appeals process started in September of

19 '09 and finally ended in December of 2010. So he

20 took the three (3) steps that he could take, the first

21 one he appealed four (4) things from our divorce

22 decree. They denied that. Then he put in a motion

23 with the appeals court for a I believe, re-hearing and

24 they denied that and then he put in his final thing

25 was for a transfer and they denied that.

1 JUROR: Are you still continuing to be harassed by him?

2 MELISSA: Um, through the internet, well two (2) weeks ago I

3 found out that he is now representing himself prose

4 again. So we got some bogus motions from him so

5 as far, I would...if I had the money, I would

6 definitely see that is we could get him for

7 (indiscernible) litigator which is somebody who

8 files motion after motion, usually a person who is

9 representing themselves prose, um, frivolous

10 motions to basically drown the other party in debt.

11 So from stand point, and the internet stuff, I mean

12 sometimes it's really disturbing. I usually don't

13 look at it too often, maybe once a week just to keep

14 myself updated, but um, it's disturbing.

15 MR. NEGANGARD: Now I do want to clarify one of the questions. He

16 did have an attorney for his appeal, Ryan Ray.

17 MELISSA: Yes.

18 JUROR: My question is, this could maybe be viewed as your

19 ex-husband being spiteful and cantankerous but you

20 believe him to be a true menace to where he might

21 harm you or your family or any of you

22 acquaintances?

23 MELISSA: Absolutely. I mean it is, it's a disturbing feeling to

24 have to check, double check, check, double check,

25 lock doors when you walk out of your house or

1 when I walk out into the garage from work, to be
2 looking around, yell, it is very disturbing. He's
3 made just with that screenplay...like I said, I think
4 that he's so out of touch with reality. He cannot
5 differentiate between what is right and wrong. It's
6 blurred to him or what's appropriate and not
7 appropriate. So he doesn't know where that line is.
8 He crosses it a lot. So at what point, sometimes I
9 feel like at what point would he know the difference
10 between hurting me...he's claimed on his internet
11 that he's acting, you know, he's a martyr, it's all a
12 delusion to him, and at what point would he go far
13 enough to hurt me or our girls or you know anybody
14 else. I think that's a very true concern. Yes?
15 JUROR: Did he ever have any meaningful employment while
16 you were married to him?
17 MELISSA: Married?
18 JUROR: Or knew him?
19 MELISSA: When I met him, he worked at Hillrom and I believe
20 he worked there for nine (9) months, then he
21 worked at CompUSA for I think maybe four (4) or
22 five (5) months and then he worked for a lawn
23 business for three (3) months and then I believe the
24 longest employment that he had while I knew I
25 think was about nine (9) months where he was

1 working for um, he was installing home security
2 systems. So like in the nine (9) years that I had you
3 know really knew him, I think it came out to be like
4 two (2) years of employment or something.

5 MR. NEGANGARD: Any other questions? Thank you Ms. Brewington.
6 I would just remind you that you cannot disclose
7 what you testified to here today to anyone else.

8 MELISSA: Okay, yes.

9 MR. NEGANGARD: Thank you. 116 is the Court of Appeals decision
10 regarding the decision of Judge Humphrey. I want
11 to break for lunch at this point. I would call Dr.
12 Edward Conner to the stand. Please swear the
13 witness in.

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

22 DR. CONNER: I do.

23 MR. NEGANGARD: Okay, Dr. Conner, would you please state your
24 name for the record please?

25 DR. CONNER: My name is Dr. Edward Conner.

1 working for um, he was installing home security
2 systems. So like in the nine (9) years that I had you
3 know really knew him, I think it came out to be like
4 two (2) years of employment or something.

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18 further solemnly swear or affirm that you will not
19 divulge any portion of your testimony before this
20 grand jury except when legally called upon to do
21 so?

22 DR. CONNER: I do.

23 MR. NEGANGARD: Okay, Dr. Conner, would you please state your
24 name for the record please?

25 DR. CONNER: My name is Dr. Edward Conner.

1 MR. NEGANGARD: And um, Dr. Conner, what do you do for a living?
2 DR. CONNER: I'm a licensed psychologist in the states of Indiana
3 and Kentucky.
4 MR. NEGANGARD: Okay and um, how long have you been a
5 licensed psychologist?
6 DR. CONNER: I was first licensed in the state of Alabama in um,
7 1994, I believe it was. I was licensed in the state of
8 Kentucky in 1996 and licensed in the state of
9 Indiana in July of 2008.
10 MR. NEGANGARD: Okay and um, what, if you could, briefly tell the
11 jury your education and training and experience.
12 DR. CONNER: I was first educated in psychotherapy in Sweden for
13 the institute of psychotherapy and that was in the,
14 around 1982 or 1983, to around '86 or '87. I then
15 went to southeast Asia where I worked with people
16 who had different types of substance abuse
17 problems along with mental illness, um, returned to
18 the United States and uh completed my degree at
19 Thomas Moore College in 1989 and then went on to
20 the University of Denver in Denver, Colorado,
21 where I earned my doctorate degree in 1993. I also
22 completed an internship at University of North
23 Carolina with the Department of Psychiatry in 1993,
24 '94, and also uh at the same time I was with the
25 Federal Bureau of Prisons where, which was about

1 thirty (30) minutes from the University of North
2 Carolina where we conducted evaluations for the
3 Courts on various criminal matters.
4 MR. NEGANGARD: And, so you have a private practice out of Northern
5 Kentucky. Is that correct?
6 DR. CONNER: Correct. My wife and I together, uh, she is a
7 psychologist as well. We have a practice in
8 Erlanger, Kentucky which is adjacent to the airport.
9 MR. NEGANGARD: And how long have you had that practice?
10 DR. CONNER: We moved our practice there in 2003, uh, prior to
11 that, we were just a little ways down the road, close
12 to Erlanger, had a private practice in Covington,
13 beginning in, let's see, 1997, I believe was when I
14 first opened my practice or '96.
15 MR. NEGANGARD: So '96, '97, you first opened your private practice
16 with your wife?
17 DR. CONNER: Well I was by myself at the time. She joined me
18 later.
19 MR. NEGANGARD: Okay and you have been operating as a practitioner
20 out of basically northern Kentucky since '96 or '97?
21 DR. CONNER: Correct, yes.
22 MR. NEGANGARD: And as part of your responsibilities you do
23 evaluations for, um, to determine if someone's
24 competent?
25 DR. CONNER: I do, yes.

1 MR. NEGANGARD: You do um, insanity defense situations?
2 DR. CONNER: That's correct, yes.
3 MR. NEGANGARD: You do evaluations um, sex abuse, um, sexual
4 offender evaluations?
5 DR. CONNER: That's correct, yes.
6 MR. NEGANGARD: For both juveniles and adults?
7 DR. CONNER: Yes I do those sex offender evaluations to determine
8 if there's a risk issue uh, for the Federal government
9 as well as the state and juveniles and also do them
10 for the Catholic church.
11 MR. NEGANGARD: And you've done uh, and you also do child custody
12 evaluations?
13 DR. CONNER: That's correct, yes.
14 MR. NEGANGARD: And Courts, and the Dearborn County Circuit Court
15 is... what all courts, instead of asking you to go
16 through each court, could you give a list of courts in
17 and around this area that have retained you or
18 appointed you to conduct evaluations in this area?
19 DR. CONNER: Yes. In Indiana, I believe it's been Ripley County,
20 Switzerland County, Dearborn County, who have
21 appointed me as a neutral evaluator to conduct child
22 custody evaluations. I have been appointed in
23 northern Kentucky by the various counties as well
24 to do child custody evaluations which I conduct
25 together with my wife who again is also a

1 psychologist.

2 MR. NEGANGARD: And a large, most of your, a lot of your work comes

3 from uh, court referrals. Is that fair to say?

4 DR. CONNER: That's correct, yes.

5 MR. NEGANGARD: Now, how did you have an occasion to come into

6 contact with a person by the name of Daniel

7 Brewington?

8 DR. CONNER: Well I was first appointed by the Court uh, in um,

9 these, I believe it was the early spring of 2007 to

10 conduct a child custody evaluation on Mr.

11 Brewington and his two (2) daughters and his wife

12 or his soon to be ex-wife at the time. Um, we send

13 a letter out to the participants for the evaluation

14 about their appointment times and then they come

15 to our office in Kentucky where we do the

16 interviews with the parents. We do the parent-child

17 observations. Uh, we have a one-way mirror in our

18 office where we can observe the parent and children

19 together, see how they interact. There's

20 approximately four (4) hours of psychological

21 testing that each parent has to undergo that is also

22 done in our office. Uh, these tests are taken in our

23 office, interpreted by me and then the reports are

24 written from our office and at that point, we'll make

25 a recommendation to the Court what we believe

1 would be in the child's best interest.

2 MR. NEGANGARD: And um, did you conduct that process when it came
3 to Daniel and Melissa Brewington and their
4 children?

5 DR. CONNER: I did.

6 MR. NEGANGARD: And were you appointed by the Ripley County
7 Circuit Court?

8 DR. CONNER: Initially it was the Ripley County Circuit Court, yes,
9 it was Judge Taul, I believe.

10 MR. NEGANGARD: And um, the procedure you just described, did you
11 do that for the Brewington's?

12 DR. CONNER: Yes.

13 MR. NEGANGARD: Um, what did you find um, with regard to Daniel
14 Brewington and his participation in the process?

15 DR. CONNER: Well he participated in the evaluation process uh, he
16 complied with requests to take all the psychological
17 testing to come to the office to be evaluated, to be
18 observed together with him and his two (2)
19 daughters. So from that standpoint, he did comply
20 with our procedures.

21 MR. NEGANGARD: Um, what about Mrs. Brewington?

22 DR. CONNER: The same. She complied, was very cooperative
23 with all the testing that we administered, the
24 interviews, the observations.

25 MR. NEGANGARD: As a result of your...so you did the testing, the

1 psychological testing. What all tests did you
2 conduct?
3 DR. CONNER: We performed uh, a variety of parenting measures
4 just to assess the parent's awareness in various child
5 rearing situations. Um, one is called the parenting
6 awareness skills survey, another is called the parent
7 child relationship inventory. We try to get them to
8 assess objectively what their strengths are as a
9 parent, what their weaknesses are, what they think
10 the other parent's strengths are, the other parent's
11 weaknesses. We also administer some statistically
12 based psychological testing that gives us more of an
13 objective measure of the parent's personalities.
14 MR. NEGANGARD: Is that like the MMPI?
15 DR. CONNER: Correct. There's one test that's called the
16 Minnesota Multi-phasic Personality Inventory. The
17 second addition that's been around probably since
18 the 50's and has been revised. Um, we use that test.
19 We use something called the Mollaun Multi-phasic
20 Clinical Inventory which tells us about the person's
21 personality and if they have personality problems.
22 MR. NEGANGARD: Was there anything about that testing that was um,
23 concerning with regard to Daniel Brewington?
24 DR. CONNER: Yes there was.
25 MR. NEGANGARD: What did the test results show?

1 DR. CONNER: Well on the traditional test that I referred to earlier,
2 it was quite revealing in a sense that he um, if he
3 didn't get what he wanted, then he would resort to
4 different types of manipulative or indirect means to
5 try to get what he wanted. Um, and he would start
6 to ruminate, in other words, persevere or in other
7 words obsess about issues, uh, and could not let it
8 go, and um, of course, if you're trying to have a co-
9 parenting situation, uh, with your divorced spouse,
10 this makes it very difficult to communicate
11 effectively for the best interest of the children.
12 Regardless of what you feel about your ex-spouse, if
13 you have this type of personality that is somewhat
14 vindictive, then it is difficult to communicate with
15 your ex-spouse with regards to the children's best
16 interest. So this was again, a very concerning
17 personality trait that was identified in the
18 psychological testing, of not simply by me but in the
19 objective testing that's statistically based. This was
20 quite prominent.
21 MR. NEGANGARD: Okay and what else did the test show?
22 DR. CONNER: Uh, the other thing that was clear is that in the
23 testing is that he takes little responsibility for his
24 actions or his contribution to a conflict. So in other
25 words, if there's a conflict, he tends to blame

1 everyone else around him without first taking a look
2 at himself and thinking okay, how maybe am I part
3 of this problem so that it could have a better
4 resolution.

5 MR. NEGANGARD: And these conclusions or these indications as you
6 indicated from your testing, this was revealed
7 through your testing that was done in the
8 Spring and Summer of 2007. Correct?

9 DR. CONNER: That's correct, yes.

10 MR. NEGANGARD: This was not based upon activity that kind of
11 interaction with him afterwards that...

12 DR. CONNER: No, no.

13 MR. NEGANGARD: I mean it substantiates your findings from the test
14 but your testing found these things before a lot of
15 this even started.

16 DR. CONNER: Correct. I mean, before anything started here, that I
17 understand why we're here today, this was
18 identified in the tests already and which gave me
19 what we refer to as predictive validity - in other
20 words the ability to validly predict that something
21 might not be right here or conducive to a joint
22 custody arrangement with an ex-spouse with regard
23 to children.

24 MR. NEGANGARD: Um, was there anything else that you determined
25 from your testing that was concerning?

1 DR. CONNER: Um, there was a degree of self-centeredness – in
2 other words, a person who is rather self-centered
3 tends to, um, to put in laymen terms be rather full of
4 themselves – that they have a hard time seeing
5 another person's perspective, uh because they think
6 they have all the right answers and anyone that's
7 says anything against them, they can't tolerate them.
8 They just can't incorporate that into their thinking
9 then they um, blame the other person for any
10 problems that could be there.

11 MR. NEGANGARD: Anything else?

12 DR. CONNER: No sir. There was small issues that I think most
13 people have but those were the most prominent in
14 the profile.

15 MR. NEGANGARD: Was there anything from the observations from his
16 interaction with his children?

17 DR. CONNER: No. That seemed to be okay. He, like most parents
18 that we observe in our office, he seemed to do okay
19 with the children – just relating to them.

20 MR. NEGANGARD: Okay and then anything concerning with the testing
21 with regard to the mother?

22 DR. CONNER: Uh, she had some, what we refer to as obsessive
23 compulsive traits. Um, she could be somewhat
24 obsessive compulsive with her um, way of doing
25 things, her thinking. She is a nurse at Children's

1 hospital so that serves her well in her professional
2 life. But when it comes to relationships sometimes
3 in an obsessive compulsive person, um, might be
4 somewhat frustrating to live with at times but there
5 was some depression noted in her profile too, I
6 think.

7 MR. NEGANGARD: Maybe I should have you diagnose my wife. No,
8 I'm kidding. Um, anyway, so...

9 DR. CONNER: With regard to cleaning in particular.

10 MR. NEGANGARD: Exactly. But that's not uncommon among
11 evaluations.

12 DR. CONNER: No sir. In fact some colleagues and I co-authored
13 an article a number of years ago that was published
14 in the Journal of Law and Human behavior where
15 we have to be careful not to over-penalize,
16 especially women who are a little bit obsessive
17 compulsive because it's actually a good trait to have
18 in child rearing. They tend to be more focused.

19 MR. NEGANGARD: So based upon your testing and all the procedures
20 that you've testified to, did you make a
21 recommendation to the Court with regard to
22 custody?

23 DR. CONNER: Yes I did.

24 MR. NEGANGARD: And what was that recommendation?

25 DR. CONNER: Well the recommendation was that, um, I did not

1 feel that Mr. and Mrs. Brewington could have joint
2 legal custody of the children because of the
3 communication problems. He makes it very
4 difficult to agree on very minor things, um, very
5 difficult to see things objectively and when you
6 have that type of relationship with an ex-spouse to
7 co-parent two (2) little children, makes it incredibly
8 difficult – where they're going to go to school, what
9 pediatrician they go to – if they need braces. So in
10 those cases, what we'll typically recommend, which
11 we did in this case is that one parent have sole legal
12 custody. Now that doesn't mean that the other
13 parent doesn't have child parenting time, um, we
14 recommended that Mr. Brewington have the
15 standard Indiana parenting time and also because
16 his wife or ex-wife was a nurse that he should have
17 the kids when she has to work. So um, and there
18 was some vacation time and holiday time in that as
19 well. Although they couldn't communicate with
20 one another for various reasons, um, in terms of him
21 just parenting the children according to the Indiana
22 guidelines or again when his wife was working the
23 long shifts as nurses sometimes do, that he could
24 have the kids then. So by no means did we ever try
25 to cut him out of the children's lives. It was quite

1 the opposite. We tried to give him a little bit of
2 extra time I felt.

3 MR. NEGANGARD: And when did you issue your custody evaluation?

4 DR. CONNER: Uh, the report was issued in August of 2007.

5 MR. NEGANGARD: Um, so you issued your custody evaluation report in
6 August of 2007?

7 DR. CONNER: Yes sir.

8 MR. NEGANGARD: Okay, what happened? What did Mr. Brewington
9 do after you issued your August of 2007 report?

10 DR. CONNER: Um, he started to put things on the internet about
11 how unfair I was and what a dangerous person I am.

12 Um, one of the titles was "It's a dangerous game",
13 uh which I of course found somewhat alarming.

14 Um, there's some research that approximately
15 thirty-five to fifty percent (35-50%) of mental health
16 professionals uh, will be assaulted by a client, or a
17 former client at sometime through their career. So
18 we are taught in my profession to take these
19 concerns very seriously if there is anything like that,
20 that a person might threaten. Um, one of the entries
21 that he googles...he googles my name every day to
22 see if I've done anything and that concerned me
23 because I realized that I became the object of an
24 obsession, um, with him, even though I
25 recommended he have his children. There was

1 something that he, I wasn't sure exactly um, what,
2 other than that I didn't feel they could have joint
3 custody that there was something going on there.
4 Um, he said that I was a liar. He had found two (2)
5 complaints with the State Board of Psychology in
6 Kentucky, both of which were dismissed, um,
7 saying that I had, I was a criminal and things like
8 this. Um, he even contacted the Attorney General
9 in the State of Kentucky about some criminal
10 behavior that I had engaged in and so forth. It
11 caused me concern because I deal with people who
12 commit murder. I've interviewed death row
13 inmates, people who commit rape and things like
14 this and never in my whole career had anyone so
15 blatantly and openly attack me and say such things.
16 At one point he said too, that he was a pyromaniac
17 and these, of course, sent a number of red flags as if
18 someone who could set my house on fire or my
19 office or something like this to make such a
20 comment, I wasn't sure. Um, sadly and
21 unfortunately um, hold on a second, I had to inform
22 my children, um, show him or show them his
23 picture, um, because there it was very vindictive,
24 revengeful, for simply because he disagreed with an
25 opinion. I am totally okay with people disagreeing

1 with my opinion and often times people do and I
2 understand and I certainly respect that. But that
3 level of vindictiveness and revenge, again where I
4 felt I had to take measures to protect my family, I
5 had never been in that situation before in my entire
6 career.

7 MR. NEGANGARD: How old were your children?

8 DR. CONNER: At the time, my daughter would have been thirteen
9 (13) and my son, eight (8).

10 MR. NEGANGARD: So you had to tell them to watch out for this guy?

11 DR. CONNER: Yes and the part that became more concerning too,
12 is he put my, the name of my street on the internet,
13 uh, the name of my mortgage company, um, on
14 there and said that there's some very nice houses on
15 your street, implying that he had been on this street
16 or just doing that to maybe upset me I don't know,
17 but again, um, it was such an invasion of privacy I
18 felt that for something that he agreed to do – come
19 to my office in Kentucky to be evaluated and simply
20 because he did not like my opinion, which again I
21 can respect that but that level of response, um, in
22 the different states and countries that I've worked
23 at, never experienced something like this before.

24 MR. NEGANGARD: Um, in fact though, I mean, you really have just
25 touched the tip of the iceberg as far as

1 communications that started. Did he send letters to
2 your office, constant requests?
3 DR. CONNER: Well he sent a letter...he wanted his...he wanted
4 the case file and in the line of work that I do, that's
5 not uncommon and I'm okay with an attorney or
6 someone looking at the case file to review
7 something but because of what he was writing, I felt
8 like it was not proper to give him, his ex-wife's
9 medical records and I asked the Court to protect his
10 ex-wife's medical records. I gave him all of his
11 records. I gave him every one of his records, I think
12 twice as a matter of fact and but anything that had to
13 do with his children or his wife, I blacked it out
14 with a black marker and gave him um, the file. Um,
15 but he kept asking for the file. It's almost as if he
16 didn't understand that the Judge said you can't have
17 the file - I'm not saying that - a Judge said it and I
18 believe the Judge said twice, you cannot have the
19 file - you can have your own records and that's it
20 and that's what he got. He sent an anonymous, it's
21 not signed by someone but as a psychologist I look
22 at patterns of behavior and patterns of thought and if
23 there was any pattern to everything that was ever
24 written, this anonymous letter that he wrote, in my
25 opinion, to me is clearly him. And it's very

1 threatening about he referred to my deceased father
2 and he referred to um, my father has a scholarship
3 fund at Thomas Moore, he was a well known
4 basketball and baseball coach and he was going to
5 contact Thomas Moore and the University of
6 Kentucky and the different TV stations and all this,
7 just on and on about, and there was a secret tape
8 recording of me, and if that were to be played
9 publicly and so although the letter's anonymous, it
10 fits the profile and it fits the pattern of behavior and
11 again as a psychologist, that's something I study.
12 He also sent a letter, um, and just with pages of
13 addresses to attorneys that he sent to all these
14 people about me. So...

15 MR. NEGANGARD: Is that a copy of that letter?

16 DR. CONNER: Yes. This is the letter and this is a copy of all of the
17 attorneys in the tri-state area he basically sent this
18 to. He made one insinuation on one of the writings
19 that my secretary and I were having some type of an
20 affair which was very hurtful to my wife, of course.

21 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 117. Is that a
22 copy of the letter that he sent to you?

23 DR. CONNER: Yes.

24 MR. NEGANGARD: This was sent to you in September of 2009 shortly
25 after he rendered...

1 DR. CONNER: Yes that's correct.

2 MR. NEGANGARD: ...oh, no this would have been two (2) years after
3 (inaudible).

4 DR. CONNER: Yes, that's correct.

5 MR. NEGANGARD: That's Grand Jury Exhibit 117. Now if I could kind
6 of get the, kind of go back to the timeframe. All of
7 this, 2007, you issue your opinion, um, custody
8 evaluation saying she should have sole custody but
9 he should have visitation and then after that he
10 begins attacking you.

11 DR. CONNER: Yes.

12 MR. NEGANGARD: And sending you letters um, in fact, sending you a
13 number of letters, um, requesting the case file and
14 harassing you with regard to that. Is that correct?

15 DR. CONNER: Yes.

16 MR. NEGANGARD: And what else happens during this period of time
17 before the final hearing, what all does he do? Did
18 that anonymous letter come before the final hearing
19 or after the final hearing?

20 DR. CONNER: Um, that letter came before the final hearing. Um,
21 that was sent before the final hearing to me. And I
22 asked a couple of other people if they knew
23 anything about this letter, unrelated to the case just
24 to make sure that you know, I wasn't being too
25 narrow minded myself but again looking at the

1 pattern, in my opinion, clearly it was written by
2 him. In fact some of the things that he said
3 whoever...that he said in this letter have actually
4 come to be true of people he has contact with.
5 MR. NEGANGARD: Okay, so um, what sort of uh, do you have that
6 letter?
7 DR. CONNER: I do.
8 MR. NEGANGARD: So this is the letter?
9 DR. CONNER: Yes.
10 MR. NEGANGARD: Grand Jury Exhibit 118?
11 DR. CONNER: Yes.
12 MR. NEGANGARD: And this is also a letter he proceeded to send to
13 everyone trying to challenge your ethical
14 guidelines?
15 DR. CONNER: Yes.
16 MR. NEGANGARD: So how many contacts, I mean, so this went on, uh,
17 he wasn't getting his case file, did the
18 communication get worse or how would you
19 characterize it?
20 DR. CONNER: Well it got worse. Uh, I lost count of how many
21 correspondences that we had in wanting the case
22 file. I'm telling him, it's not up to me, it's up to a
23 Judge and the Judge said no and he continued um,
24 actually, I was looking at the record last night and
25 it's been going on for about three and a half (3 ½)

1 years where again I've become sort of the object of
2 an obsession with him about this. Um, but I have
3 never had a um, anything on the web about myself,
4 to advertise my business and I believe that he
5 assumed uh, the local yahoo address and began to
6 write negative comments about me because I never
7 had a local yahoo address for my business. I never
8 had a reason to and uh, I prefer with the type of
9 work I do, not to really advertise but uh, again in my
10 opinion, he claimed that address, posed himself to
11 be me, I believe and then started to write negative
12 comments. Um, I attended my niece's wedding in
13 Pennsylvania approximately three (3) years ago,
14 three and a half (3 ½) years ago or so, and um,
15 somehow he got a photograph of me dancing at the
16 wedding from two and a half (2 1/2) years ago or so
17 and posted it and made comments about me dancing
18 around the courtroom like I do on this dance floor
19 and um, we've tried to figure out how he could get
20 into one of my family members facebook and I've
21 checked again with my, I checked with my children
22 and we couldn't see any activity there but I can't
23 fathom how he could have gotten a photograph of
24 me at my niece's wedding from, maybe it was two
25 and a half (2 ½) years ago. I don't recall the exact

1 date and then to post that on the internet. Um, but
2 the writings have just become more and more uh,
3 assaulted. He talks about me being, uh, that I abuse
4 children, um, he made a reference to me being a
5 pervert, uh because when I...one of the things that
6 happens here, if you do a sex offender risk
7 assessment for the courts, one of the things we
8 know about men who molest children is sometimes
9 will try to get their ex-, I'm sorry, they'll try to get
10 their spouse to portray themselves as a female by
11 removing some of their bodily hair and if there's
12 such an allegation in a child custody dispute, I have
13 to interview the mother saying has he ever tried to
14 get you to role play, like a little girl or you know,
15 present yourself like a little girl and these are
16 questions that have to be asked when you do these
17 types of evaluations in order to make sure the
18 children are safe. Well somehow he got a hold of
19 one of my ex-clients um, who said this to him and
20 he put it on the radio. He put it on the internet that I
21 ask women if they shaved their pubic hair and that
22 I'm a pervert and things like this, not understanding
23 the context of such a question when you're doing an
24 assessment on someone who might be a child
25 molester, you have got to interview the spouse and

1 find out, does he want you to role play these
2 different things and act like a little girl. It's part of
3 the evaluation. Then again, that's one piece of
4 information he'll take and he'll use it to just really
5 be hurtful. Um...

6 MR. NEGANGARD: And in fact, he would call into radio talk shows on
7 WLW and berate you?

8 DR. CONNER: He did that. He did that. He called a local talk
9 show and again it's so perplexing because I've
10 never said he shouldn't have his children and I
11 thought something's missing.

12 MR. NEGANGARD: So based upon his behavior from the time you
13 issued the evaluation to the final hearing, did you, in
14 your testimony, did you draw some conclusions
15 about his behavior that you testified to that day?

16 DR. CONNER: At the final hearing, what I testified to the Court
17 was that I felt that he was very difficult to deal with
18 and that it would be very difficult for such a person
19 to share parenting with the mother of the child in a
20 joint custodial arrangement, that perhaps one parent
21 should have the um, decision making, um powers
22 and the other parent would have to go along with
23 whatever decisions the mother made. And again I
24 felt like her being a nurse and working at Children's
25 Hospital and I think pediatric surgeries is where

1 she's working, that she could make reasonable
2 decisions for the girls and there was no concerns
3 there. I also felt that she would share information
4 with him about the girls whether how their grades
5 are doing or they're ill or what have you.
6 MR. NEGANGARD: And you were a witness in the final hearing. Is that
7 correct?
8 DR. CONNER: Yes I was.
9 MR. NEGANGARD: You were called to testify about your findings with
10 regard to that. Is that correct?
11 DR. CONNER: That's correct. The mother's attorney subpoenaed
12 me to the hearing so I was not anyone's expert. I
13 was appointed by the Courts. I was a neutral
14 evaluator but either party has the right to subpoena
15 me to the final hearing if they so choose.
16 MR. NEGANGARD: And um, did you testify that the psychometric test
17 results of the husband reported in the confidential
18 custody evaluation indicate that Dan Brewington
19 has a degree of psychological disturbance that is
20 concerning and does not lend himself to proper
21 parenting?
22 DR. CONNER: Yes.
23 MR. NEGANGARD: Did you also testify that he's paranoid,
24 manipulative, exhibits a manic-like existence, is
25 unwilling to accept responsibility for his behavior,

1 is self centered, has difficulty seeing issue from
2 another's prospective, likes to do things on his own,
3 as opposed to be more cooperative and (inaudible)
4 and does not handle criticism well?
5 DR. CONNER: Yes I did.
6 MR. NEGANGARD: And those findings that you made, a lot of which
7 showed up in the test results. Is that correct?
8 DR. CONNER: Yes.
9 MR. NEGANGARD: And then it was further corroborated by his behavior
10 afterwards in which he was unwilling to accept any
11 criticism...
12 DR. CONNER: Correct.
13 MR. NEGANGARD: ...of you.
14 DR. CONNER: Correct.
15 MR. NEGANGARD: Of him?
16 DR. CONNER: From anyone, yes.
17 MR. NEGANGARD: And then afterwards, his behavior after the Court
18 issued an order based on the final hearing, uh, his
19 behavior with regard to his internet postings, got
20 even more (inaudible). Is that correct?
21 DR. CONNER: That is correct. He began to attack, not only myself
22 but the Judge in the case.
23 MR. NEGANGARD: That's when he started attacking Judge Humphrey?
24 DR. CONNER: He started to attack Judge Humphrey as well as
25 myself about abusing children.

1 MR. NEGANGARD: Um, and then is persistent. He has not relented.
2 DR. CONNER: This has gone on for three and a half (3 1/2) years
3 and um, it's very repetitive, um, he even contacted
4 some...I am a consultant for the Children's Home
5 in Northern Kentucky where we house
6 approximately forty (40) psychiatrically disturbed
7 children and um, he contacted them that I'm a child
8 abuser and warned the staff there, if he shows up,
9 call the police right away, uh, the local police
10 department in our city are aware of this and if he
11 shows up at our office, we're to contact them
12 immediately.
13 MR. NEGANGARD: He accused you of uh, he accused you of not being,
14 let's see, he accused you of criminal acts because
15 you weren't licensed in Indiana at the time you
16 conducted those evaluations.
17 DR. CONNER: Correct.
18 MR. NEGANGARD: And in fact those evaluations occurred in Kentucky.
19 DR. CONNER: I have people come from North Dakota, Texas,
20 Florida, Indiana, Ohio, to my office in Kentucky for
21 an evaluation, so it doesn't require me to be
22 licensed in all the different states that people come
23 to Kentucky to be evaluated by me.
24 MR. NEGANGARD: And do you have the evaluation?
25 DR. CONNER: I do. This is the copies. Um, well, this one might

1 be my original, I'm not sure.

2 MR. NEGANGARD: There's notes in that document. Is that your notes?

3 DR. CONNER: Yes they are.

4 MR. NEGANGARD: I'm showing you what's marked for identification as

5 Grand Jury Exhibit 119 and ask if you can identify

6 that?

7 DR. CONNER: Yes. This is a document that he wrote to my wife

8 and I, uh, with regard to his concerns, uh, about the

9 evaluation that we wrote.

