

1 submitted to you for your deliberation. You are  
2 now excused. You may go with the Bailiff. All  
3 rise.

4 **DANIEL BREWINGTON – JURY TRIAL – OCTOBER 4, 2011**

5 COURT: You may be seated. We're here in case number  
6 15D02-1103-FD-84, State of Indiana versus Daniel  
7 Brewington. Let the record reflect that the State  
8 appears by Prosecuting Attorney, F. Aaron  
9 Negangard, and Deputy Prosecutor, Joe Kisor. The  
10 Defendant appears in person and by counsel, Bryan  
11 Barrett. The jury is also present. Uh, good morning  
12 everyone. First of all, I need to make a correction  
13 which was pointed out to me after the jury left last  
14 night and I think you've got your preliminary jury  
15 instructions in front of you. There's just a minor  
16 correction on the date which if you can make a little  
17 note of it because you'll have those instructions  
18 with you later. On instruction #2, Count #1, that's  
19 the Intimidation Count as a Class A misdemeanor,  
20 when it gets to the dates, it says do present that on  
21 or about or between August 1, 2009 through  
22 February, that should be August 1, 2007. Okay that  
23 was amended and I didn't take note of the amended  
24 date. So that's August 1, 2007 through February 27,  
25 2011 and then also in that same instruction #2 if you

**STATE'S WITNESS – DR. EDWARD CONNOR - DIRECT**

1 get to Count #4, that attempt to commit obstruction  
2 of justice, a D felony, um, that August 1<sup>st</sup> date  
3 should also be 2007 and not 2009. With those  
4 corrections made, is the State ready to proceed  
5 today Mr. Negangard?  
6 MR. NEGANGARD: Yes your honor.  
7 COURT: And Mr. Barrett.  
8 MR. BARRETT: Yes your honor.  
9 COURT: And the State was presenting their case yesterday.  
10 You may proceed.  
11 MR. KISOR: Thank you, your honor. The State would be calling  
12 Dr. Edward Connor.  
13 COURT: Before you have a seat, if you would just raise your  
14 right hand. Do you swear or affirm under the  
15 penalties for perjury that the testimony you're about  
16 to give is the truth, the whole truth, and nothing but  
17 the truth?  
18 DR. E. CONNOR: I do.  
19 COURT: Please have a seat.  
20 MR. KISOR: Thank you and your honor for the record, I do have  
21 a number of exhibits that I would be discussing  
22 through Dr. Connor's testimony this morning. I  
23 would like to just ask the record to reflect that  
24 before we began today, I have given Mr. Barrett an  
25 opportunity to review those.

1	COURT:	So noted.
2	MR. KISOR:	Thank you, your honor. Dr. Connor, would you
3		please tell the ladies and gentlemen of the jury your
4		name?
5	DR. E. CONNOR:	Yes, my name is Dr. Edward Connor.
6	MR. KISOR:	And how do you spell your last name?
7	MR. E. CONNOR:	C – O – N – N – O – R.
8	MR. KISOR:	And Dr. Connor, what is your profession?
9	MR. E. CONNOR:	I'm a licensed clinical psychologist.
10	MR. KISOR:	Okay and in what states do you hold a license as a
11		clinical psychologist.
12	MR. E. CONNOR:	In the States of Indiana and Kentucky.
13	MR. KISOR:	And could you just briefly tell the ladies and
14		gentlemen what a clinical psychologist does?
15	MR. E. CONNOR:	Um, as a clinical psychologist, I provide a variety of
16		services to children, adolescents, adults and terms of
17		maybe different behavioral problems, mood
18		disorders that they may have. I also provide
19		services to the courts in terms of if someone is
20		being charged with a crime and there's a concern
21		that they might be insane to determine if they are
22		actually insane or if they're responsible for their
23		behavior, if they're competent to stand trial, in other
24		words, do they understand what's going on in a trial
25		and can they assist their attorney in rationally

1 preparing their defense. I conduct um, sex offender  
2 risk assessments if a person is charged with some  
3 type of a sex crime such as child molestation um, as  
4 to evaluate them to determine their risk level. I  
5 provide a sex offender treatment program for the  
6 federal government as well as the state government.  
7 I also um, assess Catholic seminarians who want to  
8 become a Catholic priest to determine if they have  
9 any type of sexual problem that could be  
10 problematic in the future. I conduct child custody  
11 evaluations for the courts when parents disagree on  
12 who should have custody of the child.

