

1 MR. BARRETT: Yes sir.

2 MR. NEGANGARD: Thank you, your honor.

3 COURT: Okay, that's all. Would the Court please rise? You
4 may be seated. We're here on 15D02-1103-FD-84,
5 the State of Indiana versus Daniel Brewington. The
6 State appears by Prosecuting Attorney, Aaron
7 Negangard and Deputy Prosecuting Attorney
8 Prosecuting Attorney, Joseph Kisor. The Defendant
9 appears in person and by counsel, Bryan Barrett.
10 The jury is also present with us this morning. Are
11 the parties ready for closing statements, Mr.
12 Negangard?

13 MR. NEGANGARD: Yes your honor.

14 COURT: And Mr. Barrett?

15 MR. BARRETT: Yes your honor.

16 COURT: Mr. Negangard, you may proceed.

17 MR. KISOR: Can you give us just a moment to set up the video
18 screen?

19 COURT: Certainly.

20 MR. KISOR: Thank you, your honor. May I please the Court,
21 counsel? Good morning to you ladies and
22 gentlemen of the jury. Before I begin my part of
23 this presentation I want to thank you. You've given
24 up a good part of this week away from your
25 families, for the service of the people of this County

1 and this State and on behalf of everyone here, I
2 thank you. I thank you very much. There's an old
3 saying that says "the right for me to swing my fist
4 ends at the tip of your nose". We all have freedoms
5 in this country. We're the greatest nation in the
6 world, in history probably and we have the greatest
7 freedoms in this world and many people have
8 fought and died and lived for those freedoms. And
9 what we're here for today and what we've been here
10 for all week and what our victims have been
11 suffering through for many years is abuse of that
12 freedom by that man. Sure, you've heard voir dire,
13 free speech. Another old saying, I'm getting old, so
14 I say a lot of old sayings. There ain't no free.
15 Somebody pays for it. Somebody paid for it at
16 some point. You all can read that I hope, I think.
17 No laws shall be passed restraining the free
18 interchange of thought and opinion or restricting the
19 right to speak, right or print. That's what our
20 communications in our political system and our
21 system of government and our community – it's all
22 based on that – that interchange. We have that
23 right. That's on any subject whatsoever. You can
24 talk but for the abuse of that right every person
25 including him, with the abuse of that right, Dan

1 Brewington must, must be held responsible.
2 Government of laws not of men and certainly not of
3 one man. We're a government of the people and
4 he's got to be responsible. He wants to be. He's
5 proud of his life's work – of what he's done to the
6 people that came in here and testified to you. In one
7 of his postings, and it's all into evidence, I don't
8 even know where the stack is, you've seen some of
9 it and had an opportunity to view it. It's a lot of
10 exhibits – it's a monstrous, voluminous stack of
11 writing and he accepts full liability for all of that.
12 He's proud of it. You need to give him full liability
13 for it. I'm sure his attorney's going to say as he did
14 I think earlier in the proceedings, it's only opinions,
15 it's only criticisms. That's why we have the first
16 amendment. That's why we have the Indiana
17 Constitution. You're allowed to do that. That's
18 what makes our government great. That's what
19 makes our country great. It's the sticks and stones
20 can break my bones but words can never hurt me.
21 But you know and I know and the witness chair told
22 you how much those words can hurt and how much
23 danger they can present. Mr. Barrett said in voir
24 dire words have meaning and they certainly do.
25 There's no point in me up here trying to talk to you,

1 trying to communicate if I don't want you to figure
2 out my intent from my words. That's all you have to
3 do with this case is figure out his intent from his
4 own words. They demonstrate his intent and what
5 the victims told you and what the evidence in this
6 case is, shows you the damage that that "free"
7 speech can cause to good lawful human beings. But
8 you know what? He doesn't care. He doesn't care
9 that Dr. Connor almost broke down telling you that
10 what it was like to tell his kids how afraid he was of
11 this man and how if you see him come around, you
12 call 911. He doesn't care. Grab a bucket of
13 popcorn and sit back because I want to entertain
14 you. I want to entertain you. I didn't find anything
15 and I haven't, honestly. Honestly, I'll be honest, I
16 don't get on the blogs and I haven't read every page
17 of every exhibit. So far I've not heard anything that
18 he's blogged or written in a court pleading or said to
19 one of our victims that was at all informative and
20 I've heard absolutely nothing that entertained me. It
21 disgusted me. But grab a bucket of popcorn. That's
22 all this is to him. And we're going to go on an
23 adventure and take on the family courts, a
24 government not of laws, not of men but a
25 government according to Dan Brewington. Ladies

1 and gentlemen, he wasn't just "taking on the family
2 courts". He was taking on our judicial system.
3 Why? Because after full and fair hearing, he didn't
4 like the way the facts came out. He didn't like the
5 way they were going to come out. He wasn't just
6 taking on Judge Humphrey. He was taking on
7 everything about our legal system that people have
8 fought and died for. You know what, I don't think
9 any American Soldier ever lost his life, gave his life
10 in any war so that Dan Brewington could threaten
11 Judge Humphrey and Heidi Humphrey and Ed
12 Connor and Sarah Jones-Connor. I don't think
13 that's what free speech was meant to be and I know
14 that's not what it is. It's not an adventure for
15 anybody but him and I guess anybody that thinks
16 it's funny. I haven't talked to anybody yet but there
17 probably are one or two out there. Free Speech – it
18 doesn't trump him lying and it doesn't trump him
19 threatening. Yell you can swing your fist all you
20 want and say I'm right, you're wrong but when you
21 get to my nose, you better stop because now you've
22 crossed the line. These threats weren't just little
23 opinions, little criticisms. You know maybe they
24 were. Maybe they were if he was made enough to
25 write Judge Humphrey or Ed Connor a letter and

