

**IN THE
INDIANA COURT OF APPEALS**

APPELLATE NO. 15A01-1110-CR-00550

DANIEL BREWINGTON)	APPEAL FROM THE DEARBORN
)	
APPELLANT/PARTY BELOW)	SUPERIOR COURT II
)	
VS.)	TRIAL COURT CASE NO.
)	15D02-1103-FD-0084
)	
STATE OF INDIANA,)	BEFORE THE HONORABLE
APPELLEE/PARTY BELOW)	BRIAN HILL, SPECIAL JUDGE

TRANSCRIPT OF JURY TRIAL

VOLUME I OF III

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1 **DANIEL BREWINGTON – JURY TRIAL – OCTOBER 3, 2011**

2 COURT: (Outside the presence of the jury) We are here in
3 case number 15D02-1103-FD-84, the State of
4 Indiana vs. Daniel Brewington. Let the record
5 reflect that the State appears by Prosecuting
6 Attorney, Aaron Negangard and the Defendant
7 appears in person and by counsel, Bryan Barrett and
8 this matter is scheduled for jury trial this morning
9 and about twenty (20) or thirty (30) minutes ago I
10 received a file marked Motion to Dismiss, Motion
11 to Disqualify F. Aaron Negangard and appoint
12 Special Prosecutor and Motion to Dismiss for
13 Ineffective Assistive of Counsel. Those are pro se
14 motions filed by the Defendant. Mr. Brewington,
15 you have legal counsel and I'm not inclined to
16 contemplate pro se motions. I guess, what's your
17 uh, what are you going for here? You've got
18 counsel to represent you to give you legal advice
19 and make these filings. Are you're uh, indicating to
20 me that you're wanting to represent yourself or do
21 you want to clarify that for me please?

22 MR. BREWINGTON: No your honor. Uh, I just, Mr. Barrett hasn't met
23 with me since July, I believe the 17th of this year. I
24 don't have any idea of the direction of my case other
25 than what was just explained to me just in the past

1 few minutes before things got settled here. I still
2 don't have some of the evidence. I don't have
3 copies of the Grand Jury evidence. There's
4 documents from Detective Kreinhop's investigation
5 that are not included. There's transcripts that uh,
6 that he said would be included in his investigation
7 that were not included in discovery and I've never
8 been able to obtain that information and Mr. Barrett
9 has not communicated with me about that stuff and
10 I just don't know the direction of my defense and he
11 hasn't been able to meet with me, tell me anything,
12 explain to me anything. I also do not have my
13 medication. I take Ritalin for attention deficit
14 disorder. It's been an issue of the defense. It's been
15 brought up multiple times in the grand jury
16 transcripts and without that I don't even have the
17 ability to concentrate as hard. I have difficulties
18 reading and that sort and Mr. Barrett waived my
19 right to bring that up at trial as he made no objection
20 to the motion in limine which I did not realize that a
21 motion in limine had uh, was requesting the court to
22 prohibit any discussion about medication that was
23 given to me while I was incarcerated in DCLEC. So
24 I have absolutely no idea what's going on in my
25 case. I tried, everything that has been provided here

1 except for the grand jury transcripts which I didn't
2 even receive until Friday, October 23rd I believe or
3 September 23rd.

4 COURT: Okay, I've listened for about three (3) or four (4)
5 minutes I think uh by filing this, tells me you don't
6 want counsel. You're filing motions by yourself.
7 So you're ready to go...

8 MR. BREWINGTON: No, no, no, I want confident counsel. I want to
9 know what's going on. I can't and even if I were to
10 make a decision to do it on my own, I don't have, I
11 haven't been given the medication that I need that is
12 prescribed by a doctor to do this sort of stuff, I mean
13 to read, to process, to question and everything like
14 that. I just, I would have raised the issue earlier
15 except Mr. Barrett at the September 19th hearing,
16 said that he would be in to discuss the case with me
17 and he never appeared. He said the same thing at
18 the hearing before that. He said that he would be in
19 to see me and he never appeared. He said over the
20 phone that he would be in to see me when he had
21 the chance and he never appeared. So I haven't had
22 the opportunity to have effective counsel. It's not
23 that I want to do it on my own. It was a last resort
24 effort.

25 COURT: Okay that was the answer to my question. Uh, Mr.

1 Barrett, are you ready to proceed with this case
2 today?
3 MR. BARRETT: Yes your honor.
4 COURT: And is the State ready to proceed?
5 MR. NEGANGARD: Yes your honor.
6 COURT: Alright, then as I stated in opening the hearing, I'm
7 going to find the pro se motions filed on this
8 morning's date are denied. Um, and I think we're
9 ready to bring in jury then. (Voir dire not
10 transcribed)
11 COURT: (outside the presence of the jury). We're on case
12 #15D02-1103-FD-84, the State of Indiana versus
13 Daniel Brewington. The State appears by
14 Prosecuting Attorney, Mr. Negangard and the
15 Defendant appears in person and by counsel and the
16 jury is not present and I believe the next step would
17 be the instructions for the jury. Do the parties have
18 any uh, there was some proposed preliminary
19 instructions supplied to the parties by the Court.
20 Are there any objections or additions to any of those
21 instructions Mr. Negangard?
22 MR. NEGANGARD: Your honor, uh, on regards to Count I and I had
23 mentioned this, we had prepared and filed relatively
24 early on in this case an amended Count I which
25 added the language, after with intent that Dr.

1 Connor be placed in fear and retaliation for a prior
2 lawful act to wit; issued a custodial evaluation
3 regarding Daniel Brewington's children and/or
4 being a witness in the matter of Melissa Brewington
5 and Daniel Brewington.
6 COURT: And/or being a witness in...
7 MR. NEGANGARD: ...the matter of Melissa Brewington and Daniel
8 Brewington.
9 COURT: And that language and/or being a witness in the
10 matter of Melissa Brewington and Daniel
11 Brewington, that's the only modification of Count
12 I?
13 MR. NEGANGARD: Right and that was amended it appears in March of
14 2011.
15 COURT: Any objection to that amendment to the instructions
16 Mr. Barrett?
17 MR. BARRETT: No your honor.
18 COURT: Any other objections or additions to those
19 preliminary instructions from the State?
20 MR. NEGANGARD: No your honor.
21 COURT: Mr. Barrett, any objections or amendments?
22 MR. BARRETT: No your honor.
23 COURT: Well I will make the corrections and make copies
24 and we'll be back.
25 COURT: Alright you may be seated. We're back in the State

1 of Indiana versus Daniel Brewington, 15D02-1103-
2 FD-84. The parties appear and the jury is also
3 present and Michelle could I ask you to distribute
4 these instructions. I'm going to give you the
5 Court's preliminary instructions so each of you have
6 a copy and we'll read through those as the next
7 order of business. (Reading of preliminary
8 instructions – not transcribed – see copy in Court's
9 file) Mr. Negangard, are you prepared to make your
10 opening statement?

11 MR. NEGANGARD: Yes your honor.

12 COURT: You may.

13 MR. NEGANGARD: Thank you, your honor. Good afternoon. This is a
14 case of a person intentionally trying to undermine
15 our justice system. On the stain glass window, the
16 statement echoing the sentiments of our founding
17 fathers, a government of laws and not of men.
18 What this means is that under our system of justice
19 is the rule of law that must prevail is the cornerstone
20 of our democracy and our republic. Anyone who
21 does not abide by the rule law, must be held
22 accountable for their actions – must be held
23 accountable. In this courtroom you are held
24 accountable. You are responsible for your actions.
25 The evidence will show that the Defendant, Dan

1 Brewington, believes that the law does not apply to
2 him – that he is above the law. That is why we are
3 here today. The evidence will show that in 2007,
4 Melissa Brewington made the difficult decision to
5 get a divorce from her husband and father of their
6 two (2) children, Daniel Brewington. She had no
7 idea what would be in store for her because of that
8 decision. The time the two (2) lived in Ripley
9 County. Judge Taul was the original judge on that
10 proceeding. Melissa Brewington was represented
11 by Angela Loechel. Ultimately after going through
12 two (2) attorneys, Dan Brewington ended up
13 representing himself in the proceedings. During the
14 proceedings a custodial evaluation was conducted.
15 It was ordered by Judge Taul. It was ordered to be
16 conducted by Dr. Edward Connor, a psychologist
17 practicing in Northern Kentucky. Dr. Connor has
18 testified in numerous cases around the state, had
19 testified for Defendants, had testified for the State,
20 had testified in numerous custodial evaluations by
21 judges in southeastern Indiana, in northern
22 Kentucky as well. Dr. Connor conducted an
23 evaluation and you'll see the evaluation. He did a
24 very thorough job. He issued his evaluation and in
25 this evaluation he doesn't claim that Dan

1 Brewington is evil. All he says, his conclusion is,
2 and I'm going to read to you some findings about
3 Dan Brewington because I think it's important to
4 note that Dr. Connor hits the nail on the head when
5 it comes to how he describes Dan Brewington. He
6 hits the nail right on the head, as you will see from
7 the evidence in this case. And what Dr. Connor
8 basically concludes is that the joint custody
9 arrangement would not work because of the way the
10 parties would communicate with each other. He
11 doesn't say he shouldn't have custody, he just says
12 that joint custody is not going to work. He would
13 get visitation pursuant to the local rule. He says
14 husband, referring to Dan Brewington, has a severe
15 attention deficit disorder that affects his ability to
16 focus and concentrate. He rambles and forgets, is
17 given to impulsive and incoherent thought. He
18 cannot communicate with the mother with the skills
19 necessary to conduct joint custody. He also gave
20 him a test. The test results said he had a degree of
21 psychological disturbance that is concerning and
22 does not lend itself to proper parenting. At the final
23 hearing...those are what he finds from his
24 description in the custodial evaluation. After he
25 makes those findings, Dan Brewington doesn't like

1 those findings. Dan Brewington wants custody.
2 How dare you disagree with Dan Brewington? You,
3 Dr. Connor, are evil and he proceeds to attack Dr.
4 Connor but not just by issuing that he disagrees with
5 him. He doesn't go out and get another custodial
6 evaluation to get a different opinion. That's what
7 you're supposed to do. Instead, April 1' 2008, and
8 this is important, this is when he's no longer
9 represented by counsel, he suggests to Dr. Connor,
10 that Dr. Connor is unethical and that he pull the
11 report and get an attorney. He demands a copy of
12 his license from the Indiana Board of Psychology.
13 He wasn't licensed in Indiana. He was licensed in
14 Kentucky. He accuses him of criminal behavior and
15 requests that he place his insurance on notice. This
16 is a series of faxes. He says, "Pull the custody
17 evaluation or I will file a lawsuit". See that's where
18 we get intent. He wants him to change his opinion.
19 He wants him to pull the custody evaluation. He
20 says, "You have until the end of the day to pull the
21 report" and accuses him of gross negligence,
22 malpractice, slander and liable. He then proceeds
23 filing motion after motion. He files a motion
24 accusing Dr. Connor of unlawful behavior because
25 he doesn't have an Indiana license. He files a