10 MR. NEGANGARD: And he goes on for pages.

11 DR. CONNER: Yes.

12 MR. NEGANGARD: It's seventeen (17) pages long.

13 DR. CONNER: Yes.

14 MR. NEGANGARD: Telling you why you messed up.

15 DR. CONNER: Yes.

16 MR. NEGANGARD: That's Grand Jury Exhibit 119. I'm showing you

17 120. This is one of those tests that was conducted?

18 DR. CONNER: Yes. This is a Taylor Jones and temperament

19 analysis profile and this is a test we use to see how a

20 person views themselves and if they're able to view

21 themselves in an objective fashion.

22 MR. NEGANGARD: And how did he test on that?

23 DR. CONNER: One of the things that came up here is that uh, he

24 tends to be very disorganized and impulsive, very

25 changeable. One time it's this way, one time it's

1 that way, uh, just not consistent.

2 MR. NEGANGARD: Is there anything about this test that showed he...did
3 he have any sort of...was he good at evaluating
4 himself or did this show how he was right and
5 everyone else was wrong?

6 DR. CONNER: Well in this test we really wouldn't really see so
7 much about that self-centeredness that I referred to
8 earlier. This was seen more in some of the other
9 testing. This one does show more that I think he
10 understands that he can be fairly impulsive. He's
11 been diagnosed with Attention Deficit Hyperactivity
12 Disorder and um, is medicated and it's not
13 something that you now, we really put a lot of
14 weight on with regard to not being able to
15 communicate with his ex-wife. The weight was
16 more on his personality, his style, not so much the
17 ADHD.

18 MR. NEGANGARD: We'll show that as Exhibit 120. So let's talk about
19 the ADHD. The ADHD, he was diagnosed with
20 that, um, prior to you even evaluating him. Is that
21 correct?

22 DR. CONNER: Yes. He was diagnosed with ADHD which is
23 Attention Deficit Hyperactivity Disorder by the
24 Affinity Center in Cincinnati and his medications
25 were prescribed by them and I remember very

1 distinctly him saying one time if he doesn't take his
2 medication, and I had never heard this before, that's
3 why it stuck with me, he said my mind is like a
4 tornado in a library and um, that made sense to me.
5 MR. NEGANGARD: So he was prescribed um, two hundred (200) mg. of
6 Ritalin a day.
7 DR. CONNER: Right.
8 MR. NEGANGARD: Through your training and experience, is that a large
9 quantity?
10 DR. CONNER: Well I'm a psychologist. I'm not a medical doctor
11 but I certainly deal with people every day with
12 different medications and doses of medications and
13 even if you look that up, in any type of medical
14 source, that's a high, high level of medication.
15 MR. NEGANGARD: And um, in this, and this is a letter from Dan
16 Brewington to my office on February 24th and he's
17 claiming that you testified and lied. I can't make
18 heads or tails of it. Have you seen those accusations
19 before?
20 DR. CONNER: I uh, again there's a pattern here, there's such a
21 pattern of behavior and yes, I've seen the pattern
22 here. I don't recall actually having this letter
23 because he didn't send this letter to me but uh, for
24 example if he says it's quite clear that Dr. Conner
25 has attacked me for going to law enforcement, I

1 have never responded to any one of his blogs on the
2 internet. I've never contacted him unless it was
3 through an official document, um, that's in the file.
4 At one point, he accused me of stalking him on the
5 internet and it's...again it gives me cause for
6 concern that he is that focused on me and the Judge
7 now. Um, and he posted something, um, he's
8 telling a story where he's talking about how he
9 would like to punch the custody evaluator and beat
10 the custody evaluator senseless. So again, he says I
11 attacked him but then he tells stories on the internet
12 about how he would like to beat the custody
13 evaluator senseless and again I'm not naive with
14 regard to some people can be dangerous even
15 though they say things, one day they might do
16 something especially in my field, uh, and so these
17 kind of things I certainly pay attention to -- these
18 patterns of behavior.

19 MR. NEGANGARD: I'm showing you what's marked for identification as
20 Grand Jury Exhibit 121. Is that your custody
21 evaluation?

22 DR. CONNOR: It is.

23 MR. NEGANGARD: I'll show that that's entered for the record. There's
24 a number of letters that we already have and we'll
25 put in all the, a lot of the correspondence, get it in

1 through Mr. Kreinhop but needless to say, since
2 you've issued your custody evaluation, is it fair to
3 say that he has attacked you on the internet, has
4 attacked your license, has indicated that he knows
5 where you live, has um, attacked you, tried to
6 ridicule you through, even on WLW or taking
7 questions you've asked out of...not even exactly
8 accurate but questions out of context, uh and just
9 engaged in a pattern of harassment and
10 intimidations since you issued an opinion that
11 merely said he shouldn't have joint custody?

12 DR. CONNER: That's correct and it, what was concerning to this in
13 particular, is that I knew at some point I would need
14 to testify as a witness in the case and even if the
15 case was concluded, I think it was reasonable for me
16 to believe that the case would be appealed by him
17 and I would maybe be called as a witness in the
18 future as well. So that whole intimidation factor
19 knowing that I would need to testify and it was my
20 obligation to do so for the Court, was very
21 disturbing.

22 MR. NEGANGARD: So he basically engaged in a pattern of activity that
23 um, was intimidating and harassing prior to your
24 testimony at the final hearing and then after?

25 DR. CONNER: That's correct.

1 MR. NEGANGARD: And you issued your opinion and in August of 2007,
2 he began his um, it appears really in March of 2008
3 is what really picks up as far as the constant
4 correspondence back and forth.
5 DR. CONNER: Well his first post was in October of 2007,
6 approximately two (2) months after the report came
7 out. Um, the anonymous letter, which again I
8 believe very much to be him, um, was sent after my
9 report was released.
10 MR. NEGANGARD: And um, then after he no longer has an attorney, he
11 engages in a number of letters back and forth?
12 DR. CONNER: Yes.
13 MR. NEGANGARD: Starting in March of 2008?
14 DR. CONNER: Yes and in one letter he actually says...
15 MR. NEGANGARD: He's an attorney?
16 DR. CONNER: He says uh please forward a copy of the case file to
17 me because I am an attorney.
18 MR. NEGANGARD: That would not be accurate. Correct?
19 DR. CONNER: To my knowledge, he is not an attorney.
20 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 122. Is that a
21 copy of the letter he sent you?
22 DR. CONNER: That is.
23 MR. NEGANGARD: Where he states that he is an attorney?
24 DR. CONNER: Correct.
25 MR. NEGANGARD: And after you...when you testified, did he cross-

1 examine you?

2 DR. CONNER: Yes.

3 MR. NEGANGARD: Um, tell us about that. Was there anything
4 inappropriate about that?

5 DR. CONNER: No, I mean, I, I mean it was clear that he didn't
6 really know what he was doing. He really didn't, in
7 my opinion, I testify a lot in cases in different areas
8 of the United States and it was clear that he was
9 kind of fumbling around to try to make some sense
10 out of what my testimony was about or what the
11 report was about.

12 MR. NEGANGARD: Was there um, and then at that final hearing, you
13 didn't suggest that he not have contact (inaudible).

14 DR. CONNER: No I did not. I suggested that he have again,
15 according to the Indiana State guidelines his rightful
16 parenting time and if the ex-wife or the mother of
17 the children had to work a long shift as a nurse that
18 he could take care of the kids while she was
19 working.

20 MR. NEGANGARD: And despite that, he has continued to attack you.

21 DR. CONNER: Yes.

22 MR. NEGANGARD: Did you also testify that you've seen, that his
23 writings were consistent with...

24 DR. CONNER: ...people who could do horrendous things to their
25 families....

1 MR. NEGANGARD: ...right. And is that what you found that, is that in
2 fact true?

3 DR. CONNER: Yes. In my experience, again after the report came
4 out and the level of distortion that I believe he
5 engaged in, was very concerning to me and um, he
6 um, I wasn't...I believe it's horrendous to take a
7 child's mind and try to coach the child or fill the
8 child with false information. I think that is
9 horrendous to do to a child and my concern would
10 be that if he did not get what he wanted, he would
11 do that type of thing to the children and I am still
12 concerned about that, um, that he would tell the
13 children that everyone was wrong but dad or
14 mom's, mom, you know tried to hurt dad or mom
15 left dad and I believe this is horrendous. I believe
16 it's a form of child abuse, um, and that was my
17 concern that he would do such things, um, to the
18 girls because these were very little girls at the time
19 and still are actually.

20 MR. NEGANGARD: And so you testified that um, that that was
21 concerning to you – the fact that his writing seemed
22 to be so far from reality.

23 DR. CONNER: Yes and again the comment about being a pyro...a
24 self proclaimed pyromaniac, which means a person
25 who sets fires with the intent to harm often times

1 what was concerning and then as I saw some of the
2 other postings about wanting to beat the custody
3 evaluator senseless, I mean, I'm the only custody
4 evaluator he's ever come in contact with so I have
5 to believe it was me.

6 MR. NEGANGARD: So he admitted that he, posted on facebook that this
7 is like playing with gas and fire and anyone who has
8 seen me with gas and fire knows that I'm the
9 accomplished pyromaniac.

10 DR. CONNER: That's correct.

11 MR. NEGANGARD: That was concerning.

12 DR. CONNER: Extremely.

13 MR. NEGAGNARD: Um, he also posted if this court wanted to take
14 down his internet postings concerning the
15 dissolution, they would have to kill him to stop him.

16 DR. CONNER: Yes.

17 MR. NEGANGARD: Is that concerning?

18 DR. CONNER: Well it indicates a level of fanaticism, in my
19 opinion, they are almost fanatic about this.

20 MR. NEGANGARD: What's it mean that if, in this case the children were
21 shown a movie that was kind of inappropriate for
22 their age, had some nightmares associated with that
23 and his response was to continue to show those
24 movies?

25 DR. CONNER: Well I think that is consistent with someone who is

1 very self-centered. A person who is very self-
2 centered doesn't always appreciate the impact that
3 something may have on another person because it's
4 all about them - it's all about me and they
5 sometimes miss very important pieces of
6 information about how their behavior or their
7 decisions might affect another person.

8 MR. NEGANGARD: Dr. Conner, is there anything else that you would
9 wish to testify here today that you haven't already
10 testified to?

11 DR. CONNER: Uh, again I uh, I'm very bothered by his comments,
12 um, about myself, in one he says I'm a danger to
13 children, um, that I'm abusive. I'm also very
14 disheartened by his comments about Judge
15 Humphrey. I testify a lot and as I said in different
16 courts and I think Judge Humphrey is one of the
17 wisest and finest and judges that we have around
18 here and some of the comments he made about the
19 judge, I'm just very troubled by that. And one in
20 particular, the one he made about the judge on
21 Father's day and to me that really captures the
22 essence of his vindictiveness if you ever had the
23 opportunity to read what he wrote about the judge
24 on Father's day, again it just captures the level of
25 vindictiveness in this person.

1 MR. NEGANGARD: What did he write about the judge on Father's day?
2 Do you know?
3 DR. CONNER: Uh, I don't have it with me but just how abusive
4 this judge is and how he abuses children and so
5 forth and again myself, I work with children, I have
6 for a number of years as does my wife and I know
7 the judge uh, again I can only say I have the utmost
8 respect for Judge Humphrey and for him to go on
9 the attack simply because he didn't get exactly what
10 he wanted, to me is unfathomable.
11 MR. NEGANGARD: Um, the internet writings with regards to you, would
12 you say they expose you to hatred, contempt,
13 disgrace or ridicule?
14 DR. CONNER: Absolutely I would. Um, I have had colleagues of
15 mine, I have had people who need help contact my
16 office for help and say they wanted to come in for
17 services but they saw this on the internet, what's
18 this about and all we can say is that this is a person
19 who was unhappy with an opinion I gave. I don't
20 make decisions - I give opinions and so absolutely I
21 would say that, and again it's been very hurtful
22 personally to my wife and my family to have to sit
23 your children down.
24 MR. NEGANGARD: And we can see it's still very emotional to talk
25 about sitting down and discussing this with your

1 children.

2 DR. CONNER: Yes.

3 MR. NEGANGARD: And were you placed in fear from these comments?

4 I mean were you concerned?

5 DR. CONNER: I was. Again, I, I, a large portion of my practice is

6 forensic psychology which means where the law

7 and psychology interface so I have to interview a lot

8 of criminals and I go in and out of jails and people

9 come to my office who are accused of committing

10 crimes and so forth and I've never really been too

11 bothered by that because I feel like no matter what a

12 person does, I have respect for them and I treat them

13 with respect and I want to try to understand what

14 happened. Um, I've never really felt concerned or

15 threatened and perhaps I should have at times but I

16 haven't until this person. And I notice sometimes

17 that when I walk out of my office late at night, I

18 look over my shoulder. Um, again I remind my

19 children periodically that this is what he looks like,

20 um, my wife is very aware and very disturbed by

21 this of course, as well. So it has affected, I think, us

22 on a personal level besides a professional level.

23 There's two levels to this.

24 MR. NEGANGARD: Um...

25 DR. CONNER: If I may just add one thing.

1 MR. NEGANGARD: Yes.

2 DR. CONNER: As a witness for the court, I don't want to be

3 intimidated. I try very hard not to be influenced. I

4 try to be neutral. I try to be objective. People

5 disagree with my opinion and again I understand

6 that but at least I feel like they are going to get an

7 honest opinion based on how I see it and I might not

8 always be right either. I'll be the first to admit that

9 but this was a situation where I had to really focus

10 on. I have to be objective. I don't want to fall into

11 his projections of hatred and disdain and get back at

12 him in any way because I have to keep my mind

13 objective.

14 MR. NEGANGARD: Um, you've interviewed...in the course of your

15 work, you have contact with murders, rapists, child

16 molesters. Is that correct?

17 DR. CONNER: Yes, essentially every type of crime that is

18 committed if the court has a question about the

19 person's mental health and if it played a role in their

20 crime, um, often times asked to evaluate them.

21 MR. NEGANGARD: And your evaluation isn't always what they would

22 want to hear.

23 DR. CONNER: Absolutely not.

24 MR. NEGANGARD: And despite that, you've never been threatened by

25 any of those people as much as you've been

1 threatened by Mr. Brewington.

2 DR. CONNER: I cannot think and again I worked in Scandinavia for
3 a number of years. I worked in Thailand. I worked
4 in New Zealand, Alabama, Colorado, North
5 Carolina, Kentucky. I don't ever recall being
6 threatened by anyone before. Um, I, I, I really can't
7 recall that someone was so incredibly vindictive and
8 it's not like I recommended that he have the death
9 penalty or he was competent to be executed and I've
10 had to do those types of evaluations before and
11 nothing, this is about...I don't think he and his ex-
12 wife can communicate well enough is pretty much
13 it.

14 MR. NEGANGARD: And he uh, and you've issued, I assumed hundreds
15 of opinions in child custody evaluations that
16 probably um, at least one side was disappointed
17 with.

18 DR. CONNER: When I do a child custody evaluation I know going
19 into it that I have a one hundred percent (100%)
20 chance, of fifty percent (50%) of the people being
21 mad at me at the end of it all.

22 MR. NEGANGARD: Right. And never have you had this reaction.

23 DR. CONNER: Not something like this, no. People have disagreed
24 with my opinion and I'll respectfully accept that.

25 MR. NEGANGARD: Okay, is there anything else that...oh, and with

1 regard to the comments made about Judge
2 Humphrey, would you consider those um,
3 (indiscernible) and full of hatred and contempt?
4 DR. CONNER: Absolutely I would, yes.
5 MR. NEGANGARD: Do you have anything else you would like to add?
6 DR. CONNER: Um, no sir. I think that's the jest of it. This has
7 gone on for three and a half (3 ½) years.
8 MR. NEGANGARD: *And you would like for it to stop.*
9 DR. CONNER: Absolutely I would, yes.
10 MR. NEGANGARD: Do you guys have any questions?
11 JUROR: I understand that your wife is also a psychologist
12 and she was the co-conductor of this examination?
13 DR. CONNER: Yes sir.
14 JUROR: Was there ever any uh, of this exhibit of behavior
15 towards her during this course?
16 DR. CONNER: Her name has been mentioned in some of his
17 writings but not nearly to the extent that I have been
18 and I'm thankful for that and I hope he doesn't hear
19 this but I'm thankful that he has left her out of it at
20 least.
21 JUROR: *Did you have more contact with him during the*
22 *evaluation than she did perhaps?*
23 DR. CONNER: Yes sir. My wife does the parent-child
24 observations, so she'll interview the parent and the
25 child for a little bit and then she'll go into this toy

1 room that we have with a one-way mirror so she can
2 observe them through the one-way mirror just how
3 they play together and so my contact would be
4 more, yes sir.

5 JUROR: So it seems to be more of the lightening rod...

6 DR. CONNER: Yes and I also am the only one who testified in the
7 case. She did not testify. Yes ma'm?

8 JUROR: Are you aware of any, prior to the ADHD diagnosis
9 that he had, was displaying any other personality
10 disorder type things?

11 DR. CONNER: No ma'm. When we got the case, we basically
12 started from ground zero. Um, so I wasn't aware of
13 any previous mental health diagnosis other than the
14 ADHD.

15 JUROR: And could such a high level of Ritalin contribute to
16 these personality disorder?

17 DR. CONNER: Um, no it can't contribute to, it cannot contribute to
18 a personality disorder. Um, I often make the
19 analogy or the comparison that we all have a
20 personality. Everyone of us sitting here has a
21 personality – some more likeable than others – some
22 less so, whatever, what have you. Um, so the
23 Ritalin wouldn't necessarily contribute to a
24 personality disorder. Um, now it may make a
25 person somewhat cloudy sometimes if they are on

1 too high of a dose but again I'm not testifying as a
2 medical doctor. In consulting with colleagues in my
3 own research, too high of a dose can cause some
4 problems but not to this level of again
5 vindictiveness. Yes sir?

6 JUROR: Um, you mentioned before that he said you had
7 some nice houses on your street.

8 DR. CONNER: Yes sir.

9 JUROR: Did he say how he knew that or anything like that?

10 DR. CONNER: In the internet writing, he said that he has some
11 family a couple of streets over and I've never
12 looked in to see if that's true or not.

13 JUROR: So at all possibility, he probably used google or...

14 DR. CONNER: Yes sir that or he actually did come on the street
15 again saying he had family a couple of streets over
16 because he did say that so I don't know but it was
17 disturbing that he knows where I live.

18 JUROR: *One more question – you said that his wife had mild*
19 *depression.*

20 DR. CONNER: Yes sir.

21 JUROR: Where does extreme sadness evolve and depression
22 start?

23 DR. CONNER: If I can answer that question, I probably wouldn't be
24 here. That's a great question and I don't know and
25 quite frankly I think it's different for each person. I

1 think for one person, extreme sadness is just that
2 and for another person, that could be depression,
3 clinical depression. I think that sometimes it's a
4 fine line and it's probably up to each individual.
5 JUROR: And one last question. Do you think he might just
6 be exhibiting like a school-yard bully type thing? If
7 he pushes so hard, pushes so far to finally someone
8 pushes back?
9 DR. CONNER: I believe it's a little more than that or I think things
10 would have stopped maybe a year and a half ago or
11 so but it's again, a level of revenge and
12 vindictiveness so I think it goes beyond just being a
13 bit of a bully. If it were just a bully, um, bullies, I
14 think as we all know tend to kind of die out over
15 time – we hope anyway.
16 MR. NEGANGARD: And in fact when the Judge is pushed back or he
17 doesn't, he doesn't stop when the police go and
18 question him, he doesn't stop.
19 DR. CONNER: Well actually if I think of it that way, that's true. If
20 when he, when the courts have pushed back, he
21 escalates. It's not as if the court says hey, alright
22 slow down, then he becomes more vindictive I
23 think.
24 MR. NEGANGARD: Do you guys have any more questions?
25 JUROR: Um, do you check the blog that he has frequently or

1 do you not ever look at it?

2 DR. CONNER: Yes sir I do. I received a letter from the Assistant
3 Attorney General in the State of Kentucky who
4 handled the complaints that he filed against me in
5 the state of Kentucky and he actually went down
6 and sat with a sign in his lap and when the board
7 went behind closed doors, he implies that he stood
8 next to the door so he could hear what they were
9 saying and the Attorney General, um, the Assistant
10 Attorney General sent me a letter saying I just want
11 you to be aware of this web-site in that he is calling
12 you a criminal and with that, I felt for my own
13 safety and again the safety of my family that I
14 should just keep tabs um, on exactly what he is
15 saying or what, and that's how I found out that he
16 knew where I lived.

17 JUROR: You've never wrote back on there?

18 DR. CONNER: I have never one single time ever responded to
19 anything that he has ever written on the internet and
20 again the only time I responded is to a direct request
21 that was documented and kept in the chart. I just
22 refused to, nor has my wife, I mean we have just
23 refused to engage in that type of behavior.

24 MR. NEGANGARD: And ignoring, ignoring it hasn't made it go away.

25 DR. CONNER: We consulted with...when this started coming up,

1 we consulted with an FBI because it's an interstate
2 type of thing and their opinion is just try to ignore it,
3 it will go away. Uh, the police have done the same
4 – just ignore it, he'll go away. But that is I guess
5 what's frightening because it doesn't stop – it keeps
6 going. And again the Erlanger police, where my
7 office is located, simply they are aware of this and if
8 he would happen to come into the area that we are
9 to notify them immediately.

10 MR. NEGANGARD: Any other questions?

11 DR. CONNER: Yes sir?

12 JUROR: What do you believe would bring a stop to this and
13 prevent it from reoccurring - psychologically?

14 DR. CONNER: I think legally, I'm certainly not an attorney but I
15 think legally there ought to be some protection for
16 members of our society because I think this case
17 represents a larger picture. If we are going to allow
18 people who testify for the courts to be intimidated,
19 even if the case is on probably appeal, people aren't
20 going to want to testify and I think the courts
21 sometimes rely on testimony to help them make
22 decisions and I think this is very important case on a
23 broader sense than just this, that I think people need
24 to be protected from defamation on the internet, you
25 know when there's really no purpose especially I

1 think if it's involved in a legal issue such as this and
2 again I typically don't feel intimidated but when I
3 had to testify as a witness, I felt some level of
4 intimidation here. I knew that this would be an
5 appealed case in all probability that I may be called
6 in to testify again, such as today. And I feel some
7 type of, some level of intimidation in this -- what
8 will he do to me now is unfortunately what I have to
9 deal with but I believe being here today is the right
10 thing to do. Again it's a broader picture of just me,
11 of this case. I think it's about helping our courts to
12 be able to rely on people who do need to testify to
13 assist them in reaching an objective and fair
14 decision.

15 MR. NEGANGARD: I don't have any other further questions. If
16 something more comes up, we'll call you.

17 DR. CONNER: Okay.

18 MR. NEGANGARD: Thank you.

19 DR. CONNER: Thank you. Thank you all.

20 MR. NEGANGARD: Okay, now I will call Daniel Brewington. Um, well
21 go ahead and swear him in.

22 FOREMAN: Do you solemnly swear or affirm that the testimony
23 you are about to give in the matter now under
24 consideration by the grand jury will be the truth, the
25 whole truth and nothing but the truth? And do you

1 further solemnly swear or affirm that you will not
2 divulge any portion of your testimony before this
3 grand jury except when legally called upon to do
4 so?
5 DAN: Yes.
6 MR. NEGANGARD: I'm showing you what's marked for identification as
7 Grand Jury Exhibit 123 and ask if you recognize
8 that.
9 DAN: Yes I do.
10 MR. NEGANGARD: And is that your signature, on the second (2nd) page,
11 is that your signature?
12 DAN: Yes it is.
13 MR. NEGANGARD: Okay. I'm going to read that for the record. I,
14 Daniel Brewington, knowingly and fully understand
15 that the Grand Jury of Dearborn County, Indiana is
16 now in session, in Dearborn County, Indiana, do
17 hereby fully agree voluntarily to appear and present
18 myself before said Grand Jury now in session for
19 the January, February, March, April, May, June,
20 2011 term in Lawrenceburg, Indiana, there to give
21 testimony in connection with said investigation.
22 Hereby representing and state that I'm appearing
23 before said Grand Jury voluntarily and of my own
24 free will and accord and I'm fully aware and
25 cognizant of the constitutional rights which I have

1 under the constitution in the State of Indiana and the
2 constitution in the United States to refuse to testify
3 and I am also fully aware and cognizant of the fact
4 that any and all statements that I may make or any
5 testimony that I may make may and it can be used
6 against me by said Grand Jury, fully conscious of
7 the foregoing facts. I do hereby expressly waive any
8 and all state and constitutional rights to testify and I
9 further waive any and all immunities from the
10 punishment for any crime or crimes arising from
11 and growing out of the alleged charge or charge
12 which is now being investigated for which a true
13 bill or indictment made thereafter be returned by
14 said Grand Jury and it is signed by you and
15 witnessed by myself and Michael Kreinhop. Is that
16 your signature?
17 DAN: Yes it is.
18 MR. NEGANGARD: Okay and you understand this document?
19 DAN: Yes I do.
20 MR. NEGANGARD: Okay. Would you please state your name for the
21 record please?
22 DAN: Daniel Paul Brewington.
23 MR. NEGANGARD: And you received a target letter in this case. Is that
24 correct?
25 DAN: Correct.

1 MR. NEGANGARD: And do you have anything you want to say before
2 we get started?

3 DAN: In terms of?

4 MR. NEGANGARD: Just regarding the nature of the allegations against
5 you.

6 DAN: Yell most of what we're talking about, pretty much
7 all of it deals with just first amendment speech on
8 the internet. It's a public domain, uh, it's people
9 have the choice to go there, to not go there, uh,
10 challenge the system that doesn't like to be
11 challenged so that's my main purpose. It's not to
12 annoy, harass or anything like that. It's just to get a
13 public opinion out, a political opinion and as I said
14 it's a constitutional right and that's what I have
15 done and through the course of representing myself
16 in a divorce, obviously I'm not a lawyer so any
17 mishaps or anything of that sort while you know
18 during the course of representing myself, you know,
19 I'm not sure if there's any kind of boundaries or
20 whatever that I could cross or anything like that but
21 anything on the world-wide web is just an
22 expression of my political views and uh, kind of a
23 story, just telling the story of my situation and that
24 kind of raps it up.

25 MR. NEGANGARD: Well let's start then with uh, you first hired Amy

1 Streator. Is that correct?

2 DAN: Correct.

3 MR. NEGANGARD: And you terminated that relationship?

4 DAN: Yes I did. That was in Ripley County, Indiana.

5 MR. NEGANGARD: And why did you terminate that relationship?

6 DAN: Uh, because as the court record would show, she put

7 incorrect information on a court record. She didn't

8 put my accurate wage earnings. She put down

9 wrong estimates for child support. She uh, put

10 down my wrong numbers from my insurance, my

11 work insurance, because I'm self employed, liability

12 insurance and things of that nature. And she

13 didn't...in the provisional hearing, Judge Taul,

14 because this case was originally in Ripley County

15 until 2009, Judge Taul wanted two provisional

16 proposals and she only submitted one to the court

17 on the last day and I wasn't even able to review that.

18 She didn't turn in both of them so as a result, I let

19 her go.

20 MR. NEGANGARD: After you fired her, did you picket her office?

21 DAN: Uh, I walked around the square in Batesville,

22 Indiana, not directly in front of her office or on the

23 sidewalk. I did that because uh, you know, it's a

24 right to assemble, it's just what I did.

25 MR. NEGANGARD: Did you have a sign?

1 DAN: Uh, yes I did.

2 MR. NEGANGARD: What did the sign say?

3 DAN: It said Amy Streator of Kellerman Law Firm

4 misrepresented me, which she did because she

5 misrepresented facts in the case. Like I said, that

6 was in Ripley County.

7 MR. NEGANGARD: Did you get a permit for that?

8 DAN: Uh, no. I am not aware of any permits that you need

9 in Dearborn County, or in Ripley County or

10 Batesville.

11 MR. NEGANGARD: And Judge Taul had to get off the case?

12 DAN: That was due to the ex-parte communication with

13 Dr. Edward J. Conner. They had uh, I have copies

14 of it, all the ex-parte communications or most of

15 them if anybody would like to see those, mostly

16 about the release of Dr. Conner's custody evaluation

17 case file.

18 MR. NEGANGARD: Okay, so did you file a complaint against Judge

19 Taul?

20 DAN: No I didn't.

21 MR. NEGANGARD: Did you raise the ex-parte communication?

22 DAN: Yes I did.

23 MR. NEGANGARD: And there was a change in Judge. Correct?

24 DAN: Yes. I filed a change of Judge Motion per Gerard

25 vs. Stone, if a Judge considers or receives ex-parte

1 communication, they must recuse if a party...files a
2 motion under Indiana Trial Rule 9 or 79, I'm sorry.
3 MR. NEGANGARD: So you're familiar with the judicial cannons?
4 DAN: Yell, yell...
5 MR. NEGANGARD: You're familiar with the judicial cannons?
6 DAN: Yell ex-parte communication violation, 2.9.
7 MR. NEGANGARD: And you're familiar then also with the uh, rules of
8 professional responsibility?
9 DAN: Not really. I mean those are pretty long.
10 MR. NEGANGARD: Okay so you...
11 DAN: ...I just...
12 MR. NEGANGARD: ...are familiar with the judicial cannons?
13 DAN: Yell, yell.
14 MR. NEGANGARD: Okay. And then you had Tom Blondell for a period
15 of time.
16 DAN: Correct.
17 MR. NEGANGARD: And then who terminated that relationship?
18 DAN: He did.
19 MR. NEGANGARD: Why did he terminate that relationship?
20 DAN: He went to, he went to Amy Streater's father's bar
21 service, I guess lawyers have uh, funeral services for
22 each other, or whatever and somehow it came up
23 that I had picketed her office and Mr. Blondell took
24 offense to that and so he fired me shortly after and I
25 had asked Mr. Blondell if he could anything in

1 terms of representing me against her, but attorneys
2 don't like to go against other attorneys so he
3 declined and it was about a year later that, that he
4 wanted to get involved after he found out that I was,
5 well I had even asked him if I could, if you mind if I
6 took action, he said no but I guess he didn't
7 understand that I was just, that I, you know, was
8 taking a different action.

9 MR. NEGANGARD: Did you send letters to him after he terminated that
10 relationship indicating that um, you would expose
11 his relationship or his membership in a first
12 amendment rights organization as to his church as
13 one that supports pornography?

14 DAN: No I didn't say that. Supposedly I asked him about
15 the relationship because he's the one who brought it
16 up and I had the e-mails from Mr. Blondell. He said
17 he was a member of the first amendment of
18 attorneys association or something like that based
19 out of Chicago, Illinois, and he said it was a group
20 of a hundred and fifty (150) attorneys and the way
21 that came up is uh, he asked me if I picketed Amy
22 Streater's office and I said well it's a first
23 amendment right and then he started bragging on
24 that and when I did research I uh, you know,
25 questioned him about it. I didn't threaten to release

1 information but I just, he's on the St. Lawrence
2 school board and the first amendment attorney's
3 association does a lot of stuff with uh, like, sexual
4 bondage shows and like representing people in that
5 and also Mr. Blondell sent me a disturbing e-mail
6 prior to that which was a little, I mean, of uh, like,
7 with a juvenile shooting bottle rockets out of their
8 butts for a better word, video which I still have, you
9 know on CD and it's, and it was just a disturbing
10 thing and then all of a sudden he was attacking me
11 because I picketed another lawyers firm which he
12 should be for because he's a member of this first
13 amendments attorney's club or whatever it was.