1 say you're a liar, you're a child abuser, you screwed
2 me, blah, blah, blah, blah, blah. But when you do
3 this over and over and over again with only one
4 purpose to harass and bring them to ridicule and put
5 them in fear, that is not an appropriate exercise of
6 speech. That's a crime. That's a bunch of crimes
7 and that's why he's sitting right there. The fears
8 they had, these threats were serious. He may think
9 they're funny – they're not. The Humphrey's were
10 placed in fear and they took steps that they told you
11 about. They had to set their kids down. They had
12 to call their kids schools. They had to speak to local
13 law enforcement. The Humphrey's put a burglary
14 system in. Heidi Humphrey took a police escort to
15 the state line. The fear was reasonable and it was
16 justified. Mrs. Loechel, she pointed out, she lives in
17 Kentucky, she's not a part of this case other than as
18 a witness and she has been involved for the many
19 years that all of this has been going on. She took
20 steps to tell her neighbors, this is the guy and this is
21 what his car is and if you see it, let somebody know.
22 These are all reasonable people taking reasonable
23 and justified steps and here's a little backdrop to
24 this. In the divorce decree and throughout the
25 divorce proceedings, there's a 357 handgun, he was

1 ordered, and you can read the order, it's in evidence,
2 to turn it to his wife. He got it when she filed the
3 petition for dissolution. That was her testimony.
4 Around the time she filed, that's when he decided to
5 get a 357 magnum handgun. It was ordered by
6 Judge Humphrey to turn it over. He's not done that.
7 He appealed those orders. The Court of Appeals
8 upheld the judge, sent it back. The order still says;
9 give that handgun to Melissa Brewington. I don't
10 know where it is. Sheriff Kreinhop doesn't know
11 where it is. Ed Connor doesn't know where it is.
12 Judge Humphrey doesn't know where it is and
13 Melissa Brewington doesn't know where it is. He
14 does. Would you be afraid if you knew right now,
15 based on what you've seen and what you've heard,
16 the distorted thinking, the almost maniacal attacks
17 that he will go, the steps he will go to, to attack
18 people. Would you be afraid if you knew and I
19 hope to God he doesn't but if he had a 357 in his
20 pocket right now, would you be in a little bit of
21 fear? Man, I would. He even recognized in his own
22 writings – again he convicts himself ladies and
23 gentlemen. He brought this one himself because he
24 wanted to entertain and he wanted whatever it was
25 he wanted. He convicts himself and he tells you Dr.

1 Connor had a right to be threatened. It's in a
2 posting that starts, Exhibit 191, the title "it's a
3 dangerous game". And in that page 2 of that
4 document he says, ask yourself. I don't know why
5 Dr. Connor, I've highlighted it here, is working so
6 hard to stay involved in this case. He could easily,
7 have easily said that he felt threatened by me. Sure
8 he could have because he had darn good reason and
9 in fact did feel threatened. So he was withdrawing
10 from the case. Now that's what bully Dan
11 Brewington would like. That's the pattern and we'll
12 talk about that a little bit more. When he didn't get
13 what he liked, he fired this attorney, he didn't get
14 what he liked, he fired that attorney, didn't like Ed
15 Connor's evaluation, tried to keep it out, tried to
16 keep Ed Connor from coming in here and sitting in
17 this witness chair and testifying in his divorce for
18 his kids. He knows that he threatened Dr. Connor
19 and again he even says Dr. Connor could have
20 gotten out. I wish he would. He wanted him out,
21 that's why he, that's why this, that's why this, he
22 wanted him out and yell he could have gotten out.
23 Dr. Connor was not going to be bullied by Dan
24 Brewington. So you don't think that's a serious
25 threat. He thought it was. He said it was. Let's talk

1 about another serious threat which mind boggles to
2 me. He went to Campbell County Kentucky,
3 Newport, to a hearing that he was not a party to, was
4 not a witness to and posted about it later. Oh, the
5 reason he went, I almost forgot, Ed Connor was
6 testifying. Of course Ed Connor was a little
7 shocked, you know, this is where the State that Ed
8 Connor lives in. He testifies frequently. He's got,
9 Brewingtons got nothing to do with it and here he
10 shows up. Well Dan Brewington posts later, posts
11 later that the Doctor looked nervous and he should
12 have. Is that serious? Man if I'm in any of those
13 victims' shoes, it's darn serious. Let's just talk a
14 little bit about the charges. There's six (6) charges,
15 three (3) of them involve intimidation and you're
16 going to get all of this in the instructions. We've
17 talked about it probably to some people over and
18 over and if I go overboard here I apologize but the
19 relevant part is a person who communicates a threat
20 to another person and in this case we say he did that
21 to three (3) persons, with the intent that the other
22 person be placed in fear. It doesn't matter if they
23 actually were in fear. It doesn't matter if his intents
24 carry out but if that is his intention, that they be
25 placed in fear of retaliation for a prior lawful act,