1 petition of contempt against Dr. Connor. He states
2 to Dr. Connor, I'm an attorney. He says the game is
3 over Dr. Connor. He didn't know there was a game
4 but to Dan Brewington it's a game. He proceeds to
5 file motion after motion which is denied, and denied
6 and denied to the point that when he asked for a
7 change of Judge, Judge Taul gets out of the case.
8 Then it was assigned to Judge Humphrey. He files
9 a complaint against Dr. Connor. This is just with
10 regards to Dr. Connor. During this period of time,
11 he files a complaint with the Kentucky Board of
12 Psychology. When the Kentucky Board of
13 Psychology says he does nothing wrong, he files a
14 complaint with the Attorney General saying why the
15 Kentucky Board of Psychology hasn't done
16 anything wrong. He requested criminal complaints
17 in Kentucky, in Indiana, in Dearborn County, in
18 Ripley County. Until Dr. Connor changes his mind,
19 he will attack him, make false allegations of him,
20 accuse him of being a pervert, of being a child
21 abuser. The first amendment does not protect that.
22 The man has a business, a reputation. He gives no
23 evidence other than his rambling and rantings. He
24 starts a blog, two (2) of them where he continues to
25 attack Dr. Connor on a regular basis. He goes so far

1 to pull off a facebook photograph from some other
2 facebook account to put it on in an attempt, where
3 he's at a wedding, attempting to dance to embarrass
4 him. He puts on the internet where his loan is from
5 for his house. He puts on the internet, I've been to
6 your house, I've been to your, you've got some nice
7 houses on that street. You don't think that puts fear
8 in Dr. Connor? You don't think these actions were
9 done without an attempt to intimidate Dr. Connor?
10 And it all, in an effort to get Dr. Connor to change
11 his opinion and/or to not testify. You will see all
12 the documents pertaining to that and there's a lot of
13 it. This is just a preview of what you will see. On
14 his blog, he attacks Dr. Connor. Dr. Connor may be
15 a pervert. Dr. Connor committed mail and wire
16 fraud. Dr. Connor uses children as prostitutes for
17 financial gain of a profit off of divorce and child
18 custody matters. The State of Kentucky allows Dr.
19 Connor to harm children. Dr. Connor is a danger to
20 children. How many children are being harmed by
21 Dr. Connor? Dr. Connor maliciously provided false
22 information to the Court. That lousy son-of-a in his
23 report, he made me so mad I wanted to beat him
24 senseless. He would not honor his contract and left
25 me in a worse situation. It makes me want to punch

1 Dr. Custody evaluator in the face. The public
2 knows you, Dr. Connor, abuses children. Dr.
3 Connor probably needs the money. I'm sure his
4 mortgage isn't cheap. There's some nice houses on
5 his street. He sends letters to all the lawyers in
6 Dearborn County saying Dr. Connor abuses
7 children. He should not be allowed to abuse
8 children. We find that telling in these postings on
9 the blog, he says the nightmare is about to begin.
10 Those are Dan Brewington's words. You will hear
11 from Dr. Connor. You will hear how these acts
12 have changed his life. You will hear how he is in
13 fear of his life. You will hear that from Dr. Connor
14 himself as he outlines what Dan Brewington has
15 done to him because he had the audacity to not
16 agree with Dan Brewington. Now there is a final
17 hearing and the final hearing is in front of Judge
18 Humphrey and Judge Humphrey, Dr. Connor based
19 on a lot of the correspondence and actions by Mr.
20 Brewington testifies and I believe hits the nail on
21 the head. The Respondent is paranoid,
22 manipulative, exhibits a manic-like existence, is
23 unwilling to accept responsibility for his behavior,
24 he's self-centered, has difficulty seeing an issue
25 from another perspective, likes to do things on his

1 own as opposed to being more cooperative and
2 compromising when needed and does not handle
3 criticism well and the Court finds most of these
4 behaviors – the Court, Judge Humphrey – finds
5 most of these behaviors were exhibited by
6 Respondent at some time during the hearings before
7 this Court. And Dr. Connor, based upon the
8 writings of Dan Brewington, actually states is that
9 his writings are similar to those of individuals who
10 have committed horrendous crimes against their
11 families. He posts, this is like playing with gas and
12 fire and this is from Judge Humphrey's opinion.
13 This is like playing with gas and fire and anyone
14 who has seen me play with gas and fire knows that
15 I'm quite the accomplished pyromaniac. If the
16 Court wants him to take down his internet postings,
17 then they would have to kill him to stop it. Despite
18 the fact that the report from Dr. Connor at the end
19 says, at no time should any parent reveal any of the
20 information contained in this document to any of
21 the children. This would be an act of severe
22 selfishness by the parents and is not in the
23 children's best interest. If these examiners of the
24 Court learn that either parent has done so, we
25 recommend that the Court deal harshly with this

1 matter. Dr. Connor explains, as he's pretty candid
2 on both sides about the parents and neither, none of
3 the children as suggests by Dr. Connor should be
4 exposed to that. Does that keep him from putting
5 this stuff on the blog, on the internet for the whole
6 world to see? No. Did concern for his children
7 keep him from doing that? No. This concerned the
8 Court and the Court made these findings based upon
9 the actions of Dan Brewington. The record of this
10 case shows that the husband has attempted to
11 intimidate the Court, Court's staff, wife and Dr.
12 Connor and anyone else taking a position contrary
13 to his own. The Court is most concerned about
14 husband's irrational behavior and attacks on Dr.
15 Connor. It appears these attacks have been an
16 attempt to revenge for taking the position regarding
17 custody contrary to husband. The Court also finds
18 that the husband has made less, strike that. And this
19 is important. In sum, the Court finds the husband to
20 be irrational, dangerous and in need of significant
21 counseling before he can conduct himself as a
22 parent. The husband has stated he acts in this
23 manner to show his children that he is fighting for
24 them. To the contrary, his words and actions show
25 that he is at least presently unable to conduct

1 himself with the level of maturity necessary to be a
2 parent. Husband would be better served to show
3 how much he can cooperate with wife and the
4 professionals involved for the best interest of the
5 children. And after making this order, this order
6 was issued in August of 2009; the Court didn't
7 terminate Mr. Brewington's parental rights – quite
8 the contrary. All he said was he was shown to be
9 dangerous. He is not entitled to visitation until he
10 undergoes a mental health evaluation with a mental
11 health evaluator approved by the Court. The
12 purpose of this evaluation is to determine if he is
13 possibly a danger to the children, wife or himself
14 and he shall follow all recommendations made by
15 the mental health and care provider. If he is not a
16 danger to his children as determined by the mental
17 health care provider, then supervised visitation can
18 occur and then proceeds to set forth a manner in
19 which Dan Brewington can go about having regular
20 visitation with his children. Now after he issues this
21 order, Judge Humphrey now for daring to disagree
22 with Dan Brewington becomes the target of his
23 rage. Judge Humphrey now has had the audacity,
24 despite the fact that he is the Judge, to disagree, to
25 render an opinion contrary to his. So what does he

1 do? He posts another blog in that he makes it sound
2 as if the Judge took his children away, as if his
3 parental rights were terminated. It's a theme that
4 goes on throughout his blog. Now here's the
5 interesting thing to note, the evidence is going to
6 show that he doesn't have a job. His mom pays for
7 his living expenses. He has nothing to do but make
8 internet things but you know what he hasn't done to
9 date? He hasn't got that mental health evaluation
10 that was needed so he could see his children. If he
11 really cared about seeing his children, if that's what
12 this is about and not disrupting the system, then why
13 wouldn't he get that mental health evaluation? He's
14 yet to have it done. So then he posts an internet
15 site, making, quite frankly lying about the case and
16 then he goes even further, goes even further, and
17 says my job is to hold people accountable for doing
18 mean things to my children and my family, to make
19 sure that these people do not have an opportunity to
20 hurt others. And he directs people to send a letter to
21 the ethics and professionalism committee advisor
22 located in Dearborn County, Indiana, Heidi
23 Humphrey, and puts Judge Humphrey's personal
24 address on the internet for all to see. This is very
25 disturbing that now that he's attacked Judge

1 Humphrey, he would create animosity towards
2 Judge Humphrey by lying about him. And then
3 would post his wife's name and address. Now he
4 claims it's under the guides of some ethics person.
5 She was on an ethics and professionalism; it was
6 spouses of judges who were to talk about things to
7 do at the conferences. I mean it was not at all what
8 he purported it to be and he knew how to file a
9 complaint with the Judge because anyone who
10 spends as much time on the internet filing a
11 complaint with a Judge and attorney, there would be
12 evidence to suggest that he talked about filing
13 complaints about attorneys before. He knew the
14 process. He knew that wasn't the process and he
15 knew Heidi Humphrey was Judge Humphrey's wife.
16 Now at the Grand Jury and this is where the perjury
17 charge comes in, he says he didn't know Heidi
18 Humphrey was Judge Humphrey's wife. Well the
19 evidence will show that he absolutely knew Heidi
20 Humphrey and the reason he hid that because that's
21 important, right. Because if he knew Heidi
22 Humphrey was Judge Humphrey's wife, then that
23 shows what his intent was by doing that. Really
24 he's going to direct people to file ethics complaints
25 against his wife? No. He's going to direct people

1 to file; he wanted to direct people to where he lived
2 and who his wife was. No Judge has signed up to
3 have their family and she did receive letters from
4 people who were reading his blogs, saying what a
5 horrible person Judge Humphrey was. In part
6 because he fed that through his blog. Humphrey is
7 an evil and vindictive man. Child abuse by the
8 judicial system is still abuse. Judge James
9 Humphrey is a child abuser who's worse than
10 ninety-five percent (95%) of the criminals that he
11 puts in jail. Judge Humphrey used my children as a
12 means of extortion. Nothing more than pre-
13 meditated child abuse on the part of Judge
14 Humphrey. Judge Humphrey being an abuser of
15 children to help protect children being abused by
16 Dr. Edward Connor and Judge James Humphrey.
17 Unfortunately for many families in southeastern
18 Indiana, one of the biggest child abusers is wearing
19 a black robe and holding a gavel. I do not have to
20 go into what a vile and despicable man that Judge
21 Humphrey is because the fact that he deprived my
22 children of the above life experiences speaks for
23 itself. Who deprived them? All he needed to do
24 was get a mental health evaluation that said he was
25 okay. But is Judge Humphrey the vile and

1 despicable man? Child abusers should play no role
2 in deciding what is best for children. Judge
3 Humphrey is in a position to decide what's best for
4 children when he was willing to punish innocent
5 children by seeking vengeance on my parents.
6 Judge Humphrey terminated my ability to see my
7 children. Judge Humphrey is a coward. Judge
8 Humphrey is a vindictive, spineless coward. Judge
9 Humphrey is a vindictive evil villain who will
10 stomp on the lives of children to etch out a personal
11 vendetta to protect one of his current (inaudible).
12 Judge Humphrey tried to destroy my life. When he
13 found out he could not destroy my integrity and
14 dignity, he ran like the scolded dog he is. My
15 children, why I've proved that an evil vindictive
16 man took their children away and it goes on and on.
17 He has time to do that but he can't go about the
18 simplest things to see his children because that's not
19 what this is about. This is about how dare you
20 disagree with me and I will make you pay. That's
21 not what the law allows. Intimidation in Indiana is
22 exposing someone to disgrace, ridicule, hatred.
23 What's more mean and hate feeling than calling
24 someone a child abuser? A threat doesn't have to
25 be to physically hurt you. You saw it in an

1 instruction. It can falsely harm the credit or
2 business reputation; expose the person threatened to
3 hatred, contempt, disgrace or ridicule. I submit to
4 you that this case, they'll never be a bigger example
5 of that. You will hear from each of these witnesses.
6 You will hear how this has affected Heidi
7 Humphrey, the spouse. All she ever did was be
8 married to her husband who serves this community
9 as a Judge and has served this community as a
10 prosecutor since 1985. He's been either a
11 prosecutor or Judge. He was in private practice for
12 a little bit. All she did was be married to that man
13 and she was put in fear. Again, this is about our
14 system of justice. This is about a man who would
15 attack our system of justice rather than comply with
16 it. Rather than do what needs to be done, he would
17 rather spend his time attacking Dr. Connor,
18 attacking Judge Humphrey, scaring anyone who
19 doesn't agree with him. The first amendment
20 doesn't protect lies, libelous slanders are fighting
21 words. I'm going to read to you from a Supreme
22 Court case. There are certain well defined and
23 narrowly limited class of speech, the prevention and
24 punishment of which have never thought to raise
25 any constitutional problem. These include delude

1 and obscene, the profane, the libelous and the
2 insulting or fighting words, those which by their
3 very utterance inflict injury or tend to incite an
4 immediate breach of the peace. It has been well
5 observed that such utterances are no essential part of
6 any exposition of ideas and are such slight social
7 value as a step to the truth and any benefit that may
8 be derived from them is clearly outweighed by the
9 social interest and order of morality and I submit
10 to you in this case to protect our judicial system, if
11 Dan Brewington is allowed to not be held
12 accountable for his actions...