14 MR. NEGANGARD: Okay, so you confronted him with his membership
15 in that and said how it supported pornography and
16 that you were going and he shouldn't be on the
17 school board. Is that how it was worded?

18 DAN: I don't think it said that he shouldn't be on the
19 school board. I said, it might be a conflict with
20 Indiana Archdiocese or they might have a problem
21 with it. I told them that you might want to check
22 out his association that he's involved with. Like I
23 said, I can pull up, uh, it's right there.

24 MR. NEGANGARD: Sure.

25 DAN: Yell, because he told me that he was uh, a member

1 of that association and then when I brought it up, he
2 later told me that it was none of my business who he
3 was associated with when he was the person who
4 uh, first raised the issue to begin with. And he did
5 drop me over e-mail and he never did talk to me
6 personally before he dropped me, uh, more like an
7 eighth (8th) grade break up or something like that,
8 by letter, where he needed to have a professionalism
9 to return calls or call me. It was just after Amy
10 Streater told him that he uh, that I picketed his
11 office that he just didn't want to represent me
12 anymore. He didn't support those kind of first
13 amendment rights.

14 MR. NEGANGARD: I'm showing you what's been marked as Grand Jury
15 Exhibit 124. Is that a copy of the e-mails that you
16 received?

17 DAN: Yes.

18 MR. NEGANGARD: I'll show 124 is admitted. Why did you think that
19 was your responsibility to raise to him a conflict
20 with the Indiana Archdiocese?

21 DAN: Well if you read it, he started uh, actually kind of an
22 aggressive speech because he asked me... a year
23 before, a year prior to that, it was almost a whole
24 year was when I first retained his services and I
25 asked him if he would be interested in you know,

1 writing, filing a complaint, writing something, on
2 my behalf for Amy Streater and he said no and he
3 said that uh, I asked him where to file a complaint
4 and he said he wasn't sure. He said maybe the bar
5 association. Well attorneys know that. He, you
6 know, didn't tell me the truth. He said that it was
7 uh, and I knew at the time but I understand, you
8 know, attorneys don't like to step on other
9 attorney's toes so but it was the Indiana Supreme
10 Court disciplinary commission where you're really
11 supposed to file the complaints. So a year later, he
12 didn't have any interest in it until he found out that I
13 had picketed the attorney's firm and it says right
14 there that I said I thought you weren't concerned
15 about it and he said well I am concerned if you're
16 picketing another lawyer's office. And it's like well
17 why - because it wasn't his office. It wasn't even in
18 his county. It was in Ripley, it didn't even occur in
19 Dearborn County. It occurred in Ripley County so
20 for some reason, he's got a problem with me
21 because there's not a whole lot you can do to
22 attorneys. I mean, you can't sue them because you
23 know, that's difficult. You can file a complaint.
24 You can do whatever. But you know, they take
25 your money. They don't do their job. They don't

1 do it...you know, there's not a whole lot you can
2 do, so I took to the streets and obviously it made
3 people mad or it got some kind of point across
4 because well we're sitting here talking about it
5 today and that's I mean, but he's the one who
6 started to get hostile in his e-mails. Well then now
7 all of a sudden it becomes a subject because he's
8 telling me what organizations that he belongs to and
9 I just basically tell what his organizations do. I
10 didn't threaten to you know, I'm going to report this
11 if you do this.

12 MR. NEGANGARD: So you said there's not anything you can do when
13 attorneys mess up? You can sue them for illegal
14 mal-practice. Correct?

15 DAN: Yell, yell if you can find a lawyer.

16 MR. NEGANGARD: But you can...

17 DAN: Well no, okay.

18 MR. NEGANGARD: ...you can report them to the disciplinary
19 committee.

20 DAN: Yell in a figure of sense. Yes you can.

21 MR. NEGANGARD: In a figured of sense?

22 DAN: Well no. You can report them to the disciplinary
23 commission. I mean because I filed one before but
24 with the situation with Amy Streater, uh, she had
25 written me just a smug letter in terms of you know, I

1 feel I did everything to represent you properly, you
2 know and just went on about it and like the court
3 record demonstrates that the numbers don't even
4 match up and I wasn't given the opportunity to
5 correct it and uh, and that's the way that you know,
6 that's the way our country's founded. I mean if you
7 people go out, people go out and protest and you
8 know it was quiet or whatever but it got people's
9 attention because it was just something that was
10 wrong.

11 MR. NEGANGARD: Now um, so Tom Blondell terminated that
12 relationship and um...

13 DAN: ...and he didn't tell...

14 MR. NEGANGARD: ...but you said something like you knew he lied a
15 year before and you hired him anyway. I'm kind of
16 confused about that.

17 DAN: Well he said...I hired him and uh, he told, well I
18 didn't know that he wasn't being honest with me at
19 that time. I...

20 MR. NEGANGARD: Because earlier, just a few minutes ago...

21 DAN: ...yell...

22 MR. NEGANGARD: ...you indicated that you knew at the time he was
23 lying to you.

24 DAN: Well he said that he didn't do malpractice and he
25 said that you could take it up with the bar

1 association and it wasn't at that time, you know,
2 exactly at that time I realized that it was not even
3 the bar association, it's the Indiana Supreme Court
4 Disciplinary Commission. But it was shortly after
5 that, but that's one of those things, you know I
6 wasn't going to fire an attorney because he didn't
7 want to step on another attorney's toes. I mean it's
8 like a doctor giving a recommendation of your own
9 doctor. I mean sometimes if you confront them, you
10 know for some reason it makes them angry and they
11 want to drop you or not, you know, plus there's a lot
12 of fear at that point. Because I was going through a
13 divorce and you know, you had to rely on lawyers.

14 MR. NEGANGARD: When Tom Blondell terminated, did you post
15 anything on the internet about him?

16 DAN: Yes, I um, well, I didn't have a web-site or a blog
17 until it was September, I developed
18 dan'sfamilycourtexperience.com which isn't, well
19 the name of it is but there isn't (indiscernible)
20 content but I developed that in September of 2008
21 and I didn't really make any negative comments
22 about him. I just put the dialog like those e-mails. I
23 put that information up just to let people know that
24 if you know, if you're going to go to this person,
25 this is what you're going to get.

1 MR. NEGANGARD: So you posted your guys e-mails on the internet?
2 DAN: Correct. Yell.
3 MR. NEGANGARD: Was he running for judge at the time?
4 DAN: Uh, well that, yell, yell, no, no, not at the time, uh,
5 not at the time I posted them because he had lost in
6 uh, the primary to uh, I think Barbara Wyly. He lost
7 in the primary in May of 2008 and I posted them
8 after that.
9 MR. NEGANGARD: Did you post anything while he was running, against
10 Tom Blondell?
11 DAN: Uh, I think I posted a few things on uh, again, some
12 public web-site or something like that. I can't
13 remember the specific one. I think it was one of the
14 Dearborn County web-sites maybe. I think it used
15 to be a yahoo site but then they switched, maybe
16 turned it over to a google blog spot site. I'm not
17 sure.
18 MR. NEGANGARD: Okay, did you submit to a custody evaluation to Dr.
19 Conner?
20 DAN: Yes I did.
21 MR. NEGANGARD: And did you, uh, he was agreed upon by you and
22 Melissa. Correct?
23 DAN: Correct.
24 MR. NEGANGARD: And um, after you submitted to that...
25 DAN: ...yes...

1 MR. NEGANGARD: ...evaluation, um, you began uh, sending
2 correspondence to Dr. Conner, asking for the full
3 case file. Is that correct?
4 DAN: Yes because his uh, file said that he was, that the
5 parties were entitled to it on August or on April 16,
6 2008, he said the parties were entitled to it but he
7 was not going to give it to me because I was not an
8 attorney and there was no protective order against
9 that -- releasing it.
10 MR. NEGANGARD: But the judge has never allowed that to be
11 submitted. Correct?
12 DAN: What submitted?
13 MR. NEGANGARD: Allowed you to have full access to your wife's
14 medical history and so on and so forth?
15 DAN: Well there, there, there's no way to determine if her
16 medical history, I never requested her medical
17 history.
18 MR. NEGANGARD: You seemed to have been stuck on the aspect that
19 the full case file was necessary for you, for this
20 opinion to be admissible. Is that correct?
21 DAN: Uh yes.
22 MR. NEGANGARD: And no court has agreed with you on that.
23 DAN: Well the problem is, is that the courts have tried to
24 say that I was after her medical records. Uh,
25 actually the Indiana Appellate Court said that uh, all

1 of the information, they said Indiana Code 31-17-2-
2 12 indicates that I'm entitled to the investigator's
3 file of underlying data and reports but then they said
4 that doesn't include Dr. Conner's case file but at the
5 same time, Dr. Conner testified that he didn't give
6 me the names of two professionals which is a
7 requirement under that code. He didn't give me the,
8 uh, he testified he didn't give me uh, uh, uh, some
9 of the contents, or some of the opinions, or I'm
10 sorry, or some of the custody evaluation history
11 sheets that I filled out and for a note, also that
12 during the time my case was in the Appellate Court
13 and the Supreme Court, the Indiana Supreme Court
14 was visiting my web-site and I do have those IP
15 addresses if anybody would be interested in looking
16 at it. The Indiana Supreme Court IP address has
17 two hundred and twenty-seven (227) hits on forty-
18 three (43) pages during the course of my appeal and
19 many of them corresponded to the day that, uh, the
20 day that my uh, you know, that they ruled on the
21 appeal, the day things were filed. So you know, the
22 way that it appears, is that the Indiana Supreme
23 Court was investigating the web-site which none of
24 the contents, that web-site was created in December
25 of 2009. None of that web-site appears on the court

1 records so whatever they saw was ex-parte
2 communication.
3 MR. NEGANGARD: Well it's not um, I'm not going to argue with you
4 but you just said how you posted it exercising your
5 first amendment rights. That means anybody can
6 look at it.
7 DAN: Yell that's true but...
8 MR. NEGANGARD: ...so anybody can look at it.
9 DAN: But it's still, but the judges, uh, the Indiana
10 Supreme Court judges...
11 MR. NEGANGARD: ...so you're saying that you did an investigation and
12 you determined that Chief Justice Randall Shephard
13 looked at your web-site?
14 DAN: I didn't say Chief Justice Randall...
15 MR. NEGANGARD: You said the Supreme Court.
16 DAN: I said the Supreme Court.
17 MR. NEGANGARD: Okay, well there's five (5) guys on the Supreme
18 Court.
19 DAN: Well then, I can...
20 MR. NEGANGARD: ...all five (5) of them, one (1) of them, two (2) of
21 them, three (3) of them?
22 DAN: Well it said, well it said the Indiana Supreme Court
23 and the rules are like the judicial impropriety and
24 things of that sort, uh the test for improprieties is
25 what appears to be improper. Well I got it and uh, if

1 you want to take these, I would be happy to give
2 them to you. It says Indiana Supreme Court IP
3 address, uh, I got a log of them when they were on
4 there. I also have Dr. Conner's IP address that he
5 frequents my web-site. There's two (2) IP
6 addresses. Both of them are in there.

7 MR. NEGANGARD: Can I make a copy?

8 DAN: Uh, I have copies of all that stuff as long as I write it
9 down. But that's part of the, that was also part of
10 my messages, question why because that would be
11 ex-parte communication or evidence if they're
12 seeking it, regardless, uh, because some of those,
13 there's referrals on there where they actually, it
14 shows you how it was referred. Some of them were
15 referred from my blog. Some, uh, occasionally they
16 typed in danhelpskids.com which wasn't even, it
17 doesn't even appear on the record so they would
18 have had to at some point search that out to find it
19 and they've made you know, like I said, they've
20 made numerous hits on the web-site so sure if you
21 can make a case that oh, you know, they just
22 happened to come across it, well, apparently they
23 kept researching it because they did two hundred
24 and twenty seven (227) hits.

25 MR. NEGANGARD: So this is your evidence that, uh, so you're saying

1 that the Supreme Court Justice, or someone from
2 the Supreme Court?
3 DAN: Someone from the Supreme Court.
4 MR. NEGANGARD: Okay, so that might not be a Supreme Court Justice.
5 DAN: No it might not but the court encompasses...
6 MR. NEGANGARD: Well they didn't actually issue an opinion on your
7 case.
8 DAN: No, no. They...
9 MR. NEGANGARD: Is that correct?
10 DAN: Yell, they didn't and that's an interesting fact as
11 well. Uh, the Indiana Appellate Court ruled panel
12 Per curiam on my case and panel Per curiam means
13 that the whole, the court as a whole rules on it from
14 my understanding rather than uh, a panel of three
15 (3) judges. Uh and in the year of 2010, there was
16 nine hundred and twenty (920) petitions to transfer
17 from the Indiana Supreme or from the Indiana
18 Appellate Court to the Indiana Supreme Court. In
19 that entire year, there was only one (1) ruling where
20 they ruled Panel Per curiam and that was in my
21 case. That wasn't even a published opinion so I
22 have no idea other than, well they also had some
23 incorrect information about the IP address or not the
24 IP address but the web-sites and how they played a
25 role in the trial court.

1 MR. NEGANGARD: So the Indiana Court of Appeals showed nine
2 hundred and twenty (920), you're saying they, I'm
3 confused on this Per curiam.
4 DAN: Uh, the, the Court ruled, the Court ruled panel per
5 curiam and that means that, from my understanding
6 anyway, that the entire court ruled rather than a
7 three (3) judge panel which is what normally
8 happens. From the Indiana Appellate Court to the
9 Indiana Supreme Court, there was approximately
10 nine hundred and twenty (920) petitions to transfer.
11 Now that doesn't mean that they were accepted by
12 the Supreme Court, denied, granted or whatever but
13 nine hundred twenty (920) cases petitioned to
14 transfer and out of those nine hundred and twenty
15 (920) cases, only one (1) of them did the Appellate
16 Court ruled panel Per curiam and that was my case.
17 And they seemed to have a very big problem with
18 my internet content and wrote information that just
19 wasn't in the opinion, wrote information that was
20 just blatantly false. I could go over that with you if
21 you would like. Oh and uh, if you don't have a
22 copy of this, I can provide you with this. On uh,
23 well for one thing, they went on and on about my
24 attempts to obtain my wife's medical records.
25 There's absolutely no, at no point did I ever uh

1 request her medical records which Judge Taul at the
2 very beginning, the transcripts were filed so I have,
3 says that I'm entitled to her medical records, maybe
4 just not through Dr. Conner.

5 MR. NEGANGARD: Didn't you post confidential information from the
6 custody evaluation on the internet?

7 DAN: Uh that was addressed, well I'll get to that real
8 quick uh...

9 MR. NEGANGARD: ...well I mean it's just yes or no.

10 DAN: Oh yell, okay.

11 MR. NEGANGARD: Did you post it?

12 DAN: No, I mean, it wasn't any, the Court didn't find
13 anything wrong with it because there was a hearing
14 on April 29th.

15 MR. NEGANGARD: Well I'm not asking what the Court found. I'm
16 asking did you post information...

17 DAN: No....there wasn't...

18 MR. NEGANGARD: ...from the...

19 DAN: ...from the custody evaluation yes...

20 MR. NEGANGARD: ...and that's confidential.

21 DAN: Well it wasn't sealed.

22 MR. NEGANGARD: Correct?

23 DAN: If it was sealed, yell it would have been...

24 MR. NEGANGARD: ...alright well it wasn't sealed, but doesn't it say it's
25 confidential?

1 DAN: Yes but so does any kind of correspondence from an
2 attorney, you know, anything that says confidential.
3 MR. NEGANGARD: And you posted it on the internet?
4 DAN: Uh not any, well there wasn't any information about
5 the mother of the children or anything like that.
6 MR. NEGANGARD: You posted information about your, the mother of
7 your children on there?
8 DAN: Yes, yes and she lives in Hamilton County.
9 MR. NEGANGARD: Have you posted it on there?
10 DAN: Well, most of it had to do with the fact...
11 MR. NEGANGARD: ...but you still posted it?
12 DAN: Uh, well I don't know if it was about her.
13 MR. NEGANGARD: From a confidential um, custody evaluation, you
14 posted it?
15 DAN: Well if it was her information tied into mine, then
16 there was some of it that had to be. Just because the
17 whole situation is, is that that...
18 MR. NEGANGARD: Why did it have to be posted?
19 DAN: Because the problem is, is that on February 21st,
20 2008, Dr. Conner wrote me a letter or didn't contact
21 me, or let me back up just a hair. On February 19,
22 2008, I dropped off a packet of information to Dr.
23 Edward J. Conner who wasn't a court expert, who
24 wasn't even licensed in the State of Indiana so he
25 couldn't have been...

1 MR. NEGANGARD: You went to Ohio, Kentucky for the evaluation.
2 Correct?
3 DAN: Correct, correct, yell.
4 MR. NEGANGARD: Alright so he didn't...
5 DAN: ...yell...
6 MR. NEGANGARD: ...have to be licensed in Indiana.
7 DAN: Yell, yell, but that's what I'm saying is that he
8 wasn't licensed.
9 MR. NEGANGARD: But you accused him of criminal conduct because
10 he wasn't licensed in the state of Indiana and you
11 went to Kentucky to do the evaluation so I mean,
12 how can you sit there...you don't get to lie...
13 DAN: ...well no, no, sorry I didn't lie, I talked to the
14 people at the Indiana Board of Psychology and they
15 said that he couldn't, if you would read the rules in
16 the Indiana Psychology guidelines, it says that a
17 person may not offer psychological services
18 where...
19 MR. NEGANGARD: He wasn't offering psychological services.
20 DAN: Well it says, if you read in the uh...
21 MR. NEGANGARD: ...if there was any merit to that, he would not have
22 been able to get licensed after that. That's because
23 there is not merit to that.
24 DAN: And you, if you, if you look at the uh...
25 MR. NEGANGARD: ...well I know that you think...

1 DAN: ...well you're also not allowing me to speak....

2 MR. NEGANGARD: ...you also thought that you...

3 DAN: ...if you let me talk, it says thank you for referring

4 this case to us and he said that to the Court and also

5 addressed the Court but also uh, he has a history of

6 being appointed here, uh, you know before...

7 MR. NEGANGARD: But you went to the state of Kentucky...

8 DAN: Yes.

9 MR. NEGANGARD: ...to have the custody evaluation. Correct?

10 DAN: Yes, yes.

11 MR. NEGANGARD: And the State, and you agreed to use him as part of

12 the custody evaluation. Correct?

13 DAN: Yes I did.

14 MR. NEGANGARD: And when he issued an opinion that you didn't

15 agree with, you accused him of criminal conduct.

16 DAN: That's absolutely false.

17 MR. NEGANGARD: You did not accuse him of criminal conduct?

18 DAN: No it wasn't the opinion that I didn't agree with

19 him. He said and I have that right here.

20 MR. NEGANGARD: Well the question is that he issued an opinion that

21 you did not agree with in February, in uh, August of

22 2007. Correct?

23 DAN: No, no that's not, that wasn't it. I just, because uh,

24 the biggest dilemma was the fact that he didn't give

25 me the case file which his contract was said I'm

1 entitled to, uh, and that, and uh, and that Indiana
2 law, Indiana uh, I mean Kentucky law said I'm
3 entitled to and that's when I started looking into, the
4 criminal conduct wasn't about so much about the
5 uh, so much about the uh, uh, the custody, or not
6 being licensed, Dr. Conner, I mean, he wasn't, this
7 whole thing didn't bother him this bad because he
8 forgot everything about my case or about like the
9 information in my case file or whatever by 2009.
10 He didn't have any recollection that uh, you know
11 off hand, that there wasn't, that there was a problem
12 with the case file, or that I tried to get a copy of the
13 case file because he told a Hamilton County, Ohio
14 court that he forgot about, or he said he was going
15 to release the file and he said that after a cursory
16 review of the documents, he discovered that there
17 was confidential information. Now I would imagine
18 that we've talked, you guys probably talked about
19 this for some amount of time and I have that along
20 here, I have that here with me, the letter he wrote to
21 a Hamilton County Court where he said, he's
22 claiming that I've harassed, that I've, you know
23 bothered him, that I've done all this stuff and then
24 all of sudden in October, October 22, 2009, he's
25 writing to a Hamilton County Court that he doesn't,

1 you know, he didn't know that there was
2 confidential information about other people in the
3 evaluation or he had forgotten. Do you want a copy
4 of that?
5 MR. NEGANGARD: Sure.
6 DAN: Sorry if I get a little fast. I'm just trying to get
7 everything in, I know...uh, (indiscernible), just real
8 quick, so you know what page I'm talking about.
9 Uh, here, sorry, uh, well he talks about I received,
10 my attorney at the time, Robert G. Kelly, I received
11 a letter from Mr. Kelly dated 9/15 requesting all
12 records in my possession pertaining to Mr.
13 Brewington as well as copies of all correspondence
14 between Mr. Brewington and me. None of these,
15 the signature...he accused...like he's alleging that I
16 wrote the letter because he said that the initials were
17 D.D. and my name's Dan Brewington but my
18 attorney's secretary's name is actually Dee and her
19 last name starts with D. I responded and informed
20 Mr. Kelly that Dan Brewington was already in
21 possession of copies of all his individual records
22 and correspondence so he said I had all of my
23 records anyway. Mr. Kelly sent a second letter
24 requesting the records which again lists the typist
25 initials of D.D. I responded to Mr. Kelly's second

1 letter stating I would copy Mr. Brewington's records
2 and forward them to him. My staff copied nine
3 hundred and forty (940) pages of records including
4 voluminous amounts of correspondence from Mr.
5 Brewington as well as the notes and tests previously
6 provided to him. Upon conducting a cursory review
7 of the copied records before releasing them, I
8 discovered that they contained identifying
9 information and multiplying references and photos
10 of the other parties in the custody case, namely the
11 mother and children. I sent a letter to Mr. Kelly that
12 I could not release the records containing
13 confidential information about other parties and
14 received a rather tense, (indiscernible) a non-
15 professional response from him in return. And he
16 so, at one point, he's saying that you know, I've
17 bothered him, I pestered him, I've done everything
18 like that and at another point he's saying you know,
19 there's confidential information in here. Then he
20 later goes on to say that uh, like he's made this
21 claim that there's a protective order that prevents
22 him from releasing the file. You can read in there
23 where he actually says that uh, that Dr. Conner said
24 he can't release the file unless he receives a court
25 order or a request, or a consent from the mother.

1 Well there's no court order out there that says Dr.
2 Conner's allowed to release it if, I mean he's not
3 allowed to release it unless there's consent from the
4 mother. You know there's nothing that says he
5 can't release it.

6 MR. NEGANGARD: But this has gone up clear to the Supreme Court and
7 no one has said that you're entitled to that case file
8 and it seems to me you still can't let that go.

9 DAN: Well why...do I have to? I mean, am I allowed to
10 pursue that?

11 MR. NEGANGARD: No...

12 DAN: ...but my options aren't over either because I have
13 until May 17th of this year to appeal to the uh,
14 appeal to the U.S. Supreme court about the issue.
15 Because I was, uh, I had a uh...

16 MR. NEGANGARD: Wait a minute. That's not in response to any
17 question. So the only thing that you're mad at Dr.
18 Conner about is the fact that he wouldn't release the
19 case file?

20 DAN: No. It also had to do with the office policy
21 statement.

22 MR. NEGANGARD: And it had nothing to do with his custody evaluation
23 decision?

24 DAN: Not the decision.

25 MR. NEGANGARD: It had nothing to do with his report?

1 DAN: Well the fact that it contained errors in it, which he
2 said it contained numerous errors and oversights. I
3 mean he wrote the letter to Judge Carl Taul, which
4 is an ex-parte letter. I mean he contacted the Court
5 directly and if you want a copy of that letter, I have
6 that one. And then I have a copy of the February
7 25th letter where he said that he had a phone
8 conversation with Judge Taul which you know,
9 wasn't, doesn't appear on the record and then a lot
10 of his other letters don't appear on the record as
11 well. So that's the problem. Judge Taul had to
12 recuse himself because he violated judicial cannon
13 2.9 yet...
14 MR. NEGANGARD: Okay so it went to a different judge.
15 DAN: Yell.
16 MR. NEGANGARD: And you didn't like his opinion either.
17 DAN: Well because, who?
18 MR. NEGANGARD: Judge Humphrey.
19 DAN: Well Judge Humphrey, well the problem was...
20 MR. NEGANGARD: Yes or no. Did you like Judge Humphrey's...
21 DAN: Well which opinion are you talking about?
22 MR. NEGANGARD: His final order.
23 DAN: The final order?
24 MR. NEGANGARD: Yes.
25 DAN: He terminated my parenting time with what Dr.

1 Conner said...

2 MR. NEGANGARD: Well actually he didn't terminate your parenting
3 time.

4 DAN: Yes he did.

5 MR. NEGANGARD: Did he?

6 DAN: Yes.

7 MR. NEGANGARD: No, he said, all you have to do, he said you have
8 parenting time pursuant to, all you have to do is get
9 a custody, is get a psychiatric evaluation.

10 DAN: That's why my case was on appeal. He said that he
11 didn't have jurisdiction any more.

12 MR. NEGANGARD: He said all you have to do was get a psychiatric
13 evaluation.

14 DAN: Yes and I was, I was, I tried to get a hearing for that
15 and my hearing was set for June, June 14th...

16 MR. NEGANGARD: ...you never got a psychiatric evaluation. Correct?

17 DAN: It just got approved. It's Dr. Longmore and uh, uh,
18 well, let me back up. I had a hearing set for June
19 14th, it took a, by the final decree in my divorce, by
20 the way there was no mentioning of terminating my
21 parenting time.

22 MR. NEGANGARD: There was no mention of terminating your parenting
23 time in the final decree.

24 DAN: Okay, what's the final decree say? Do I get any
25 parenting time?

1 MR. NEGANGARD: That you're not entitled to visitation. It doesn't say
2 terminating visitation, now does it?
3 DAN: What's that mean? Did he terminate my visitation?
4 MR. NEGANGARD: No. Until you undergo a mental health evaluation.
5 What is wrong with that?
6 DAN: Okay, then he terminated then...
7 MR. NEGANGARD: If you really cared about your children, why
8 wouldn't you have gotten the evaluation?
9 DAN: Well because the burden of proof shouldn't be on
10 me...
11 MR. NEGANGARD: ...if you really cared...
12 DAN: ...I did get an evaluation....
13 MR. NEGANGARD: ...about your children...
14 DAN: ...here's the problem...
15 MR. NEGANGARD: ...you didn't get an evaluation...
16 DAN: Yes I did.
17 MR. NEGANGARD: No you didn't.
18 DAN: Because on March 13th, March 17th, I had an
19 attorney, well up until then, Judge Humphrey said
20 he didn't...
21 MR. NEGANGARD: ...you represented yourself. Correct?
22 DAN: Well yell up until then, March 17th, Judge
23 Humphrey said he didn't have jurisdiction of the
24 case because it was in appeal. I got an attorney. He
25 filed a motion so we had a motion to approve a

1 psychiatrist, a Dr. Henry Waite in Cincinnati where
2 both me and my ex-wife reside and Judge
3 Humphrey set a date, in fact, June 14, 2009 or 2010.
4 Five days before that, Judge Humphrey recused
5 himself because of, this investigation I guess
6 because I guess you spoke with him or somebody
7 did.
8 MR. NEGANGARD: That was a long time after this order was issued.
9 DAN: Yell because he said that...
10 MR. NEGANGARD: You had plenty of time to get a psychiatric
11 evaluation but instead you chose to appeal it.
12 Correct?
13 DAN: Well that's the other thing it was he said I had to
14 pay a hundred and twenty-two thousand dollars
15 (\$122,000.00) for the future interest of a trust in
16 farmland that I'm not entitled to so...
17 MR. NEGANGARD: But that wouldn't prevent you from getting a
18 psychiatric evaluation so you could get your
19 visitation...
20 DAN: Well I got a psychiatric evaluation. I got two (2) of
21 them. I got one from a Hamilton County Court. I
22 got one from Dr. Henry Waite. I wasn't allowed to
23 bring those because I couldn't approve it. Here I
24 got that...
25 MR. NEGANGARD: Isn't it true in your internet writings you said how

1 DAN: ...see this is what he does...

2 MR. NEGANGARD: ...I'm at fault, the Court of Appeals is...

3 DAN: ...that's what he does...

4 MR. NEGANGARD: ...at fault, the Indiana Supreme Court is at fault...

5 DAN: ...because that's what people like this do. They...

6 MR. NEGANGARD: ...is that whose all...

7 DAN: ...point at the person and say they're crazy.

8 MR. NEGANGARD: ...is that whose all at fault?

9 DAN: Well hold on.

10 MR. NEGANGARD: I mean because you've stated in your testimony that

11 all those people are wrong and you're the only one

12 that's right. Correct?

13 DAN: Let me just read this stuff real quick. Here's the

14 history...

15 MR. NEGANGARD: Well answer the question. Are all those people

16 wrong and you're the only one that's right?

17 DAN: All on what? The fact is I wasn't given the

18 opportunity, first of all, nobody said that I

19 was...okay as a lawyer isn't the burden of proof

20 supposed to be on the other side. I mean, I didn't

21 have any, nobody accused me of not being a good

22 parent. Dr. Conner said, Dr. Conner's evaluation

23 said that I was a capable parent. His testimony said

24 that I could do it. If you want to read that, you can.

25 Judge Taul, or I'm sorry Judge Humphrey, if I was

1 so dangerous the final hearing on my divorce was
2 June 3, 2008, or 2009, I'm sorry, he waited, I had
3 my children for two and a half (2 ½) years at least
4 three (3) days a week, overnights when it started.
5 He waited two and a half (2 ½) months to terminate
6 my parenting time. So if I was so dangerous, he just
7 allowed them to go off, uh, to go off with me and
8 his main concern was, he wrote the Court is the
9 most concerned about husband's irrational behavior
10 and attacks on Dr. Conner. Now we never had
11 hearings on that. The only hearing we had on the
12 internet content was a motion for restraining order
13 by my uh, by my ex-wife and it was denied because
14 there wasn't any content that was damaging. But
15 what we have here is like the office policy statement
16 for Dr. Conner which people just don't want to
17 acknowledge. On September, on June 13, 2008, my
18 ex-wife submitted an office policy statement for
19 individual psychological service by Dr. Conner at
20 their own hearing on the release of Dr. Conner's
21 case file. I didn't get a copy, I wasn't sure at the
22 time, it had been a year, I wasn't sure if I got a copy
23 of that. I requested the file from Dr. Conner. He
24 didn't respond. I kept requesting it and finally on
25 September 9th, 2008, he sends me a letter that says

1 which you know I have right here, he says, the
2 office, I'm sorry, uh, with regards to the office
3 policy statement we do not have a signed office
4 policy statement for you on file. It appears you
5 were not provided with this document when you
6 initially came into our office which was an
7 oversight on the part of the office staff.
8 Nevertheless, the office policy statement is simply
9 an adjunct document to the Court order to which
10 you and Mrs. Brewington agreed to participate fully
11 in a custody evaluation to be conducted at this
12 office. He said it was a, a adjunct document
13 through a court order. On May 17th, or on May 27th,
14 he said that there was a mistake that they had my
15 ex-wife sign the document and it was not an adjunct
16 document to the court, uh, court order. And
17 specifically he said that uh, uh...
18 MR. NEGANGARD: Mr. Brewington, we're really not interested in this
19 case file issue, okay the case file issue is...
20 DAN: ...well no but...
21 MR. NEGANGARD: ...isn't irrelevant...
22 DAN: ...well is it but it isn't because...
23 MR. NEGANGARD: ...okay...
24 DAN: ...you're saying you're criticizing me for talking
25 about Dr. Conner. You're not allowing me to tell

1 you know, what Dr. Conner said.