1 that's intimidation and just remember something
2 ladies and gentlemen, the success of the intimidator,
3 the intimidator does not determine the guilt of the
4 intimidator. He tried to intimidate Judge
5 Humphrey. He filed a motion for him to withdraw.
6 He tried to bully him. He did all kinds of things
7 and I'm going to get into some of that. He tried to
8 keep Ed Connor from coming in and sitting in that
9 witness chair and testifying as the independent
10 custody evaluator that he had been hired by Dan
11 Brewington's lawyer and his wife's lawyer to do.
12 He tried to do that but he wasn't successful. His
13 lack of success has nothing to do with his excess of
14 guilt. That's intimidation. Now, I believe it came
15 up in voir dire, some of you were asked, to
16 intimidate a judge, that's a little more serious. I
17 think we could all agree and it's even a little more,
18 more serious if you're intimidating that Judge over
19 the Judge's actions in this courtroom. Again, this is
20 not an adventure in the family courts. It's an attack
21 against everything that the justice system represents.
22 Fairness, not just him, it's a government of laws,
23 not a government to Dan Brewington. Okay, but
24 again, we talked about it in voir dire. The different
25 element for Judge Humphrey, there's one additional

1 element, he's the Judge of the Dearborn-Ohio
2 Circuit Court and if he is, then it becomes a felony
3 and rightfully so. Now, there is about eight (8)
4 categories. Now the intimidation statute is Indiana
5 Code 35-45-2-1, section C has about, I think, eight
6 (8) categories of what does the legislature say is a
7 threat. What does the legislature say is too far, too
8 far for somebody that wants to speak, wants to talk.
9 There's at least three (3) categories that apply in
10 this case and there's subsection C1, C6, and C7 and
11 I'm going to be coming back to these but #1 is if
12 you express an intention and again it doesn't matter
13 if you actually did this, if you express the intention
14 and put somebody in fear that you might do it to
15 unlawfully injure or to damage their property and
16 I'm going to come back and talk a little bit more
17 about this, that's a threat. Our legislature says that's
18 a threat, that's the law and you all said you would
19 follow the law and that's what's going to be in the
20 instructions. It's probably going to have all eight
21 (8) categories but these are the only three (3) I think
22 that apply. Subsection C6, this is the one that if you
23 had a paint brush, it would be all over the ceiling. It
24 would be all over the windows, the floor, this
25 podium, my face. This is the one he just could not

1 stop doing – exposing the people that he was
2 threatening through the hatred and contempt and
3 disgrace and ridicule. That was his whole intent.
4 That's his only intent. There's no legitimate
5 purpose for what he did except that and the other
6 possible threats. Also #7, it's also a threat if you, by
7 expression, uh, make an intention to falsely harm
8 the business reputation of the person. We're going
9 to talk a little bit more about that. He's guilty, he's
10 guilty, not because I say it, because he said it. He's
11 guilty. He communicated, the statute says a threat,
12 I'd say a thousand threats to Dr. Edward Connor
13 and he didn't have the intent of being, you know,
14 Thomas Payne in exposing, you know, the king's
15 injustices. He had the sole intention of making Dr.
16 Connor squirm, making him worry about his kids,
17 his house, his family and making Dr. Connor not
18 follow through with what he had been hired by his
19 attorney to do. That's all, that's two (2) elements.
20 Now there may be a lot of facts and you might say
21 I'm not sure the prosecution proved, you know,
22 whether that exhibit meant this of that or uh, I don't
23 know. That's what we got to prove beyond a
24 reasonable doubt. If you're firmly convinced, I
25 think you are, that's proof beyond a reasonable

1 doubt and that's only two (2) elements. He's guilty.
2 That's Count I. Again threats, just his intention,
3 success of his intimidation doesn't determine
4 whether he's innocent or guilty. He did it – he's
5 guilty. Here's just a few, I mean look, we don't
6 have enough days for me to stand up here and tell
7 you all the threats and all the things he did. You've
8 heard a lot. These are some, what I would say, are
9 the more serious, more prominent. Anybody that's
10 seen me with gasoline and fire knows that I'm quite
11 the accomplished pyromaniac. Dr. Connor knows,
12 you know, he's done psychological testing; he
13 knows this guy's capable of doing something like
14 that. He knows he may have a weapon. He knows
15 he's constantly daily attacking him and distorted
16 and whacko ways, and he's proud, just like he is of
17 all his...I'm proud, I'm an accomplished
18 pyromaniac. Now I don't think that, we didn't
19 never hear from any plumber that he said was a
20 lousy son-of-a-B or that he wanted to punch. He
21 later posted what if I said it about the plumber.
22 Well you know what? This case is not about a
23 plumber. It's about a custody evaluator and a Judge
24 who were going their jobs and that's the context
25 where he says in his postings, I'd like to beat that

1 lousy son-of-a-, whatever, Dr. Custody Evaluator,
2 one man, Ed Connor, punch him/her, well his wife
3 helped. This is what he wants to do to the people
4 that came into this court and did their job. I have
5 never seen or heard of such mining of personal data
6 and photos and then putting that information on the
7 internet. Ed Connor, Sarah Jones-Connor have no
8 idea how he got in and got that photo from a
9 Hershey, Pennsylvania wedding. Uh, they couldn't
10 find it on the internet. There's no evidence how he
11 got it. Sarah Jones-Connor thought possibly he
12 hacked into either their e-mail or a web-site, you
13 know a lot of times now people put, there was, in
14 fact it was this case too, the bride and the groom put
15 their pictures on the web and they said, folks,
16 family, here's the password. If you want to buy
17 some pictures, if you want to look at them, sign in.
18 He wasn't at the wedding. He's not related to Ed
19 Connor at least I don't think there's any evidence of
20 that but yet somehow this internet expert comes up
21 with the dangerous dancing Dr. Connor picture. I'd
22 be scared to death if somebody could get, I know we
23 live in a world that's not private anymore but that's
24 way beyond public record. Dr. Connor told you he
25 lives, I don't know if it was Reigh, R-E-I-G-H, Lane