13 MR. BARRETT: Judge, I don't like to interrupt but we're making
14 argument now.

15 MR. NEGANGARD: I'll rephrase.

16 MR. BARRETT: This is supposed to be a preview of the evidence.

17 COURT: I think...

18 MR. BARRETT: Thank you your honor.

19 MR. NEGANGARD: I'll also read to you Article 1, Section 9. No law
20 should be passed restraining the pre-interchange of
21 thought and opinion or restricting the right to speak,
22 right to print on any subject whatsoever but for the
23 abuse of that right, every person shall be
24 responsible. Again, if you abuse that right, you
25 should be held responsible and that's why we're

1 here today. The charges in this case are
2 Intimidation on Dr. Connor. The evidence will
3 show that Dr. Connor was intimidated by the acts of
4 Dan Brewington. All because he chose to issue a
5 custodial evaluation and he chose to testify an
6 opinion contrary to the Defendant. He was also
7 charged with Intimidation involving Judge
8 Humphrey. Again, he didn't like the order, so I
9 submit to you the facts will show that he intimidated
10 Judge Humphrey. He's also charged in Count III
11 with Intimidation of Heidi Humphrey. You will
12 hear from Heidi Humphrey. You will hear how his
13 acts intimidated her and I submit to you the
14 evidence will show that that is what happened. An
15 attempt to obstruct justice – you will see from his
16 communications with Dr. Connor that he attempted
17 to intimidate and harass him into pulling his
18 custodial evaluation. That's what the evidence will
19 show. He wanted Dr. Connor to not submit his
20 opinion to the Court because it was one he didn't
21 agree with. Now Dr. Connor went forward anyway
22 and he went forward knowing that the man he was
23 disagreeing with would continue to harass him. But
24 just because he wasn't successful in that doesn't
25 mean he shouldn't be held accountable for that.

1 Also Perjury, the evidence will clearly show that he
2 knew Heidi Humphrey was Judge Humphrey's wife
3 and he lied about it while under oath. And there's a
4 Grand Jury charge, it's a B Misdemeanor, it's not of
5 any significance of any kind. We'll talk about that
6 at the end but that's now why we're here today. We
7 cannot allow our justice system to be
8 (indiscernible). We cannot forget that we are a
9 government of laws and not of men and that
10 everyone is accountable for the law. The law must
11 protect, if our justice is to survive, the law must
12 protect the judges, witnesses and lawyers who
13 participate in the system. These participants should
14 not have to live in fear for telling the truth. And
15 that's what your verdict should be. Verdict is
16 veritas victim which means to speak the truth and I
17 ask that after hearing all the evidence that comes
18 from that chair that you agree that the Defendant is
19 guilty of the crimes charged and I ask that you let
20 your verdicts speak the truth and hold Mr.
21 Brewington accountable for his actions and find him
22 guilty of all counts. Thank you.

23 COURT: Mr. Barrett, do you wish to make an opening
24 statement?

25 MR. BARRETT: Yes your honor, briefly.

1 COURT: Go ahead.

2 MR. BARRETT: Thank you, your honor. Good afternoon ladies and
3 gentlemen. This is a criminal case brought by the
4 State of Indiana, not a civil case. It's not an action
5 for a protective order. It's not a divorce. It's not a
6 custody battle. The issue here is overall, did Dan
7 Brewington commit a felony by expressing his
8 opinions? Not whether you agree with his opinions.
9 You can think they're awful. You can think that's
10 horrible and many of the things I'm sure that Mr.
11 Negangard just said, you probably do believe that
12 about him, but this is a criminal case. They have to
13 prove what they have charged and they have
14 charged that this man put those things out in the
15 public domain with the intent to intimidate a judge,
16 the custody evaluator, Dr. Connor, and the judge's
17 wife. That's really what this case is about. I think
18 what you're going to find out and of course it starts
19 as did Mr. Negangard with the custody evaluation.
20 Well what you're going to find out is the custody
21 evaluation was submitted to the Court in August of
22 2007. The allegations don't start until 2009. So if
23 that's what Mr. Brewington was intending to do, it
24 was too late. It had already happened. That's what
25 the evidence will be. The evidence will be that

1 there are a lot of people in this community who
2 don't like what Mr. Brewington says. And I would
3 go on to say the evidence is probably going to be
4 that there are plenty of people in this whole world
5 that wouldn't like what he said. But the issue is
6 this, ladies and gentlemen; we believe that there will
7 not be proof beyond a reasonable doubt, that he
8 overstepped that bounds – that boundary of his
9 ability to express his opinion. The evidence will be
10 that none of these things were ever said to the
11 people themselves. They were done in letter form,
12 blog form, things like that. There's not evidence
13 that he ever threatened to harm anyone and there
14 won't be. Now, I don't want to retry the divorce. I
15 don't want to try the custody matter. The issue is,
16 was there a crime committed. The issue is not are
17 you appalled, are you offended, are you angry. The
18 issue is should this man be convicted of a felony.
19 Not whether you like it, not whether Dr. Connor
20 might have a civil suit, not whether Judge
21 Humphrey might have a civil suit, not whether they
22 might be able to get a protective order and I believe
23 the evidence will be that they haven't attempted any
24 of those things – all of which require much less
25 effort than this. And I believe the evidence will be

1 that the complaint was made, well we'll see what
2 that is. It was the prosecutor's office that this was
3 put in action. Not by any of those people making
4 that complaint. So I ask this ladies and gentlemen,
5 keep in mind as you consider and listen to the
6 evidence in this case, there won't be any evidence
7 that my client was at Dr. Connor's home or the
8 Judge's home. There will be no evidence that he
9 ever made any confrontation with them other than
10 words over the internet. The State is asking you to
11 find my client guilty and he said it, based on the fact
12 that he attempted to intimidate in retaliation for a
13 prior lawful act but I don't think they can prove that.
14 Because is his words ladies and gentlemen and I
15 think the evidence will be just as susceptible to the
16 things that he wrote are political opinions. There
17 are plenty of people in this world that don't like the
18 way custody decisions are made in this country, in
19 this state, that criticize it all the time. There are
20 plenty of people in this world who don't think our
21 criminal justice system operates properly and they
22 criticize it all the time, sometimes in very harsh
23 language. And I don't think the evidence in this
24 case ladies and gentlemen, no matter what it does
25 show and it may show that you don't like his

1 opinions but we don't put people in jail because we
2 don't like their opinions. We only put people in jail
3 for crimes that have been proven and there are other
4 remedies and other responsibilities if you think
5 maybe there should be as the Indiana constitution
6 alludes to. But I think ladies and gentlemen, there
7 will be no evidence to indicate this man ever
8 intended to intimidate anybody based on their prior
9 lawful acts. He's expressing his opinion and dislike
10 and disgust with their actions and their decisions but
11 he never dreamed that they were going to be
12 changed. He continued to operate within the system
13 and that will be the evidence ladies and gentlemen.
14 So we believe once you've listened to the evidence
15 although you may not like it, you will be compelled
16 by your oath and the law to find him not guilty of all
17 the charges. Thank you very much. Thank you.

18 COURT: Would counsel approach please? Were you
19 prepared to present the evidence today?

20 ATTORNEYS: (inaudible).

21 COURT: I don't want to go past 5:00. That gives you an hour
22 and fifteen.

23 MR. NEGANGARD: We have our first witness.

24 COURT: I think I would kind of like to hear some evidence
25 unless I hear an objection from either one of you.

STATE'S WITNESS – ANGELA LOECHEL - DIRECT

1 ATTORNEYS: (inaudible).

2 COURT: Okay, let's start the presentation of evidence if

3 you're ready and then we'll have a brief meeting

4 outside the presence of the jury.

5 MR. BARRETT: I believe he's got a number of exhibits, I think a

6 hundred and ninety-one (191) exhibits that have

7 been marked. I think we need to let the court

8 reporter know how we've done that.

9 COURT: Sure.

10 MR. BARRETT: And then a couple of exhibits that may come in this

11 afternoon that I need to have an opportunity to look

12 at.

13 COURT: Okay, that's fine and do you need to work that out

14 now then?

15 MR. BARRETT: Okay.

16 MR. KISOR: Your honor, the State's first witness is Angela

17 Loechel.

18 COURT: Alright. Before you have a seat, please raise your

19 right hand. Do you swear or affirm under penalties

20 of perjury that this testimony you are about to give

21 is the truth, the whole truth and nothing but the

22 truth?

23 MRS. LOECHEL: I do.

24 COURT: Thank you. Have a seat.

25 MR. KISOR: Would you please tell the ladies and gentlemen of

1 the jury your name and spell your last name for the
2 Court.
3 MRS. LOECHEL: Angela Loechel. L – O – E – C – H – E – L.
4 MR. KISOR: Mrs. Loechel, what is your profession?
5 MRS. LOECHEL: I'm an attorney.
6 MR. KISOR: And uh, in what states are you licensed to practice
7 law?
8 MRS. LOECHEL: Ohio, Indiana and Kentucky.
9 MR. KISOR: And specifically in Indiana, do you maintain a
10 regular business practice at an office here?
11 MRS. LOECHEL: That's correct.
12 MR. KISOR: Where's that located?
13 MRS. LOECHEL: It's 310 West High Street, Lawrenceburg, Indiana,
14 47025, right across the street.
15 MR. KISOR: Okay and how long have you been licensed to
16 practice law?
17 MRS. LOECHEL: Uh, I think it was October of '96 in Kentucky and
18 then February of '97 in Indiana. It's starting to be a
19 while now so.
20 MR. KISOR: Okay, now are you familiar with an individual name
21 known as Daniel Brewington?
22 MRS. LOECHEL: I am.
23 MR. KISOR: And how are you familiar with him?
24 MRS. LOECHEL: I represented his now ex-wife, Melissa Brewington,
25 in their dissolution of marriage proceeding.

1 MR. KISOR: Okay and who actually filed those proceedings?

2 MRS. LOECHEL: My client, Mrs. Brewington.

3 MR. KISOR: And on her behalf you prepared the petition.

4 MRS. LOECHEL: That's correct.

5 MR. KISOR: And other than I guess there's been some times

6 where the case was up on appeal, have you

7 continued to represent Mrs. Melissa Brewington?

8 MRS. LOECHEL: I did put in a brief motion to withdraw during the

9 time that it was on appeal as another appeal was

10 handling the appeal.