2 MR. NEGANGARD: Not but what you accused Dr. Conner of was, you

3 accused Dr. Conner of um, child abuse. Correct?

4 DAN: No, well actually...

5 MR. NEGANGARD: Did you not, did you accuse Dr. Conner of child

6 abuse?

7 DAN: I thought I did that to Judge Humphrey.

8 MR. NEGANGARD: Did you accuse Dr. Conner of child abuse?

9 DAN: I can't remember, but it might have been...

10 MR. NEGANGARD: You might have...

11 DAN: ...might have been, what?

12 MR. NEGANGARD: You might have?

13 DAN: Uh, uh, I might have.

14 MR. NEGANGARD: Well if it's on your web-site you might have. If it's

15 on your web-site you might have accused him...

16 DAN: ...if it's on the web-site, I did. I mean...

17 MR. NEGANGARD: Okay.

18 DAN: ...I'll take full, I'll take full responsibility for that.

19 MR. NEGANGARD: Alright, so, don't you think not giving case files and

20 child abuse are two (2) separate things?

21 DAN: The case file and the child abuse doesn't have

22 anything to do with one another.

23 MR. NEGANGARD: Okay, so why would you accuse Dr. Conner of child

24 abuse?

25 DAN: Because Dr. Conner attacked me and tried to hinder

1 my abilities as a father, because he was, because he
2 got in trouble, he got caught with his hand in the
3 cookie jar with his office policy statement.
4 MR. NEGANGARD: He didn't get in trouble, did he?
5 DAN: Well he got his hand caught in the cookie jar.
6 MR. NEGANGARD: He didn't get in trouble, did he?
7 DAN: Okay maybe he didn't get in trouble.
8 MR. NEGANGARD: Okay.
9 DAN: Okay, let's listen to this...
10 MR. NEGANGARD: So...
11 DAN: ...I didn't have a copy, I didn't have a copy of the
12 transcripts...
13 MR. NEGANGARD: ...so did you get on the internet and talk about
14 where Dr. Conner lived?
15 DAN: No. No, I didn't.
16 MR. NEGANGARD: You didn't say I live a few, or I visited a family a
17 few houses down from where you live and you've
18 got a nice neighborhood.
19 DAN: Oh, well I put...
20 MR. NEGANGARD: ...what a nice neighborhood.
21 DAN: ...is that what I, is that exactly, is that the exact
22 quote?
23 MR. NEGANGARD: Something to that effect.
24 DAN: Well something that I quote, no, I said I had family
25 in the area, which I do.

1 MR. NEGANGARD: Did you tell him that he lived in a nice
2 neighborhood?
3 DAN: Well it's Triple Crown. I mean somebody told me
4 that because they got kids who live...
5 MR. NEGANGARD: Why did you feel the need to post about where he
6 lived on the internet?
7 DAN: Because it's a status like God is high, like high on
8 the hill and here he is taking advantage of people.
9 MR. NEGANGARD: Right, but you wanted to make sure that people who
10 were reading all your internet and rantings knew
11 where Dr. Comer lived?
12 DAN: Well its public record. I mean you could go...
13 MR. NEGANGARD: Yell but you wanted to make sure they did?
14 DAN: Well Triple Crown's a good place, but...
15 MR. NEGANGARD: And then did you hack into someone's facebook and
16 post a picture of him at a wedding dancing?
17 DAN: No.
18 MR. NEGANGARD: You didn't do that?
19 DAN: No. I got a picture of him. I didn't hack into
20 anybody's account.
21 MR. NEGANGARD: Did you post a picture of him dancing?
22 DAN: Did somebody accuse me of hacking into
23 somebody's account?
24 MR. NEGANGARD: Did you post a picture of...
25 DAN: Yes I did.

1 MR. NEGANGARD: Okay.

2 DAN: Because it was on a public domain.

3 MR. NEGANGARD: Okay, so you posted a picture of him on the internet.

4 DAN: Yell, I've got, you want a copy of it?

5 MR. NEGANGARD: Why? Why would you post a picture of him

6 dancing?

7 DAN: Because it's a free world, it's a free country. I

8 mean...

9 MR. NEGANGARD: No but it isn't, it isn't, you don't have an

10 opportunity to continue to harass someone. You

11 have to have a point...

12 DAN: I do.

13 MR. NEGANGARD: What is the point of posting on the internet...

14 DAN: ...well that's funny because you won't let me finish

15 it because Dr. Conner and I went to...

16 MR. NEGANGARD: ...no I think we've let you go on and on and on.

17 DAN: ...see no, no, but you haven't because in November,

18 in November, I went to a hearing because a guy had

19 contacted me, uh, his name was Greg Moorehead.

20 He contacted me and said that he had a hearing

21 involving Dr. Conner and he asked me if I wanted

22 to go to support him. Yell, I went. Well what

23 happened is Dr. Conner, and this is a year and a half

24 (1 ½) after, well it was in November, almost a year

25 and a half (1 ½) afterwards, Dr. Conner calls my ex-

1 wife's attorney. Dr. Conner had ex-parte
2 communication with Judge Humphrey or at least the
3 Circuit Court but that's what he keeps doing. He,
4 he, he broke...
5 MR. NEGANGARD: Well what's that got to do with posting a picture of
6 him dancing?
7 DAN: So people see who he is...
8 MR. NEGANGARD: ...so...
9 DAN: ...so if people go to his office and...
10 MR. NEGANGARD: Okay that's clear. You've answered that.
11 DAN: Yell.
12 MR. NEGANGARD: Alright so now with regard to uh, Judge Humphrey.
13 DAN: Yell.
14 MR. NEGANGARD: Okay, as soon as he issued a decision that you didn't
15 agree with, you went on the internet attacking him.
16 Correct?
17 DAN: Oh yell, yell, because like I said...
18 MR. NEGANGARD: I didn't ask you 'cause...
19 DAN: ...well that's fine.
20 MR. NEGANGARD: I said you went on the internet attacking him.
21 Correct?
22 DAN: Yell, first amendment speech.
23 MR. NEGANGARD: Yell but you don't get to lie.
24 DAN: I don't lie.
25 MR. NEGANGARD: You don't lie?

1 DAN: No.

2 MR. NEGANGARD: Okay. We'll see about that.

3 DAN: Yell, see about that.

4 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 122. This is

5 the letter that you sent to Dr. Conner. You said

6 you're an attorney.

7 DAN: Well I was representing myself.

8 MR. NEGANGARD: Are you an attorney?

9 DAN: If you look it up, no I'm not an attorney at law. But

10 if you look it up in the dictionary, attorney is

11 somebody who represents somebody. So it's a, you

12 know it's an interpretation but I'm not an attorney at

13 law.

14 MR. NEGANGARD: It's an interpretation?

15 DAN: I'm not a lawyer.

16 MR. NEGANGARD: Okay.

17 DAN: But so, yell, I don't lie.

18 MR. NEGANGARD: No, that was misleading. You're not an attorney.

19 DAN: Okay, well in the case of, in the case of...

20 MR. NEGANGARD: You're not an attorney...

21 DAN: ...but did he believe that?

22 MR. NEGANGARD: ...you're not an attorney.

23 DAN: Okay.

24 MR. NEGANGARD: Correct?

25 DAN: Whatever.

1 MR. NEGANGARD: Are you an attorney?
2 DAN: I was representing myself.
3 MR. NEGANGARD: Are you an attorney?
4 DAN: Look it up in the dictionary.
5 MR. NEGANGARD: Are you an attorney?
6 DAN: An attorney at law? I'm not an attorney at law.
7 MR. NEGANGARD: Are you an attorney?
8 DAN: In the dictionary...
9 MR. NEGANGARD: Answer the question. Are you an attorney?
10 DAN: In the dictionary, in the dictionary and in the
11 dictionary thing I saw...
12 MR. NEGANGARD: Answer the question. Are you an attorney?
13 DAN: In the dictionary explanation it could be perceived
14 as that.
15 MR. NEGANGARD: Answer...the question...that's not the question.
16 The question is, are you an attorney?
17 DAN: Am I an attorney? Yell, in the dictionary...
18 MR. NEGANGARD: Yes, okay.
19 DAN: ...then I was. I mean...
20 MR. NEGANGARD: So it's your testimony under oath that you're an
21 attorney.
22 DAN: Not an attorney at law.
23 MR. NEGANGARD: In the um, test results from the child custody
24 evaluation, Dr. Conner's testimony indicated that
25 you have a degree of psychological disturbance that

1 is concerning and does not lend itself to proper
2 parenting, that you're paranoid and manipulative
3 exhibit a manic-like existence unwilling to accept
4 responsibility for his behavior, self-centered, has
5 difficulty seeing an issue from another prospective,
6 likes to do things on his own as opposed to being
7 more cooperative, not compromising when needed
8 and does not handle criticism well. Would you
9 agree that appears to be an accurate description of
10 you?
11 DAN: No.
12 MR. NEGANGARD: No, you don't agree with that?
13 DAN: No. Well I mean, the thing is...
14 MR. NEGANGARD: Explain one time in this entire proceeding where
15 you've been cooperative and compromising.
16 DAN: My whole point is...
17 MR. NEGANGARD: Explain one time in this entire proceeding...
18 DAN: Well but, okay...
19 MR. NEGANGARD: Answer my question.
20 DAN: Okay.
21 MR. NEGANGARD: I mean I get to ask the questions.
22 DAN: Okay, I'm not sitting back, I'm not going to sit back
23 and let people tell me that I'm not entitled...
24 MR. NEGANGARD: You're going to answer the questions...
25 DAN: ...that I'm not entitled...

1 MR. NEGANGARD: You're going to answer the questions. Name one
2 time when you were cooperative and compromising
3 during these proceedings -- one time.
4 DAN: The whole time with dealing with the children?
5 MR. NEGANGARD: The whole time.
6 DAN: With the children?
7 MR. NEGANGARD: The whole time.
8 DAN: With the children, I mean, the children, I mean you
9 won't find anywhere in the record where like, like
10 where we, weren't any fights and even Detective
11 Kreinhop, well now it's Sheriff Kreinhop, even he
12 said that he was uh, when he visited my house in
13 Norwood, Ohio, even he said that he was surprised
14 that there weren't any allegations of sexual abuse,
15 drug abuse, you know, any kind of fighting or
16 screaming or anything like that during the divorce.
17 MR. NEGANGARD: What's that got to do with anything? The, you uh,
18 there were seventy-four (74) pediatrician visits, you
19 attended um, nine (9) of those.
20 DAN: I worked. And see...
21 MR. NEGANGARD: You worked? It's my understanding that you have
22 been unemployed since December or since October
23 of 2006.
24 DAN: Since when?
25 MR. NEGANGARD: October of 2006.

1 DAN: Yes, she filed for divorce in 2007. She took the
2 children to like, she took the children to the
3 pediatrician. But you can also see that I took, Dr.
4 Conner even testified that, yell, it was a medical
5 emergency and I handled it properly.

6 MR. NEGANGARD: In December of 2006, you didn't attend an ear
7 surgery. Is that correct?

8 DAN: Because it was a very contentious time. You know,
9 I was worried about...

10 MR. NEGANGARD: You didn't attend any speech therapy sessions with
11 your daughter. Correct?

12 DAN: I was at work.

13 MR. NEGANGARD: You didn't have a job since October 2006.

14 DAN: Well when was that? When was that? When were
15 those things?

16 MR. NEGANGARD: She wasn't at work. She didn't have a job?

17 DAN: She worked three (3) days a week. She's a nurse.
18 When were those? When were those ear
19 appointments Mr. Negangard?

20 MR. NEGANGARD: I assume during the course of your marriage.

21 DAN: Yell, well I worked during the course of that. I
22 worked...

23 MR. NEGANGARD: You worked on and off. You didn't work
24 continuously from the time you got married 'til
25 October of 2006 or is that your testimony?

1 DAN: Well...

2 MR. NEGANGARD: I'll tell you what. Why don't you tell us when you

3 worked?

4 DAN: Okay. I worked from uh...

5 MR. NEGANGARD: Starting from 1999.

6 DAN: See this is the difficult thing. Because my dad, my

7 father died of cancer in 1998 and there was two

8 hundred and forty-one (241) acres of farmland and

9 so uh, you know, he had a month to live so we, as a

10 family, we didn't have the opportunity to just say...

11 MR. NEGANGARD: Starting in 1999, where were you working?

12 DAN: we'll just, that's...well...why's '99?

13 MR. NEGANGARD: Were you working in '99?

14 DAN: I wasn't married.

15 MR. NEGANGARD: I don't think that's too complicated of a question.

16 DAN: That's what I'm getting at.

17 MR. NEGANGARD: Where did you work in 1999?

18 DAN: I said that I had to work on our family farm because

19 it was my brother...

20 MR. NEGANGARD: ...okay, you worked on the family farm...

21 DAN: ...and my brother...

22 MR. NEGANGARD: ...when did that end?

23 DAN: I always had responsibilities there because we had

24 rental houses.

25 MR. NEGANGARD: And when did you get uh, when did you become

1 employed by someone other than the family farm?

2 DAN: Uh, uh, in, well I worked for Hillrom in uh, '98 to,

3 '99 I believe and uh then 2000 but then I got

4 computer training and I went to work for...

5 MR. NEGANGARD: Wait a minute, so from when in 1998 until when,

6 whenever did you work at Hillrom?

7 DAN: I think it was maybe August of '98 until November

8 of '99. I started working on getting my A plus

9 certification for computers and then in 2000 I went

10 to work for CompUSA.

11 MR. NEGANGARD: November, okay, so November of '99 to...

12 DAN: ...I just, well I don't have my resume.

13 MR. NEGANGARD: ...when were you, when did you go to work at

14 CompUSA approximately?

15 DAN: Uh, I think the Spring of probably 2000.

16 MR. NEGANGARD: Spring of 2000?

17 DAN: Yell and then I got laid off in May of 2001.

18 MR. NEGANGARD: Okay so you were unemployed in May of 2001.

19 Correct?

20 DAN: But then okay, we bought a house uh, you might

21 have seen it on the news. It was run down with cats.

22 It had fifty some cats in it and it was condemned. It

23 was one of those orders. We bought a condemned

24 house and totally redid it with all new stuff and then

25 sold it and then uh, from then on...

1 MR. NEGANGARD: So when did you, from May of 2001 until when...
2 DAN: ...about a year...
3 MR. NEGANGARD: ...you got a job. So you were unemployed for a
4 year.
5 DAN: Well no. I was working on the house.
6 MR. NEGANGARD: You were working on some cat house but other than
7 that, you were unemployed for a year.
8 DAN: Yell, I'll bring the pictures in for you next time or
9 actually if you go on the internet it's for sale...
10 MR. NEGANGARD: Now so when did you get employed again?
11 DAN: Uh, well then, I was uh, I started working, well I've
12 always worked on the farm, I was doing, uh,
13 working on the farm house that we were also fixing
14 up and so then I did that as a stay at home dad. I
15 started for Secure, doing subcontract work for
16 Secure America in November of 2004, I believe and
17 then uh, I lost, I just lost the contract work because
18 the housing market you know, fell out of sight.
19 MR. NEGANGARD: So how long did that last? And that was just
20 contract work?
21 DAN: Until 2006, yell. And then the housing market you
22 know, took a dive.
23 MR. NEGANGARD: Okay. Wasn't there periods of time when you were
24 unemployed or when you were unemployed and you
25 worked at home and your wife paid for daycare?

1 DAN: Yell.

2 MR. NEGANGARD: And you didn't have any income?

3 DAN: Uh, not at that time. I was unemployed. But when I

4 was unemployed...

5 MR. NEGANGARD: But since October of 2006, you haven't held a job?

6 DAN: Well because I just, I was working on...no I haven't

7 had a job since then.

8 MR. NEGANGARD: Since October of 2006, you haven't had a job?

9 DAN: No.

10 MR. NEGANGARD: Your mom's paid your bills?

11 DAN: Yell. Well while I was with my family. I've taken

12 out loans because I've been doing stuff.

13 MR. NEGANGARD: You've been harassing people on the internet.

14 DAN: Well you could call it that.

15 MR. NEGANGARD: Okay.

16 DAN: Well, you know...

17 MR. NEGANGARD: Um...

18 DAN: ...I don't call it that. I call it exercising my rights to

19 free speech, because I have a message and, you

20 know, I have no qualms about that.

21 MR. NEGANGARD: Your message...

22 DAN: I've been very public about it.

23 MR. NEGANGARD: ...is that Judge Humphrey abuses children.

24 DAN: Yell I said that because Dr. Conner stated in his

25 testimony that...

1 MR. NEGANGARD: Now your message is...

2 DAN: ...well...

3 MR. NEGANGARD: ...just answer the question.

4 DAN: Yell, yell, alright.

5 MR. NEGANGARD: Your message is, Judge Humphrey abuses children.

6 DAN: Yell, if you don't want an explanation, no, well

7 that's fine.

8 MR. NEGANGARD: Well I don't think it warrants an explanation.

9 DAN: Okay.

10 MR. NEGANGARD: You accused Judge Humphrey of abusing children.

11 DAN: Yes.

12 MR. NEGANGARD: Correct?

13 DAN: Yell.

14 MR. NEGANGARD: You posted his wife's name on the internet.

15 DAN: I didn't know it was his wife. She was the Ethics of

16 Professionalism Committee advisor for the Indiana

17 Supreme Court Ethics and Professionalism

18 Committee.

19 MR. NEGANGARD: Not in 2009, she wasn't.

20 DAN: What's that?

21 MR. NEGANGARD: Not in 2009 she wasn't.

22 DAN: In 2009, she wasn't?

23 MR. NEGANGARD: No.

24 DAN: She wasn't, well I got something that says different.

25 MR. NEGANGARD: Where do you have that?

1 DAN: Uh, let me see here, that folder, because she was
2 removed, uh, page over there, oh here it is. Indiana
3 Ethics and Professional Committee, that one she
4 was not on there on 12/13/09, uh, let's see, and this
5 was 8/22/09 and it says (inaudible), so for all sakes
6 and purposes, she was on the board at that time.
7 MR. NEGANGARD: Okay, so you looked this up on the internet.
8 Correct?
9 DAN: Yell.
10 MR. NEGANGARD: Did you also look up how to file an ethics
11 complaint?
12 DAN: Against judges?
13 MR. NEGANGARD: Mm hmm.
14 DAN: I never really, I mean that was one of the first things
15 I did. I just sent it to the Ethics and
16 Professionalism...
17 MR. NEGANGARD: It doesn't say that you sent complaints to the Ethics
18 and Professionalism Committee. It doesn't say that
19 anywhere on that. Does it?
20 DAN: It says Ethics and Professionalism Committee.
21 MR. NEGANGARD: It doesn't say anywhere on there that you sent
22 complaints to the Ethics and Professionalism
23 Committee. Correct?
24 DAN: Not on that page.
25 MR. NEGANGARD: No, and it doesn't have her address on it. Does it?

1 DAN: No. Do you want the other one where she was
2 taken off in the same year?
3 MR. NEGANGARD: No.
4 DAN: Alright.
5 MR. NEGANGARD: Um, and...
6 DAN: ...but she was on there then? I mean you're
7 correcting your statement? She was...
8 MR. NEGANGARD: What?
9 DAN: ...on the committee then in 2009?
10 MR. NEGANGARD: I don't think she was.
11 DAN: Oh, okay, then because the Indiana Supreme Court
12 didn't update their web-site then.
13 MR. NEGANGARD: So um, where did you get her address?
14 DAN: On the Indiana, Dearborn County tax assessor web-
15 site.
16 MR. NEGANGARD: That would have her name and Judge Humphrey's
17 name?
18 DAN: It had James Humphrey.
19 MR. NEGANGARD: Okay, so is it your testimony...you just testified that
20 you didn't know that that was Judge Humphrey's
21 home address?
22 DAN: it, it, you know...
23 MR. NEGANGARD: You just testified...
24 DAN: ...no, I didn't say...
25 MR. NEGANGARD: ...you knew it was Judge Humphrey's...

1 DAN: ...I didn't say, I didn't say...

2 MR. NEGANGARD: ...yes you did. You said that you didn't know...

3 DAN: ...can I say that I cannot say for sure if it was.

4 Could it have been? I don't know but the

5 Humphrey conflict of interest...

6 MR. NEGANGARD: ...you knew it was Judge Humphrey...

7 DAN: ...has nothing to do with...

8 MR. NEGANGARD: ...sure it does.

9 DAN: No I did. What's that?

10 MR. NEGANGARD: Sure it does.

11 DAN: Are there any more Humphrey's in Indiana or in

12 the...

13 MR. NEGANGARD: It said James Humphrey who happens to be the

14 name of your judge and you're under oath and

15 you're actually expecting this Grand Jury to believe

16 that you didn't know that that was his wife?

17 DAN: Oh, it very well could be a possibility. I'm not from

18 Dearborn County. I don't know but the thing is...

19 MR. NEGANGARD: ...you...wait a minute. Now you look on the

20 internet. You um, looked up the Ethics and

21 Professionalism Committee which meant that you

22 would have had to pass over the proper procedure...

23 DAN: ...I was shocked that there was Ethics...

24 MR. NEGANGARD: ...to file an ethics complaint...

25 DAN: ...an Professionalism Committee in Dearborn

1 County. That's why I contacted...

2 MR. NEGANGARD: ...It doesn't say it was an Ethics and

3 Professionalism Committee in Dearborn County.

4 DAN: No.

5 MR. NEGANGARD: It just lists where she's from.

6 DAN: She was the advisor in Dearborn County.

7 MR. NEGANGARD: No it just says where she's from.

8 DAN: Well if you read it, it appears that she's the Ethics

9 and Professionalism...

10 MR. NEGANGARD: No because that would have meant you would have

11 had to pass over all the web-sites, all the pages that

12 would have said how you file a complaint against a

13 judge. Doesn't the internet say how you file a

14 complaint against a judge?

15 DAN: That's before I got into looking at it. I know where

16 you do it now.

17 MR. NEGANGARD: Okay so you got into it, you found her on the Ethics

18 and Professionalism Committee web-site, you just

19 happened to find her, you went to the web-site and

20 it said...

21 DAN: ...no, no, I'm not saying it's that naïve.

22 MR. NEGANGARD: ...Dearborn County records...take Dearborn County

23 records, take Dearborn County records and you

24 happen to find um, you just happen to find James

25 Humphrey and Heidi Humphrey and oh, I didn't

1 have any idea about it.

2 DAN: No, I didn't say I didn't have any idea...

3 MR. NEGANGARD: Is that what you said?

4 DAN: Because the thing that...

5 MR. NEGANGARD: You said you didn't know...your testimony...

6 DAN: I said that I was...okay I wasn't sure. I mean...

7 MR. NEGANGARD: Now you knew it, you knew it was his wife. Isn't

8 that correct?

9 DAN: No, not for sure.

10 MR. NEGANGARD: Okay...

11 DAN: ...I mean in probability, maybe...

12 MR. NEGANGARD: ...no, no, no...

13 DAN: ...you know but...

14 MR. NEGANGARD: ...you knew...

15 DAN: ...did I know that he lives there?

16 MR. NEGANGARD: ...you didn't know it was for sure but you had a

17 pretty...

18 DAN: ...I don't know if he has any kids...I don't know...

19 MR. NEGANGARD: ...pretty close. Right?

20 DAN: Yell. It could have been.

21 MR. NEGANGARD: And that's why you posted it. Correct?

22 DAN: Well I...

23 MR. NEGANGARD: You posted it because you thought it was Heidi

24 Humphrey. You thought it was the wife...

25 DAN: ...if you also see...

1 MR. NEGANGARD: ...of Judge Humphrey. Now answer my question...

2 DAN: ...if you also see...

3 MR. NEGANGARD: You posted it because you thought it was Heidi

4 Humphrey. You thought it was his wife and you

5 wanted to put his wife and his address on the

6 internet. Correct?

7 DAN: Wrong. I contacted many, many people,

8 government officials about this thing.

9 MR. NEGANGARD: And that's now how you file a complaint against a

10 judge...

11 DAN: ...well...

12 MR. NEGANGARD: ...you know that, you know that. You know how to

13 file a complaint against a judge...

14 DAN: ...I do now...

15 MR. NEGANGARD: Correct?

16 DAN: I do now.

17 MR. NEGANGARD: Alright, so you...

18 DAN: ...but the Ethics and Professionalism Committee...

19 MR. NEGANGARD: ...knew that wasn't, you knew that wasn't...there is

20 no...this doesn't say. Does it give an address?

21 DAN: She's an advisor. No I looked it up.

22 MR. NEGANGARD: Does it give an address?

23 DAN: It's a public record.

24 MR. NEGANGARD: No it says, it says the Ethics and Professional...

25 DAN: ...yell...

1 MR. NEGANGARD: ...meets at the request to give judicial
2 (indiscernible) on ethical issues and addresses
3 judicial wellness and judicial families. In addition,
4 this committee makes recommendations for
5 education programs on ethics topics, judicial
6 wellness and dealing with ethics. It doesn't have a
7 dag gone thing to do um, reporting a judge and you
8 knew that. You knew that it didn't have anything to
9 do with reporting a judge...

10 DAN: Did I request...

11 MR. NEGANGARD: ...because to get to that, oh you didn't read the top
12 of it is what it was for?

13 DAN: ...well let me ask you this...

14 MR. NEGANGARD: ...you just scanned through...

15 DAN: ...did I send a complaint to that

16 MR. NEGANGARD: ...happened to find Heidi Humphrey...

17 DAN: Did I send a complaint to that place? Did I send a
18 complaint? No I did not contact them. I did not
19 send a complaint.

20 MR. NEGANGARD: No, because all you really wanted to do was put
21 Heidi Humphrey's name and address on the internet
22 to intimidate the judge.

23 DAN: No actually people, I wanted the people to get their
24 own prospective to the Ethics and Professionalism
25 Committee because if they wanted to make any

1 changes...

2 MR. NEGANGARD: ...but that's not who they make changes to. That's

3 not the vehicle and you knew that.

4 DAN: No I didn't.

5 MR. NEGANGARD: Yes you did.

6 DAN: I knew that...

7 MR. NEGANGARD: ...you knew Heidi Humphrey was his...do you

8 really expect, you're under oath...

9 DAN: I know I'm under oath.

10 MR. NEGANGARD: ...and you're really expecting us to believe that you

11 just happened to find her name and then you

12 happened to cruise over her name and then you went

13 to the web-site of the Dearborn County Tax

14 Records...

15 DAN: ...no I'm not expecting that...

16 MR. NEGANGARD: ...to find and it matched up with Jim Humphrey and

17 Heidi Humphrey and then you just happened to post

18 her name?

19 DAN: No, I didn't.

20 MR. NEGANGARD: Is that your testimony?

21 DAN: No, I, actually, I posted, I didn't just post it. I sent it

22 out to other people. It was just at the very end

23 that...

24 MR. NEGANGARD: You posted it?

25 DAN: Yell,

1 MR. NEGANGARD: You posted her name and address?
2 DAN: Yes, because...
3 MR. NEGANGARD: And you looked up her name...
4 DAN: ...because I wanted to...
5 MR. NEGANGARD: ...on the...because why?
6 DAN: Because I wanted to let her know...
7 MR. NEGANGARD: You wanted to let her...you wanted to let everyone
8 know where Judge Humphrey and his family lived.
9 Correct?
10 DAN: No. (inaudible)...
11 MR. NEGANGARD: ...you wanted to let Judge Humphrey know you
12 knew where he lived. Correct?
13 DAN: What's that?
14 MR. NEGANGARD: You wanted to Judge Humphrey to let him know
15 where he lived, that you knew where he lived.
16 DAN: I don't care where he lived. I mean, I'm not a
17 stalker or anything. I haven't just like driven past
18 his house, done anything like that. There's no
19 complaints of stalking, anything like that, or like
20 following people or something even in the two and
21 half year (2 ½) divorce decree or the course of the
22 two and a half (2 ½) year divorce when I showed up
23 at like peoples work, people's...
24 MR. NEGANGARD: ...I just didn't think you were here for stalking.
25 DAN: What?

1 MR. NEGANGARD: Didn't think you were here for stalking.
2 DAN: Yell.
3 MR. NEGANGARD: It wasn't on the target notice.
4 DAN: Well that's good. I mean but that's...
5 MR. NEGANGARD: ...alright so..
6 DAN: ...the thing. Because there's an address there, it
7 means something. I mean its public information.
8 MR. NEGANGARD: It does mean something.
9 DAN: Okay.
10 MR. NEGANGARD: It does mean something.
11 DAN: Alright.
12 MR. NEGANGARD: And you're, is it your testimony you don't think it
13 means anything? Is that what you're saying?
14 DAN: No I'm saying it's a public official which she is.
15 MR. NEGANGARD: You went through the trouble of finding, going to
16 the Dearborn County Tax web-site finding where
17 she lived. Obviously if they meant for you to send a
18 letter to her, you wouldn't have to go the Dearborn
19 County Tax Records to get it now would you?
20 Would you?
21 DAN: Well not if it was, no, if it was on there.
22 MR. NEGANGARD: If it was meant to get correspondence. The fact is
23 you knew it wasn't meant for to get correspondence.
24 You knew that you were putting Judge Humphrey's
25 wife's name and address on there and you did it for

1 a reason. Isn't that correct?

2 DAN: I did it so people could contact the Ethics and

3 Professionalism Committee...

4 MR. NEGANGARD: ...no you didn't...

5 DAN: ...Advisor...

6 MR. NEGANGARD: Is that your testimony?

7 DAN: Yes that is.

8 MR. NEGANGARD: Are you going to stick to that story?

9 DAN: That is because people contacted her.

10 MR. NEGANGARD: How do you know that?

11 DAN: Because I got copies of letters.

12 MR. NEGANGARD: How many people?

13 DAN: Off hand, I know of, I think three (3) that actually

14 sent me copies. Like my mother, you know my

15 mother got copies of letters from her friends that

16 they sent.

17 MR. NEGANGARD: How many?

18 DAN: One (1) or two (2) I think.

19 MR. NEGANGARD: And um, so friends of your moms sent a letter to the

20 Judge's wife whose decision ruled off on and you

21 said he abused children and you're expecting us all

22 to believe that that's just a coincidence?

23 DAN: What? No because they got a copy of that letter I

24 sent.