1 or Street but this is a posting, I didn't put quotes on
2 it. I should have because Dan put, that was his
3 word, grab the Reigns, R-E-I-G-H-ns, Dr. Connor I
4 know what street you live on. There's a lot of nice
5 houses on your street. If I'm the recipient of that
6 correspondence, I'm thinking he must have been on
7 my street. Or else he's trying to make me think he's
8 been on my street or he wants me to think he's
9 going to be on my street but he's telling me he
10 knows where I live. He's telling me my
11 subdivision, my city, he even knew his mortgage.
12 This is obsession. As Melissa said, at some point,
13 he took the cross-hairs off her and starting targeting
14 Dr. Connor. Craziness, dangerousness and then
15 multiple times the threats to Dr. Connor – the game.
16 It's only a game to one man – Dan Brewington.
17 But when you tell me the game is over. We're not
18 playing, we're taking off the gloves now, we may
19 be, we're getting out the weapon ring, I don't know
20 what we're going. The game is over? It ain't a
21 game. Don't make it a game. Don't buy that it's a
22 game because it's not. Those are threats and there's
23 only a, there's a lot more threats. I probably haven't
24 even highlighted the best ones. I don't know, but
25 anyway, those are threats and those are threats to

1 unlawfully injure the person threatened or to
2 damage their property. Again, whether he did it or
3 not, he threatened to do it. Now there's an implied,
4 you can imply a threat or you can make a direct
5 threat. I don't want to point this at you but let's say
6 I point this gun at my associate, Mr. Barde. I'm not
7 saying a word. I think he could safely imply that I
8 might shoot him. That's an implied threat. Okay?
9 Now let's say on the other hand, I got my gun and I
10 say I'm going to pull this gun and I'm going to point
11 it at you and I'm going to shoot you. That's a direct
12 threat. Now which is worse? I don't know. I think
13 they're both pretty bad. You can imply a threat and
14 it has to be looked at objectively. You guys are the
15 conscious here. We're taking sides, no doubt. You
16 guys have to decide. Should people be threatened
17 like that? Do they have the right to take in the
18 context everything else that's happened, repetitive
19 pattern, making life hell for people, promising to do
20 it and then following up on that promise? He's
21 dangerous and that's why people took his threats
22 seriously and that's why we take them seriously. So
23 he made that, there's threat number, category of
24 threat, category 1, but there's way more and again I
25 don't have time to talk about all the way more.

1 There's endless blogging. Again Melissa
2 Brewington used the word targeting. I would call it
3 obsessing. Any way you call it, it's dangerous. He
4 lied and he lied and he lied and he lied. He called
5 Dr. Connor a pervert, a crooked psychologist, a
6 child abuser. He said he was dangerous. He said he
7 made ex-parte communications with the Judge and
8 just on that one alone, the Court of Appeals says,
9 Dan, you lied. Okay, all of these complaints, there
10 were no ex-parte, there was no improper actions
11 between him and any judge. He called Ed Connor a
12 liar. He called him unethical. He called him a
13 sexual predator. And like I said, he didn't do it like
14 a man. He didn't say Dr. Connor, I'd like to talk to
15 you, I would like to tell you I think you're a pervert,
16 I think you're crooked. No, he did it with a
17 thousand little zap, zap, zap, zap, zap, zap, how can
18 I hurt him, zap, zap, zap. He even said at one point
19 in one of his blogs that Ed Connor uses children as
20 prostitutes. There is one person in this room that
21 has used children as pawns and it ain't Dr. Connor.
22 Endless targeting of Ed Connor. And again if it was
23 one big post but if it's daily and he goes and
24 searches out Dr. Connor and tries to manipulate the
25 internet so that anybody that looks him up is going

1 to come to his post and we'll talk about that a little
2 bit later. I'm going to read to you from his exhibit
3 as he explained to Judge Humphrey how he did that.
4 That is way over the top. That is not speech that
5 should be permitted by you, the jury, of this case.
6 That is clearly an attempt to expose Dr. Connor to
7 hatred, contempt, disgrace or ridicule and that is a
8 threat under our intimidation statute. Again, that's
9 only category #2 of his threats. That's not enough
10 for him. He knew Dr. Connor was a bigger man
11 than he was. Dr. Connor could take a hit. You can
12 attack me. That's okay. And Dan decided now,
13 here's how we're really going to get Dr. Connor and
14 this is his, this is a quote from Dan Brewington. I
15 will focus on the entities because he only has one
16 job. That's to make people that disagree with him
17 accountable, accountable, whatever that means.
18 And he was going to focus, he sent an attorney mass
19 mailing telling them you will be in trouble if you
20 deal with Dr. Connor, wanting to obviously, Dr.
21 Connor's business depends upon attorneys. I was
22 even on that list I think, if you look at that exhibit,
23 didn't get my name right but I wasn't at that
24 address. I know what I would have done with it but
25 he sent it. Not just to...every attorney whose name