11 MR. KISOR: But you currently represent her.

12 MRS. LOECHEL: That's correct.

13 MR. KISOR: In the dissolution proceedings.

14 MRS. LOECHEL: That's correct.

15 MR. KISOR: As they are today. And uh, is Mr. Daniel

16 Brewington here in the courtroom today?

17 MRS. LOECHEL: Yes, he's that gentleman there right over there at the

18 end of the table, blue suit.

19 MR. KISOR: Okay, next to his attorney?

20 MRS. LOECHEL: Yes.

21 MR. KISOR: What type of law practice do you maintain?

22 MRS. LOECHEL: I do mainly, uh, as a general practice of law; I do a

23 lot of domestic, a lot of the dissolution of marriage,

24 custody issues. I do some criminal as well, the

25 lower level of criminals. I tend not to go higher

1 than a D felony, so I don't do the murders and
2 rapists and that sort of thing.

3 MR. KISOR: Okay and over the years, what percentage of your
4 practice is family law or divorce, custody type
5 proceedings?

6 MRS. LOECHEL: I would say probably guessing about seventy
7 percent (70%). I do quite a bit more of it at least
8 now than I do any of the other stuff.

9 MR. KISOR: Okay, now do you recall when the dissolution
10 petition was filed in this underlying divorce?

11 MRS. LOECHEL: I believe, I know it was January of 2007, I think it
12 was the 8th. I'm pretty sure it was, because it was
13 Elvis' birthday if I recall.

14 MR. KISOR: Thank you. Your honor, if I could approach the
15 witness with some exhibits as they come up?

16 COURT: You may.

17 MR. KISOR: Thank you. Mrs. Loechel, I have handed you
18 what's been previously marked as State's Exhibit 99
19 I believe. Can you identify that document?

20 MRS. LOECHEL: Yell this is the chronological case summary for the
21 Brewington case. It was out of Ripley County
22 initially until we had a change of judge. There's
23 been two (2) new judges on it since this started but
24 Ripley County is where the case was originated in.

25 MR. KISOR: Okay and then the initial judge was the Circuit

1 Judge in Ripley County, Judge Taul?

2 MRS. LOECHEL: That's correct.

3 MR. KISOR: And it ultimately came before Judge Humphrey?

4 MRS. LOECHEL: Yes.

5 MR. KISOR: As a special judge and now you're saying there's a

6 third judge who's...

7 MRS. LOECHEL: Judge Ted Todd.

8 MR. KISOR: From Jefferson County?

9 MRS. LOECHEL: That's correct.

10 MR. KISOR: Just so that we know what a chronological case

11 summary is, just briefly what is that document?

12 MRS. LOECHEL: It's a listing of all the pleadings and orders and

13 filings that's been made in the uh, in any case

14 actually. There's one created for everybody and for

15 each cause number. They list everything that's been

16 filed and all orders and anything else that's going

17 on.

18 MR. KISOR: And on the last page of that document do you see a

19 certification attached?

20 MRS. LOECHEL: That's correct.

21 MR. KISOR: From?

22 MRS. LOECHEL: Mary Ann McCoy, the Clerk of the Ripley County

23 Court.

24 MR. KISOR: Okay, so is it fair for me to say, first of all

25 chronological just means that all those entries are

1 made and put on that document in the order that
2 they occur. Is that correct?

3 MRS. LOECHEL: That's correct.

4 MR. KISOR: And is it fair for me to say at least as of the time that
5 the Clerk certified that document, it was a complete
6 listing of what had happened in that dissolution case
7 at least as it pertained to the filings?

8 MRS. LOECHEL: That's correct.

9 MR. KISOR: Okay and does the document appear to be accurate
10 to you?

11 MRS. LOECHEL: Yes, I believe it is at least from what I can see just
12 glancing through it.

13 MR. KISOR: Okay and when you filed on behalf of Mrs.
14 Brewington, Mr. Brewington did he obtain counsel?

15 MRS. LOECHEL: Initially...

16 MR. BARRETT: To which we'll, judge at this point we're going to
17 object as to relevance. I'm not sure where we're
18 going here and why we're going into the divorce?

19 COURT: Mr. Kisor, a response?

20 MR. KISOR: Judge, I'm just trying to set the context for this case
21 which everything that's alleged comes out of this
22 dissolution so I'm just trying to let the jury know a
23 little bit about the dissolution and how it proceeded.

24 COURT: I'm going to over-rule the objection for now. Let's
25 get to the point then.

1 MR. KISOR: Thank you your honor. Did Mr. Brewington have
2 counsel initially?
3 ~~MRS.~~ LOECHEL: Yes he did.
4 MR. KISOR: Okay and did he ultimately represent himself?
5 MRS. LOECHEL: Yes.
6 MR. KISOR: Okay and between the first counsel did he have a
7 second attorney as well?
8 MRS. LOECHEL: Yes he did.
9 MR. KISOR: Okay and who were the attorneys that were involved
10 on his behalf?
11 MRS. LOECHEL: His initial attorney was Ms. Amy Streator and his
12 second attorney was Thomas Blondel.
13 MR. KISOR: Okay and did Ms. Streator appear at the initial
14 hearings that were held, or hearing?
15 MRS. LOECHEL: That's correct, the hearing for provisional orders.
16 MR. KISOR: Okay and what, if any, determination was made at
17 the provisional hearing?
18 MR. BARRETT: To which we'll object again judge and as to
19 relevance. I don't know what this has to do with
20 what Mr. Brewington's charged with?
21 COURT: Mr. Kisor?
22 MR. KISOR: Judge, can we approach?
23 COURT: Yes. (inaudible). Just speak up a little bit.
24 MR. KISOR: I'm just going to move on.
25 COURT: Okay, so you'll withdraw that question?

1 MR. KISOR: Yes.

2 COURT: Okay, fair enough.

3 MR. KISOR: We normally review our objections and our

4 arguments at the bench. If you don't that's fine, I

5 just want to make sure...

6 COURT: No...

7 MR. KISOR: You're the Court.

8 COURT: I'll leave it to you. If anything you feel

9 uncomfortable saying, if he happens to object, I

10 don't have any problem coming up here. And vice-

11 versa, if you don't want to yell out from the table,

12 feel free to ask to approach. Go ahead.

13 MR. KISOR: Thank you, your honor. At some point Mrs.

14 Loechel, was custody an issue in this divorce?

15 MRS. LOECHEL: Yes.

16 MR. KISOR: And in the normal process, is it common that a

17 custodial evaluation would be made to help the

18 Court make that decision?

19 MRS. LOECHEL: Quite often.

20 MR. KISOR: And was there an agreement made for a custody

21 evaluation in this case?

22 MRS. LOECHEL: That's correct. Both parties through counsel at that

23 time, Mr. Brewington had Mr. Blondell, agreed that

24 Dr. Connor would complete a custodial evaluation

25 to be submitted in this case.

1 MR. KISOR: Okay and I'm going to show you what's been
2 marked for identification as State's Exhibit 104 and
3 just ask you to identify it.

4 MRS. LOECHEL: This is a copy of the agreed order for custody
5 evaluation that we had entered in the case at that
6 time by both myself and Mr. Blondell.

7 MR. KISOR: Okay and who did you and Mr. Blondell agree on?

8 MRS. LOECHEL: Yes.

9 MR. KISOR: Who did you agree on?

10 MRS. LOECHEL: Dr. Connor.

11 MR. KISOR: Edward Connor?

12 MRS. LOECHEL: Yes.

13 MR. KISOR: And at that time Edward Connor, were you familiar
14 with him?

15 MRS. LOECHEL: Uh yes, I've had custody evaluations done by him in
16 the past and in all honesty...

17 MR. BARRETT: Judge again we're going to object. I would stipulate
18 that Dr. Connor did the custody evaluation in this
19 case.

20 MR. NEGANGARD: Your honor, may we...that's not the point.

21 COURT: Mr. Negangard?

22 MR. NEGANGARD: I just wanted to, considering the numerous attacks
23 that the Defendant has made on Dr. Connor, I think
24 the State is permitted to go into a little bit of
25 questioning here and how it was Dr. Connor was

1 selected and his general reputation. I think that is
2 relevant.

3 MR. BARRETT: (inaudible). We're willing to stipulate it.
4 (inaudible).

5 MR. KISOR: Do we want to go ahead and stipulate the custodial
6 evaluation with the Court.

7 MR. BARRETT: (inaudible).

8 MR. NEGANGARD: Well your honor, the truthfulness of you know, the
9 statements that he made pertaining to Dr. Connor, it
10 is certainly relevant how Dr. Connor's reputation
11 was but it was considered, the fact that the
12 Defendant agreed to use Dr. Connor.

13 COURT: I think; I'm going to over-rule the objection. You
14 may ask your questions Mr. Kisor.

15 MR. KISOR: Thank you, your honor. Forgive me if I don't recall
16 the question. I think we were talking about, were
17 you familiar with Dr. Connor?

18 MRS. LOECHEL: Uh, yes, I was familiar with Dr. Connor. I've had a
19 few throughout the years. I've had a few cases done
20 before this case and after this case. I actually, this
21 though in fact was the first case in which I had ever
22 met Dr. Connor personally.

23 MR. KISOR: Okay but you have seen his reports over the years?

24 MRS. LOECHEL: Yes.

25 MR. KISOR: And generally speaking, were you satisfied with the

1 reports and the work that he did in the divorce cases
2 that you were involved in?

3 MRS. LOECHEL: Yes, in fact, up until this case the reports I have
4 gotten, me and the opposing attorney normally
5 would stipulate that it goes into evidence and not
6 call Dr. Connor at all up until this case. This is the
7 first one where I actually called him to testify.

8 MR. KISOR: Okay.

9 MRS. LOECHEL: That I've had.

10 MR. KISOR: Do you know whether it was you or Mr.
11 Brewington's attorney that suggested Dr. Connor?

12 MRS. LOECHEL: Mr. Blondell is the one who initially suggested Dr.
13 Connor, but in fairness, he's probably who I would
14 have suggested as well. He just beat me to it.

15 MR. KISOR: Right but in any event, his attorney's the one that
16 basically...

17 MRS. LOECHEL: ...correct...

18 MR. KISOR: You just went along because of his reputation and
19 knowing Dr. Connor's work? Is that fair?

20 MRS. LOECHEL: That's correct.

21 MR. KISOR: Okay. Up to this point in the divorce, was it a fairly
22 normal dissolution?

23 MRS. LOECHEL: There were some minor issues but you know Mr.
24 Brewington wasn't happy with some of the rulings.

25 MR. BARRETT: To which we'll object judge. Can we approach your

1 honor? Judge, I don't see any relevance, ex-wife's
2 attorney (inaudible)

3 MR. NEGANGARD: Your honor, you can't get completely away from the
4 divorce case in these criminal acts. The allegations
5 in this case potentially are, these aren't um, you
6 know we're not talking any prior bad acts. We're
7 talking about the course of how he proceeded to get
8 to the point of the custodial evaluation because the
9 custodial evaluation, that's the factor in this case.
10 Once the custodial evaluation was entered then the
11 Defendant engages in this conduct of intimidation
12 and harassment and then that goes, there are some
13 acts that prior to that that we haven't discussed. We
14 haven't discussed how things went with his first
15 couple of attorneys that tend to show, but we're
16 staying away from that. What we're trying to focus
17 on is the relevant portions of this divorce and how it
18 pertains because if...defense counsel suggested his
19 defense is that he's issuing an opinion. Well you
20 don't get to you know, and we'll argue this to the
21 jury but it's the State's position you don't, the first
22 amendment doesn't protect lies. You don't get to
23 uh, lies, and so the nature of the proceedings how it
24 got to that point, what the findings were, are all
25 relevant and um, the determination because it is

1 what the person puts on the blog that's so contrary
2 to what the actual facts are. That is relevant in this
3 case.
4 COURT: I'm going to agree. I'm going to over-rule the
5 objection. I think we can look into the evaluation a
6 little bit. I mean, I'm not saying there's not limits to
7 why we're going into the dissolution.
8 MR. NEGANGARD: We'll withdraw that question.
9 COURT: So that question's withdrawn then?
10 MR. NEGANGARD: Yell we just want to get to the evaluation.
11 COURT: Okay. Fair enough.
12 MR. KISOR: Mrs. Loechel, I think we were at the point where his
13 attorney recommends Dr. Connor. Dr. Connor then
14 proceeded to do a custodial evaluation. Is that fair?
15 MRS. LOECHEL: That's correct.
16 MR. KISOR: And at some point, was a written report generated
17 by Dr. Connor and presented to the Ripley Circuit
18 Court?
19 MRS. LOECHEL: That's correct.
20 MR. KISOR: Okay and do you recall when that occurred?
21 MRS. LOECHEL: That was September 7, 2007.
22 MR. KISOR: That's when the report was presented?
23 MRS. LOECHEL: Yell, that was when the custody evaluation was
24 received, filed and sealed with the Court.
25 MR. KISOR: And at that point, were both parties seeking custody

1 of the two (2) children?