13 MR. KISOR: Let me just interrupt you just for a moment and I'll  
14 let you continue. But as far as custody evaluations,  
15 how long have you been doing those for the courts?

16 DR. E. CONNOR: I began doing custody evaluations in the State of  
17 Alabama where I was licensed in the mid 90's and  
18 came to the Northern Kentucky area in January of  
19 1996 and since that time have been doing custody  
20 evaluations in the area. I consult with police  
21 departments on pre-employment evaluations, fire  
22 departments on pre-employment evaluations,  
23 dispatch centers. I also consult with them on their  
24 promotion exams, if they want to promote someone  
25 through the ranks in the police department or fire

1 department. I consult with them on those issues as  
2 well. Um, I'm a consultant with the Children's  
3 Home of Northern Kentucky. It's about a thirty-five  
4 (35) bed facility for children who have psychiatric  
5 problems and who are typically without parents or if  
6 their parents' rights have been terminated. I consult  
7 with that agency as well. I do a variety of different  
8 things in my practice.

9 MR. KISOR: And just let us know, what is your education and  
10 training for all the duties that you just described in  
11 your practice?

12 DR. E. CONNOR: Well I have a fairly unique background in terms of  
13 training. I was first trained as a psychotherapist by  
14 the Malmo Institute of Psychotherapy in Sweden  
15 and um, returned to the United States in 1987 and  
16 completed by Bachelor's degree in psychology at  
17 Thomas Moore College. I then went on to the  
18 University of Denver in Colorado and earned by  
19 Doctorate degree in clinical psychology, um,  
20 conducted my forensic internship with the  
21 University of North Carolina in Chapel Hill and it  
22 was combined with an internship with the Federal  
23 Bureau of Prisons in Butler, North Carolina where  
24 we did assessments for the federal courts.

25 MR. KISOR: Okay thank you. Now you said that you are

1 licensed in the State of Indiana. When did you  
2 obtain that license?

3 DR. E. CONNOR: In July of 2008.

4 MR. KISOR: Okay. Now previous to that, were you consulted by  
5 the courts in southeast Indiana to do either  
6 competency or custody type evaluations?

7 DR. E. CONNOR: Yes.

8 MR. KISOR: And was there any issue of you at that time, not  
9 being specifically licensed here in Indiana?

10 DR. E. CONNOR: No there wasn't. I contacted the Indiana State  
11 Board when I was first asked about doing such  
12 evaluations and they said as long as I wasn't  
13 working in the State continuously that that was not a  
14 problem and furthermore with the custody  
15 evaluations people come to the office in Kentucky  
16 for their evaluation. I conduct other types of  
17 evaluations from people as far as North Dakota,  
18 Arizona, where they actually come to my office in  
19 Kentucky for these evaluations.

20 MR. KISOR: Okay. Dr. Connor, are you familiar with Daniel and  
21 Melissa Brewington?

22 DR. E. CONNOR: I am.

23 MR. KISOR: Okay and do you see Daniel Brewington here in  
24 Court today?

25 DR. E. CONNOR: Yes I do.

1 MR. KISOR: And can you just point him out for the record?

2 DR. E. CONNOR: He is sitting to the, to my right, or to the right of the  
3 attorney.

4 MR. KISOR: Okay. And can you tell the ladies and gentlemen  
5 how you became familiar with those two (2)  
6 parties?

7 DR. E. CONNOR: Well Mr. Brewington and his attorney together with  
8 Mrs. Brewington and her attorney agreed to use me  
9 as a custody evaluator when they could not reach an  
10 agreement on their own as to how they would raise  
11 their two (2) daughters and the Court agreed to me  
12 doing the evaluation per their request so I conducted  
13 the child custody evaluation.

14 MR. KISOR: And did your interviews and your testing of Mr. and  
15 Mrs. Brewington take place at your office in  
16 Kentucky?

17 DR. E. CONNOR: Yes it did.

18 MR. KISOR: Okay and is that the only office that you maintain  
19 and have maintained for the past several years?

20 DR. E. CONNOR: Yes that's my only office.

21 MR. KISOR: And just so we have an idea, where is that located?

22 DR. E. CONNOR: It's at #34 Arlinger Road in Erlanger, Kentucky.

23 MR. KISOR: And that's probably twenty-five (25) to thirty (30)  
24 minutes from here?

25 DR. E. CONNOR: Uh, approximately, yes.

1     MR. KISOR:                     Okay. Um, Dr. you were consulted and it was  
2                                     agreed that you would do a custody evaluation. Did  
3                                     you in fact do all the required steps and complete a  
4                                     custody evaluation?