1 he had in this area that he thought maybe Dr.
2 Connor might deal with. The Children's home, you
3 heard Dr. Connor tell you how much that means to
4 him. It's something that he cares about, does for the
5 kids. He had to answer to the Children's home, I
6 think at the legal counsel or their and/or their
7 director. What is this stuff? Dan Brewington had
8 even said on his blogging, I'm going to tell all the
9 donors and all the board members, you know, this
10 stuff just doesn't get hidden away. When you put it
11 on the internet, you know, it's everywhere and
12 unfortunately it's not just everywhere, it's forever.
13 Dr. Connor never set up a Yahoo local account but
14 at some point there was one and immediately there
15 was negative blogging from Dan Brewington.
16 Sarah Connor, I guess I'll have to admit, speculated,
17 they think it was him. The evidence, I think a
18 strong inference, yes would be yes he did. It would
19 be consistent with everything else he did. We know
20 that Dr. Connor didn't do it because he told you he
21 didn't. Dr. Connor had it pulled down. I'm going
22 to skip over merchant.com, that's just more of this.
23 But again merchant.com, it's a business listing. It's
24 not like Dan's adventure blog. I mean people might
25 go to merchants.com to say where can I find a

1 psychologist to help me, to help my children.
2 That's an attempt. He's focusing on business
3 entities. I'm going to come back to this but that's
4 an attempt to falsely harm Dr. Connor's business
5 reputation. That's not enough. Again, I talked a
6 little bit about it already, he showed up in Campbell
7 County, tried to make the Dr. nervous, I guess to let
8 everybody over there also know what a crook, a
9 pervert, a child abuser or sexual predator, a liar, an
10 unethical psychologist, blah, blah, blah, blah, blah,
11 threatened to file a complaint with the board of
12 psychology, did file a two hundred and thirty-seven
13 (237) page petition whatever, complaint, which was
14 denied. That wasn't enough. He goes to the
15 attorney general. Again, he's had every benefit of
16 our wonderful legal system. The facts are the facts.
17 He's gotten the justice that he deserves up and,
18 except for the justice that we need to render today.
19 He goes on to the Kentucky Attorney General and
20 they say, whew, nah baby nah, no. So he made a lot
21 of threats and he tried to carry them out and he
22 wasn't successful but ladies and gentlemen I hate to
23 be a broken record but just because you're not a
24 good intimidator doesn't mean you're not a guilty
25 one. He even as we've heard from the Sheriff and

1 exhibits, he wanted us to file criminal charges
2 against Dr. Connor. You've heard no evidence of
3 criminal activity. There is none, except in, not the
4 government of laws, not the government of men but
5 the government of Dan Brewington. It would be a
6 crime. What Dr. Connor did would be a crime in
7 the government of Dan Brewington. Thank God
8 that's not the government that we live in. Again,
9 category #3 of threats. I mean I feel like I'm just
10 stating the obvious here but I have to say it all. He
11 was only trying, only trying to do one thing – harm
12 Dr. Connor and this particular instance, harm his
13 business reputation. I don't know if you'll hear
14 about it, but certainly the blogging would have us
15 believe that this is all about, all about my kids. He
16 told his wife, if you file for divorce, I'll make your
17 life a living hell and he did and he has and he
18 continues to. Before any of these allegations, before
19 he started targeting and obsession and intimidating
20 the victims in this case, he took quotes from Dr.
21 Connors, what was to be a confidential evaluation,
22 he took information, posted it on the internet. Now
23 can you imagine why that having occurred, Dr.
24 Connor would be reluctant to release any
25 confidential information to him in the future? If Dr.

1 Connor did, he would certainly be an unethical
2 psychologist but he didn't. Dan didn't just quote
3 from that, he put his wife's medical information that
4 was in that on the internet. Now is that really some
5 kind of political speech? Is that some kind of
6 freedom that we should have? Put his little girls
7 that he supposedly cares so much about, put their
8 names on the internet. Why? These are tiny
9 children. And I don't want to get hung up on this
10 and this is not about whether he's a good or a bad
11 parent. I mean I'm a parent, I'm not perfect but he
12 let a four (4) year old shoot a gun. That became an
13 issue and you heard a little bit of testimony about it
14 because it's not a giant issue but if you care about
15 your kids, what's that all about. I don't know, by
16 the way, what gun it was. I don't know where the
17 gun, the missing gun is but I know one thing.
18 There's no reason for a four (4) year old to be
19 shooting a gun. He continued to post his kids, about
20 his kids. One of the posts that's in evidence is
21 happy birthday Audrey. Well it would be nice if it
22 was really directed to her but he can send Audrey a
23 birthday card. I hope she's not getting on the
24 internet and reading this crap but he continues to do
25 it. This is a man whose reason for exercising his

1 first amendment rights, is because he loves his
2 children. And the most telling fact that just knocks
3 that one totally, knocks the legs totally out from
4 under that defense, that's why he has a right to do
5 this. He was told by the Judge, it was upheld by the
6 Court of Appeals, there's a new Judge, it's not been
7 changed, he was told, wow, you better get a mental
8 health evaluation. Parents don't do that kind of
9 stuff, put their kids information and their wife's
10 information, they don't do that kind of stuff in a
11 reasonable situation. You've got to get an
12 evaluation. He still can't see his children but this is
13 all about. Do you really believe this is all about his
14 kids? No, it's all about the government of Dan
15 Brewington. He can see his kids. Judge Humphrey
16 didn't terminate his rights. Ed Connor even
17 recommended, it's in evidence of his custody
18 evaluation, that he have the normal parenting time.
19 I don't even understand how Ed Connor got targeted
20 in this thing because all he did say was, which I
21 think is obviously, even if you just took Melissa
22 Brewington's testimony, can you imagine those two
23 (2) having joint custody? How is that going to
24 work? That's all Ed Connor did that was, I guess if
25 you want to say, adverse. He said he should