25 MR. NEGANGARD: Pardon?

1 DAN: They got a copy of the letter. I mean it wasn't just
2 coincidence. I sent it to you. I've got a copy of it
3 right here.
4 MR. NEGANGARD: Okay you sent it to people and you posted it on the
5 internet.
6 DAN: Yell.
7 MR. NEGANGARD: Correct? You posted it on the internet.
8 DAN: I sent it to, because, that was just, it was a five (5)
9 page letter I think or maybe it was six (6) pages and
10 it just explained the situation. It was six (6) pages
11 and uh at the very end I just put, you know, if there
12 was any...
13 MR. NEGANGARD: Angela Loechel.
14 DAN: What's that?
15 MR. NEGANGARD: Angela Loechel -- you called her husband and asked
16 him to train you for firearms. Correct?
17 DAN: No. I never did that. I never called and asked him
18 to train me for firearms.
19 MR. NEGANGARD: What did you call him for then?
20 DAN: I was calling him for like gun safety classes for kids.
21 MR. NEGANGARD: So you called the husband of the attorney on the
22 other side and asked for him to do gun safety
23 classes?
24 DAN: It was K-TAC Incorporated on the internet. I did a
25 google search. There was On Target in Cincinnati

1 or Target World in Cincinnati and there was K-TAC
2 Incorporated and then there wasn't any other place
3 like nearby that any kind of shooting. But they
4 didn't do that.

5 MR. NEGANGARD: So you called Angela Loechel's husband and you're
6 expecting us to think that was just a random act?

7 DAN: Well he was in the phone book.

8 MR. NEGANGARD: Just a coincidence?

9 DAN: Well, fine, because On Target was too.

10 MR. NEGANGARD: It was just a coincidence?

11 DAN: Yell.

12 MR. NEGANGARD: Is that your testimony?

13 DAN: Yell.

14 MR. NEGANGARD: Okay.

15 DAN: Do you want a copy of the letter? Or do you have
16 the letter?

17 MR. NEGANGARD: Sure. I got it but we'll get a copy. You threatened
18 Dr. Malowski with uh, that you would subpoena
19 him if he treated your children.

20 DAN: No.

21 MR. NEGANGARD: No, that's not what you did?

22 DAN: I said, I said that if, if, I just, because the whole
23 thing is the confidentiality thing. You know, I was
24 told I was able to get a copy of Dr. Conner's
25 records...

1 MR. NEGANGARD: ...so now we're going back to Dr. Conner's copy of
2 the case file...

3 DAN: ...no if you'll just let me explain. Okay, be
4 condescending. Here's the thing. When I went to
5 uh, when I went to this uh other, when I went to this
6 other evaluator or when we were going to the child
7 psychologist, I just explained the situation and it
8 was a, it was a, just, you know, just the bad nature
9 of the evaluation or whatever and I just wanted to be
10 upfront that if he, you know if he did, if he uh,
11 treated my daughter, then I would probably have to
12 depose him. Why, because that's what happens in
13 divorces when kids aren't, I mean, like you said, I
14 mean, you know, my children...

15 MR. NEGANGARD: Why did you go through it? Why did you go to
16 him? They needed treatment because they were in
17 the middle of a divorce and you thought you needed
18 to tell him he was going to be subpoenaed if he
19 treated your kids.

20 DAN: No, he sent me some information that, you know I
21 was talking to him and I just, you know, I sent him
22 information, I just told him that...

23 MR. NEGANGARD: ...wait a minute...

24 DAN: ...to get it out front because a lot of the times...

25 MR. NEGANGARD: ...if he treated your children, then you were going to

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 23rd?
15 DAN: August 23rd?
16 MR. NEGANGARD: Mm hmm.
17 DAN: Well I had phone contact with him then.
18 MR. NEGANGARD: Who did you contact on August 24th?
19 DAN: 24th, 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 13th, October 13th, 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 1st or January not 1st but 30, or January 28th,
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 19th.

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 24th 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 28th, 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 23rd. 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 (8th) 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 22nd, 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 11th that I wasn't, uh,
24 2008, that I wasn't entitled to the case file. March
25 26th, he said he would be happy to give it to, uh,

1 provide me with the case file, March 27th, he said
2 that he interpreted the court's ruling that I wasn't
3 entitled to it. April 16th, 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 4th, 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, yep, 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 24th 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 24th and then he didn't get
22 back with us until uh, uh, like November, or
23 January 24th 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 20th, correct?

8 DAN: Yell.

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

10 judgment and order on August 24th. Correct?

11 DAN: Yell.

12 MR. NEGANGARD: Those motions were denied August 25th. 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 19th, 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.

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.

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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.

1 MR. NEGANGARD: Sheriff, uh, you uh, check the Dearborn County blog
2 on a regular basis. Is that correct?

3 MR. KREINHOP: Yes.

4 MR. NEGANGARD: And you were present, you were in the courtroom
5 yesterday when Dan Brewington was advised not to
6 disclose anything that occurred in the grand jury
7 procedures.

8 MR. KREINHOP: I was.

9 MR. NEGANGARD: And you obtained a blog posting discussing the
10 grand jury?

11 MR. KREINHOP: Yes.

12 MR. NEGANGARD: And I'm showing you what's marked Grand Jury
13 Exhibit 129. That is a copy of that blog posting...

14 MR. KREINHOP: Yes...

15 MR. NEGANGARD: ...by Daniel Brewington?

16 MR. KREINHOP: Yes it is.

17 MR. NEGANGARD: Okay. And also you were present yesterday when
18 Dan Brewington testified under oath that he um,
19 didn't know that Heidi Humphrey and James
20 Humphrey, that Heidi Humphrey was Judge
21 Humphrey's wife. Is that correct?

22 MR. KREINHOP: That's correct.

23 MR. NEGANGARD: And he said he found their address by using the
24 Dearborn County property tax records.

25 MR. KREINHOP: Yes he did.

1 MR. NEGANGARD: And if you use that um, if you're conducting a
2 search on that site, if you put in Heidi Humphrey or
3 Humphrey Heidi, does any record show up?
4 MR. KREINHOP: No it does not.
5 MR. NEGANGARD: So you would have to put in Humphrey for any
6 records to show up?
7 MR. KREINHOP: Yes.
8 MR. NEGANGARD: And if you put in Humphrey is there any...how
9 many Humphrey's were there in Dearborn County?
10 MR. KREINHOP: Three (3).
11 MR. NEGANGARD: Was any of them other than James Humphrey to
12 Heidi Humphrey? Is there any other Humphrey's?
13 Is there any other James Humphrey's in Dearborn
14 County, Indiana?
15 MR. KREINHOP: No, just one (1).
16 MR. NEGANGARD: And Mr. Brewington would obviously have to know
17 that the Dearborn County Circuit Court judge would
18 obviously be required to live in Dearborn County?
19 MR. KREINHOP: That's correct. All elected officials are required to.
20 MR. NEGANGARD: So judging from how your investigation, how that
21 system worked, it is clear that Dan Brewington lied
22 to the grand jury yesterday when he stated that he
23 did not know for certain that James Humphrey and
24 Heidi, that Heidi Humphrey was Judge Humphrey's
25 spouse?

1 MR. KREINHOP: That is correct. He was lying.

2 MR. NEGANGARD: No further questions to Sheriff Kreinhop at this

3 time, although I would probably call him back at

4 another time. Does anyone else have any questions?

5 Angela, I would call Angela Loechel. Um, Mr.

6 Foreman would you swear the witness?

7 FOREMAN: Do you solemnly swear or affirm that the testimony

8 you are about to give in the matter now under

9 consideration by the grand jury will be the truth, the

10 whole truth and nothing but the truth? And do you

11 further solemnly swear or affirm that you will not

12 divulge any portion of your testimony before this

13 grand jury except when legally called upon to do

14 so?

15 MS. LOECHEL: I will. I do.

16 MR. NEGANGARD: Angela, could you please state and spell your name

17 for the record?

18 MS. LOECHEL: Angela - A-N-G-E-L-A. Last name is Loechel - L-

19 O-E-C-H-E-L.

20 MR. NEGANGARD: And you're a licensed attorney in the state of

21 Indiana. Correct?

22 MS. LOECHEL: That's correct.

23 MR. NEGANGARD: And you were retained by Melissa Brewington to

24 represent her in her divorce.

25 MS. LOECHEL: That's correct.

1 MR. KREINHOP: That is correct. He was lying.

2 MR. NEGANGARD: No further questions to Sheriff Kreinhop at this

3 time, although I would probably call him back at

4 another time. Does anyone else have any questions?

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8 you are about to give in the matter now under

9 consideration by the grand jury will be the truth, the

10 whole truth and nothing but the truth? And do you

11 further solemnly swear or affirm that you will not

12 divulge any portion of your testimony before this

13 grand jury except when legally called upon to do

14 so?

15 MS. LOECHEL: I will. I do.

16 MR. NEGANGARD: Angela, could you please state and spell your name

17 for the record?

18 MS. LOECHEL: Angela - A-N-G-E-L-A. Last name is Loechel - L-

19 O-E-C-H-E-L.

20 MR. NEGANGARD: And you're a licensed attorney in the state of

21 Indiana. Correct?

22 MS. LOECHEL: That's correct.

23 MR. NEGANGARD: And you were retained by Melissa Brewington to

24 represent her in her divorce.

25 MS. LOECHEL: That's correct.

1 MR. NEGANGARD: And she was the petitioner so you filed the petition
2 for dissolution of marriage?
3 MS. LOECHEL: That's correct.
4 MR. NEGANGARD: And that occurred in January of 2007?
5 MS. LOECHEL: I believe so. It's been a long journey.
6 MR. NEGANGARD: This isn't a certified copy but it will help. And I got
7 this fax from the Ripley County Circuit Court. I'm
8 showing you Grand Jury Exhibit 130. It's not an
9 official copy of a CCS. Does that appear that
10 that's...in your training and experience as an
11 attorney does that appear to be a legitimate CCS?
12 MS. LOECHEL: Yell it appears to be correct?
13 MR. NEGANGARD: And according to that, the petition was filed January
14 8, 2007?
15 MS. LOECHEL: That's correct.
16 MR. NEGANGARD: If you could, um, tell me kind of the history of uh,
17 starting with when the um, your initial
18 representation of Mrs. Brewington kind of if you
19 could briefly kind of go through the history and
20 your experiences with Dan Brewington during this
21 case.
22 MS. LOECHEL: Okay, well initially Melissa came in seeking to file
23 for a dissolution of marriage obviously. Uh, the
24 first thing that we had scheduled was a provisional
25 hearing which are temporary orders on a divorce

1 that say you know where the kids live and who pays
2 for what bills and that sort of thing. We initially
3 attempted to work out those with Mr. Brewington.
4 The settlement attempts didn't occur so we ended
5 up going to a hearing on that. Uh, we spent, as I
6 recall, almost a whole day on provisional hearings
7 in front of Judge Taul which is, normally
8 provisional hearings are very short and sweet and to
9 the point but this was a little bit more drawn out.
10 Upon the provisional hearings, and actually at that
11 time Mr. Brewington while not wishing to reach an
12 agreement on anything, at that point in time, he
13 wasn't really out there or threatening or anything
14 like that. Um, once the provisional orders though
15 were issued, uh, my client was granted custody of
16 the children, Mr. Brewington's demeanor started to
17 change. And in fact shortly after that, he fired his
18 first attorney, Ms. Streator, um, that's when he
19 decided he was going to now be a full time house
20 husband and caretaker of the children. He had been
21 working prior to that and in fact at the provisional
22 hearing had argued that he wanted the children full
23 time and he was going to put them in daycare and
24 that sort of thing. But then as soon as it came out
25 granting Melissa as full custodian, he decided not to

1 work at that time. And um, as such, he was, you
2 know, so he could get the children now instead of
3 some other child care provider. He made various
4 attempts, like I said, he had a number of attorneys
5 throughout this. It was just a whole lot more of a
6 process than you would have ever imagined in this.

7 MR. NEGANGARD: Are you familiar at all why Amy Streater was
8 terminated?

9 MS. LOECHEL: According to the blog, Mr. Brewington's blog's that
10 I read on line that he terminated her because he was
11 upset at some of the things that she's done in his
12 representation and that after he fired her he was
13 picketing her office, um, at that time because he was
14 unhappy with the billing practices and I think that
15 he also mentioned in the blog that there was
16 something about a dispute on money that he owed
17 her as well.

18 MR. NEGANGARD: Okay. Um, alright so he fires his attorney and
19 pickets her office and he's not employed.

20 MS. LOECHEL: That's correct.

21 MR. NEGANGARD: And this, and it was kind of your typical divorce up
22 until the provisional orders hearing?

23 MS. LOECHEL: Yell after that, things started getting worse. I mean
24 there was disagreements over everything. I know
25 there were some motions for contempt filed along

1 the way, uh, disagreements back and forth, um, Mr.
2 Blondell was his next attorney. I know that in an
3 effort to straighten out some of the things, I believe
4 it was on the motion to, for contempt, prior to
5 working it out that we spent at least four (4) hours
6 during that thing, trying to get those worked out.
7 And we ended up working out a resolution at that
8 time and uh, you know, we had the custody
9 evaluation that everybody agreed to go through
10 since there was no way that they were going to work
11 that out on their own. Um, I know that Mr.
12 Brewington has characterized in his blogs many
13 times about how Dr. Conner was our witness and
14 that sort of thing. When this started out, we did a
15 joint motion, a joint agreed entry to have Dr.
16 Conner appointed as the custodial evaluator in this
17 case. Um, in fact, Mr. Blondell, Mr. Brewington's
18 attorney, was the, was the attorney who suggested
19 that it be Dr. Conner. That being said, I would have
20 probably suggested him as well because I do think
21 that he does a nice job. Um, but you know, it was
22 actually initially suggested by them and we had an
23 agreed entry that Dr. Conner would provide it.
24 MR. NEGANGARD: If I could stop you there for a minute. Is it fair to
25 say that the reason both you and um Mr. Blondell

1 would have picked Dr. Conner probably any way is
2 that Dr. Conner has a good reputation in the legal
3 community and is doing a good job?
4 MS. LOECHEL: He does. And personally he reports, you know he
5 does, it is a significant expense in a divorce to get a
6 custodial evaluation done. I will say that when you
7 get back a report from Dr. Conner, I've always
8 found them to be very well thought out, um, he
9 gives them all kinds of different tests during the
10 course of it. You know, you'll get back a report
11 that's like you know between thirty (30) and fifty
12 (50) pages depending on the issues. So I mean, you
13 know you feel like you've got something substantial
14 back for your money and like I said we all know
15 going into it, you know, we never know what the
16 report's going to be. You know, just because, even
17 if in some cases where you're the one who motions
18 and your clients the one who pays for the initial
19 evaluation, that's no guarantee that his evaluation is
20 going to be in your favor. I mean that's always kind
21 of you know, the gamble that we take because he's
22 never been a hired gun, so to speak -- one of these
23 individuals who just go along with whoever,
24 whatever side ends up paying for them. In this case
25 though, the clients split the cost for him and were

1 both in agreement initially that Dr. Conner was the
2 one who did the report.

3 MR. NEGANGARD: Um, and you practice and you do, as part of your
4 practice you do a number of divorces. Is that fair to
5 say?

6 MS. LOECHEL: It's probably...I probably do more domestic law,
7 family law stuff than I do anything else, at least
8 right now.

9 MR. NEGANGARD: So at this time, that's the majority of your practice.

10 MS. LOECHEL: That's correct.

11 MR. NEGANGARD: And it's, I guess I'm asking about Dr. Conner's
12 reputation among the legal community is good.

13 MS. LOECHEL: Yes, I would say so.

14 MR. NEGANGARD: And because he's fair and he's fair minded in his
15 evaluations as well.

16 MS. LOECHEL: Yes.

17 MR. NEGANGARD: So you both, both you and Tom Blondell in your
18 professional capacity represent to your clients about
19 that Dr. Conner was the appropriate person to do a
20 custodial evaluation.

21 MS. LOECHEL: I guess I really can't speak for Tom but given the
22 fact...

23 MR. NEGANGARD: But he recommended...

24 MS. LOECHEL: ...that he recommended him, I would suspect that
25 that were the case.

1 MR. NEGANGARD: And um, so you got the, okay so you were talking
2 about how Tom Blondell suggested Dr. Conner and
3 you guys agreed to Dr. Conner and you guys agreed
4 to Dr. Conner, you guys filed a joint motion to
5 appoint Dr. Conner.

6 MS. LOECHEL: Yes.

7 MR. NEGANGARD: And that was granted by the Court.

8 MS. LOECHEL: Yes.

9 MR. NEGANGARD: At this time, Judge Taul is still the judge. Correct?

10 MS. LOECHEL: That's correct.

11 MR. NEGANGARD: Alright. Um, what happens next?

12 MS. LOECHEL: It seems like the next thing that we went through
13 was shortly thereafter, Mr. Blondell didn't stay in
14 the case long. The first contempt hearing that we
15 received that ended up getting straightened out over,
16 it was just some visitation issues and stuff like that.

17 I don't know that there was anything...he was just
18 getting, Dan was getting more and more difficult to
19 deal with. Because Mr. Blondell went through, we
20 started out filing a motion for discovery, I guess
21 prior to him, got the custody evaluation back, we
22 had previously filed a motion for discovery.

23 Discovery is what we do, uh, when we want the
24 other side to answer any questions, you know like
25 information about all the assets and liabilities that

1 need to be divided, uh information concerning the
2 children, what each side believes should be the
3 custodial, you know, just a bunch of questions that
4 we need to get ready for trial, information on
5 financials, so that we can calculate child support
6 and that sort of thing. Um, we ended up having, I
7 had to file on Melissa's behalf a motion to compel
8 discovery because Dan didn't initially comply with
9 it. Shortly there....

10 MR. NEGANGARD: Um, let me ask you this. Before, if you could, when
11 was Tom, if you could take a moment to tell the
12 Grand Jury when Tom Blondell was hired and then
13 when he withdrew.

14 MS. LOECHEL: It doesn't, it doesn't appear to show on here when
15 Mr. Blondell got in, but Amy Streater got out on
16 March 26, 2007, uh I filed a contempt petition on
17 March 28, 2007 and then distribution was given, oh,
18 I'm sorry, Mr. Blondell got in, his appearance was
19 filed on March 29, 2007.

20 MR. NEGANGARD: Okay and then when did he withdraw on this?

21 MS. LOECHEL: He withdrew on...

22 MR. NEGANGARD: About a year later?

23 MS. LOECHEL: I don't think it was that long. Well it would have
24 been February 27, 2008.

25 MR. NEGANGARD: Okay. So and during that time Dr. Conner issued

1 his custodial evaluation.

2 MS. LOECHEL: That's correct.

3 MR. NEGANGARD: When he issued his custody evaluation report, um, it

4 was favorable to Melissa Brewington in a sense that

5 it did recommend sole custody?

6 MS. LOECHEL: That's correct.

7 MR. NEGANGARD: But it did not suggest that he should not have

8 visitation?

9 MS. LOECHEL: That's correct.

10 MR. NEGANGARD: But it did outline some problems with Mr.

11 Brewington's ability to um, cooperate,

12 communicate and kind of see things from another

13 person's prospective?

14 MS. LOECHEL: Yell it definitely showed why the joint custody

15 would not have been an option for these, because

16 Mr. Brewington's a...very much, if you did not

17 agree with Mr. Brewington, uh, you were not, he

18 was going to harass you and continue to force you

19 into stuff. Like even during the course, prior to this,

20 you know when they were still married, if they had

21 disagreements during the course of the dissolution,

22 uh, Mr. Brewington, I can recall would um, would

23 want to send out questionnaires to everybody in

24 Melissa's contact list, all their friends and family

25 members to take a poll amongst them as to which

1 side had the best idea on what to do with the
2 children.
3 MR. NEGANGARD: So that's not really conducive to...
4 MS. LOECHEL: ...working out things and you basically, if you're
5 going to do joint custody with Mr. Brewington, you
6 were going to agree to whatever Mr. Brewington
7 pretty much was going to do. At least that was what
8 my interpretation was.
9 MR. NEGANGARD: And that's what the custodial evaluation stated.
10 MS. LOECHEL: Pretty much so.
11 MR. NEGANGARD: And that stated that in August of 2007. Correct?
12 MS. LOECHEL: Yes.
13 MR. NEGANGARD: And then after the custodial evaluation, were you
14 aware of actions by Mr. Brewington towards Dr.
15 Conner?
16 MS. LOECHEL: I know that Mr. Brewington was very upset with the
17 report. Even though that like I said, it really wasn't
18 nearly as unfavorable to him as he would have you
19 believe. I mean, you know, there was a few things,
20 but you know some things about Melissa in it too.
21 You know, he did an assessment of both people.
22 But shortly thereafter he started wanting to schedule
23 things, he was claiming errors and oversights and he
24 wanted to meet with Dr. Conner and get things
25 straightened out and he went through all this, I can

1 remember that where Mr. Brewington wanted, you
2 know had his appointment scheduled and they were
3 to pay for the appointments and then on the day of
4 he showed up at Dr. Conner's office saying that he
5 wasn't going to participate. My client was signed
6 up, paid her money, did her, you know, and he
7 didn't even show up to see what was going to
8 happen with respect to that. And uh, like I said,
9 pretty much, and too, that's been pretty consistent of
10 Dan even after that. Once he gets mad, you know
11 something doesn't go his way, then he uh, likes to
12 complain that everybody's made a mistake and
13 nobody's been on his side but then he doesn't
14 follow up to try and correct anything. And in fact,
15 one of the big things he's made a big issue even
16 during the court hearing that nobody had uh his
17 medical records from the Affinity Center. Well I
18 know that when my client went to the evaluation
19 with Dr. Conner, she took documentation of where
20 she met with her therapist and stuff like that and
21 submitted it to Dr. Conner. Mr. Brewington never
22 submitted them to Dr. Conner and in fact we had
23 multiple fights over him wanting to release the
24 entire case file to him during the course of this case
25 because, like I said, he never submitted anything

1 that was like that personal information. We believe
2 that the only reason that he was trying to get the
3 records and the only thing that we were trying
4 throughout the course of it to protect was Melissa's
5 you know, confidential medical records and uh,
6 because we were afraid, and at that time he began
7 the blogging and began the web-site that he was
8 going to post them on the internet is what we were
9 concerned about.

10 MR. NEGANGARD: And in fact he did post confidential medical
11 information from the custody evaluation.

12 MS. LOECHEL: Well he disclosed portions of the custodial
13 evaluation on there that, it was confidential as well
14 and posted them. He didn't, he never received any
15 of my clients confidential medical records, per se.

16 MR. NEGANGARD: But what he did have, that was in the custodial
17 evaluation, he disclosed.

18 MS. LOECHEL: That's correct.

19 MR. NEGNAGARD: And he seemed obsessed after this with getting that
20 portion of the case file although there was not legal
21 reason he needed that.

22 MS. LOECHEL: Yes and every time that we, because in all honesty,
23 we didn't object to him getting any portion of the
24 file and it's my understanding, now I don't know
25 what he received, but it was my understanding that

1 he received everything but my client's information.
2 And like I said, that's what we were interested in
3 protecting just because we didn't want all of her
4 stuff broadcasted all over, you know, she has a good
5 job. She's a nurse in Cincinnati, and uh, plus you
6 know, none of us want all of our deepest darkest
7 secrets exposed to the entire world on the internet I
8 would assume.

9 MR. NEGANGARD: And so your sole objective in protecting that portion
10 of the case file was to protect very personal
11 information of Ms. Brewington and Mr. Brewington
12 showed absolutely no respect for that privacy.

13 MS. LOECHEL: Exactly and on top of that, even during the course of
14 this, after, and the initial thing after Judge Taul
15 denied it, Judge Taul suggested to him during court
16 that there was other ways that he could maybe get at
17 least some of that. He never requested us directly
18 either himself or through any of his other attorneys
19 to receive any portion of Ms. Brewington's medical
20 files. He seemed obsessed to say that he was
21 entitled to it through Dr. Conner's records and not
22 through direct request and never even requested
23 anything that with the protective order he had, to get
24 portions of it, you know redact it, or portions of it
25 but you know, you know strict rules not even he

1 could disclose any of it or anything like that.

2 MR. NEGANGARD: Alright, so he wasn't even interested in getting

3 anything subsequent from that information because

4 then it would have been redacted in a manner that

5 he was interested in getting embarrassing

6 information from your experiences, he was

7 interested in embarrassing information about his

8 wife.

9 MS. LOECHEL: I would assume so and in all honesty, I'm a little

10 perplexed that he never requested us directly for that

11 information or never attempted to do what's

12 required to request to get it either. He just seemed

13 obsessed on getting it as a part of Dr. Conner's files

14 and now granted, he had a number of attorneys

15 through this and represented himself a good portion

16 of the time.

17 MR. NEGANGARD: And when he terminated Mr. Blondell's relationship

18 in late February of 2008, did you start getting a lot

19 of frivolous pro se motions?

20 MS. LOECHEL: I would say that that's an understatement. They

21 came in waves. Like I said, to put it bluntly, the

22 attorney fees that Melissa has incurred just in the

23 prosecution of the original divorce, is higher, is at

24 least double that what I've ever had prior to that.

25 Uh, everything, because we had all these things that

1 he filed, we've had to respond to, uh...

2 MR. NEGANGARD: And you don't have the option to not respond to

3 them.

4 MS. LOECHEL: That's correct and it's still going on. I mean this

5 case is still going on as we speak where that we're

6 still having to deal with that. You know we're still

7 waiting on, you know, the order was issued I believe

8 in August of '09 and we still don't have, and he's

9 still not to the point where he's had his evaluation

10 done to see whether or not he's safe enough to be

11 around his ex-wife and his children.

12 MR. NEGANGARD: Let's go to that issue for a second. Um, once the

13 order came down, he didn't file any motions

14 immediately to try to get um, an evaluator approved.

15 Correct?

16 MS. LOECHEL: No, that's correct, not with respect that he filed a

17 variety of motions but none to get an evaluator

18 appointed. I know that there was some, I believe

19 release from judgments and motions to correct

20 errors and I may be, let me refresh my memory,

21 judgment of final order, we have a motion to clarify

22 and to reconsider, a motion to grant relief from

23 judgment, motion for, I think that's mine, there was,

24 and then I know about the same time, I wasn't

25 involved directly in the appeal but uh, he also hired

1 an attorney and started the appeals process
2 sometime shortly after that. I think that he began it
3 on his own and shortly thereafter he got an attorney
4 to help him with the actual appeal. I was not
5 involved with that. Melissa had another attorney,
6 Leanna Weissmann, that represented her on the
7 appeals side because I don't specialize in that.
8 MR. NEGANGARD: The appeal is over at this point. Correct?
9 MS. LOECHEL: That's correct. Just recently, I can't tell you the
10 month, because like I said, I wasn't directly
11 involved in it, that basically the Supreme Court
12 denied to hear it, the Appellate Court did issue an
13 order on the case and upheld the judgment on the
14 decree that was issued.
15 MR. NEGANGARD: And has he paid any of the judgment that he was
16 ordered to pay?
17 MS. LOECHEL: Not a cent.
18 MR. NEGANGARD: So he didn't pay the portion of the attorney's fees
19 that he was ordered?
20 MS. LOECHEL: Not one penny for this time.
21 MR. NEGANGARD: And he didn't pay the judgment that he was ordered
22 as part of the division of the marital property.
23 MS. LOECHEL: That is correct. The only thing that's been, that
24 Melissa has received is the portion of the marital
25 assets that she was granted under the decree and that

1 in itself, was a hassle to get, it was in the
2 farmhouse, it was locked. It's my understanding
3 that the Sheriff had to go get keys from the uncle
4 that was the actual trustee of the property. When
5 they got in there to get it, all of Melissa's stuff was
6 in the house. The house was just a wreck. It's my
7 understanding that I've heard from Melissa that it
8 was just filled with cat excrement and that sort of
9 thing and out of all the things that she picked up,
10 only one thing was missing and that a 357 magnum
11 that she was ordered to, in the decree and he still
12 has not returned the gun to her at this point, which
13 is one of the things that I find is very concerning.
14 Um, you know, it's the one piece that's out there. I
15 know that he's complained in letters to different
16 people, to the different law enforcement and to the
17 children's services over in Hamilton County,
18 because he normally sends me a copy of everything
19 that he files with whoever. Um, you know, he's
20 complained that she's gotten this firearm as a part of
21 the, as a part of the order on the divorce and yet
22 she's not, she's never been trained in firearms and
23 that. You know, personally I see the fact that the
24 only, that he's taken out this firearm, to me, is kind
25 of an act of a threat in it of itself.

1 MR. NEGANGARD: So he's not returned the gun. Now with regard to
2 um, he filed several motions, but not, let's go back
3 to that for a minute, but not a motion to appoint a
4 custody evaluator since I believe March of 2010.

5 MS. LOECHEL: That's correct.

6 MR. NEGANGARD: Okay, March of 2010, who did he try to have
7 appointed?

8 MS. LOECHEL: Dr. Henry Waite.

9 MR. NEGANGARD: Alright and Dr. Henry Waite, what were you able to
10 ascertain about Dr. Henry Waite?

11 MS. LOECHEL: We were initially concerned about bias and just in it
12 of itself, as that Dr. Waite was associated with the
13 Affinity where that Mr. Brewington had sought his
14 treatment and you know, of which whose records
15 that he never produced to Dr. Conner and uh, so we
16 were concerned that you know that there...

17 MR. NEGANGARD: So Dr. Waite was affiliated with the Affinity
18 Center?

19 MS. LOECHEL: That's correct.

20 MR. NEGANGARD: And he had been treated there?

21 MS. LOECHEL: At the Affinity Center.

22 MR. NEGANGARD: And a custody evaluator is not supposed to have any
23 previous contact?

24 MS. LOECHEL: Well and actually and his was, he was actually
25 appointed, the first thing that they had to have done,

1 was to have a psychiatric evaluation to see whether
2 or not that he was safe to be around Melissa and the
3 children so we were a little concerned that you
4 know, that the people who have been providing for
5 his treatment, you know, we think that there would
6 be obviously some bias in there. As things went
7 out, as discovery was conducted and talks with his
8 attorney and as his responses to, where we ask
9 questions about Dr. Waite, uh we found out that Dr.
10 Waite was actually hired by Mr. Brewington to do a
11 psychological evaluation for him in the telephone
12 harassment case that was brought against him in
13 Hamilton County, Ohio, uh, which I found really
14 bizarre because I can't imaging why for a telephone
15 harassment case, that you would need to have a
16 psychological evaluation. That being said, by the
17 time that he would have motioned for this, since he
18 hired him as his expert witness for a psychological
19 evaluation in that case, he would have almost have
20 had to know what the results of the case were, of
21 what the results of Dr. Waite's evaluation were
22 going to be prior to him motioning to have him
23 appointed as the evaluator in his case, which very
24 much concerned us as to how valid that would be.
25 And in letters back and forth to um, to his attorney,

1 we said look, we're not agreeable to him, you know
2 pick somebody else out that nobody's had any ties
3 to and they flat out refused to pick some neutral
4 evaluator that they could both agree on. And we in
5 fact, had a hearing on it and uh, the Judge actually
6 picked somebody else and I don't know if Mr.
7 Brewington's contacted him yet to set up the
8 evaluation or not.

9 MR. NEGANGARD: When finally has the doctor conducted this
10 evaluation?

11 MS. LOECHEL: It's been recently. We had the hearing the
12 Wednesday before Thanksgiving. We had the
13 hearing on the Wednesday before the Thanksgiving
14 holiday and it didn't come out until, it looks like
15 January 18, 2011, uh, a Dr. Kuhn's was appointed
16 but he ended up declining to take the appointment
17 and saying that he didn't feel comfortable in doing
18 it and as such on January 24th, a Dr. Richard Waller
19 was appointed.