5     DR. E. CONNOR:               Yes I did.

6     MR. KISOR:                     And just in brief terms, what did that entail?

7     DR. E. CONNOR:               It entails interviewing both parents separately. It  
8                                     entails conducting a number of psychological tests  
9                                     on the parents, um, separately. It entails uh,  
10                                    conducting a parent-child observation. We have a  
11                                    toy room with a one-way mirror where the parent  
12                                    and the children are put in and we observe the  
13                                    interactions with them. Um, it consists of a home  
14                                    visit where I'll actually go to the home and just  
15                                    make sure that, not only is the home safe but I think  
16                                    it's important to see the children in their natural  
17                                    setting instead of our office just to see how they are  
18                                    in a natural setting.

19    MR. KISOR:                     Doctor, I'm going to show you what's been marked  
20                                    for identification as State's Exhibit 9 and would ask  
21                                    if you could identify it for the record please.

22    DR. E. CONNOR:               Yes, this is the custody evaluation that I conducted  
23                                    together with my wife. My wife is a psychologist as  
24                                    well and we conduct these evaluations together at  
25                                    our office.



1     MR. KISOR:                     Okay and when you began this evaluation, were you  
2                                     working for either side or were you just trying to  
3                                     work for the benefit of the Court and determine the  
4                                     proper custody recommendation?  
5     DR. E. CONNOR:               Well the child custody evaluation, um, we are  
6                                     neutral evaluators. We don't work for either parent,  
7                                     uh, if both parents agree to use us, then we will  
8                                     conduct the evaluation as long as the Court is in  
9                                     agreement as well. So we don't work for either  
10                                    side.  
11    MR. KISOR:                    Okay and when did you complete your custody  
12                                    evaluation, at least your initial custody evaluation?  
13    DR. E. CONNOR:                Um, it's dated August 29, 2007.  
14    MR. KISOR:                    Okay and is it your understanding it was received by  
15                                    the Court in early September of 2007?  
16    DR. E. CONNOR:                Yes.  
17    MR. KISOR:                    Okay, and um, generally speaking, final  
18                                    recommendations, what was your recommendation  
19                                    within that report?  
20    DR. E. CONNOR:                Our final recommendation was that um, the mother,  
21                                    Mrs. Brewington, have sole legal custody of the  
22                                    child and that the father have pretty standard even  
23                                    liberal visitation with the child.  
24    MR. KISOR:                    Okay and did you say that Mr. Brewington  
25                                    shouldn't have visitation?

1 DR. E. CONNOR: No, we didn't say that he should not have visitation.  
2 We said that he could have your standard parenting  
3 time. The mother was a nurse and had some  
4 unusual work hours which nurses typically do have.  
5 So we recommended that when she was working  
6 that the children should be with him in his care.  
7 MR. KISOR: Um, was there anything in terms of the  
8 psychological profile of either parent that played  
9 into their inability to, for you, that you didn't  
10 recommend joint custody?  
11 DR. E. CONNOR: Well both, again were tested and they are very  
12 different people and very, very difficult to  
13 communicate effectively with one another and it's  
14 one of the things that we have to look at in child  
15 custody is if the parents are able to communicate,  
16 cooperate, reach joint decisions and if that's not the  
17 case, then one parent needs to have sole decision  
18 making and in this case we felt that Mr. Brewington  
19 was very difficult to deal with. Um, his profile  
20 indicates that if he doesn't get things his way, he  
21 doesn't let up and he doesn't see things objectively.  
22 He only sees things from his prospective and that  
23 makes it difficult to communicate with but more  
24 importantly it makes it difficult to have joint  
25 custody with a parent and try to raise the children

1 together.

2 MR. KISOR: Okay, now once you, your honor, at this time I

3 would move the admission of State's Exhibit 1 into

4 evidence.

5 COURT: That's 1?

6 MR. KISOR: I'm sorry, State's Exhibit 9.

7 COURT: 9? Okay. Mr. Barrett?

8 MR. BARRETT: No objection.

9 COURT: I'll show State's 9 offered and admitted.

10 MR. KISOR: Thank you, your honor. Dr. Connor, once this uh,

11 up to this point where you have completed this

12 evaluation, any difficulties between you and Mr.