2 MRS. LOECHEL: At that time, yes, well in all honesty I don't quite
3 recall. At the time of the provisional hearings, both
4 parties argued to have full custody of the children.
5 I'm not sure if Dan had changed his mind to just
6 joint custody at that time or if he was still asking for
7 the full custody and I apologize, I just don't recall.

8 MR. KISOR: That's fine. I know it's been, how many years has
9 this been, I understand. In any event, custody was at
10 least contested, whether it be joint, whether one
11 party have it or so forth. Correct?

12 MRS. LOECHEL: That's correct.

13 MR. KISOR: Did Dr. Connor, in that report that was presented to
14 the Court, September '07, did he render an opinion
15 that Mr. Brewington disagreed with?

16 MRS. LOECHEL: Yes he rendered recommendations to which Mr.
17 Brewington agreed, uh disagreed.

18 MR. KISOR: Okay, specifically if you know, what were the
19 recommendations that Mr. Brewington disagreed
20 with at that time?

21 MRS. LOECHEL: He was...

22 MR. BARRETT: To which we'll object judge. He's asking this
23 witness to testify about what my client disagreed
24 with. It's an operation of somebody else's mind.

25 MR. KISOR: I specifically said if you know. If she doesn't know

1 then if she's just guessing then she can tell us that.
2 She's a lawyer. She's not going to do that.
3 COURT: I'll over-rule the objection. You can answer if you
4 know.
5 MRS. LOECHEL: He as upset primarily based upon some of the things
6 he's annunciated throughout the proceedings that he
7 was very unhappy with the joint custody proceeding
8 coming out, with Dr. Connor. Let me correct that,
9 with Dr. Connor not recommending joint custody,
10 uh he did want to have that. That was not the
11 recommendation. He also complained about what
12 he considered to be errors in the report and he had
13 written letters to Dr. Connor and that mentioned
14 what those things were.
15 MR. KISOR: Okay and as counsel for his then wife, you were
16 privy to all these complaints...
17 MRS. LOECHEL: Yes.
18 MR. KISOR: ...and actions that were being taken.
19 MRS. LOECHEL: Yes.
20 MR. KISOR: And did Dr. Connor do anything in response to the
21 unhappiness that Mr. Brewington expressed at that
22 time?
23 MRS. LOECHEL: He attempted to set up some additional sessions so
24 that he could talk to Dan about what his concerns
25 and what he was alleged to be as misstatements and

1 errors in the report. Um, Dan initially acted like he
2 was going to participate.

3 MR. BARRETT: To which we'll object again. Judge, it's non-
4 responsive, number 1, number 2, she is once again
5 characterizing my client's state of mind and that's
6 completely inappropriate unless she's...we object
7 your honor.

8 COURT: I'll over-rule the objection. Go ahead.

9 MRS. LOECHEL: In fact at one time Mr. Brewington, when he was
10 representing himself, at a motion to continuance,
11 uh, in the motion to continuance, he asked for
12 additional time so the addendum to Dr. Connor's
13 evaluation could be completed and it was shortly
14 after that time was when he disagreed with
15 participating in any of the rest of the procedures.

16 MR. KISOR: Okay and that motion you just described, was that in
17 March of 2008?

18 MRS. LOECHEL: Yell, I believe, it looks like it was March 19, 2008.

19 MR. KISOR: Okay, so he told the Court that he was going to
20 continue to participate as Dr. Connor had offered.
21 Did he then follow up and do that?

22 MRS. LOECHEL: No. Shortly thereafter was when he decided and I
23 don't recall the exact date of that, but he refused
24 then to participate in anything else going on with
25 respect to the evaluation.

1 MR. KISOR: Did your client take steps to participate in the
2 follow up examination and the addendum to the
3 report?
4 MRS. LOECHEL: Yes she did. She participated with the addendum
5 and the addendum was completed by Dr. Connor
6 based upon what she had said.
7 MR. KISOR: Okay, I'm going to show you a couple of other
8 documents here. One is marked State's Exhibit 107
9 and another State's Exhibit 110. Your honor, just
10 for the record counsel has seen all these documents
11 before the witness began testifying. Could you
12 individually identify those exhibits, Mrs. Loechel?
13 MRS. LOECHEL: Yes, Exhibit 107, that was a letter to Judge Taul
14 from Dr. Connor where that he was saying that Mr.
15 Brewington dropped off a packet of information
16 regarding the evaluation and he was indicating that
17 there were numerous errors and oversights in the
18 report.
19 MR. KISOR: He being Dr. Connor or Mr. Brewington?
20 MRS. LOECHEL: Dr. Connor.
21 MR. KISOR: He being which one?
22 MRS. LOECHEL: He being Dr. Connor.
23 MR. KISOR: Dr. Connor said that there were oversights and
24 omissions or who said that?
25 MRS. LOECHEL: He said that Mr. Brewington had indicated that

1 there were numerous errors and oversights so in the
2 spirit of accuracy and fairness; he wanted to offer
3 both Mr. Brewington and Mrs. Brewington an
4 additional appointment so that he could do an
5 addendum.

6 MR. KISOR: So that exhibit is 107? Is that correct?

7 MRS. LOECHEL: That's correct.

8 MR. KISOR: And that is the letter from Dr. Connor to Judge Taul
9 really requesting permission to do what Mr.
10 Brewington asked him to do.

11 MRS. LOECHEL: Yes that's correct.

12 MR. KISOR: And the next exhibit that I placed in front of you,
13 can you identify that for the record please?

14 MRS. LOECHEL: Yes, that's Exhibit 110, motion by Mr. Brewington
15 to permit the release of Dr. Connor's case file.

16 MR. KISOR: Okay now what is the significance as it pertains to
17 this case of Mr. Brewington wanting Dr. Connor's
18 case file?

19 MRS. LOECHEL: Mr. Brewington was wanting the case file and it was
20 the concern of my client based upon the information
21 out of the case file that he received is that inside the
22 case file were a copy of my client's confidential
23 medical records and we did not want those in
24 particular or any confidential information of hers
25 being released to Mr. Brewington because he had a

1 habit even before he started blogging on the internet
2 of releasing her personal information.

3 MR. BARRETT: Judge to which we'll object. It's non-responsive.
4 She's answered the question a long time ago. She's
5 elaborating on her answer.

6 MR. KISOR: I think that's part of...I don't even remember what
7 the question was at this point.

8 MRS. LOECHEL: The question was...

9 MR. BARRETT: Well and that's my point Judge, it's hard to object if
10 she's going to narrate when he asks a yes or no
11 question and she's narrating. I mean that's why I'm
12 objecting so much.

13 COURT: I'll sustain. You can rephrase and ask the question.

14 MR. KISOR: Can you take a look at that exhibit? Okay we were
15 talking about him requesting wanting to see your
16 client's medical records – confidential medical
17 records. Correct?

18 MRS. LOECHEL: Well and that was the reason why that we believed
19 that he wanted to release the case file. It's also one
20 of the many motions that he made throughout this
21 case, numerous motions over and over again to get
22 the entire case file that Dr. Connor had.

23 MR. KISOR: Okay.

24 MRS. LOECHEL: From Dr. Connor.

25 MR. KISOR: Did you ever ask for his confidential medical

1 records?

2 MRS. LOECHEL: No I didn't and based upon other things that he has

3 done, they weren't contained in the...

4 MR. BARRETT: To which we'll object Judge. It's a yes or no

5 question.

6 MR. KISOR: Your honor, the witness should be allowed at least

7 to explain.

8 COURT: I'll over-rule that objection. Go ahead.

9 MRS. LOECHEL: Um, with respect to that based upon, on complaints

10 that Mr. Brewington has made, his full confidential

11 medical records were not included in that evaluation

12 case file because he never provided them to Dr.

13 Connor as my client had.

14 MR. KISOR: Because he never followed up with the request for

15 further evaluation that he asked for.

16 MRS. LOECHEL: Well I don't know if that was where he did it or not.

17 I just know that he never provided them because he

18 has complained numerous times that nobody else

19 has contacted the Affinity Center whereas if he had

20 brought them to Dr. Connor like my client had, Dr.

21 Connor would have had them to consider.

22 MR. KISOR: Can you tell us whether or not you ever saw Mr.

23 Brewington express any upset or disagreement with

24 Dr. Connor not releasing that case file to him?

25 MRS. LOECHEL: Over and over again. The CCS, I believe there is

1 around twenty (20) filings that he's made not
2 including replies that bolster his memorandum
3 about getting the entire case file.

4 MR. KISOR: So approximately twenty (20) or more filings in that
5 case made by Mr. Brewington.

6 MRS. LOECHEL: Yell.

7 MR. KISOR: About this issue of wanting your client's medical
8 records or wanting the complete case file so he
9 could get those medical records.

10 MRS. LOECHEL: Well I believe, you know, that's what we were
11 concerned about him getting.

12 MR. KISOR: Well maybe I shouldn't...

13 MR. BARRETT: And Judge that's my point, objection. There's a
14 difference between a case file and medical records
15 and we're using those terms there changeably and
16 we object.

17 COURT: I'll sustain.

18 MR. BARRETT: Thank you.

19 MR. KISOR: And that's my error. Those twenty (20) filings that
20 you are talking about, he is asking Dr. Connor or
21 demanding to any means that he could that he get
22 access to the complete case file.

23 MRS. LOECHEL: Yell the entire case file.

24 MR. KISOR: In your practice with all the years that you've dealt
25 with custody and had these kind of evaluations, did

1 you ever get the evaluator's complete case file?

2 MRS. LOECHEL: The only...I think there's one time that the other
3 side had requested to get part of it so I did too. I
4 don't know if it was complete in all honesty. You
5 know, we barely, just kind of cruised through it
6 because we were only interested in what the other
7 side had asked.

8 **MR. KISOR:** Okay and in addition to the twenty (20) plus or
9 minus filings that Mr. Brewington made, you said
10 that there were some other ways that he was
11 expressing disagreement with Dr. Connor at this
12 time?