1 visitation like every father. I don't know where this
2 ax got sharpened, why he had to grind it for Dr.
3 Connor. I don't know but anyway if it's all about
4 his kids, he could have taken at least that little step
5 of getting a mental health evaluation. He's guilty of
6 intimidating. This is Count II. Judge Humphrey,
7 again, talking a little bit about the specifics, he
8 communicated a threat to Judge Humphrey in a lot
9 of ways. The intent was that the Judge be placed in
10 fear of retaliation for the lawful act of being the
11 Judge in his dissolution and making rulings that he
12 just didn't like. You know, I'm in the courtroom
13 every day and there's a lot of rulings that I don't
14 always agree with but this is the system of justice
15 and it's not a government of Joe Kisor, it's not a
16 government of Dan Brewington. It's a government
17 of the people. The only other additional and again
18 this is what we have to prove beyond a reasonable
19 doubt, that he communicated a threat, what his
20 intent, placing the Judge in fear of retaliation for
21 that prior act, lawful act and the Judge is a Judge,
22 one, (1), two (2), three (3), he's guilty. That's two
23 (2) counts. Let's just talk about protected speech. It
24 wasn't enough to call Ed Connor bad ugly names.
25 Judge Humphrey, he's a child abuser too, he's a liar

1 too. He covered up for Dr. Connor. He could be
2 subjected to disciplinary action. Well anybody
3 could be, just like he filed a complaint against Ed
4 Connor that was two hundred and thirty-seven (237)
5 pages long and they said, this is not justified, sure
6 he could be, a nasty, evil man. Well he testified.
7 Did you find him to be a nasty, evil man? Corrupt?
8 Postings about the judge, obviously intended for
9 the judge to hear and see. I mean, Happy Father's
10 Day - I'm going to talk about this one a little bit in
11 detail - directly trying to communicate, if you want
12 to call it that, to Judge Humphrey. At one point,
13 this is not going to end well. No, it's not. No it
14 hasn't. At one point, you know I've known Judge
15 Humphrey for years. I've worked for him when he
16 was a prosecutor. Uh, I don't call him James, I
17 don't call him Jim, I call him Judge. Dan
18 Brewington puts on his blog, James, you're going to
19 be my first witness when a jury of my peers decides
20 my fate. Well I didn't hear anything that Judge
21 Humphrey said that was favorable to Dan
22 Brewington, but that was the threat. Idiotic as it
23 may be, that was one of the threats. He posted the
24 Humphrey address on the internet. Now it's one
25 thing, you know, look, Mr. Negangard, and there's

1 some evidence here that there's been some things
2 toward him and toward our office and whatever.
3 That's, you know, we're big boys. You know,
4 we're combatants, we're adversaries. We expect to
5 be, take a few on the chin. But a Judge, he's not an
6 advocate for anybody. He serves you. He doesn't
7 deserve to be threatened and he certainly doesn't,
8 his family doesn't deserve to be threatened and I'm
9 not sure who was more hurt by him posting
10 confidential information and Heidi Humphrey's
11 name on the internet. I don't know who was more
12 hurt and more threatened and more in danger, I
13 don't know, but certainly both Judge James D.
14 Humphrey and Heidi Humphrey were. Let's talk
15 about this – Happy Father's Day, Judge James D.
16 Humphrey. Given your apparent inability to
17 understand the internet, let me explain what key
18 words are. Key words and I'm going to skip over,
19 key words can be identified as words which appear
20 as, with statistically unusual frequency in a text or a
21 corpus of texts. And then he says I use key words to
22 direct attention to your actions. The reason my two
23 (2) web-sites appear so high, if you put your name
24 in them, is because of I'm good at putting the right
25 key words in. I'm an expert on the internet and then

1 he goes on to say again, Happy Father's Day. My
2 Father's day present to you Judge Humphrey is to
3 help give you a working knowledge of how key
4 words work. And again, this is, I'm not going to
5 read the whole thing, it's Exhibit 174. If you want
6 to know how key words work, looks, I assume this
7 is how they do but he certainly wanted Judge
8 Humphrey to know that he knew how key words
9 work and he really wanted the Judge to know that
10 forever Judge Humphrey's going to be painted as a
11 villain by him. He says when people post things on
12 the internet, web programs called spiders or bots
13 comb the internet and look for statistically unusual
14 frequency of words in a text. On June 16, 2010, I
15 posted on the internet the complaint against the
16 prosecutor, Negangard, that I copied to the FBI. If
17 you do a google search on Dearborn County FBI,
18 you'll see my complaint is the sixth (6th) search
19 result of thirteen thousand three hundred (13,300)
20 search results. I'm an expert. People are going to
21 come up with my web pages first. I think of course,
22 very nicely, there's nothing like a father's day gift
23 of information. This is my gift for you. I'm giving
24 you the gift of knowing your children and your
25 and/or grandchildren will be able to see how their

1 father/grandfather punishes defenseless children for
2 his own personal gain. There's no evidence of that.
3 That's a lie, number one (#1), but the internet's
4 forever. I didn't know my grandfather on my
5 mom's side. I didn't know either of my great
6 grandfathers but God forbid they had the internet
7 back then and God forbid a buy like Dan
8 Brewington had an ax to grind with them and God
9 forbid that all the information I had was what was
10 there, I might not hold them in the same esteem and
11 respect. I might feel some personal ridicule that I'm
12 part of that family. He wanted, he just wanted
13 everybody to squirm because he's a bully. That's
14 all those words in those exhibits are, is an attempt to
15 bully. So anyway, it's the least I can do, he says, let
16 your family, let your future family know what the
17 law of Dan Brewington is. Is that really protected
18 political speech? And you're going to be deciding
19 that. It's not. I hope you decide it's not. With the
20 abuse of his speech, he has to be held responsible,
21 ladies and gentlemen. Again I've already talked
22 about this (indiscernible), there's different ways
23 threats can be made. They can be implied by the
24 circumstances and in this case the sheer volume of
25 what he did is part of the circumstances. For the