13 Brewington?

14 DR. E. CONNOR: None at all.

15 MR. KISOR: Any animosity between the two (2) of you?

16 DR. E. CONNOR: Not to my knowledge.

17 MR. KISOR: Okay, how, did it ever come to your attention

18 disagreements that Mr. Brewington had with the

19 report or with you personally?

20 DR. E. CONNOR: Well it wasn't, and I don't know the exact dates, but

21 it wasn't long after that there was, uh, I received an

22 anonymous letter um, that, in my opinion...

23 MR. BARRETT: To which we'll object your honor. It's anonymous.

24 MR. KISOR: Let's just hold off on the opinion at least for now

25 and if I could just redirect the witness with a

1 different question your honor.

2 COURT: Okay, so you'll withdraw that question? I guess

3 we'll stop the answer. I guess I don't know if that

4 was specifically your questions but yell we'll move

5 on then.

6 MR. KISOR: Yes if I could, let me just get a little more specific.

7 Did you ever become familiar with a yahoo local

8 blog posting?

9 DR. E. CONNOR: Yes.

10 MR. KISOR: And how soon after your report was entered did you

11 become familiar with that?

12 DR. E. CONNOR: It was shortly after the evaluation report went out

13 that there was a posting about me on the yahoo

14 local.

15 MR. KISOR: Okay and did you personally see that?

16 DR. E. CONNOR: Yes I did.

17 MR. KISOR: Okay, I'm going to show you what's been marked

18 for identification as State's 192.

19 DR. E. CONNOR: Yes.

20 MR. KISOR: Can you identify that?

21 DR. E. CONNOR: Yes, this is from the yahoo local web-site and um,

22 there's a posting here by Dan Brewington dated

23 10/3/08.

24 MR. KISOR: And at that point, was he accusing you of

25 misrepresenting the truth and being a criminal?

1 DR. E. CONNOR: Yes, he wrote on here, um, that I was very  
2 unprofessional, I misrepresented the truth and it  
3 says that you're not supposed to lie in a divorce,  
4 um, so.

5 MR. KISOR: So he accused you of being a criminal and a liar on  
6 a web-site?

7 DR. E. CONNOR: Yes.

8 MR. KISOR: Okay, now Dr. I'm going to show you what's been  
9 marked for identification as State's Exhibit 193 and  
10 ask if you can identify this document as well.

11 DR. E. CONNOR: Yes, this is from the, his web-site that he created,  
12 it's called "Danhelpskids.com".

13 MR. KISOR: And whose photo is depicted on that?

14 DR. E. CONNOR: My deceased father.

15 MR. KISOR: Okay and to your knowledge, would he have had  
16 any relationship with your deceased father?

17 DR. E. CONNOR: No.

18 MR. KISOR: Okay and uh, is there any purpose of that  
19 communication as he related to your involvement  
20 with the custody evaluation?

21 DR. E. CONNOR: Well it was very hurtful that he would do this, um.

22 MR. KISOR: How did you, how do you perceive that posting?

23 DR. E. CONNOR: Well I perceived it as intimidating. I wasn't sure at  
24 this point now what exactly I was dealing with for  
25 someone to go to this length to photograph my

1 father on his web-site.

2 MR. KISOR: And you started to mention...

3 COURT: Hold on, sorry.

4 MR. KISOR: Could I get him a cup of water? Thank you. Um,

5 you started to mention briefly a moment ago about

6 an anonymous letter that you received in your

7 office.

8 DR. E. CONNOR: Yes.

9 MR. KISOR: And I'm going to show you what's been marked for

10 identification as State's Exhibit 33.

11 DR. E. CONNOR: Yes.

12 MR. KISOR: Does that exhibit contain this anonymous letter that

13 you're referring to?

14 DR. E. CONNOR: Yes it does.

15 MR. KISOR: And uh, what stages in that?

16 DR. E. CONNOR: Well it's addressed to me and it's...

17 MR. KISOR: I should ask you first, when was that sent to you?

18 DR. E. CONNOR: Uh....

19 MR. KISOR: The letter that's page 2.

20 DR. E. CONNOR: The exact letter, I'm not sure of the exact, I don't

21 recall the exact date off the top of my head but I

22 know it wasn't that long after the evaluation went

23 out but I don't remember the exact date.