13 MRS. LOECHEL: At which time?

14 MR. KISOR: Well once the custody evaluation came back not in
15 his favor.

16 MRS. LOECHEL: Yes.

17 **MR. KISOR:** And he expressed his disagreement with Dr.
18 Connor. He made a number of filings which you've
19 already testified to, what other statements or ways
20 did he express that disagreement that you know of?

21 MRS. LOECHEL: Well I know that he actually filed a contempt
22 against Dr. Connor directly in the case file.

23 MR. KISOR: Was that granted by the way?

24 MRS. LOECHEL: Uh...

25 MR. KISOR: Was that contempt?

1 MRS. LOECHEL: No the contempt against Dr. Connor was denied.
2 He also filed a contempt action against me because,
3 mostly because I wasn't having my client sign the
4 release to let him have her confidential medical
5 records and I know that he made complaints to uh...
6 MR. KISOR: Was that, before you go on, was that motion against
7 you over-ruled?
8 MRS. LOECHEL: It was denied, yes.
9 MR. KISOR: Yes, okay and then what else did he do?
10 MRS. LOECHEL: Uh, I know that he contacted the Kentucky Board of
11 Psychiatric examiners and filed a complaint against
12 Dr. Connor there. Um...
13 MR. KISOR: Do you know the result of that?
14 MRS. LOECHEL: Please?
15 MR. KISOR: Do you know the result of that?
16 MR. BARRETT: To which we'll object, Judge, against, as to
17 relevance your honor.
18 MR. KISOR: This all goes to the intent of Mr. Brewington your
19 honor.
20 COURT: I'm going to over-rule. You may answer the
21 question if you know.
22 MRS. LOECHEL: And what was that again?
23 MR. KISOR: Do you know what the result was of the Kentucky
24 Board of Psychology complaint?
25 MRS. LOECHEL: The Kentucky Board of psychiatric examiners

1 didn't find any impropriety with what Dr. Connor
2 had done.

3 MR. KISOR: Did things calm down at that point?

4 MRS. LOECHEL: Well during the whole thing, it seemed like that
5 every so often we were dealing with one motion
6 after another. He would word them differently in
7 that in order to...but that was the primary cause of it
8 is that either him not having the case file and
9 wanting to have Dr. Connor and Dr. Sarah Jones
10 Connor eliminated as custodial evaluators. He even
11 filed a few mistrials in this case.

12 MR. KISOR: I'm sorry I'm having a little trouble hearing you. If
13 you could pull that mike closer to you.

14 MRS. LOECHEL: He even filed a few mistrials in the case prior to us
15 even going to the hearing on the case.

16 MR. KISOR: Okay for the benefit of the jury that may not be
17 familiar of mistrial, he filed motions for mistrial?

18 MRS. LOECHEL: Yes prior to us having the hearing on the case.

19 MR. KISOR: So there hadn't even been a trial but he's saying it's
20 already a mistrial.

21 MRS. LOECHEL: That's correct.

22 MR. KISOR: And filed several of those.

23 MRS. LOECHEL: At least two (2). The CCS will give the complete
24 list of how many were filed.

25 MR. KISOR: You just mentioned at some point he asked the

1 court....

2 COURT: Lots of sounds, hearing train whistles.

3 MR. NEGANGARD: Can we approach? In our quaint little courthouse

4 here, the court reporter can't hear when the train

5 whistle is going, so we're accustomed to this.

6 COURT: Okay.

7 MR. NEGANGARD: You looked at me and I was telling Joe to stop and

8 you looked at me and I was like I just want to

9 explain all of this.

10 COURT: Fine, fair enough.

11 MR. KISOR: Mrs. Loechel, you had just mentioned that Mr.

12 Brewington had asked the Court to dismiss Dr.

13 Connor and Dr. Sarah Jones Connor?

14 MRS. LOECHEL: Yes.

15 MR. KISOR: As evaluator? I'm going to show you what's been

16 marked for identification as State's Exhibit 111 and

17 ask if you can identify it please?

18 MRS. LOECHEL: Uh, 111 was filed May 8, 2008 and it's a Motion for

19 an Order to Dismiss Dr. Edward J. Connor and Dr.

20 Sarah Jones Connor as impartial evaluators.

21 MR. KISOR: And you as the attorney for Mrs. Brewington

22 received that motion?

23 MRS. LOECHEL: That's correct.

24 MR. KISOR: Okay and based on your understanding of the record

25 and your involvement in the case and so forth, how

1 would you characterize that motion? Is it a normal
2 request?

3 MRS. LOECHEL: No, not at all. You know in most cases, if you had a
4 problem with an evaluator that you wanted to
5 dispute what they said, you would hire your own
6 evaluator to do a, to disagree with that.

7 MR. KISOR: Okay. Is there anything in that exhibit that is I
8 guess threatening or disturbing in your opinion?

9 MR. BARRETT: To which, we'll object Judge. It invades the
10 prevalence of the jury. That's the basis of this
11 action, whether there's anything threatening and
12 again I'm not really sure what relevance it has.

13 MR. KISOR: Your honor, I'll withdraw the question. I think
14 that's fair.

15 COURT: Thank you.

16 MR. KISOR: Mrs. Loechel, let's move on. Um, what was the
17 result of that motion?

18 MRS. LOECHEL: This motion was denied as well.

19 MR. KISOR: Now ultimately, did this case proceed, the divorce
20 case, proceed to a final hearing?

21 MRS. LOECHEL: Yes it did.

22 MR. KISOR: Okay and did Dr. Connor testify?

23 MRS. LOECHEL: Yes he did.

24 MR. KISOR: And presented his custodial evaluation report?

25 MRS. LOECHEL: He did initially. I didn't offer it during initial

1 testimony. I did enter it into evidence after Mr.
2 Brewington um, asked a lot of questions from the
3 custody evaluation itself.
4 MR. KISOR: Okay, but all those issues were heard by the trial
5 judge?
6 MRS. LOECHEL: That's correct.
7 MR. KISOR: And custody was awarded to Mrs. Brewington. Is
8 that correct?
9 MRS. LOECHEL: That's correct.
10 MR. KISOR: Okay and what at that point, did Mr. Brewington
11 do?
12 MRS. LOECHEL: After receiving the final order?
13 MR. KISOR: Yes.
14 MRS. LOECHEL: Um, he wasn't happy. It was shortly thereafter that
15 he made multiple motions at the end of it and
16 motions to clarify, um, after receiving the final
17 order on the decree of dissolution of marriage, he
18 uh, filed a motion to clarify and reconsider. He
19 shortly then thereafter um, motion to grant relief
20 from the judgment and order um, as well, both of
21 which were denied.
22 MR. KISOR: And ultimately he appealed the decision?
23 MRS. LOECHEL: That's correct.
24 MR. KISOR: Of Judge Humphrey? Correct?
25 MRS. LOECHEL: Yell he did appeal the case.

1 MR. KISOR: And what was the result of that appeal?

2 MRS. LOECHEL: Uh, the trial court decision was upheld by the

3 Appeals Court. And he attempted to also have it

4 transferred to the Indiana Supreme Court but the

5 petition to transfer was denied.

6 MR. KISOR: Thank you. Now during your course of

7 representation of Mrs. Brewington, did you uh,

8 become aware of blogging of internet postings by

9 Mrs. Brewington?

10 MRS. LOECHEL: Did I?

11 MR. KISOR: Did you become aware of blogging?

12 MRS. LOECHEL: Yes we did. In fact, we used them quite often. It

13 was a great tool to prep for hearing in all honesty.

14 Um, he normally made us aware of everything that

15 he was going to argue prior to us getting there.

16 MR. KISOR: Were there things that he was blogging about that

17 you felt were inappropriate as it pertains to either

18 the children or to the dissolution case?

19 MRS. LOECHEL: He was disclosing like parts of the confidential

20 custody evaluation, uh, including my client's, some

21 of her medical issues, mental health issues and that

22 sort of thing.

23 MR. KISOR: When you say disclosing, does that mean posting

24 among the internet?

25 MRS. LOECHEL: That's correct.

1 MR. KISOR: How do you know he was doing that?

2 MRS. LOECHEL: Because he had, he had, well now he has the blog

3 site where he's done pretty much the same thing.

4 Initially he had a, I think it was

5 "Danhelpingkids.com", was his first one that he

6 started.

7 MR. KISOR: Okay and throughout his representation of himself

8 in the dissolution, did he acknowledge that these

9 were his web-sites?

10 MRS. LOECHEL: Oh yes and in fact he did it at the hearing as well.

11 MR. KISOR: Okay. At one point, I think he even said I take full

12 responsibility for what's on these web-sites?

13 MRS. LOECHEL: Yes, I know that he's said that during some specific

14 postings. I don't recall which ones at the top of my

15 head but there are some in there that say that.

16 MR. KISOR: Did you become aware of any, I guess, threatening

17 postings against anybody?

18 MR. BARRETT: To which we'll object Judge. It calls for

19 conclusions – the ultimate issue in question here.

20 COURT: Sustained.

21 MR. KISOR: Thank you, your honor. Mrs. Loechel, describe the

22 postings that you observed from Mr. Brewington.

23 MRS. LOECHEL: They varied a lot. He had a lot of animosity

24 towards uh, Dr. Connor and Judge Humphrey and

25 pretty much anybody else who disagreed with him

1 at one time or the other. But his primary, Dr.
2 Connor and, first Dr. Connor and then Judge
3 Humphrey got added to the mix, were the primary
4 targets.

5 MR. KISOR: Okay targets of what? What type of things did you
6 see him saying either to or about them?

7 MRS. LOECHEL: Well he would say a lot of things, you know, nasty
8 things about him. Right around the time that we got
9 the decree back was when he kind of stepped up his
10 game a little bit and moved into, not just in there,
11 but also to in some of his motions, I know that he
12 referred to Judge Humphrey as a child abuser
13 shortly after the orders came out.

14 MR. KISOR: Now as far as the final order you just testified about,
15 the judgment, the dissolution, um, was he allowed
16 visitation with his kids at that time?

17 MRS. LOECHEL: Not initially. At first he had to undergo a mental
18 health evaluation um, with the recommendations to
19 come back that he was safe to visit with his wife
20 and children and then after that he would get some
21 supervised visitation that based upon progression,
22 you know, that they would work with him to get
23 him back to, you know, standard visitation with the
24 children.

25 MR. KISOR: Okay and that order that you just testified about,

1 MRS. LOECHEL: I know that no evaluation has been done. I don't
2 recall if there has been any contact made at all.
3 Uh...
4 MR. KISOR: If there has been you're not aware of it. Is that
5 correct?
6 MRS. LOECHEL: Yell he may have but I'm not aware of him actually
7 calling him up. I don't recall one way or the other
8 that. I know that one was set up and has not been
9 done yet and I think that the last order in this case,
10 the one, the order that we just got back recently...
11 MR. BARRETT: Now Judge, we're going to object at this point and
12 ask permission to approach.
13 COURT: You may.
14 MR. BARRETT: (inaudible).
15 COURT: How much further...(inaudible).
16 MR. KISOR: That's not the reason (inaudible)
17 COURT: I think you've established that he was supposed to
18 and I think she's answered that so I think we can
19 move on. Okay, so I'll sustain that.
20 MR. KISOR: Mrs. Loechel, as part of the property settlement in
21 this case, was there some issue with respect to a 357
22 magnum handgun?
23 MR. BARRETT: To which we'll object again as to relevance Judge.
24 The property settlement to my knowledge is not in
25 dispute and it's not the subject of any criminal

1 action.