20 MR. NEGANGARD: And as far you know, he has yet to meet with Dr.
21 Waller?

22 MS. LOECHEL: The last I've heard but he may have set the
23 appointment since then.

24 MR. NEGANGARD: Alright, during the course of this, did he ever
25 threaten or intimidate you?

1 MS. LOECHEL: Uh, I would characterize what he did is that. He
2 made, first off, I live about fifty-two (52) miles
3 away. I live in Demossville, Kentucky out in the
4 middle of no where and I am a certified, me and my
5 husband both are certified instructors in carrying
6 concealed deadly weapons and also through the
7 NRA personal protection and pistol courses. So we
8 do have a kind of side business that we were
9 running at the time, uh, K-TAC where that we did
10 mostly carry to conceal people to get them certified
11 and occasionally a firearms class here and there.
12 Um, Mr. Brewington, and we don't have like a
13 separate business number. It is our home phone.
14 Uh, Mr. Brewington, under the disguise of seeking
15 some firearms training, called my house and talked
16 to my husband and again he lives in Milan, I live in
17 Pendleton County, Kentucky. It would take him at
18 least an hour and a half, it not longer to receive
19 training at my house. I don't know the exact
20 location of where he's located, but I know it takes
21 me an hour to get to work, so it's further than that.
22 Um, and he never identified himself to my husband.
23 My husband never even mentioned a phone call to
24 me about somebody seeking it, because you know
25 we get that occasionally. Uh, the way that I had

1 found out that Mr. Brewington had called my home,
2 um, is that on the day that I went to depose his
3 mother, when we got finished, he made a comment
4 to me, I think I talked to your husband the other day
5 and I said oh really, and he said, yell, he goes, I
6 called your house looking for firearms instruction
7 and uh, I talked to a Scott Loechel. And again my
8 last name is Loechel - L-O-E-C-H-E-L, you know I
9 can't imagine that he would not have had an
10 indication, especially as I'm listed as a co-owner of
11 K-TAC and I'm the other instructor there as well. I
12 would show up on any sheet that Scott would have
13 showed up with respect to that. And then shortly
14 thereafter I know that we received a letter in which
15 Mr. Brewington was quoting, was allegedly quoting
16 my husband, they had got, uh, Melissa and Dan
17 were having a disagreement over the children
18 learning how to use firearms, um, Mary was the
19 oldest at that time. She was four (4) years old and
20 uh, we never really did discern whether or not he
21 was actually letting her use the actual real firearm or
22 not. He was always real vague in his answer and
23 stuff like that. We were very concerned that he
24 would. The little girl had been complaining to
25 Melissa that you know, that she didn't like firing the

1 weapon, that it hurt her ears and that sort of things
2 and uh, the quote that he put in the letter was
3 something along the lines that my husband, I told
4 him that you know, that if you're going to keep guns
5 in the home, it's good to have your children
6 introduced to them at an early age. My husband
7 may have very well said something like that. Of
8 course he would never have said it for a four (4)
9 year old child.
10 MR. NEGANGARD: So he then quoted your husband in a
11 correspondence....
12 MS. LOECHEL: ...in a letter to me to show me how that my client
13 was incorrect on what the firearms (indiscernible).
14 MR. NEGANGARD: And uh, to that point, um, Mary had said that you
15 couldn't discern whether, Mary had said that the
16 weapon was loud.
17 MS. LOECHEL: I believe so. It's been a while but I think that was
18 the case. I know that she had complaints that made
19 it sound like that it may have possibly and like I said
20 we never really found out for sure if it was more of
21 an air pistol type thing or not. Like I said, he never
22 was really clear on that.
23 MR. NEGANGARD: But he would, so you would ask him what he would
24 use and he would not tell you what kind of gun it
25 was.

1 MS. LOECHEL: Well he would kind of go, I'm trying to think. I
2 believe that in the actual hearing that he testified
3 that he tried to make it sound like mostly air pistols
4 at the time, that some of the descriptions that Mary
5 was saying on it, it really....
6 MR. NEGANGARD: ...wasn't consistent with that...
7 MS. LOECHEL: ...yell it didn't sound consistent.
8 MR. NEGANGARD: The descriptions given by Mary were not, I mean an
9 air pistol is not loud.
10 MS. LOECHEL: Yell I can't imagine and granted, you know, I don't
11 know, I haven't had experience with all of them, but
12 I can't imagine it being loud enough to cause her
13 you know.
14 MR. NEGANGARD: So...
15 MS. LOECHEL: And too...
16 MR. NEGANGARD: ...and your husband, I mean, so he calls your home
17 but I mean it's fair to say your husband is a law
18 enforcement officer. Correct?
19 MS. LOECHEL: He was. He just recently retired but that was
20 correct.
21 MR. NEGANGARD: And he's also retired from the special forces.
22 MS. LOECHEL: That's correct. Well he didn't retire but he was in
23 special forces for a short period of time.
24 MR. NEGANGARD: And he was a member of the U.S. military?
25 MS. LOECHEL: That's correct.

1 MR. NEGANGARD: What branch?

2 MS. LOECHEL: Army. He was with the special forces group, in the
3 82nd airborne prior to that.

4 MR. NEGANGARD: Didn't he, he served, I believe a tour in Iraq, didn't
5 he?

6 MS. LOECHEL: No, he actually went to Iraq as a contractor about
7 five (5) years ago and did some of the personal
8 bodyguard work back then.

9 MR. NEGANGARD: So even though he had a made a call and indicated
10 he knew where you lived and stuff, you and your
11 husband, based upon your training and the fact that
12 you do have a lot of weapons at your disposal, was
13 that a concern?

14 MS. LOECHEL: Well I was concerned enough that when, especially
15 when the decree came out, I did print a picture of
16 Mr. Brewington off the web-site. I did show my
17 neighbors what he looked like, because like I said,
18 we do live out in the middle of no where and they
19 all knew what he looked like, they all, I showed
20 them, I told them what kind of vehicle that he
21 drove, you know, 'cause you never know and like I
22 said, you don't accidentally end up at my house. I
23 am eight (8), either seven (7) or eight (8) miles from
24 the nearest Walmart. You know, we have no, you
25 know, unless you're going to my house or Unity

1 Baptist Church, you're not going to be on Jack Road
2 unless you're visiting somebody there so everybody
3 knows everybody that traipses up and down that
4 road.
5 MR. NEGANGARD: So you showed all your neighbors what he looked
6 like just in case he came?
7 MS. LOECHEL: Yell.
8 MR. NEGANGARD: And he hasn't...
9 MS. LOECHEL: He's never, he's never to my knowledge and in all
10 honestly, like I said, I seem to be one of the ones
11 that he focused on the least from his blog. He really
12 hasn't done a whole lot outside of that to target me.
13 I think that one of the blogs is shame on, shame on
14 you Angela Loechel and your client but I think
15 that's about the worse that I've gotten directed
16 directly to me.
17 MR. NEGANGARD: And other than the fact that he contacted for training
18 as far as any personal you know, do you guys
19 advertise, I mean how would he have found out
20 about that?
21 MS. LOECHEL: Uh, if you, I think that you can google searches and
22 I think that having the main one come up is in the
23 Kentucky is the web-site for the carry and conceal
24 instructors and that sort of thing.
25 MR. NEGANGARD: In Kentucky.

1 MS. LOECHEL: Yell in Kentucky. Now we briefly had, I know that
2 we had a web-site back at one time but this has been
3 years ago and I'm sure it was deactivated even
4 before then. I don't even recall when a friend of
5 Scott's made it up or if there even was a whole lot
6 of information on that.

7 MR. NEGANGARD: But it would have showed Scott Loechel and your
8 name on it.

9 MS. LOECHEL: It should have. The most likely place would have
10 been for the carry, conceal, deadly weapons
11 instructors list put out by the state and both of us
12 would have shown up, one right after another in it.
13 In fact, I should have been listed ahead of Scott in
14 all honesty since I'm Angela and not Scott.

15 MR. NEGANGARD: Is there any other information that you've had in
16 your representation of Melissa Brewington that you
17 believe would be helpful for the jury?

18 MS. LOECHEL: Uh, I do know that, like I said, even in the
19 beginning of this when he first became
20 unrepresented, um, we had appraisals done of the
21 property – that in itself was a hassle. The first
22 schedule we couldn't do uh, my client went out with
23 Nelson Elliott to get the appraisal done, uh, when
24 they showed up, Dan and his mother were moving
25 items off the property like across the property line.

1 Uh Mr. Elliott, and they left some other gentleman
2 who was unidentified in the house that was acting
3 really confrontational with Melissa and Mr. Elliott
4 at that time and I don't, Nelson Elliott is an older
5 gentleman, one of the nicest old men that you could
6 ever meet and to have a problem with Nelson Elliott
7 just blows my mind and speaks volumes. Um, so
8 they ended up, Nelson didn't feel comfortable
9 conducting the appraisal that day so they actually
10 came off the property and we motioned to have a
11 Sheriff available to do the actual um, the actual
12 appraisal so that they could, so that Mr. Elliott could
13 do so without being harassed.

14 MR. NEGANGARD: Is there anything about, I mean during anytime
15 during this divorce that he has been cooperative at
16 all or were you ever able to get anything
17 accomplished?

18 MS. LOECHEL: Everything has been just like pulling teeth from the
19 get go, I mean even just getting the simplest things,
20 you know, we've had to motion for almost
21 everything that we've done and like I said I honestly
22 had never been to court this many times on any case
23 that I've ever been involved with, um, I mean it's
24 just that, if you would have told me in 2007 that I
25 would still be doing the Brewington case in 2011, I

1 would have thought that you were absolutely crazy
2 and that there was just no way.
3 MR. NEGANGARD: It's not that complicated of a divorce
4 (indiscernible)?
5 MS. LOECHEL: No, not really, I mean, they had fairly, you know,
6 they had a few issues here and there, uh that we put
7 up before the court, uh, but just the, well just the
8 multiple motions filed by Mr. Brewington that were
9 for the most part, the same content over and over
10 again but he would label it as something else. One
11 time it would be a motion to set aside and then there
12 would be a motion to clarify and then it would be a
13 motion for this or a motion for that -- all basically
14 requesting pretty much the same thing -- usually Dr.
15 Conner's records that included my client's mental
16 health evaluation to be released to him. That
17 seemed to be the over-riding thing.
18 MR. NEGANGARD: Do you have anything else?
19 MS. LOECHEL: Um, I can't think of anything right off the top of my
20 head.
21 MR. NEGANGARD: Okay, thank you Ms. Loechel. Does any of the
22 grand jurors have any questions?
23 JUROR: I have two questions.
24 MS. LOECHEL: Okay.
25 JUROR: I might forget the second one. But in general, as a

1 divorce attorney, that's the term I'll use, I'm sure
2 you travel in circles with other attorneys in the same
3 practices you know of them.
4 MS. LOECHEL: Yes.
5 JUROR: How common is it in litigation like this to have
6 numerous attorneys?
7 MS. LOECHEL: I don't think it's uncommon, it's very uncommon to
8 keep switching in the course of like the initial thing,
9 like for example, there's not a whole lot of change
10 normally I would say between the filing of the
11 dissolution and up through the divorce. You know,
12 sometimes it happens, you know there may be one
13 change. During the course of ours during that
14 period, we had Amy Streater, then Tom Blondell,
15 and then for the majority of the time we had just Mr.
16 Brewington who uh, you know in all honesty with
17 him doing it by himself, he created so much more
18 expense for my client than would have ever
19 happened with an attorney because in all honesty I
20 can see with the number of, I would be afraid
21 personally with the number of frivolous motions in
22 my opinion that were frivolous that we would have
23 got sanctioned at one time or another for just
24 continuing putting the same issue up before the
25 judge time and time again. It's very uncommon at

1 this point though to have, I think that we're up to,
2 we have, we had those three (3). He's had two (2)
3 appeals attorneys now and uh, the fact that we're
4 now on our third (3rd) judge, that's the thing that's
5 really more staggering than anything else. Very
6 seldom have I had any where I've had more than
7 two (2) judges especially in a, you know, that short
8 of time period.

9 JUROR: And what would be some common reasons that a
10 client may dismiss their attorney or can it also be
11 done the other way around – the attorney dismisses
12 the client?

13 MS. LOECHEL: Uh, normally, well normally the attorneys are
14 withdrawing, I would say that sometimes it's not
15 getting paid, uh, I would say that other times it's
16 just disagreements between the attorney and the
17 client on how to prosecute their case is probably the
18 most common. Uh, every now and then you get one
19 where they just will not follow your directions
20 whatsoever and they kind of force you in a position
21 of where that, you know, they're taking actions that
22 you feel is detrimental and that you feel like that
23 you just can't represent their best interest because
24 they're not doing anything that you tell them to and
25 too, occasionally it's personality, you know some

1 people just feel more comfortable with other people
2 than others too.

3 JUROR: And also when they have um, evidently the
4 dissolution of the property, the inspection or I guess
5 I don't know what the proper term was before, in
6 this case where the Sheriff had to go out to the
7 house.

8 MS. LOECHEL: For the appraisal?

9 JUROR: The appraisal – um, what are the terms of that
10 appraisal – I mean, what can and can't you take out
11 of a home?

12 MS. LOECHEL: You can't, they weren't taking anything out of the
13 home. On the appraisal itself, they were just
14 coming in to look at all the property and Nelson,
15 Mr. Elliott was going to put a value on all the
16 property. Uh, Mr. Brewington could have gotten his
17 own appraiser to have done the same thing as well.
18 Also too, and Melissa had items that she brought in
19 that she already had in her possession that she took
20 with her when she left that Mr. Elliott appraised as
21 well.

22 JUROR: Okay then basically in their determination, the only
23 thing that was missing would have been common
24 household property was the firearm?

25 MS. LOECHEL: No, that's two (2) different issues.

1 JUROR: Oh.

2 MS. LOECHEL: Mr. Elliott came on the property to actually appraise

3 the property prior to it being, prior to it being going

4 to the hearing and the court dividing it. Uh the

5 issue with the firearm came after the decree where

6 the Judge issued the order on who was going to get

7 what piece of property, uh Melissa's stuff was at the

8 house. On the day that it was set up with the Sheriff

9 for her to go get her property, everything was in the

10 house but the firearm. And I know that during the

11 course of that, Dan was across the street at the rental

12 property that his family owns and it's my

13 understanding that Sheriff Grills went over and

14 asked him about the gun and he claimed that he had

15 no idea what happened to it yet it had been in his

16 possession since you know, prior to that time. In

17 fact, he argued to keep it as a part of his that he

18 didn't want Melissa to have the weapon.

19 JUROR: Oh, okay.

20 JUROR: Wouldn't he uh, when the motion first occurred to

21 have mental evaluation done (indiscernible), did he

22 ever once object to it in any way at all?

23 MS. LOECHEL: No he never, and like I said, it was an agreed entry.

24 We agreed to have Dr. Conner do the custodial

25 evaluation on the both of them and in fact during

1 the course of it, I can remember Melissa reporting to
2 me that he was, that you know, how that she was
3 going to be, that this was not going to go very
4 favorable to her because of all the things that he was
5 going to let her know about as a part of the
6 evaluation. He initially was real happy with the
7 evaluation until it actually came out and then that's
8 when the problems started.

9 JUROR: One more -- when I go to a doctor and have medical
10 procedures and believe me when you get my age
11 you get a lot of them, I always sign a paper that says
12 the doctor can release my records to somebody or
13 not.

14 MS. LOECHEL: Mm hmm.

15 JUROR: Did Melissa sign one of those?

16 MS. LOECHEL: No, not at that time but we were never requested to
17 sign those. Mr. Brewington never requested us
18 directly for any of those, for any of that paperwork.

19 JUROR: Okay.

20 JUROR: I have one. So you said that Mr. Brewington tried
21 to get full custody at the beginning?

22 MS. LOECHEL: Yes.

23 JUROR: He said he didn't yesterday, did he not?

24 MS. LOECHEL: I believe that, as I recall, I believe it was full
25 custody. I mean I could check. I know that he

1 wanted to be, at the very least, wanted to be primary
2 residential parent and have the kids with him all the
3 time, him sending them to daycare and Melissa
4 paying him child support. Now I would have to
5 check my records. It's possible that he may have,
6 may have argued for joint custody with him being
7 primary parent and her just getting standard
8 parenting time guidelines. But I believe, I'm almost
9 positive at the time, that it was the others. I would
10 have to check my records to be absolutely clear on
11 that but I know that he, at the very least, requested
12 the other.

13 JUROR: Okay, and um, so they did have the 357, the gun,
14 when they were married or did he get that after the
15 divorce?

16 MS. LOECHEL: I believe that he testified, I'm almost positive that
17 he testified that he got it prior to the divorce being
18 filed.

19 JUROR: And you're the K-TAC gun training?

20 MS. LOECHEL: Uh huh.

21 JUROR: Said you live like fifty (50) miles away. So there's
22 definitely more than two (2) or three (3) other gun
23 trainings he could have went to other than yours in
24 the area?

25 MS. LOECHEL: Yell, I'm really perplexed that he would have came

1 to Kentucky just because you would think that he
2 would want a facility that's more, that knows more
3 about the gun laws in Indiana and that because
4 believe me, they differ quite a bit from county to
5 county and in all honesty, we don't do like a huge
6 full scout advertising to the public. Most of the
7 business that we had, or like I said, we've kind of
8 gotten out of the firearms training here in the past
9 year since Scott came back from Iraq, um, but prior
10 to that, most of the training that we did, were to
11 local police departments. Like Scott had trained uh,
12 the SWAT team for Boone County, uh, later became
13 joint with Kenton County, uh, the airport's been
14 down to our facility, Florence has been to our
15 facility. Most of the Northern Kentucky law
16 enforcement agencies had been at our house at one
17 time or another.

18 MR. NEGANGARD: Are you familiar with On Target, a gun supplier
19 that's in Sunman?

20 JUROR: Target World.

21 MR. NEGANGARD: There's an On Target in Sunman. Are you familiar?

22 MS. LOECHEL: Not at all. I am familiar with Target World. I've
23 been there before.

24 MR. NEGANGARD: You mentioned Target World too.

25 JUROR: Yell you did.

1 MR. NEGANGARD: Target World was the other one.

2 MS. LOECHEL: Yell, Target World is in Cincinnati.

3 MR. NEGANGARD: On Target's actually in Indiana.

4 MS. LOECHEL: But they're totally different. Even like the Target

5 World -- I don't know what, I'm not familiar with

6 the one in Sunman but Target World is an indoor

7 facility that's kind of open to the public where

8 people can come in. You can even rent guns I

9 understand, or at least you used to be able when

10 you're there. Ours is totally different. I mean, we

11 have an outdoor facility, um, now grant it, like I said

12 we've kind of shut back on that, at the time when

13 we were at the top of the game, we had a running

14 man target and stuff like that but like I said, we

15 were mostly word of mouth and mostly law

16 enforcement, in fact, I would say that there's

17 probably been more uh, we've had more fully

18 automatic weapons and more tactical training at our

19 home on our property than we had on the civilian,

20 we both feel that you know, being Kentuckians that

21 we like to make sure that everybody's following the

22 rules and Kentucky does have one of the best

23 systems for carry conceal which is why it's accepted

24 by most of the other states where you in Indiana,

25 don't have that same luxury um, because we do

1 train them on the law and we do train them, you
2 know we make sure they have a basic understanding
3 before we issue a carry conceal permit to them. But
4 like I said, our civilian side of training was very,
5 very small. I mean we only had, other than
6 Kentucky carry conceal, I think that we've maybe
7 done five (5) or six (6) courses for people just
8 wanting you know, you know regular, you know,
9 defense training and most of those were just
10 personal friends of ours and that sort of thing. We
11 didn't really cater to the public per se.
12 JUROR: More agencies?
13 MS. LOECHEL: Yell.
14 MR. NEGANGARD: So it was unusual to get his call?
15 MS. LOECHEL: Yell it was very unusual to get a call, like I said
16 other than somebody who was friends or a friend of
17 a friend or something like that, we really just didn't
18 do that much out of, like I said, we did own an
19 outside facility, that the firing range was outside my
20 side door.
21 MR. NEGANGARD: Now I do want to address a couple of things. With
22 regard to Judge Taul – Judge Taul had to get out of
23 the case. Is that correct?
24 MS. LOECHEL: That's correct. Well he didn't...
25 MR. NEGANGARD: Well I mean, he got out of the case. If you can

1 explain to the Grand Jury what happened with
2 regard to that.

3 MS. LOECHEL: Uh, right before the final hearing, just a few weeks
4 before we were scheduled for final hearing in front
5 of Judge Taul, uh, Mr. Brewington motioned to
6 have a change of judge and uh, Judge Taul, I'm sure
7 happily withdrew, uh, like I said, I don't know his
8 exact motivations for that but no reason was given
9 at that time and normally you're entitled to one
10 change of judge prior to the final hearing.

11 MR. NEGANGARD: Okay, so he filed for motion for a change of judge.
12 He didn't file for motion for change of Judge based
13 on an alleged ex-parte contact.

14 MS. LOECHEL: I know that he said that in a lot of things. I'm trying
15 to recall. I don't recall if he actually had that in his
16 motion or not without looking for it but that was
17 never listed as part of the order as to why.

18 MR. NEGANGARD: Because you're entitled in a civil proceeding to get
19 an automatic change of judge.

20 MS. LOECHEL: That's correct, especially and it's been a while since
21 I've looked at this, but I think that as in divorce
22 cases, where that you don't have to have a response
23 to pleading but you basically could go pretty much
24 up until right before hearing and probably get that.
25 And in all honesty, I would assume at the same time

1 that Judge Taul didn't want to make it an issue. He
2 wanted a new judge. It was probably easier to do
3 that, he thought at the time, than to deal with all the
4 accusations of why a new judge was being denied to
5 him.

6 MR. NEGANGARD: And Judge Taul never like ordered a change of
7 judge based on an ex-parte communication.

8 MS. LOECHEL: No. There were no reasons given – just a new judge
9 and a new panel submitted to us.

10 MR. NEGANGARD: Was there ever any actions taken towards, are you
11 familiar with Marlene Wullenweber who is one of
12 the court reporters?

13 MS. LOECHEL: That's correct. Well, I know that, and I can't
14 remember if it was in his blogs or in the letter, there
15 was some concern over him, uh, at one time,
16 Marlene Wullenweber uh, rented some space from
17 Richard Butler who is the same gentleman that I
18 rent space from, where my office is, and uh, he was
19 concerned, he later found that, later he found out
20 that Marlene...

21 MR. NEGANGARD: And she's a court reporter.

22 MS. LOECHEL: Yell, she's a court reporter local here, that she and
23 basically she wasn't there all that often and I think
24 that her secretary was only over there like a couple
25 of days a week just because they needed a place to

1 set up their stuff while they were in town. She's
2 now, I think, working out of Frank Cardis's office,
3 or I think she was the last that I heard. I haven't
4 needed her for a while and uh, he became concerned
5 because she had our address, my address for a short
6 amount of time and then he began, I know that there
7 was some kind of allegations that had to do with
8 somebody that was related to her or working with
9 her or something, I'm sorry, I just don't remember
10 a whole lot of the details of that but he did take uh,
11 tried to cast some aspersions on Marlene and like I
12 said, Marlene was just the court reporter, the one
13 who sits there and when we did depositions of his
14 mother is the one who typed up everything and
15 signed off on it.

16 MR. NEGANGARD: So he tried to, on his blog, he tried to make
17 suggestions as to her character and all she was, was
18 a court reporter on the case.

19 MS. LOECHEL: That's correct.

20 MR. NEGANGARD: And she shared office space at the same location as
21 you at the time.

22 MS. LOECHEL: At one time and didn't share office space actually at
23 the time...

24 MR. NEGANGARD: ...that that occurred.

25 MS. LOECHEL: ...that the deposition occurred.

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

1 MR. NEGANGARD: Does anyone else have any more questions?
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3 did he buy this gun?
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18 whole truth and nothing but the truth? And do you
19 further solemnly swear or affirm that you will not
20 divulge any portion of your testimony before this
21 grand jury except when legally called upon to do
22 so?
23 MS. HUMPHREY: I do.
24 MR. NEGANGARD: Um, would you please state your name for the
25 record please?

1 MS. HUMPHREY: Heidi Humphrey.
2 MR. NEGANGARD: And Ms. Humphrey, you are married to James
3 Humphrey who is the Judge of the Dearborn and
4 Ohio Circuit Court. Is that correct?
5 MS. HUMPHREY: Correct.
6 MR. NEGANGARD: And if you could, how long have you been married
7 to Judge Humphrey?
8 MS. HUMPHREY: It will be twenty-six (26) years in April.
9 MR. NEGANGARD: And Judge Humphrey was previously the prosecutor
10 for Dearborn and Ohio County. Is that correct?
11 MS. HUMPHREY: Correct.
12 MR. NEGANGARD: Do you know what year he started as prosecutor?
13 MS. HUMPHREY: Well we were married in '85. I believe he took
14 office in '87, maybe '86.
15 MR. NEGANGARD: And he was the prosecutor for eight (8) years?
16 MS. HUMPHREY: Correct.
17 MR. NEGANGARD: And then he went into private practice for a short
18 period of time?
19 MS. HUMPHREY: Four (4) years but then he was also Deputy
20 Prosecutor, I believe for a period of time.
21 MR. NEGANGARD: And then he's been Judge of the Dearborn-Ohio
22 Circuit Courts since 1998. Is that correct?
23 MS. HUMPHREY: Correct.
24 MR. NEGANGARD: And um, recently um, your name has come up in a
25 case involving Daniel Brewington and Melissa

1 Brewington. Are you familiar with that?

2 MS. HUMPHREY: I'm familiar a little, yes.

3 MR. NEGANGARD: You're familiar that your name came up. Um,

4 could you tell the Grand Jury how you came to

5 know that your name had been used?

6 MS. HUMPHREY: I received, I started receiving letters addressed to me

7 regarding basically information about my husband

8 that if anyone wanted to comment on Mr.

9 Brewington and any dealings he had with my

10 husband, that they were to contact me.

11 MR. NEGANGARD: And how many letters did you receive?

12 MS. HUMPHREY: Three (3).

13 MR. NEGANGARD: And um, with regard to those letters, were there

14 anything in those letters that was threatening?

15 MS. HUMPHREY: Nothing threatening to me.

16 MR. NEGANGARD: But you did receive these letters. Um, when you

17 received them, were you surprised by them?

18 MS. HUMPHREY: Extremely surprised. We do not have our address

19 published in the telephone book. We have not done

20 that since he was elected Prosecuting Attorney, so

21 twenty (20) some years ago. Uh, we do have our

22 phone number listed. We feel we need to be

23 accessible to the public for that reason but certainly

24 our address, we do not. The mailings, letters, came

25 to me, um, to our home address and by people I

1 don't even know. I don't know this man. I opened
2 the first one, read it, did not understand it, and then
3 the other two (2) letters, as soon as they came, I
4 turned over to Jim, didn't even open them.
5 MR. NEGANGARD: So you gave all those letters to Judge Humphrey.
6 Correct?
7 MS. HUMPHREY: Yes.
8 MR. NEGANGARD: And um, how did you come to find out how your
9 name, um, you've never received any letters from
10 people on a case that was in front of your husband.
11 Correct?
12 MS. HUMPHREY: No.
13 MR. NEGANGARD: Um, you've never received any letters directly from
14 any individual he prosecuted. Is that correct?
15 MS. HUMPHREY: Never.
16 MR. NEGANGARD: Um, so in over twenty (20) years of public service
17 by your spouse, you've never have gotten put in the
18 middle of a case?
19 MS. HUMPHREY: No.
20 MR. NEGANGARD: And um, when you received these letters and
21 advised your husband about them, what did you
22 come find out how your name and address had got
23 disclosed?
24 MS. HUMPHREY: My husband had told me there was a case involving
25 this man before him and prior to that, um, my

1 husband asked and I don't if the case was pending
2 or not. I don't know where it was in the process.
3 He doesn't discuss any of that with me so I'm vague
4 with that. However, I did receive a phone call from
5 him one evening saying that he would be a little late
6 coming home and that's not unusual and he said I'll
7 explain when I get home. When he came home, he
8 had someone escort him home and at that time he
9 told me that a case he was working on, uh, this man
10 was seen outside the courthouse. He didn't go into
11 a lot of detail at that point and he said we need to sit
12 down and talk. Basically he told me that we need to
13 be very aware of this gentlemen. He said he would
14 get a description for me and that we needed to
15 contact our son's school. We have an older son at
16 Hanover and we have Alex, our younger son, at
17 Lawrenceburg High School. We had to contact
18 those individuals to let them know that this man
19 could be a possible threat to our family and then
20 um, I, at that time I worked at the airport. I had a
21 very early morning shift. I had to be there at 5:30 so
22 I had to leave the house around 4:30 or so and at
23 that point he asked a police officer to escort me
24 from our home to the state line and when I arrived
25 there, I went to my immediate supervisors and

1 explained to them that there was a case dealing with
2 my husband that a man had made threats to him, not
3 to me but my name was brought up and that they
4 needed to be made aware that if I never, I have
5 worked there almost ten (10) years. I have a perfect
6 attendance, um, for the most part, the two (2) or
7 three (3) days I was ill, I did call in well in advance
8 which we are required to do and I told them if I ever
9 never showed up or never called, immediately
10 contact my husband and Sheriff's department.
11 MR. NEGANGARD: So on finding out about this, you took steps, you
12 notified the security or police agencies in Madison.
13 MS. HUMPHREY: John attends Hanover college, yes.
14 MR. NEGANGARD: Hanover, Jefferson County – you've notified the
15 local Lawrenceburg police and Sheriff's department
16 based upon your, and notified school officials based
17 on your younger son, Alex, attending
18 Lawrenceburg.
19 MS. HUMPHREY: Correct.
20 MR. NEGANGARD: And you notified your employer at the airport?
21 MS. HUMPHREY: Correct.
22 MR. NEGANGARD: And when he was um, that one instance where you
23 thought he may have been seen outside the
24 courthouse, you were escorted the following day.
25 MS. HUMPHREY: Yes I was.

1 MR. NEGANGARD: And is it fair to say in over twenty (20) years and I
2 don't have that exact number of years at my
3 disposal, but having been a prosecutor or judge for a
4 number of years, is it fair to say that these are not
5 steps that you have taken regularly?

6 MS. HUMPHREY: We had one other incident uh, I don't remember the
7 date. I'm not even sure if our sons were born. Uh,
8 John is twenty (20) and Alex is eighteen (18), where
9 my husband had a case and there were threats made
10 to him and to me. Um, and uh, we notified the
11 police at that time to just keep an eye on things and
12 our immediate neighbors to the left and right, we
13 just said if anyone is lurking around the house, let
14 us know and that's what we did then.

15 MR. NEGANGARD: And that was when he was prosecutor?

16 MS. HUMPHREY: That's when he was prosecutor. At no time has my
17 name ever been associated with uh, and even at that
18 time, the gentleman never mentioned me by name.
19 I've never had anything mailed to the house to me,
20 uh, it is very unsettling to me to have this. My
21 husband's a public servant. We realize we're in the
22 public eye but for this to happen, we look over our
23 shoulders even now. I'm aware of my surroundings
24 more so. I am aware of a vehicle this man drives
25 and if I ever see that vehicle near me, then I am

1 instructed to drive immediately to the nearest law
2 enforcement agency. I don't like living like this nor
3 should I.