1 threats have to be gathered and considered, again
2 calling somebody a son-of-a-B, by itself shouldn't
3 put you in jail. Okay? I'll be the first to admit that
4 but it's the totality here and all the implications and
5 all the direct threats and again, that's a threat and
6 it's going to be in the instructions and it's clear that
7 he did that, multiple times to multiple people. He's
8 guilty of intimidating Heidi Humphrey because he
9 communicated a threat to her with the intent that she
10 be placed in fear of the lawful act of being Mrs.
11 James Humphrey and the fact that the honorable
12 James Humphrey had ruled against him. That's the
13 only thing that Heidi Humphrey did. She didn't do
14 anything to deserve that but no, not according to the
15 law, the government of laws but according to the
16 government of Dan Brewington, she did. She did
17 something. Again when he posted that home
18 address and I know the world's not private any
19 more. We can find it somewhere else. You know
20 there's ways. You can find out where I live if you
21 want to. That's the breaks of life. But what he told
22 her in so many words is, Heidi Humphrey, I know
23 where you live, James Humphrey, I know where
24 your wife lives. He encouraged his blogging public
25 to forward their judicial complaints to her about her

1 husband. Of course he even lied later and we're
2 going to get to that, that he didn't know they were
3 husband and wife but if he went to all that trouble to
4 find their address, he knew what he knew and he
5 knew who he was intimidating and who he was
6 trying to intimidate. What he's telling her and what
7 he's telling the judge is, is Heidi Humphrey, you're
8 going to pay for Jim Humphrey's actions, sitting
9 here for the people of Dearborn County. That's a
10 threat. The Ethics and Professionalism Committee
11 to which Heidi Humphrey was at one time a spouse
12 advisor, has a purpose of judicial wellness and
13 education of judges – nothing to do with judicial
14 complaints. Member's names – at one time Heidi
15 Humphrey's name would have been posted but not
16 the addresses on that web-site and there's nothing
17 on that web-site that would have said if you have a
18 judicial complaint, contact Heidi Humphrey.
19 There's nothing. He is the expert in this room,
20 probably in this world of how to manipulate and
21 how to use the internet. He spends more time on it
22 than anybody I've ever heard of. Okay, goes to the
23 Supreme Court, okay you open your web browser
24 and you're at the Supreme Court web-site, you click
25 once and you get to the public access. I don't know

1 if you can see that but that's at the top, filing a
2 complaint against a judge. That took me two (2)
3 clicks. He could probably do it in one (1), because
4 he knows the internet better than I do. And right in
5 here, I don't know if you can see it, but first of all it
6 tells you how you do this and it has the address of
7 where you send your complaint. He knew but he
8 had to, and so therefore, having intimidating Heidi
9 Humphrey and maybe having some conscious
10 realizing he went too far when it gets to the Grand
11 Jury and I'm going to get to this again. He um, he
12 denies that he knew who she really was. Okay,
13 again, she felt threatened, you heard her testimony,
14 she was reasonable in thinking she was threatened.
15 She didn't know what he was going to do. Who
16 would? Mr. Barrett said words having meaning and
17 they do. These are reasonable fears. These are
18 reasonable responses to people that hear his words
19 and see his words and withstand his wrath.
20 Attempted obstruction of justice – you'll get these
21 in the instructions but if somebody knowingly or
22 intentionally induces by threat, coercion, or false
23 statement, a witness or an informant in an official
24 proceeding or an investigation to withhold
25 producing testimony, information, document or

1 thing, or avoid the legal process calling them into
2 court, if somebody tries to cause that to happen and
3 makes it happen, that's obstruction of justice. In
4 other words if Dr. Connor was trying to bring his
5 report in here and somewhere out in the street, he
6 blocked him, kidnapped him, I'm thinking of
7 whatever scenario you can think, didn't allow him
8 to come in here, that would be obstructing – this
9 judicial system that he's the expert in. Now an
10 attempt at committing a crime – you're going to get
11 a definition. I've gone on a long time already. I'm
12 going to try to wrap up as quick as I can so I'm not
13 going to read that but if you attempt to do
14 something, that's a crime. Again, just because
15 you're not successful doesn't mean that you didn't
16 commit a criminal act. And it's with an attempt to
17 obstruct justice only for one reason – because Dr.
18 Ed Connor wouldn't let this man bully him. I mean
19 he agreed to the custody evaluation. Once it's filed,
20 that's when the game started to get off, an
21 anonymous letter starting the threats. Shortly after
22 that we get direct signed Dan Brewington faxes and
23 threats and telling him that Dr. Connor, you know,
24 what he's done wrong, how he's done it. Dr.
25 Connor as you will see, as you did see, back and