2 MR. NEGANGARD: Your honor may we approach?

3 COURT: Yes.

4 MR. NEGANGARD: Your honor...

5 COURT: Yes.

6 MR. NEGANGARD: The fact that there's a 357 handgun that he was
7 ordered to return, he has not returned, that Judge
8 Humphrey's aware of, that Heidi Humphrey's aware
9 of goes to in part why they would have fear. You
10 have a guy who hasn't returned a handgun.

11 COURT: What's your response to that Mr. Barrett?

12 MR. BARRETT: (inaudible)

13 MR. NEGANGARD: (inaudible) to return the handgun.

14 COURT: I think that can go towards the reception at least
15 from the alleged victim, so I'm going to over-rule
16 the objection.

17 MR. KISOR: Mrs. Loechel, was a 357 handgun a subject of the
18 property division in the dissolution of Mr.
19 Brewington and Melissa Brewington?

20 MRS. LOECHEL: Yes it was ordered pursuant to the um, the judgment
21 and final order to be awarded to my client.

22 MR. KISOR: Okay, to your client, Melissa Brewington?

23 MRS. LOECHEL: That's correct.

24 MR. KISOR: As we sit here today, has Mr. Brewington ever
25 turned that gun over to her?

1 MRS. LOECHEL: No he hasn't.

2 MR. KISOR: Do you have any idea where that gun is?

3 MRS. LOECHEL: I have no idea and um, it's the only item on the
4 property list that wasn't, that my client was
5 supposed to receive that she did not receive.

6 MR. KISOR: Okay, I'm going to show you what's been marked
7 as State's Exhibit 140. Can you identify that?

8 MRS. LOECHEL: Yes, uh, Exhibit 140 is a judgment and final order
9 on decree of dissolution of marriage.

10 MR. KISOR: And among other filings it contains the issues about
11 the mental health evaluation and about the handgun
12 (inaudible) that you testified to. Is that correct?

13 MRS. LOECHEL: That's correct.

14 COURT: You need to speak up Mr. Kisor. I believe we're
15 having a hard time picking you up since you're over
16 here.

17 MR. KISOR: I'm sorry. Um, each of these documents are
18 (inaudible) of the Ripley County Court?

19 MRS. LOECHEL: Yes they are.

20 MR. KISOR: Your honor at this time the State would move to
21 admit into evidence the certified documents that
22 have been used in the testimony, specifically,
23 Exhibit 99, 104, 107, 110, 111, and 140.

24 COURT: Any objections to those exhibits, Mr. Barrett?

25 MR. BARRETT: Yes Judge. Can we approach?

1 COURT: Yes.

2 MR. BARRETT: (inaudible).

3 COURT: 99, 104, 107, 110, 111, and 140.

4 MR. BARRETT: (inaudible) irrelevant (inaudible).

5 MR. KISOR: Judge (inaudible) documents that this witness

6 testified in, then we're going to hear from the other

7 side (inaudible).

8 COURT: I'm going to agree. I'm going to find that they are

9 relevant. So I'm going to show 99, well I'll

10 announce that but I'm going to over-rule the

11 objection. I'll show State's Exhibit 99, 104, 107,

12 110, 111 and 140 offered and admitted over defense

13 objection.

14 MR. KISOR: Thank you, your honor. Mrs. Loechel, at some

15 point did you become concerned enough that you

16 personally came to the prosecutor's office?

17 MRS. LOECHEL: That's correct.

18 MR. KISOR: What was it that happened or what made you so

19 concerned?

20 MRS. LOECHEL: Shortly after the entry of the decree, not the decree

21 but the final order and judgment...

22 COURT: Pull the microphone a little bit closer.

23 MRS. LOECHEL: Sorry about that. Uh, shortly after the final order,

24 the judgment and final order on the decree came

25 out. Um, there were certain blogs and other things

1 that came out. At that time...

2 MR. KISOR: And again when you say that came out, are they

3 blogs of Dan Brewington?

4 MRS. LOECHEL: Yell blogs that Mr. Brewington made. Um, one of

5 the, at the time, at that time, he was, you know,

6 saying some pretty, you know, inflammatory stuff

7 like you know, calling Judge Humphrey a child

8 abuser and that sort of thing and in one of the blogs

9 in particular, he listed Judge Humphrey's wife,

10 Heidi, by name and listed the Humphrey's home

11 address.

12 MR. BARRETT: To which we'll object and ask permission to ask a

13 preliminary question your honor.

14 COURT: You may.

15 MR. BARRETT: Did the blog refer to Heidi Humphrey as the Judge's

16 wife?

17 MRS. LOECHEL: I don't recall. I would have to look at it.

18 MR. BARRETT: We would ask, we would object your honor, as to

19 relevance and ask that the answer be stricken and

20 the jury ordered to disregard.

21 COURT: I'm going to over-rule the objection.

22 MR. KISOR: Thank you, your honor. And those concerns led you

23 to at least that this be investigated.

24 MRS. LOECHEL: I didn't, I think that, I don't know if I quite referred

25 to it at that. I, um, went to meet with Mr.

1 Negangard and I made him aware of the fact that,
2 you know, that he had posted the Judge's wife's
3 name and um, and her home address on the blog. I
4 was concerned about that as, you know, he had been
5 saying fairly inflammatory stuff about Judge
6 Humphrey and also Judge Humphrey being our
7 Circuit Court Judge sentenced some people
8 convicted of some really high crimes and other
9 things.

10 MR. BARRETT: To which we'll object Judge. It's non-responsive.
11 She's expressing her opinion.

12 MR. KISOR: It's very responsive your honor.

13 COURT: There again I'm not sure where we're going. I'll
14 sustain as to the last comment.

15 MR. BARRETT: Thank you, your honor.

16 MRS. LOECHEL: Well given that...

17 COURT: Hold on, I don't think there's a question.

18 MR. KISOR: Thank you. Is there more that you can tell the jury
19 about what you saw posted by Mr. Brewington that
20 concerned you enough to bring it to the attention of
21 law enforcement?

22 MRS. LOECHEL: That was the biggest thing that I was concerned
23 about but everything else just seemed to be
24 escalating. You know, all of a sudden the
25 (indiscernible) went from, you know, him being

1 really upset to doing specific things like you know
2 calling somebody a child abuser, you know actual
3 things that are more factual in basis and it just
4 seemed like that he, after getting you know, I was
5 here to witness his demeanor in the courtroom when
6 we had the uh, the dissolution hearing of where that
7 at times he got really upset and really agitated and
8 that was here in the courtroom.

9 MR. KISOR: Describe that a little bit. What do you mean by
10 upset and agitated? A lot of people get that way. I
11 will probably get that way before this trial's over.

12 MRS. LOECHEL: When we came in on the first...

13 MR. BARRETT: To which we'll object Judge. Now we're going into
14 the way he acted at the divorce hearing.

15 COURT: I'll over-rule. Go ahead.

16 MRS. LOECHEL: And um, you know, he was um, yelling and carrying
17 on in such a manner that in all honesty I've never
18 even had, I've never seen anybody do in court that
19 I've been involved with directly. Um, you know,
20 given that, I was concerned because of that reason.
21 My other concern was that given the types of cases
22 that Judge Humphrey does, that being you know,
23 criminal cases that...

24 MR. BARRETT: To which we'll object Judge. Again as to, she's
25 speculating at this point. He asked her what she

STATE'S WITNESS – ANGELA LOECHEL - CROSS

1 saw and now she's speculating.

2 COURT: I'll sustain that. Stick to what you saw.

3 MR. BARRETT: Okay.

4 MRS. LOECHEL: Okay.

5 MR. KISOR: So anything else that you observed that Mr.

6 Brewington posted or wrote or said or screamed in

7 court that concerned you?

8 MRS. LOECHEL: Not really. It was mostly bad.

9 MR. KISOR: Alright. Thank you, your honor, at this time I don't

10 have any further questions but I would reserve the

11 right to recall Mrs. Loechel.

12 COURT: Mr. Barrett, do you wish to ask questions?

13 MR. BARRETT: Thank you, your honor. You represented Mrs.

14 Brewington through the course of this action. Is

15 that correct? With the exception of the appeal?

16 MRS. LOECHEL: That's correct.

17 MR. BARRETT: And you actually are the one who went and

18 contacted the prosecutor's office about looking into

19 Mr. Brewington?

20 MRS. LOECHEL: Well actually to keep, I thought that they needed to

21 be aware that this was going on.

22 MR. BARRETT: Did Mr. Brewington ever do anything other than

23 yell or say loud comments? Or post them on the

24 internet?

25 MRS. LOECHEL: I'm sorry, what? Can you say that again?

1 MR. BARRETT: Did he ever threaten anybody that you saw,
2 physically?
3 MRS. LOECHEL: Not physically.
4 MR. BARRETT: Did he ever threaten anybody to their face that you
5 saw?
6 MRS. LOECHEL: No.
7 MR. BARRETT: So he raised his voice in court. Correct?
8 MRS. LOECHEL: That's correct.
9 MR. BARRETT: Did he threaten you in Court?
10 MRS. LOECHEL: He didn't threaten me in Court but he did contact
11 my home at one time during the course of this.
12 MR. BARRETT: Did he threaten you in Court is my question.
13 MR. NEGANGARD: Your honor, can the witness be permitted to answer
14 the question? He kind of cut her off.
15 COURT: You can answer the question. It was the question,
16 did he ever threaten?
17 MRS. LOECHEL: Yes.
18 COURT: You can answer that.
19 MRS. LOECHEL: I said that what he did do was he contacted my
20 house and talked to my husband and then later on
21 made me aware of the fact when I went to depose
22 his mother that he contacted my house concerning
23 some firearms training from my husband.
24 MR. BARRETT: But he didn't threaten you.
25 MRS. LOECHEL: No he didn't but he made me aware that he knew

1 where I lived and who my spouse was.

2 MR. BARRETT: I mean is it hard to find out where you live?

3 MRS. LOECHEL: I kind of live, he did it under the guise that he was

4 looking for a firearms instruction and uh, I live in

5 Demossville, Kentucky. He was residing in Milan

6 at the time.

7 MR. BARRETT: We found it in ninety (90) seconds on the internet.

8 MR. KISOR: Your honor again, he asked a question and the

9 witness has answered.

10 MR. BARRETT: That's my point. Why did you take that as a threat?

11 MRS. LOECHEL: Because he actually contacted...

12 MR. KISOR: Objection your honor.

13 COURT: Let's get back to the question I guess. Is it that hard

14 to find? I mean that's the question. Let's answer

15 that and go on.

16 MRS. LOECHEL: It's not that hard to find my address but he's the one

17 who called my house under the guise of receiving

18 firearms instruction from a place that was over an

19 hour and a half, probably an hour and a half from

20 where he lived. I'm an hour from here so whatever

21 the additional time to Milan would be to his house.

22 MR. BARRETT: But you provided firearm instruction.

23 MRS. LOECHEL: We didn't have a blog or a site that provided

24 firearm instruction. He would have known that it

25 was my house so if he searched because he

1 MRS. LOECHEL: That's correct.

2 MR. BARRETT: I want to go back to the discussion, did you ever
3 hear or see in writing Mr. Brewington ask for your
4 client, Melissa Brewington's, medical records?

5 MRS. LOECHEL: In writing? Is that what you're asking?

6 MR. BARRETT: In writing or in person. Did he ask for them in the
7 courtroom or did he say that to you?

8 MRS. LOECHEL: I believe that he said that if that was in the entire
9 case file, that he wanted that to be included. I
10 believe that was in part of his testimony.