4 MR. NEGANGARD: Um, did you ever read the document where he
5 posted your name and address?

6 MS. HUMPHREY: No.

7 MR. NEGANGARD: And you're aware that he said you were the ethics
8 and professionalism committee advisor?

9 MS. HUMPHREY: Yes, that's how the letters, I believe came
10 addressed. I haven't seen the letter since I turned
11 them over.

12 MR. NEGANGARD: And um, up until a few days ago, is it fair to say you
13 didn't even recall that you had been part of the
14 ethics and professionalism committee?

15 MS. HUMPHREY: I did not remember being a part of that. That was
16 back in 2004 and it was a committee that I was
17 asked as a spouse to be on uh, for the judicial
18 individuals and our purpose was to advise or to plan
19 activities for incoming spouses of new judges. I
20 attended one meeting - that was back, I think I was
21 asked to be on in 2004. I don't remember when I
22 attended that meeting. It was several years ago and
23 to the point I haven't even been contacted. I
24 truthfully did not remember being on that, even
25 when all this came up. I just, it was out of my mind.

1 It's been that long ago.

2 MR. NEGANGARD: Well because it has never been part of your role to
3 um, deal with ethical, alleged ethical violations of
4 judicial officers.

5 MS. HUMPHREY: No. This sole purpose of that committee in my
6 capacity or any spouse's capacity was to plan
7 activities, basically act as host and hostesses for the
8 new judicial spouses to say here's kind of what your
9 husband or wife is getting into or significant other
10 and children, things like that.

11 MR. NEGANGARD: Was it to be some sort of like family out-reach type
12 thing for...

13 MS. HUMPHREY: It was a family out-reach, um...

14 MR. NEGANGARD: ...people coming into the profession of judge?

15 MS. HUMPHREY: ...that's all, it was just so you can discuss what's it
16 like being a spouse of a judiciary.

17 MR. NEGANGARD: I think I'll put this letter in with Judge Humphrey.
18 Is there anything else you would like to tell the
19 Grand Jury about this?

20 MS. HUMPHREY: Other than and as I said before, I don't like living
21 like this. There's no reason to bring my name or
22 our address into a proceeding even like this.
23 There's no reason for that man or anyone who has
24 any dealings with my husband in court to contact
25 me or possibly our sons. Um, this is wrong and as I

1 said, I'm constantly looking over my shoulder or
2 even more aware of surroundings. We all should be
3 that way but I take it to the next level. I don't like
4 that and again there's no reason for this man to have
5 my name or mail things to our address.

6 MR. NEGANGARD: And prior to that incident, you did not um, your
7 husband had been judge for several years and
8 presided over murder cases, rape cases, child molest
9 cases, you've never felt the need...

10 MS. HUMPHREY: No.

11 MR. NEGANGARD: ...to and when he was prosecutor he had a number
12 of murder cases with exception of that one incident
13 back when he was prosecutor, there never had been
14 another time that you felt threatened.

15 MS. HUMPHREY: Never. They have never called our home. The
16 public has never called our home asking for me
17 personally to talk to my husband about a case.
18 We've never been, I've never been approached
19 outside of our home regarding anything he's ever
20 ruled on, uh, we don't even try to associate his name
21 with anything. When we're out in public - he's
22 Jim, I'm Heidi. Even our son's friends don't
23 address him as judge - it's Mr. and Mrs. We don't
24 try to draw attention to ourselves in any way, shape
25 or form.

1 MR. NEGANGARD: Thank you. I don't have any further questions.
2 JUROR: Do you work at the airport?
3 MS. HUMPHREY: I did until May of last year.
4 JUROR: And may I ask in what capacity?
5 MS. HUMPHREY: I was a gate agent. I hope I didn't deny your
6 boarding.
7 JUROR: Uh, no, no. I'm a retired (indiscernible). Anyway,
8 were you in any way concerned with aviation
9 safety?
10 MS. HUMPHREY: With aviation safety?
11 JUROR: Yell.
12 MS. HUMPHREY: No. I felt this was directed at me.
13 JUROR: There would be no one else involved?
14 MS. HUMPHREY: No. I did ask and I did tell my supervisors that if I
15 was going through the list of passengers on the
16 flight which you have to do, if I ever saw this man's
17 name, I would ask to be removed from that flight,
18 uh, but no I never felt, and that perhaps is why I
19 even brought it up to them, let them make that
20 decision as well.
21 JUROR: Okay, thank you.
22 JUROR: Do you find yourself having to plan to make any
23 personal changes in your life? Like having to sell
24 your house or anything like that?
25 MS. HUMPHREY: No, we will not sell our home. We will not be

1 intimidated. What we do though, as I said, we, even
2 coming here today, I wanted to make sure this man
3 was no where around here. I called my husband and
4 said where do you want me to be. There are ways
5 into this office, into the courthouse, that I don't
6 have to be out in the public view, but no we have no
7 intention of selling and even if we did, he found our
8 address before. He certainly could find it again.

9 JUROR: Thank you.

10 MR. NEGANGARD: Thank you. Any other questions? And um, Ms.
11 Humphrey, I would just remind you that there's an
12 obligation not to disclose any of your testimony.

13 MS. HUMPHREY: I believe I understand that.

14 MR. NEGANGARD: Okay, thank you.

15 MS. HUMPHREY: Thank you.

16 MR. NEGANGARD: Okay, let the record show that Sheriff Kreinhop has
17 been recalled to the stand um, and I'll remind you
18 that you're still under oath.

19 MR. KREINHOP: Yes sir.

20 MR. NEGANGARD: Um, Sheriff, uh, in your investigation, um, I think
21 an issue has been brought up about the 357
22 magnum. I think there's been some confusion. If
23 you want to clarify that the application for the
24 handgun and permit was filed after...

25 MR. KREINHOP: ...after the divorce was filed.

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2 coming here today, I wanted to make sure this man
3 was no where around here. I called my husband and
4 said where do you want me to be. There are ways
5 into this office, into the courthouse, that I don't
6 have to be out in the public view, but no we have no
7 intention of selling and even if we did, he found our
8 address before. He certainly could find it again.
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11 Humphrey, I would just remind you that there's an
12 obligation not to disclose any of your testimony.
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15 MS. HUMPHREY: Thank you.
16 MR. NEGANGARD: Okay, let the record show that Sheriff Kreinhop has
17 been recalled to the stand um, and I'll remind you
18 that you're still under oath.
19 MR. KREINHOP: Yes sir.
20 MR. NEGANGARD: Um, Sheriff, uh, in your investigation, um, I think
21 an issue has been brought up about the 357
22 magnum. I think there's been some confusion. If
23 you want to clarify that the application for the
24 handgun and permit was filed after...
25 MR. KREINHOP: ...after the divorce was filed.

1 MR. NEGANGARD: But we're not certain when he actually purchased it.
2 MR. KREINHOP: That's correct. We are, uh, I'm having my staff
3 check those records at this time, however under
4 normal conditions, it's not required to register
5 firearms uh, so um, but we're checking. Since he
6 lived in Ripley County, we were checking the
7 Sheriff's department and uh, it's a voluntary thing
8 with the register of your weapon and uh, there are of
9 course records kept by the merchant that sells them
10 and so they are trying to contact the individual
11 firearms dealers in Ripley County as we speak.
12 MR. NEGANGARD: But it's possible he owned that 357 magnum for a
13 period of time.
14 MR. KREINHOP: Yes.
15 MR. NEGANGARD: He just didn't apply for the permit, uh, personal
16 protection permit until the divorce was filed.
17 MR. KREINHOP: That's correct.
18 MR. NEGANGARD: And the personal protection permit is what you need
19 authorized to carry the firearm on your person.
20 MR. KREINHOP: Yes. You can carry a firearm in your car unloaded
21 to transport from one location to the next without a
22 permit. You can keep it in your home and your
23 place of business without permits as well. But to
24 carry in public or in open view, a permit must be
25 obtained.

1 MR. NEGANGARD: Thank you, now before I go onto the next issue,
2 does anyone have any further questions about the
3 firearms? Alright, uh, Mike, I'm just going, Sheriff,
4 I'm just going to go through, there's a number of
5 exhibits you collected as part of your investigation.
6 Is that correct?

7 MR. KREINHOP: Yes.

8 MR. NEGANGARD: And Grand Jury Exhibit 131 is item #3 and that was
9 a motion filed by Dan Brewington. Is that correct?

10 MR. KREINHOP: Yes.

11 MR. NEGANGARD: And it was filed after the court issued its final order
12 in the decree?

13 MR. KREINHOP: That was filed by Dan Brewington in response to
14 the divorce decree.

15 MR. NEGANGARD: And uh, did you obtain that from Judge Humphrey?

16 MR. KREINHOP: Yes I did.

17 MR. NEGANGARD: We'll show Grand Jury Exhibit 131 is admitted.
18 I'm going to show you Grand Jury Exhibit 132.
19 That was item #4 collected by you for today.

20 MR. KREINHOP: I received that from Angela Loechel.

21 MR. NEGANGARD: And that was a letter that he had sent around that he
22 sent to like every attorney in the area?

23 MR. KREINHOP: Yes.

24 MR. NEGANGARD: That basically attacked Dr. Conner and Judge
25 Humphrey.

1 MR. KREINHOP: That's correct.

2 MR. NEGANGARD: Or he didn't really accuse Judge Humphrey, or yell,
3 it said Judge Humphrey ripped my children away
4 from me without warning, no arrest, no charges.

5 MR. KREINHOP: There was mention of both the judge and Dr.
6 Conner in the document.

7 MR. NEGANGARD: So that is Grand Jury Exhibit 132. I'm showing you
8 Grand Jury Exhibit 133 and ask if you, and to be
9 clear, I contacted you for you to begin the
10 investigation because I was contacted by Angela
11 Loechel. Correct?

12 MR. KREINHOP: That's correct.

13 MR. NEGANGARD: Judge Humphrey did not initiate any?

14 MR. KREINHOP: No, he did not.

15 MR. NEGANGARD: Uh, Grand Jury Exhibit #133 is your item #5. Who
16 did you get that from?

17 MR. KREINHOP: This also was received from Angela Loechel.

18 MR. NEGANGARD: And that's a letter he sent to the Hamilton County
19 Department of Family Services. Correct?

20 MR. KREINHOP: Yes.

21 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 134 which is
22 item #6, and ask if you can identify that.

23 MR. KREINHOP: This is a copy of a letter that I also received from
24 Ms. Loechel and this had been previously addressed
25 and received by her from Dan Brewington.

1 MR. NEGANGARD: I'm showing you a copy of, I'll show 134 admitted.
2 I'm showing you Grand Jury Exhibit 135.
3 MR. KREINHOP: Again this document I received from Angela
4 Loechel and it's communication that she had
5 received from Dan Brewington including a filing
6 that he had made with the Ripley County Circuit
7 Court.
8 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 136 and that's
9 designated as item #8 in your case report and ask if
10 you can identify that.
11 MR. KREINHOP: This is a document that I received from Ms. Loechel
12 and it was a motion to clarify and to reconsider uh,
13 that had been filed by Dan Brewington, again with
14 the Ripley Circuit Court.
15 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 137 and ask if
16 you can identify that.
17 MR. KREINHOP: This is a motion to grant relief from judgment and
18 order filed by Daniel Brewington with the Ripley
19 Circuit Court. I also received this document from
20 Angela Loechel.
21 MR. NEGANGARD: We'll show that 137 is admitted to the Grand Jury.
22 I'm showing you what I've marked for
23 identification as Grand Jury Exhibit 138.
24 MR. KREINHOP: I received this from Angela Loechel as well and it's
25 a letter addressed to her from Daniel Brewington.

1 MR. NEGANGARD: I'll show Grand Jury Exhibit 138 is admitted. I'm
2 showing you Grand Jury Exhibit 139.

3 MR. KREINHOP: This also is a document that I received from Ms.
4 Loechel and it's a letter to her again from Daniel
5 Brewington.

6 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 140, item #12
7 of your case report.

8 MR. KREINHOP: Uh, this is also a letter and a motion filed with the
9 Ripley Circuit Court by Daniel Brewington and I
10 received it from Angela Loechel.

11 MR. NEGANGARD: I'm showing Grand Jury Exhibit 140 is admitted.
12 I'm showing you what's marked for identification as
13 Grand Jury Exhibit 141.

14 MR. KREINHOP: I received this from Angela Loechel as well and this
15 is an internet posting that she had printed out from
16 the internet and she provided these copies, or this
17 copy to me. Dan Brewington was the author of that
18 internet posting.

19 MR. NEGANGARD: Grand Jury Exhibit 143, I'll show you a copy of
20 that.

21 MR. KREINHOP: This is a letter to Mary Jo Pollack, authored by Dan
22 Brewington and I had received this document from
23 Dr. Conner.

24 MR. NEGANGARD: And the testimony was that Mary Jo Pollack was
25 treating Melissa Brewington and um, this was in

1 November of (indiscernible) and that is uh, she was
2 treating Melissa and this was an effort for him to
3 contact her. Correct?
4 MR. KREINHOP: Yes.
5 MR. NEGANGARD: I'm showing Grand Jury Exhibit 143 admitted. I'm
6 showing you Grand Jury Exhibit 144 but I believe
7 we already entered that, an application for a
8 handgun license. I'm showing Grand Jury Exhibit
9 144, that's the application for the handgun license.
10 Is that correct?
11 MR. KREINHOP: Yes. That's with the Ripley County Sheriff's
12 department. This is the document that I testified to
13 earlier.
14 MR. NEGANGARD: Is the date on that 1/22/2007?
15 MR. KREINHOP: Yes.
16 MR. NEGANGARD: The dissolution was filed January 8, 2007 and this
17 was...
18 MR. KREINHOP: ...two (2) weeks to the day, yes.
19 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 145 and ask if
20 you can identify that.
21 MR. KREINHOP: This is a motion filed by Dan Brewington for
22 correction, this was actually filed by Thomas
23 Blondell on behalf of Daniel Brewington with the
24 Ripley Circuit Court and it's a motion where they
25 have agreed with the custody evaluation.

1 MR. NEGANGARD: Right. This is what Angela Loechel had testified to,
2 the agreed order for the custody evaluation.
3 Correct?
4 MR. KREINHOP: Yes.
5 MR. NEGANGARD: It shows both Thomas Blondell was his attorney at
6 the time and Angela Loechel signed off on it.
7 MR. KREINHOP: Yes. It's actually an order from the court.
8 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 146 and ask if
9 you can identify that.
10 MR. KREINHOP: This is a copy of a fax that I received from Angela
11 Loechel or actually I believe I received this from Dr.
12 Conner and um, it's a message from Helen Busse to
13 her and it was sent to her from Dr. Conner.
14 MR. NEGANGARD: I'm showing you what's marked Grand Jury Exhibit
15 148 and ask if you can identify that. 148?
16 MR. KREINHOP: Uh, this is a letter that Daniel Brewington, I
17 received this from Dr. Conner and this was a letter
18 sent to, addressed to Anita from Dan and it also has
19 an authorization form attached to it that Brewington
20 signed.
21 MR. NEGANGARD: I'll show 148's admitted. Grand Jury Exhibit 149,
22 can you identify that? This is a document you
23 obtained from Dr. Conner. Is that correct?
24 MR. KREINHOP: Yes, that's correct. This is a letter that I obtained, a
25 copy of a letter that I obtained from Dr. Conner and

1 the letter is addressed to Dr. Conner from Dan
2 Brewington.

3 MR. NEGANGARD: I'm showing 149 is admitted. I'm showing you
4 Grand Jury Exhibit 150.

5 MR. KREINHOP: This is a letter addressed to uh, Melissa Brewington
6 from Dan. I received this from Dr. Conner. The
7 next exhibit 151 is a letter sent to Dan Brewington
8 from Thomas (indiscernible) from the Affinity
9 Center and this was received from Dr. Conner.

10 MR. NEGANGARD: I'm showing 151's admitted. I'm showing you
11 what's marked 152 (indiscernible) e-mails.

12 MR. KREINHOP: This is copies of e-mails correspondence between
13 Dan Brewington and his then attorney, Tom
14 Blondell and I received this copy from Dr. Conner.

15 MR. NEGANGARD: I'm showing you what's marked uh, I'll show 152
16 admitted. I'm showing you what's marked Grand
17 Jury Exhibit 153.

18 MR. KREINHOP: Uh, this is a letter from Dr. Conner to Judge Taul,
19 the Judge of the Ripley Circuit Court and there was
20 actually two documents attached to this and I
21 received these documents from Dr. Conner.

22 MR. NEGANGARD: And those are the copies to their attorneys?

23 MR. KREINHOP: Yes, that's correct.

24 MR. NEGANGARD: I'm showing you what's, I'm showing 153's
25 admitted. I'm showing you Grand Jury Exhibit 154.

1 MR. KREINHOP: Uh, this is a letter addressed to Dr. Conner by Dan
2 Brewington and I received this copy from Dr.
3 Conner.
4 MR. NEGANGARD: I'm showing 154 admitted. I'm showing you Grand
5 Jury Exhibit 155.
6 MR. KREINHOP: This is a letter from Dan Brewington to Dr. Conner
7 and uh, I received this copy from Dr. Conner as
8 well.
9 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 156. I'll show
10 155 admitted. I'm showing you Grand Jury Exhibit
11 156 and ask if you can identify that.
12 MR. KREINHOP: This is a letter from Dr. Conner to Dan Brewington
13 and I received this copy from Dr. Conner.
14 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 157 and ask if
15 you can identify that.
16 MR. KREINHOP: This is a letter from Dan Brewington to Dr. Conner
17 and I received this copy from Dr. Conner.
18 MR. NEGANGARD: And to be clear so there's no confusion, um, Grand
19 Jury Exhibit 142, Dr. Conner produced these
20 pursuant to a subpoena issued by the court.
21 Correct?
22 MR. KREINHOP: That's correct. This is a copy of the subpoena.
23 MR. NEGANGARD: I'll show Grand Jury Exhibit 142 admitted. I'm
24 showing you what's marked for identification as
25 Grand Jury Exhibit 158 and ask if you can identify

1 that.

2 MR. KREINHOP: This is a letter from Dan Brewington to Dr. Conner

3 and I received this copy from Dr. Conner.

4 MR. NEGANGARD: I'll show Grand Jury Exhibit 158 is admitted. I'm

5 showing you Grand Jury Exhibit 159 and ask if you

6 can identify that.

7 MR. KREINHOP: This is a letter from Dr. Conner to Dan Brewington

8 and I received this copy from Dr. Conner.

9 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 160 and ask if

10 you can identify that.

11 MR. KREINHOP: This is a letter from Dr. Conner to Judge Carl Taul,

12 Ripley Circuit Court Judge, and I received this copy

13 from Dr. Conner.

14 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 161 and ask if

15 you can identify that.

16 MR. KREINHOP: Uh, this is a letter from Judge Taul to Dr. Conner

17 and attached to it is an order from the Court and I

18 received these copies from Dr. Conner.

19 MR. NEGANGARD: I'll show that Grand Jury 161 has been admitted.

20 I'm showing you Grand Jury Exhibit 162 and ask if

21 you can identify that.

22 MR. KREINHOP: Uh, this is uh, actually three (3) things. It's a fax

23 cover letter. I received all of these from Dr. Conner.

24 It's a fax cover letter and attached to it is a copy of

25 a letter from Dan Brewington to Dr. Conner and

1 also attached is an order from Judge Taul.

2 MR. NEGANGARD: I'll show you Grand Jury Exhibit, or I'll show that

3 162 is admitted. I'm showing you Grand Jury

4 Exhibit 163 and ask if you can identify that.

5 MR. KREINHOP: This is a letter from Dr. Conner to Dan Brewington

6 and I received this copy from Dr. Conner.

7 MR. NEGANGARD: I'm showing you Grand Jury, I'll show that 163's

8 admitted. I'm showing you Grand Jury Exhibit 164

9 and ask if you can identify that.

10 MR. KREINHOP: Uh, 164 is a faxed cover sheet. Attached to it is a

11 letter to Dr. Conner from Dan Brewington and

12 attached to that are copies of the ethical principles

13 of psychologists code of conduct and I received

14 these copies from Dr. Conner.

15 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 165 and ask if

16 you can identify that.

17 MR. KREINHOP: It's a faxed cover letter and attached to it is a letter

18 from Dan Brewington to Dr. Conner and also

19 attached is an order from the Ripley Circuit Court

20 and I received all documents from Dr. Conner.

21 MR. NEGANGARD: I'll show that 164 and 165 are admitted. I'm

22 showing you Grand Jury Exhibit 166 and ask if you

23 can identify that.

24 MR. KREINHOP: Uh, it's a letter to Dr. Conner from Dan Brewington

25 and uh, it also has attached to it, an additional letter

1 to Dr. Conner from Dan Brewington and I received
2 these copies from Dr. Conner.

3 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 167. I'll show
4 166 admitted. I'm showing you Grand Jury Exhibit
5 167 and ask if you can identify that.

6 MR. KREINHOP: Uh, this is a copy of a faxed cover sheet, uh sent to
7 Dan Brewington from Dr. Conner and attached to it
8 is a letter addressed to Mr. Brewington issued by an
9 Ellen Busse who is the secretary to Dr. Conner and I
10 received these copies from Dr. Conner.

11 MR. NEGANGARD: I'll show 167 admitted. I'm showing you Grand
12 Jury Exhibit 168 and ask if you can identify that.

13 MR. KREINHOP: This is a letter from Dan Brewington to Angela
14 Loechel and I received this copy from Dr. Conner as
15 well.

16 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 169 and ask if
17 you can identify that.

18 MR. KREINHOP: It's a copy of a faxed cover sheet and attached to it
19 is a letter to Dr. Conner from Dan Brewington and I
20 received these copies from Dr. Conner.

21 MR. NEGANGARD: I'll show 168 and 169 admitted. It's five after
22 twelve (12:05) and we'll take a lunch break. Let the
23 record show that the State has called to testify the
24 honorable Judge James Humphrey of the Dearborn-
25 Ohio Circuit Court. Mr. Foreman, would you swear

1 the witness in?

2 FOREMAN: Yes I will. Do you solemnly swear or affirm that

3 the testimony you are about to give in the matter

4 now under consideration by the grand jury will be

5 the truth, the whole truth and nothing but the truth?

6 And do you further solemnly swear or affirm that

7 you will not divulge any portion of your testimony

8 before this grand jury except when legally called

9 upon to do so?

10 JUDGE HUMPHREY: I do.

11 MR. NEGANGARD: Judge, would you please state your name for the

12 record?

13 JUDGE HUMPHREY: James, middle initial D, Humphrey. Humphrey –

14 H-U-M-P-H-R-E-Y.

15 MR. NEGANGARD: And you are currently and have been the judge of

16 the Dearborn-Ohio Circuit Courts since 1998. Is

17 that correct?

18 JUDGE HUMPHREY: Elected 1998, took office January 1, 1999.

19 MR. NEGANGARD: Okay. And as part of your duties as judge, you

20 became special judge in a Ripley Circuit Court case

21 involving a Melissa and Daniel Brewington. Is that

22 correct?

23 JUDGE HUMPHREY: That's correct.

24 MR. NEGANGARD: And at this time, you are no longer presiding over

25 those proceedings?

1 JUDGE HUMPHREY: That's correct also.

2 MR. NEGANGARD: And um, at some point during these proceedings,
3 did you become aware of internet postings that Mr.
4 Brewington had posted that targeted or placed on
5 the internet, your wife's name and address?

6 JUDGE HUMPHREY: I did.

7 MR. NEGANGARD: Could you tell us how you came about that
8 information?

9 JUDGE HUMPHREY: As I recall it occurred two (2) ways and I don't
10 recall which occurred first. I recall receiving
11 pleadings that was filed in the case which I believe
12 had as an attachment one of these internet postings,
13 which specifically named my wife and home
14 address. I also received telephone calls from one
15 (1), maybe (2) persons within the courthouse
16 administration system. I don't recall which
17 occurred first.

18 MR. NEGANGARD: Okay and um, I'll show you what's marked Grand
19 Jury Exhibit 131. Is that, sorry your honor, give me
20 a moment, I want to get the attachments to that.
21 Um, that's not, 131's not that motion, but it's not
22 the original but the original motion filed in your
23 court contained that motion and attached to it was a
24 letter from Dan Brewington. Is that correct?
25 Similar to what's on Grand Jury Exhibit 101.

1 JUDGE HUMPHREY: If I could have just a moment to review the
2 attachment. I do not believe this is the attachment
3 that was part of the pleading. I believe it was a
4 different attachment.

5 MR. NEGANGARD: Okay. Was the attachment um, for some reason our
6 copy does not have the attachment. Was the
7 attachment similar to what's on the first seven (7)
8 pages of 101?

9 JUDGE HUMPHREY: If I could have just a moment. I recall page 7, the
10 last part of that appears to be...

11 MR. NEGANGARD: Okay.

12 JUDGE HUMPHREY: ...content-wise, the same. I believe that the copy
13 that was attached to my motion may have been in a
14 different form, maybe more of a letter format.

15 MR. NEGANGARD: Okay.

16 JUDGE HUMPHREY: If I recall correctly.

17 MR. NEGANGARD: Um, and that motion was filed. It was a motion for
18 to grant...what was the motion that I showed you?

19 JUDGE HUMPHREY: The motion we have here is a motion to grant relief
20 from judgment and order.

21 MR. NEGANGARD: So this motion was filed and there was an
22 attachment similar to the content in Grand Jury
23 Exhibit 101. Is that a fair statement? And we can
24 get the original and supplement that.

25 JUDGE HUMPHREY: The only caution I have Mr. Negangard, is that there

1 were a lot of motions filed and this motion, time-
2 wise, would have been approximately the right time
3 as I recall. I believe it is the same motion that we
4 referred to but uh, I do recall. The main thing I
5 recall is the attachment and at the end of that
6 attachment which was a letter, I believe, the same as
7 what you've given me in pages one (1) through
8 seven (7) and I specifically recall the end of it which
9 obviously has my wife's name and my home
10 address.

11 MR. NEGANGARD: And that's how you found out that your...there was
12 two (2) ways you found out. You found out from
13 public officials who contacted you and the motion
14 that had the attachment, that posted your wife's
15 name.

16 JUDGE HUMPHREY: That's correct.

17 MR. NEGANGARD: And what was your reaction to reading that?

18 JUDGE HUMPHREY: Well the reaction was, the first reaction was what
19 does my wife have to do with all of this and
20 obviously was not very pleased that she had been
21 named in something and that my personal address
22 was listed on the internet.

23 MR. NEGANGARD: And you don't have your personal address um, on
24 the, in a public, you don't have it listed in a public
25 (indiscernible)?

1 JUDGE HUMPHREY: We do not.
2 MR. NEGANGARD: And you are listed in the phone book though.
3 Correct?
4 JUDGE HUMPHREY: We are.
5 MR. NEGANGARD: And you have not gotten an unlisted number since
6 you've been in public service.
7 JUDGE HUMPHREY: Never have.
8 MR. NEGANGARD: Now were there statements in this motion that were
9 concerning and I want to refer to you page um, nine
10 (9) that says um, he stated, if you could read the first
11 sentence in the second paragraph.
12 JUDGE HUMPHREY: The paragraph beginning with my name?
13 MR. NEGANGARD: Yes.
14 JUDGE HUMPHREY: It says Judge James Humphrey conducted himself in
15 a willful malicious and premeditated manner in
16 punishing the Respondent for attempting to protect
17 the parties minor children and the public for the
18 unlawful actions of Dr. Edward J. Conner. Judge
19 Humphrey robbed the Respondent's parenting rights
20 as revenge for fighting injustice. Judge Humphrey's
21 actions have caused irreparable damage to the
22 Respondent's children and the court mandated child
23 abuse.
24 MR. NEGANGARD: So in this, he's alleging you for being willful and
25 malicious and robbing him of his parenting rights as

1 revenge. Is that correct?

2 JUDGE HUMPHREY: That's what it says.

3 MR. NEGANGARD: And in that, does he indicate that he'll be posting
4 that pleading in (indiscernible)?

5 JUDGE HUMPHREY: Um, remaining on page nine (9), fourth (4th) line up
6 from the bottom, it says Respondent will be posting
7 this pleading and the attached letter on the
8 Respondent's web-sites and will be distributing the
9 information to the public through many avenues.
10 The Respondent will be contacting local attorneys
11 and searching public records of other people who
12 underwent court appointed evaluations or court
13 therapy from Dr. Conner.

14 MR. NEGANGARD: And if you could, if you could read the last page, the
15 last line of the motion before the wherefore, the last
16 sentence on page ten (10).

17 JUDGE HUMPHREY: Referring to page ten (10), fourth (4th) line up from
18 the wherefore clause, uh, says any person, law
19 enforcement agency, etc. who takes action against
20 the Respondent for protecting the Respondent's
21 children and the public from the child abducting
22 tactics of Judge James Humphrey, James
23 Humphrey, will be held personally responsible for
24 their actions.

25 MR. NEGANGARD: So in the context of some very strong language by

1 Dr. Conner, the attached letter contained your wife's
2 name and your guys, you and your family's home
3 residence?
4 JUDGE HUMPHREY: That is correct.
5 MR. NEGANGARD: And that was concerning?
6 JUDGE HUMPHREY: Absolutely.
7 MR. NEGANGARD: What steps did you take because of that?
8 JUDGE HUMPHREY: Well we subsequently contacted ourselves or
9 through the assistance of law enforcement,
10 contacted the Greendale police department which is
11 within the city limits of where I live and I believe
12 they took steps to monitor my house and make sure
13 everything was okay there. We contacted the local
14 school where my one son attends high school. We
15 contacted the college where my other son attends
16 college and I believe contact may have also been
17 made to at least one of the schools by then Officer
18 Kreinhop of the Sheriff's Department. There was at
19 least one day that I recall that the Greendale police
20 department I believe it was, followed my wife to the
21 state line as she was going to work. There was uh, a
22 day that I was contacted at my office, do not leave
23 to go home until you have an escort to go home.
24 We have tried to be vigilant and I can't recall any
25 other steps right now, Mr. Negangard.

1 MR. NEGANGARD: Um, after this letter went out, Dan Brewington did
2 come to your office. Is that correct? He came to the
3 courthouse and (indiscernible). Were you aware of
4 that?

5 JUDGE HUMPHREY: I'm aware that he was there at least one time, maybe
6 more than one time. I don't recall having personal
7 contact with him. I know that some members of my
8 staff did.

9 MR. NEGANGARD: And based upon you know, the very strong language
10 in that and that was ultimately posted on the internet
11 as well as he continued. This wasn't like this was
12 the only instance. There was continued motions and
13 stuff of which he alleged you were malicious and
14 abused his children. Is that correct?

15 JUDGE HUMPHREY: The whole history of the case while I was involved
16 with it, included motions and pleadings containing
17 material similar to what I've seen here.

18 MR. NEGANGARD: And uh, so there was one time you felt to be, or
19 based on the fact that these things had happened that
20 you took steps where your wife was escorted to the
21 state line?