1 forth. It wasn't like Dr. Connor blew him off and
2 said you're crazy. I'm not going to respond to your
3 faxes. He tried everything he could to communicate
4 as human beings should – to converse and explain
5 and understand. That didn't work for him. Finally
6 it has to be as of April the 1st of 2008, he's trying to
7 obstruct justice – don't you bring that evidence into
8 this courtroom, pull that report and get an attorney.
9 What's the implied threat? If you tell me to get an
10 attorney that means you're either going to sue me or
11 get me arrested or you'll do something to me,
12 whether you're capable of doing it, I don't know.
13 And again, I've only highlighted a couple. They are
14 all in evidence. He asked for a copy of his license.
15 He accuses him of criminal behavior and tells him;
16 put your insurance carrier on notice. Well we carry
17 insurance if we're a psychologist or a business in
18 case somebody sues us. Um, obviously that was
19 what he was trying to convince Dr. Connor. Again ,
20 this wasn't once he said pull the report and then he
21 said oh, Dr. I'm sorry, I was hot headed, I wasn't
22 thinking, I really wasn't trying to obstruct justice.
23 He said it over and over and over and he threatened
24 over and over and over. Pull that custody
25 evaluation or he's going to file a law suit. There

1 were certain days there were multiple faxes on the
2 same day. You have until the end of the day; this is
3 August 4th of '08 to pull the report. Again
4 attempting to commit a crime is still a crime and it
5 should be. The success of a criminal shouldn't
6 determine his or her guilt. Ladies and gentlemen,
7 he is guilty of obstruction of justice – of trying to
8 keep Dr. Connor from sitting in that witness chair in
9 the divorce proceeding. He acted with the
10 culpability required for committing the crime of
11 obstruction of justice. I could back to it but that
12 culpability knowingly or intentionally. He did what
13 he did because he knew what he was doing and he
14 intended what result he didn't get but he intended to
15 do what he was trying to do and he engaged in
16 conduct that constituted a substantial step toward
17 that. Not just conduct but odd infinitum conduct.
18 What are some of that conduct and we just went
19 back to it – all these faxes and other means that he
20 used to threaten and threaten and bully and bully.
21 Again he's only an attempt because Dr. Connor
22 wouldn't be bullied – thank God. Now let's talk a
23 little bit about perjury and this is pretty straight
24 forward. I mean I know the intimidation statute if I
25 was the guy writing it and I think I would probably

1 write it a little different. It's a little confusing in
2 some ways. Perjury is pretty straight forward. If
3 you make a false material statement under oath or
4 affirmation, knowing that statement to be false or
5 not believing it to be true, that's perjury. He's
6 guilty. He went into a Grand Jury on his own
7 volition to testify, under oath, he made a statement
8 that he did not know that Heidi Humphrey was
9 related to the Judge when he did what he did to try
10 to threaten both of them and he made that lie
11 because if he didn't then he was guilty of
12 intimidating. Well all he did was now he's guilty of
13 intimidating and perjury. He knew it was false. He
14 still testified to it. Again you saw Sheriff Kreinhop
15 go through the web-site of how he supposedly got
16 her address. Well if you go to that Dearborn County
17 Assessor web-site, you don't come up with just
18 Heidi Humphrey at the address that he put on the
19 internet. James D., Heidi Humphrey, James D.,
20 Heidi Humphrey – he lied and he's guilty. I'm
21 going to jump here, I mean, the unauthorized
22 disclosure of Grand Jury information, I'm not going
23 to say that it's not important but it's obviously the
24 least important. I mean all this other stuff was
25 directed intentionally and hatefully, mean spiritedly

1 to try to harm people and to try to either influence
2 either their testimony or to just put them in fear for
3 what they've done right. You will see and I believe
4 it was Exhibit 10, he came out, if nothing else when
5 you see Exhibit 10, you'll see again, his complete
6 disrespect and disdain for the judicial system and
7 again that's what this is all about. It's not about my
8 kids. It's not about justice. It's about my disdain
9 for people that stand in my way when they try to
10 exercise the legal system in the way it's supposed to
11 be. He's guilty of, what he did, when he came out
12 of the Grand Jury and you can look at the exhibit, if
13 you knowingly or intentionally disclose evidence or
14 testimony given to anybody except a person who
15 was present or entitled to be present or the
16 Prosecuting Attorney, that's the crime, that's the
17 crime. But again, he told a lot of people over a long
18 period of time, I guess starting with telling his wife,
19 if you file for dissolution, I'll make your life a living
20 hell, he told people over and over, this is not going
21 to end well. To him, to me, in the background of all
22 he was doing and all he was saying, he was
23 threatening everybody that testified to you that they
24 were going to have something bad and it was not
25 going to end well. Ladies and gentlemen, I hope,

1 based on the evidence, not based on Joe Kisor's
2 version of the evidence or the law, based on the
3 truth, based on his words, tell him, you're right; it's
4 not going to end well. It's not and it shouldn't. I
5 demand justice in this courtroom. He sat over there
6 a year or two ago and pounded on his table
7 according to the testimony and stood up according
8 to his wife and had everybody in an uproar, I
9 demand justice in this courtroom. Ladies and
10 gentlemen, not for me, not for Mr. Negangard but
11 for the people who he has harmed and for the people
12 of this county, I demand justice in this courtroom. I
13 do. Based on the evidence, the evidence that speaks
14 the truth. It's a very simple truth. He's guilty on all
15 counts – guilty beyond a reasonable doubt and I ask
16 you to return the appropriate verdicts on all six (6)
17 charges that he is guilty and I thank you again.

18 COURT: Mr. Barrett, do you wish to give a closing
19 statement?

20 MR. BARRETT: Yes your honor.

21 COURT: You may.

22 MR. BARRETT: Thank you, your honor. Good morning ladies and
23 gentlemen. This is a criminal case. This is not a
24 case about whether you approved of Dan
25 Brewington. It's not a case about whether Dan