11 MR. BARRETT: Okay.

12 MRS. LOECHEL: As I recall, that he asked for the entire file. Every
13 time that he would blow it off and say entire file,
14 even when he was uh, even when he was asked that.
15 And at the time of the, when we got into the Dr.
16 Waite thing, he didn't ask for them at that time but
17 in his interrogatory responses, they said that they
18 weren't asking for them at this time, at the time of
19 appointing Dr. Henry Waite when he was requesting
20 him as an evaluator.

21 MR. BARRETT: Are you aware of a letter where Dr. Connor
22 indicated at some point in time specifically March
23 26, 2008, that he would release the chart records to
24 Mr. Brewington if he provided proof of his pro se
25 status?

1 MRS. LOECHEL: Of his pro se status? There may have been some of
2 that in there back and forth but we had objected to it
3 when he attempted initially to permit the release.
4 MR. BARRETT: And I understand that. I understand absolutely that
5 you objected and I understand why and you know,
6 that's, no I understand.
7 MRS. LOECHEL: I think there was a flurry a letters between him and
8 Dr. Connor of which we were just copied on.
9 MR. BARRETT: Mm hmm, but at some point Dr. Connor did tell
10 him he would release that?
11 MRS. LOECHEL: I believe it was under some things but still it had my
12 client's confidential medical records which he
13 would not be permitted to release without consent
14 order.
15 MR. BARRETT: I understand you didn't want him to and again, I
16 understand you didn't want him to and I understand
17 why but he did say he would. Correct?
18 MRS. LOECHEL: I think that there was something like that in there.
19 MR. BARRETT: And much of what Mr. Brewington became so
20 enraged and upset about in court and on his blog
21 over time, had to do with that case file, those chart
22 records. Correct?
23 MRS. LOECHEL: That would be correct.
24 MR. BARRETT: Oh yell, okay. Thank you. Um, the incident you
25 described about Mr. Brewington contacting your

1 home, did you contact local law enforcement about
2 that?

3 MRS. LOECHEL: No. I didn't find out about it until quite a while
4 later. Mr. Brewington is the one who informed me
5 of it on the date that I went to depose his mother.

6 MR. BARRETT: Mm hmm.

7 MRS. LOECHEL: And then shortly thereafter he quoted my husband
8 in a letter to us.

9 MR. BARRETT: Okay and did you report that to law enforcement?

10 MRS. LOECHEL: No I did not. I'm married to law enforcement.

11 MR. BARRETT: Mm hmm.

12 MRS. LOECHEL: So I really wasn't as concerned about him showing
13 up at my house and doing something physical
14 although I did make the neighbor's aware of what
15 he looked like and that sort of thing just in case.

16 MR. BARRETT: Did you file a protective over?

17 MRS. LOECHEL: No I didn't.

18 MR. BARRETT: Did you file any kind of civil action against Mr.
19 Brewington?

20 MRS. LOECHEL: I did not.

21 MR. BARRETT: Are you aware of whether Dr. Connor has filed a
22 protective order against Mr. Brewington?

23 MRS. LOECHEL: I'm not aware of it if he is but I can't say for sure
24 that he hasn't filed anything some place.

25 MR. BARRETT: Not to your knowledge.

STATE'S WITNESS – ANGELA LOECHEL - REDIRECT

- 1 MRS. LOECHEL: Not to my knowledge.
- 2 MR. BARRETT: And Mr. Brewington just to be clear, since we've
- 3 gone there, Mr. Brewington didn't show up at your
- 4 house.
- 5 MRS. LOECHEL: No he didn't.
- 6 MR. BARRETT: Ever?
-
- 7 MRS. LOECHEL: Not that I'm aware of.
- 8 MR. BARRETT: Or that your husband's told you?
- 9 MRS. LOECHEL: Please?
- 10 MR. BARRETT: And your husband hasn't mentioned that he has?
- 11 MRS. LOECHEL: Yell nobody...
- 12 MR. BARRETT: And your neighbors that you notified haven't
- 13 mentioned to you that he's showed up?
- 14 MRS. LOECHEL: That's correct. I have no knowledge of him ever
- 15 showing up at my house.
- 16 MR. BARRETT: Nothing further Judge.
- 17 COURT: Any redirect?
- 18 MR. KISOR: Just briefly. Mrs. Loechel, I didn't know where he
- 19 was going here but talking about your husband and
- 20 about obviously you didn't feel like he could do
- 21 anything to harm you because your husband's in law
- 22 enforcement. Tell the ladies and gentlemen of the
- 23 jury a little about your husband's background.
- 24 MR. BARRETT: To which we'll object Judge as to relevance.
- 25 MR. KISOR: Judge he brought it up.

1 MR. NEGANGARD: Your honor, may we approach? He has opened the
2 door to all of this your honor. He said has he ever
3 done anything threatening, you had asked her if he
4 had ever done anything threatening to her and then
5 he asked her which I think it allows her to talk about
6 all the threats that she witnessed or threatening acts
7 that he previously objected to. He also, because
8 he's opened the door to that by attempting to
9 (indiscernible) dangerous where she took remedial
10 action as a result of the things that he has done and
11 with regard to the last um, point where um, Mr.
12 Kisor was asking about what her husband did, he
13 made issue as to the protective order and like oh,
14 you weren't threatened so you needed a protective
15 order. Well she might not have gotten a protective
16 order because 1; she's familiar with law
17 enforcement and may not feel the need to get a
18 protective order given the fact that her husband is a
19 special forces training, is in law enforcement and I
20 think we're allowed now to get that in front of the
21 jury because he kind of went there to imply...
22 COURT: Well she kind of already testified that he's law
23 enforcement so she wasn't concerned. I guess how
24 much farther do we need to go? I guess where are
25 you going with that question?

1 MR. NEGANGARD: Well what his background and training is as far as
2 Special Forces.
3 COURT: I don't really know if that is really...I mean she said
4 the reason was well we're in law enforcement, we
5 teach swat teams.
6 MR. NEGANGARD: Okay.
7 COURT: I think that's kind of, I think that's already been
8 inferred so I'll sustain the objection. You may go
9 ahead Mr. Kisor.
10 MR. KISOR: Thank you, your honor. A number of questions
11 were asked about what you didn't do when all of a
12 sudden Mr. Brewington's apparently the services
13 that he's not really eligible for from your husband.
14 What did you do in response to that?
15 MRS. LOECHEL: What I did was is I let my neighbors know what he
16 looked like and that.
17 MR. KISOR: Did you give them a picture?
18 MRS. LOECHEL: I showed them a picture actually off Dan's web-site.
19 A few of the neighbors that were around at that
20 time and um, even a description of his truck. He
21 had a maroon truck at that time.
22 MR. KISOR: Mm hmm. So you were concerned.
23 MRS. LOECHEL: I was concerned.
24 MR. KISOR: And you had no idea how he even came to find out
25 that was your business?

1 MRS. LOECHEL: Well I don't know how that he found...his story has
2 always been is that he didn't know that Scott, who
3 he contacted, was my husband and I'm just saying
4 that he contacted us through K-Tech Incorporated,
5 he would have seen me as well because I'm a co-
6 owner of the business as well as the other instructor.
7 No grant it, I don't instruct as much as Scott does,
8 um, but you know, I do do the Carry Conceal and
9 am certified to do personal protection.
10 MR. KISOR: So either he knew it or it was some giant
11 coincidence?
12 MRS. LOECHEL: Yes. And again my last name's Loechel.
13 MR. KISOR: Loechel.
14 MRS. LOECHEL: It's not Smith. I'm not, you know, there's not a
15 whole lot of us out there.
16 MR. KISOR: And Scott Loechel's last name is Loechel as well.
17 MRS. LOECHEL: That's correct.
18 MR. KISOR: Now there was some questions asked about whether
19 or not Mr. Brewington requested medical,
20 confidential medical records or a complete file. Do
21 you know specifically what he asked Dr. Connor for
22 without referring to the letters themselves?
23 MRS. LOECHEL: Not without going through everything, you know,
24 step by step. I don't recall. He kept on saying the
25 entire case file, whatever was in that. In all honesty

1 he was vague at most times as to whether or not that
2 it included my client's confidential records, though
3 in the interrogatories he did for us concerning Dr.
4 Waite, he said they weren't asking for them at this
5 time but I forget exactly how they worded it but
6 they left the door open that they may want those at a
7 later time.

8 MR. KISOR: Okay and that was Dr. Connor's concern though as
9 expressed in the pleadings and the letters that you
10 were privy to. Is that not correct?

11 MRS. LOECHEL: Yes.

12 MR. KISOR: Okay and that was your client's concern as well.
13 Wasn't it?

14 MRS. LOECHEL: Yell my client was concerned that her medical
15 records were going to be placed out there for
16 everybody in the whole world to see.

17 MR. KISOR: Okay and Mr. Brewington asked for that full case
18 file and the Judge said no. You get the evaluation;
19 you don't get the entire case file.

20 MRS. LOECHEL: Yes. In fact it was stated that way to him numerous
21 times throughout that. He had order after order
22 denied trying to get the entire case file.

23 MR. KISOR: Okay. And that's when the blogging escalated as
24 you've testified.

25 MRS. LOECHEL: Is that when?

1 MR. KISOR: That's when the blogging escalated to the way that
2 you described it?
3 MRS. LOECHEL: Well yell, like I said, he was kind of up and down.
4 You know, he blogs a lot regardless of when it is so
5 but the, you know, after the final decree was in, is
6 when he escalated.
7 MR. KISOR: Okay.
8 MRS. LOECHEL: The type of (indiscernible) that he did.
9 MR. KISOR: Okay thank you. Again I would reserve the right to
10 recall but no further questions at this time your
11 honor.
12 COURT: Mr. Barrett, any other questions?
13 MR. BARRETT: No your honor.
14 COURT: Do any of the jurors have any questions? Okay.
15 You may be excused.
16 MRS. LOECHEL: Thank you.
17 COURT: I think we're going to call it a day. I'm going to ask
18 the jurors, any problems with child care or anything
19 with reporting at 8:30 in the morning and actually
20 this question goes out to counsel too. I guess so we
21 can get started as early as possible. Okay and I
22 know now we're at almost ten 'til five, just for some
23 scheduling I think I'm going to talk with counsel
24 about some things. Um, any issues that 5:00 or 5:30
25 is really a bad situation for any of the jurors. You

1 don't have to say it out loud or we can discuss it but
2 that should be okay? Okay. Again as I stated, I'm
3 going to tell you this every time that you leave the
4 courtroom. This is to the jurors. We're going to
5 take a recess today, report back and we'll get started
6 at 8:30 in the morning. So if you can be here at
7 least about ten (10) or fifteen (15) minutes
8 beforehand about quarter 'til eight or so. You'll
9 check in with Michelle. During the time that you're
10 out of the courtroom, you may discuss the case
11 amongst yourselves; however you are not to
12 deliberate or to begin making decisions as to a
13 verdict. Do not talk to any of the parties, the
14 attorneys or witnesses. Should anyone attempt to
15 talk to you about the trial, you should refuse and
16 report the attempt to me at your first opportunity.
17 There may be publicity and various media
18 concerning this trial. You should not read or listen
19 to those accounts but should confine your attention
20 to the court proceedings, listen attentively to the
21 evidence as it comes from the witnesses and reach a
22 verdict solely upon what you hear and see in this
23 court. You should keep an open mind. You should
24 not form or express an opinion during the trial and
25 should reach no conclusion about the case until it is