22 JUDGE HUMPHREY: That occurred I believe in close proximity to the
23 time when I was told you need to be escorted home
24 and I know that happened on at least one occasion
25 right after I was advised you need to be escorted

1 home. We took steps for protection of my wife as
2 well.

3 MR. NEGANGARD: And uh, just to clarify, law enforcement, you did not
4 however contact law enforcement with regard to
5 making a complaint.

6 JUDGE HUMPHREY: I did not.

7 MR. NEGANGARD: Law enforcement in fact, Detective Kreinhop came
8 to you having the investigation having been initiated
9 by someone else. Is that correct?

10 JUDGE HUMPHREY: That's correct.

11 MR. NEGANGARD: Now um, alright, if you could, if you could, uh, give
12 your history since you've been in public service.

13 JUDGE HUMPHREY: Well going back to approximately December of
14 1984, I was appointed as a Deputy Prosecuting
15 Attorney, in approximately July, August of 1985,
16 and I recall that because that is the year that Judge
17 Baker, who was Circuit Court Judge for many years
18 who died. I then became Chief Prosecuting Deputy
19 Prosecuting Attorney. I then ran for and was elected
20 Prosecuting Attorney for Dearborn and Ohio
21 Counties and began serving as Prosecuting Attorney
22 in January of 1987. I served two (2) terms. I may
23 have remained as a Deputy Prosecuting Attorney for
24 a few months after those two (2) terms. I then went
25 into private practice and I began serving as Circuit

1 Court Judge for Dearborn-Ohio Counties, January 1,
2 1999.

3 MR. NEGANGARD: So in sum, you are now on your third (3rd) term as
4 Judge. Is that correct?

5 JUDGE HUMPHREY: That's correct.

6 MR. NEGANGARD: Judge's terms are six (6) years?

7 JUDGE HUMPHREY: That's correct.

8 MR. NEGANGARD: Prosecutor's terms are four (4).

9 JUDGE HUMPHREY: That's correct.

10 MR. NEGANGARD: And so you've been in public service either as a
11 Deputy Prosecutor, Chief Deputy Prosecutor or
12 Judge for over twenty (20) years.

13 JUDGE HUMPHREY: That's correct.

14 MR. NEGANGARD: In your capacity in those positions have you had
15 contact with murderers, rapists, child molesters,
16 thieves, the whole game?

17 JUDGE HUMPHREY: I have.

18 MR. NEGANGARD: And multiple, I believe as Prosecutor you had at one
19 time, eight (8) murders pending. Is that correct?

20 JUDGE HUMPHREY: The number of cases that I actually tried as
21 Prosecuting Attorney, I'm pretty sure it was over ten
22 (10).

23 MR. NEGANGARD: And I'm just pointing out that you've had a lot of
24 contact with these types of dangerous individuals.

25 JUDGE HUMPHREY: That's correct. I tried as a Prosecuting Attorney

1 multiple homicides. I've tried multiple serious
2 assault cases. I've tried numerous attempted murder
3 cases. I've tried um, more drug cases than I can
4 name. As Judge, I've tried all the same types of
5 cases. I've tried capital murder cases. I've tried
6 quadruple homicide. I frankly cannot give you an
7 exact number because it's been so long and I'm
8 sorry to say that there's been so many.

9 MR. NEGANGARD: Despite this, over this period of over twenty (20)
10 years of public service, how many times have you
11 and your family felt threatened in a manner in which
12 you were from Mr. Brewington's actions?

13 JUDGE HUMPHREY: I can only recall two (2). One, would you like me to
14 elaborate?

15 MR. NEGANGARD: Yes please.

16 JUDGE HUMPHREY: One I recall when I was Prosecuting Attorney was a
17 gentleman who I prosecuted at least one time for
18 attempting to run someone over with a car and after
19 and I don't recall the exact circumstances how this
20 came about but there was subsequently a threat
21 made, I believe to kill me and to rape my wife and
22 this person lived in close proximity to where I lived
23 at that time and that person after being released
24 from jail later, I believe went to the State of
25 Wisconsin and ran someone over purposely and the

1 last I heard that person was in a vegetative state and
2 this person's in prison for a very long time. There
3 was another one that happened a few years ago
4 which I was at a local event with my wife and a
5 person who had some mental illness confronted me
6 about his guardianship but it was not a physical
7 attack.
8 MR. NEGANGARD: And that person had some serious mental illnesses?
9 JUDGE HUMPHREY: Correct.
10 MR. NEGANGARD: But Mr. Whitaker actually threatened you and your
11 wife but didn't mention your wife's name -- the first
12 one?
13 JUDGE HUMPHREY: I don't believe so.
14 MR. NEGANGARD: And that occurred in the 80's or 80's, early 90's?
15 Sometime when you were prosecutor?
16 JUDGE HUMPHREY: We're looking at either late 80's, early 90's.
17 Frankly, I'm not even sure I had children at the
18 time. I just don't remember. It's been so long.
19 MR. NEGANGARD: Point being, it was a long time ago.
20 JUDGE HUMPHREY: It was.
21 MR. NEGANGARD: So um, to be clear, it's not that anyone who says
22 something, you know, this, these statements by Mr.
23 Brewington were very focused towards, including
24 your wife and your home address and that was
25 particularly disturbing.

1 JUDGE HUMPHREY: It was, not just because of the statements themselves
2 but also to try to make others aware of where me
3 and my family live.

4 MR. NEGANGARD: Okay, now during the course of the proceedings, he
5 did, Mr. Brewington did, at one point he tried to
6 have you recused. Is that correct? Or removed?

7 JUDGE HUMPHREY: As I recall, and again, the only way I can describe
8 the pleadings in this case is voluminous. I'm
9 holding my hand up here on the table and there was
10 a very large stack of pleadings and as best as I can
11 recall, I don't recall if it was a motion to recuse or a
12 motion for change of judge. I just don't remember
13 exactly how it was termed, but the bottom line is
14 yes, I think that was sought.

15 MR. NEGANGARD: And that was denied. You stayed on the case.

16 JUDGE HUMPHREY: Correct.

17 MR. NEGANGARD: And the, at some point, he had internet postings
18 through this case where he was posting what was
19 going on in his case and you were made aware of
20 that by a temporary restraining order in April of
21 2009. Is that correct?

22 JUDGE HUMPHREY: What I recall, is that many times these postings
23 were attached either by Mr. Brewington or by
24 counsel on the other side of the case to their
25 pleadings.

1 MR. NEGANGARD: And in April of 2009, Angela Loechel on behalf of
2 Melissa Brewington asked for a temporary
3 restraining order asking Mr. Brewington to stop
4 basically airing the family's case on the internet. Is
5 that a fair statement?

6 JUDGE HUMPHREY: Yes.

7 MR. NEGANGARD: And there was a hearing on that motion?

8 JUDGE HUMPHREY: There was.

9 MR. NEGANGARD: And you denied the motion but indicated that you
10 would consider evidence, that you might consider
11 evidence presented, well just, if you could, tell the
12 jury.

13 JUDGE HUMPHREY: I think the portion of the order that you're referring
14 to and this is the May 14th, I believe it is May 14,
15 file stamped, 2009, my order dated May 13, the
16 section I believe you were referring to, says the
17 Court may also consider evidence presented at this
18 hearing referring to the motion for temporary
19 restraining order. At this hearing regarding the
20 temporary restraining order in regard to the Court's
21 decision as to visitation and custody and how
22 Respondent's actions may affect the best interest of
23 the children now and in the future.

24 MR. NEGANGARD: So when you denied the motion you suggested that
25 Mr. Brewington consider what he's posting, that

1 that could be taken into consideration in the final
2 hearing. Is that a fair statement?
3 JUDGE HUMPHREY: I guess I tried to make it clear that uh, although
4 again not granting the motion, that these things
5 could be taken into consideration in responding how
6 this may affect the best interest of the children both
7 now and in the future is what I tried to clearly say.
8 MR. NEGANGARD: And that motion, just for the record, that motion is
9 Grand Jury Exhibit 220 and 221 was the order.
10 JUDGE HUMPHREY: That is correct.
11 MR. NEGANGARD: We'll show that those are admitted. Now, um, your
12 wife was a member of the ethics and
13 professionalism committee. Is that correct?
14 JUDGE HUMPHREY: I would say more correctly, she was termed an
15 advisor.
16 MR. NEGANGARD: If you could, she was named in the internet postings
17 by Dan Brewington as a member of the ethics and
18 professionalism committee advisor for Dearborn
19 County and um, but she didn't recall being a
20 member of such committee. It turns out that she
21 was a member an ethics or an advisor to the ethics
22 and professionalism committee. Is that correct?
23 JUDGE HUMPHREY: Yes, I think that's correct.
24 MR. NEGANGARD: And if you could, um, tell the jury, what is the
25 ethics and professionalism committee?

1 JUDGE HUMPHREY: Well there are several different committees set up
2 through the judiciary and I've been on some of them
3 myself. This one in particular, I can't tell you
4 exactly what their duties were, but the exhibit that
5 you provided me, 222, uh, indicates that uh, there
6 were four (4) spouse advisors and my wife was one
7 of them and their role was as it says in here to
8 primarily to suggest activities for spouse and
9 participate as needed.

10 MR. NEGANGARD: And uh, that to be clear, that's something that she
11 was not actively involved in. Is that a fair
12 statement?

13 JUDGE HUMPHREY: The letter here says she attended one (1) meeting. I
14 thought maybe two (2). She was working at the
15 time and I can't, I can't even tell you how many
16 years ago that it's been since she may have attended
17 or even been notified of one of these meetings.

18 MR. NEGANGARD: You received or your wife received letters directed
19 to her from Mr. Brewington's posting that were
20 directed to her based upon that posting. Is that
21 correct?

22 JUDGE HUMPHREY: That's correct.

23 MR. NEGANGARD: Now other than what Mr. Brewington initiated, did
24 your wife ever receive any letters from uh, anyone
25 other than the court that may have, committee

1 member may have said, hey we're having a
2 meeting? She's never received any sort of
3 correspondence at the home regarding any behavior
4 of a judge. Is that a fair statement?

5 JUDGE HUMPHREY: No, I mean...

6 MR. NEGANGARD: Because that's not the role of the ethics and
7 professionalism committee, is it?

8 JUDGE HUMPHREY: It certainly isn't the role of a spouse who's on there
9 as an advisory capacity.

10 MR. NEGANGARD: And uh, the manner, if you could for the jury, tell
11 them, if a judge, is there cannons that judges are
12 supposed to follow?

13 JUDGE HUMPHREY: There is.

14 MR. NEGANGARD: And what are those called?

15 JUDGE HUMPHREY: The code of judicial conduct.

16 MR. NEGANGARD: And if there's a violation of the code of judicial
17 conduct, is there a manner in which that violations
18 are investigated and disciplined when appropriate is
19 imposed?

20 JUDGE HUMPHREY: There is and it's through the judicial qualifications
21 commission.

22 MR. NEGANGARD: And is the manner in which that's done, or is that
23 process and how that process works posted on the
24 internet?

25 JUDGE HUMPHREY: Yes, I believe it is.

1 MR. NEGANGARD: So anyone familiar with the internet could easily
2 look into um, the proper procedure for raising any
3 ethical concerns of a judge?
4 JUDGE HUMPHREY: I believe it's right on the Indiana Supreme Court's
5 web-site.
6 MR. NEGANGARD: And um, I'm showing you two (2) other exhibits,
7 Grand Jury Exhibit 223 and 224. Those were, is
8 223 a motion for mistrial filed by Dan Brewington
9 and 224?
10 JUDGE HUMPHREY: Uh, yes they are.
11 MR. NEGANGARD: And this is, this is an example of kind of the
12 voluminous pleadings you get. You get one
13 pleading in April asking for a mistrial. You get
14 another pleading in May asking for a mistrial again.
15 It looks like it's repetitive.
16 JUDGE HUMPHREY: Correct.
17 MR. NEGANGARD: And in both of these motions, does he make
18 reference and quote the conditions of judicial
19 conduct – Dan Brewington?
20 JUDGE HUMPHREY: It's referenced on page 7 of exhibit 224, the number
21 is slightly cut off at the bottom, I believe what's
22 designated as paragraph 11 of page 5 of exhibit 223.
23 I had not looked through all the attachments, just in
24 the body of the motion, that's where I see it
25 contained.

1 MR. NEGANGARD: So in both those motions, Daniel Brewington
2 indicates an awareness of the cannons of judicial
3 conduct.
4 JUDGE HUMPHREY: Yes.
5 MR. NEGANGARD: I'll show Grand Jury Exhibit 223 and 224 and 222
6 admitted. Your honor, is there any other knowledge
7 that you have pertaining to the case that you feel
8 would be helpful to the Grand Jury?
9 JUDGE HUMPHREY: Well obviously there are a lot of things I know by
10 reading an awful lot of material presented. I don't
11 know of any other specific information relating to
12 the questions that you've given me. I would be
13 happy to answer any other questions that you have.
14 Again, I mean, there's a lot of other things that I
15 have read through these voluminous materials that I
16 have not discussed here today.
17 MR. NEGANGARD: Thank you, your honor. I don't have any further
18 questions. Does anyone have any questions?
19 JUROR: Since the beginning of these divorce proceedings
20 and subsequent to all these motions and internet
21 citings and all this other material, have you felt, do
22 you have any fear of harm coming your way or
23 towards your family from this man? Is there any
24 great percentage change of that happening?
25 JUDGE HUMPHREY: Well uh, folks I have been doing this a long time

1 and I've dealt with a lot of very dangerous and
2 difficult situations and I accept that by doing what I
3 do but to take that additional step to involve my
4 family and my home address, that's going a little
5 too far.

6 JUROR: It's more than just trying to smearing your
7 reputation?

8 JUDGE HUMPHREY: Well you know, I guess we'll just have to let the
9 record speak for itself on that but when you take
10 that additional step, I guess the question that I
11 would ask myself or anyone else is for what reason,
12 for what benefit would my wife be involved in this?
13 For what reason do I need to contact my children's
14 schools to make sure that they're safe? What reason
15 could anyone use to explain this type of conduct,
16 these types of actions? I understand we have a first
17 amendment folks and that's reflected in some of my
18 rulings I've made but is this conduct something that
19 I consider appropriate? Does it go beyond? You
20 bet it does. Yes sir?

21 JUROR: Your honor, um, I think everybody knows the
22 answer to this but I would really like to hear you say
23 it. Is there a reason why people in your position try
24 to hide their addresses?

25 JUDGE HUMPHREY: I have made it a point ever since I've been a public

1 official – Prosecuting Attorney – one of Mr.
2 Negangard's questions. I handled more homicide
3 cases than I could even begin to tell you. When I
4 took office as Prosecuting Attorney at the ripe old
5 age, I think I was about twenty-eight (28) years old,
6 I had, I believe it was four (4) separate murder cases
7 that happened in one (1) year, seven (7) murdered
8 defendants. I spent the first year and a half (1 ½),
9 two (2) years of my career trying nothing but
10 murder cases – two (2) of them capital. I have tried
11 and I don't mean to repeat myself but it may bear
12 doing so, um, I have sentenced people as Judge to
13 over a hundred years in prison. I have placed a
14 person on death row. I have sentenced two (2)
15 people to life in prison without possibility of parole,
16 one of them involving a person who was convicted
17 of killing four (4) people. I've dealt with just about,
18 as a general jurisdiction of judge, I've dealt with
19 just about every kind of difficult case you can
20 imagine. Again when you raise your right hand and
21 you take an oath that you're going to uphold the
22 Constitution of the United States, the Constitution
23 of the State of Indiana, uphold the laws of the State
24 of Indiana and United States of America, I take that
25 seriously but by me raising my right hand, does that

1 mean that my wife and my kids and my home life
2 need to be subjective to something like this. The
3 concern that you have sitting in my chair is maybe
4 not so much for yourself, but knowing that what
5 you've done in doing your duty, may create danger
6 for your family and that's my concern. To maybe
7 more specifically answer, again, the issue with
8 posting my address and my wife's name goes
9 beyond just this case. It goes beyond all those
10 people who over all the years, many of which have
11 been determined to be very dangerous people, it is
12 now out there forever and is that concerning? Yes it
13 is. Did I answer your question sir?

14 JUROR: Yes sir. I have one small question. During your
15 career have you ever experienced a machine gun
16 petitioning like this before?

17 JUDGE HUMPHREY: I've dealt with voluminous cases before but if I
18 have, I don't recall.

19 JUROR: Thank you sir.

20 MR. NEGANGARD: Your honor, your final order speaks for itself but I
21 do want to clarify a little bit. Your order did not
22 terminate his visitation rights.

23 JUDGE HUMPHREY: Well I think what the order said, I have not looked
24 at it in a while, but I believe what the order said
25 was, is that there would be no further visitation until

1 there would be an evaluation done.

2 MR. NEGANGARD: But that's different than a terminated parental right.

3 JUDGE HUMPHREY: Termination of parental rights is a completely

4 different animal. Termination of parental rights is

5 done through the Department of Child Services and

6 the Department of Child Services would file a

7 petition based upon certain findings that would have

8 to be made at the all right to privileges immunities

9 that pertain to being, to a parent-child relationship

10 are forever terminated and that's not what happened

11 here.

12 MR. NEGANGARD: Thank you, your honor. I don't have any further

13 questions. Does anyone else?

14 JUROR: Um, obviously you've dealt with dangerous people

15 in the past, you mentioned that somebody actually

16 threatened you, said they were going to kill you.

17 What is it about this guy that instills so much fear?

18 What is it that everybody's like, he is so dangerous?

19 What stands out in your mind that makes you think

20 this is real, real fishy?

21 JUDGE HUMPHREY: Well, I mean, a lot of what happens is you know, a

22 matter of judgment and the question is difficult to

23 answer but maybe I could answer it this way. In all

24 the years, all the hundreds upon hundreds of cases

25 that I have handled, no one has ever specifically

1 done what's been done here and that is to name my
2 wife with my home address direct, the
3 correspondence that he sent there – that has never
4 happened and if there's something concerning about
5 this situation – that's what's concerning. I mean as
6 far as any other judgments and so forth about this
7 individual, I believe it's appropriate that I do that
8 now, I mean obviously I'm going to answer the
9 question but I think that's what different about this
10 situation. Yes sir?

11 JUROR: Were you then advised to take any additional
12 security precautions at your home or about your
13 premises, your automobile or anything like that or
14 have you done so on your own?

15 JUDGE HUMPHREY: Well I don't know that I particularly want to
16 discuss, I mean again, I'm asked a question and I'm
17 directed to answer, I'm going to answer it.

18 JUROR: It doesn't have to be specific – just generally.

19 JUDGE HUMPHREY: I think that the main things that have been referred
20 to about taking precautions about keeping an eye
21 out, keeping in contact with each other, contacting
22 the kids schools, uh, contacting our local police
23 department who have been very cooperative and
24 helpful and excellent as Greendale police
25 department keeping an eye out on things, I think

1 that's the main things.

2 MR. NEGANGARD: Thank you, your honor. The Grand Jurors

3 appreciate it.

4 JUDGE HUMPHREY: Ladies and gentlemen, thank you.

5 JURORS: Thank you.

6 MR. NEGANGARD: Okay I'm going to, we're back on record? Sheriff

7 Kreinhop, you're back on record and remind you

8 that you're still under oath.

9 MR. KREINHOP: Yes sir.

10 MR. NEGANGARD: Um, Grand Jury Exhibit 170, 171, we're going to

11 speed it up. I'm going to show you a whole section

12 – 170, 171, 172, 173, 174, 175, 176, 177, 178,

13 178A, 179, 180, 182, 184, 189, wait a minute, strike

14 that, unfortunately I can't count – I wasn't very

15 good in math, 184, 185, 186, 187, 188, 189, 190,

16 191, 192, 193, 194, 195, 196, 197, 198, 199, 200,

17 201, 202, 203, 204, 205, 206, 207, 208, 209, 210,

18 211 – those were all documents that you obtained as

19 part of your investigation. Correct?

20 MR. KREINHOP: That's correct. They were all received from Dr.

21 Conner.

22 MR. NEGANGARD: I'll show exhibits 170 through 211 are hereby

23 entered into evidence. And then uh, Grand Jury

24 Exhibit 212, is that one of the letters that you

25 collected from Judge Humphrey?

1 that's the main things.

2 MR. NEGANGARD: Thank you, your honor. The Grand Jurors

3 appreciate it.

4 JUDGE HUMPHREY: Ladies and gentlemen, thank you.

5 JURORS: Thank you.

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19 part of your investigation. Correct?

20 MR. KREINHOP: That's correct. They were all received from Dr.

21 Conner.

22 MR. NEGANGARD: I'll show exhibits 170 through 211 are hereby

23 entered into evidence. And then uh, Grand Jury

24 Exhibit 212, is that one of the letters that you

25 collected from Judge Humphrey?

1 MR. KREINHOP: Yes.

2 MR. NEGANGARD: That was one of the letters sent to his wife.

3 MR. KREINHOP: Yes.

4 MR. NEGANGARD: Pursuant to the postings by Dan Brewington.

5 MR. KREINHOP: That's correct.

6 MR. NEGANGARD: I think 213 is the envelope that that came in.

7 MR. KREINHOP: Yes.

8 MR. NEGANGARD: Um, 214, is that one of the letters that was

9 collected?

10 MR. KREINHOP: Yes it is.

11 MR. NEGANGARD: 216, was that one of the letters?

12 MR. KREINHOP: Yes it is.

13 MR. NEGANGARD: Oh, I'm sorry, that's Dan Brewington's letter.

14 MR. KREINHOP: That was contained in one of the letters.

15 MR. NEGANGARD: This was contained in one of the letters sent...

16 MR. KREINHOP: Yes.

17 MR. NEGANGARD: ...to...

18 MR. KREINHOP: ...per his instructions. As you recall on the internet,

19 he instructed people to copy this letter and send it

20 on with their own comments and opinions. This

21 was enclosed with one of the letters.

22 MR. NEGANGARD: Okay. And then Exhibit 217 and 218 is the third

23 (3rd) letter that you received. Is that correct?

24 MR. KREINHOP: Yes it is, including the envelope, the letter and the

25 envelope. There were three (3) letters sent to Mrs.

1 Humphrey.

2 MR. NEGANGARD: I'm showing you Grand Jury Exhibit 225. Do you

3 recognize that?

4 MR. KREINHOP: Yes.

5 MR. NEGANGARD: And what is that?

6 MR. KREINHOP: Yes. This is a motion to grant relief from the

7 judgment and order that was filed by Dan

8 Brewington. It was filed in response to the divorce

9 decree by Judge Humphrey.

10 MR. NEGANGARD: And this was the motion the judge was referring to

11 um, that when, that was one of the ways that he was

12 tipped off to this situation.

13 MR. KREINHOP: Yes, that's correct.

14 MR. NEGANGARD: And this, one of the problems, was our previous

15 exhibit was missing the attachment.

16 MR. KREINHOP: Yes.

17 MR. NEGANGARD: This is the attachment that was included in the

18 original motion. Is that correct?

19 MR. KREINHOP: Yes.

20 MR. NEGANGARD: And you obtained that directly from the Court?

21 MR. KREINHOP: Yes I did.

22 MR. NEGANGARD: Okay, I'll show Grand Jury Exhibit 225 is admitted.

23 This is Grand Jury Exhibit 226. Is that a posting on

24 the blog about Tom Blondell?

25 MR. KREINHOP: Yes it is.

1 MR. NEGANGARD: We'll show that 226 is admitted. And during the
2 course of your investigation, did Dan Brewington
3 try to allege a criminal complaint against Dr.
4 Conner?
5 MR. KREINHOP: He made statements that Dr. Conner had committed
6 criminal acts.
7 MR. NEGANGARD: I'm going to show you Grand Jury Exhibit 227. Is
8 this a letter that was sent to Tommy Grills of Ripley
9 County and the Prosecutor of Ripley County, myself
10 and David Lusby, who was then Sheriff, alleging a
11 criminal complaint against Dr. Conner?
12 MR. KREINHOP: Yes.
13 MR. NEGANGARD: And again, this was his whole issue about license to
14 practice in Indiana?
15 MR. KREINHOP: That was part of it, yes.
16 MR. NEGANGARD: I'll show that 227's admitted. Again, did he make
17 that same complaint again in May of 2009 as shown
18 by Grand Jury Exhibit 228?
19 MR. KREINHOP: Yes he did.
20 MR. NEGANGARD: That was, the first one was May 2nd and then he
21 followed up again on May 6th, 2009.
22 MR. KREINHOP: Yell, this one was a complaint to the Kentucky
23 Board of Psychology.
24 MR. NEGANGARD: And he was copying us.
25 MR. KREINHOP: Yes.

1 MR. NEGANGARD: Uh, his complaint to the Board of Psychology.
2 MR. KREINHOP: Yes.
3 MR. NEGANGARD: And then again in October of 2009, did he then also
4 allege another criminal fraud complaint?
5 MR. KREINHOP: Yes.
6 MR. NEGANGARD: And that's as shown by Grand Jury Exhibit 229.
7 MR. KREINHOP: Yes.
8 MR. NEGANGARD: And then Grand Jury Exhibit 230, on February 24,
9 2011, which was right before he was to testify, or
10 right before this case was brought to Grand Jury, he
11 sent another letter to myself following up on the
12 complaints that he had made previously with
13 regards to Dr. Conner.
14 MR. KREINHOP: Yes.
15 MR. NEGANGARD: Okay and that's shown by Grand Jury Exhibit 230.
16 MR. KREINHOP: Yes.
17 JUROR: Didn't we see this one this morning?
18 MR. NEGANGARD: That's a different one. That is what you saw this
19 morning but it didn't have the attachment.
20 JUROR: Oh, okay.
21 MR. KREINHOP: Different in that it didn't have the attachment, or
22 does have the attachment.
23 MR. NEGANGARD: I don't have any further questions at this time.
24 Okay one of the Grand Jurors has a question for
25 Sheriff Krieinhop.

1 JUROR: Sheriff, in your long law enforcement career, you've
2 obviously been involved in many different cases,
3 have you ever seen this many motions filed or
4 testimony?
5 MR. KREINHOP: Not even on murder cases. This is by far in the way
6 of motions, that I've ever seen as far as motions and
7 this only is part of it. There's several internet
8 postings that uh, or many internet postings that are
9 not displayed here today. But as I was going to
10 mention, I was a detective for over twenty-five (25)
11 years with the State Police. In my thirty-four (34)
12 years and also spent a year as a detective with the
13 Crimes unit, so altogether I have twenty-six
14 criminal investigative years of experience and I've
15 never encountered an individual, even on murder
16 cases where they filed motions for appeal and so for
17 the and never had anybody file this many. I think
18 these were all attempts by the individual in this case
19 to delay the process and I don't think, of course it's
20 my opinion, but I don't think he wanted to really be
21 with his children. I think he's using that as a
22 platform to exercise his first amendment right to
23 free speech and there is limits as I'm sure you'll be
24 advised, or told at some point, to free speech and I
25 think he's went beyond that but that's my opinion.

1 MR. NEGANGARD: I have no further questions and we'll recess for the
2 day.

3 **GRAND JURY - DANIEL BREWINGTON - MARCH 2, 2011**

4 MR. NEGANGARD: Okay we're on record. I want to present to the
5 Grand Jury Exhibit 231 which is a summary of blog
6 postings that he made of his blog in Dan's
7 Adventures in Taking on the Family Court and what
8 it is, is we highlighted where he said um, what we
9 felt was over the top, um, unsubstantiated
10 statements against either Dr. Conner or Judge
11 Humphrey. This is not every, and as you can read,
12 it's not every negative thing he said about Dr.
13 Conner, but it's a step that we felt, myself and my
14 staff, crossed the lines between freedom of speech
15 and intimidation and harassment. Um, Grand Jury
16 Exhibit 232 is a much smaller site that, Dan Helps
17 Kids, that has a few things in there, um, you know,
18 he says something in there like Judge Humphrey
19 punished me for standing up to a man that hurts
20 children and families for monetary gain, referring to
21 Dr. Conner and uh, and that he called Judge
22 Humphrey unethical, illegal, unjust, vindictive and
23 that he abused my children. Um, again that's a
24 summary in Grand Jury Exhibit 232 so that's for
25 your review. At this time then we have no further

1 evidence to present in the matter of Dan Brewington
2 and would submit to you for your deliberations, um,
3 an indictment for Intimidation as a Class A
4 Misdemeanor under Count I, which would be that
5 on, about or between August 1, 2007 and February
6 27, 2011, Daniel Brewington did communicate a
7 threat to another person to wit: Dr. Edward Conner
8 with intent that Dr. Conner be placed in fear,
9 retaliation for a prior lawful act to wit: issuing a
10 custodial evaluation regarding Daniel Brewington's
11 children. Count II, an indictment for Intimidation of
12 a Judge which would read on, about or between
13 August 1, 2009 and February 27, 2011, Daniel
14 Brewington did communicate a threat to another
15 person to wit: Dearborn-Ohio County Circuit Court
16 Judge James D. Humphrey with intent that James D.
17 Humphrey be placed in fear of retaliation for prior
18 lawful act to wit: issuing an order regarding the
19 dissolution of marriage between Daniel Brewington
20 and Melissa Brewington, and James D. Humphrey
21 is the judge of the Dearborn-Ohio County Circuit
22 Court and Intimidation and Count III is an
23 indictment for Intimidation as an A Misdemeanor
24 and that's on, about or between August 1, 2009 and
25 February 27, 2011, Daniel Brewington did

1 communicate a threat to another person to wit:
2 Heidi Humphrey, with the intent that Heidi
3 Humphrey be placed in fear of retaliation for a prior
4 lawful act to wit: that her spouse Judge James
5 Humphrey issued an order regarding the dissolution
6 of marriage between Daniel Brewington and
7 Melissa Brewington. Count IV is Attempt to
8 Commit Obstruction of Justice and that is on, about
9 or between August 1, 2007 and August 1, 2009,
10 Daniel Brewington acting with the culpability for
11 the Crime of Obstruction of Justice and engaging
12 conduct that constitutes substantial step towards the
13 commission of a crime of Obstruction of Justice, to
14 wit: did intimidate or harass Dr. Edward Conner
15 who was a witness in an official proceeding. And
16 Count V, is Perjury, on or about February 28, 2011,
17 Daniel Brewington did make a false material
18 statement under oath or affirmation knowing the
19 statement to be false or not believing it to be true
20 and an Indictment for Count VI would be that on or
21 about February 28, 2011, Daniel Brewington did
22 knowingly disclose information from a Grand Jury
23 proceeding in violation of Indiana Code 35-34-2-10.
24 That's with regard to Dan Brewington.

STATE OF INDIANA

COUNTY OF DEARBORN

Grand Jury
Daniel Brewington

IN THE DEARBORN SUPERIOR II COURT

REPORTER'S CERTIFICATE

I, Barbara Ruwe, Reporter of the Dearborn Superior Court II, Dearborn County, State of Indiana, do hereby certify that I am the court reporter of said Court, duly appointed and sworn to report the evidence of causes tried therein.

That upon the hearings of the grand jury in this cause, I transcribed all of the statements of the witnesses given during the hearings.

I further certify that the foregoing transcript, as prepared, is full, true, correct and complete.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my Seal this 15 day of June, 2011.

Barbara Ruwe
Barbara Ruwe
Dearborn Superior Court II
Dearborn County, Indiana