24 MR. KISOR: Tell us what the letter said.

25 DR. E. CONNOR: Well it starts by saying if you fabricated any

1 information in an evaluation you performed it  
2 would be bad if you did it to intentionally harm one  
3 of the parents of the evaluation, it would be very  
4 bad. If someone secretly recorded the interview  
5 sessions you conducted, it would be very, very bad.  
6 If the secret recordings which prove that you  
7 intentionally lied in order to betray a client in an  
8 evaluation, would up with the Kentucky Board of  
9 Examiners of Psychology, Senator Mitch  
10 McConnell, Senator Jim Bunning, Representative  
11 Jeff Davis, Representative Edward Whitfield,  
12 Representative Ron Lewis, Representative John  
13 Yarmouth, Representative Harold Rodgers,  
14 Representative Ben Chandler, Governor Ernie  
15 Fletcher and then it lists a number of news channels  
16 and radio channels. It goes on to list a number of  
17 them as well. It goes on to talk about the  
18 Smitherman of the Cincinnati Chapter of the  
19 NAACP, the local Catholic Archdiocese, the  
20 athletic director of Thomas Moore College. I felt  
21 that this was very concerning because my father was  
22 the basketball coach, baseball coach, athletic  
23 director at Thomas Moore College, um, and my  
24 brother is currently the athletic director there, so  
25 that made it very personal. I then began to realize

1                                   that this was a person who was trying to be more  
2                                   intimidating at a more personal level.

3     MR. KISOR:               And they were effectively showing you how much  
4                                   they knew about you and your family and your  
5                                   background.

6     DR. E. CONNOR:          Well yes because it goes on to say that the um, um,  
7                                   also the organizers of the Coach Jim Connor Classic  
8                                   uh, which is a tournament in memory of my father.

9     MR. KISOR:               Um, did you take any steps with that anonymous  
10                                  letter?

11    DR. E. CONNOR:          I did. I sent Mr. Brewington a letter on April the 1<sup>st</sup>,  
12                                  2008, and asked him if, do you know anything about  
13                                  this and please respond and I got a response where  
14                                  he neither denied or acknowledged sending the  
15                                  letter.

16    MR. KISOR:               Okay, since that written correspondence, have you  
17                                  ever discussed that or brought that up with Mr.  
18                                  Brewington?

19    DR. E. CONNOR:          During my testimony during the child custody  
20                                  hearing, I referenced this letter as well. He was  
21                                  representing himself at that time.

22    MR. KISOR:               And at that time, did you reference that you  
23                                  believed he was the one who had sent it?

24    DR. E. CONNOR:          I do believe. It's very similar to his other writings.

25    MR. BARRETT:             To which we'll object. It's non-responsive, Judge.



1 He asked if he represented it at the time. He didn't  
2 ask for his opinion.

3 COURT: I'll sustain that. Just answer the question.

4 DR. E. CONNOR: Could you repeat the question please?

5 MR. KISOR: Well the question was did you bring that to, did Mr.  
6 Brewington indicate to you that he, did he give you  
7 any response when you confronted him with the  
8 issue of whether he wrote that letter?

9 DR. E. CONNOR: He neither denied or acknowledged.

10 MR. KISOR: Okay and also in the Court testimony?

11 DR. E. CONNOR: Correct.

12 MR. KISOR: Nothing was.

13 DR. E. CONNOR: No.

14 MR. KISOR: Okay, uh, you've indicated that based, you have  
15 familiarity with his writings.

16 DR. E. CONNOR: Yes.

17 MR. KISOR: Tell the ladies and gentlemen how you're familiar  
18 with his writings.

19 DR. E. CONNOR: Well on the blog site, his blog site, he writes  
20 volumes of information.

21 MR. KISOR: Volumes?

22 DR. E. CONNOR: Volumes of information about me and how unfair  
23 he believes that I was. He refers to me as a pervert,  
24 a criminal, a liar, um, a dangerous man, uh, many of  
25 these types of comments.

1 MR. KISOR: Okay and based on, and we'll come back to some of  
2 that but based on your familiarity with his writings,  
3 do you have an opinion as the person that that letter  
4 was sent to?  
5 DR. E. CONNOR: I do.  
6 MR. BARRETT: To which we'll object your honor.  
7 MR. KISOR: I haven't asked the question yet. Do you have an  
8 opinion based on that letter as the recipient of that  
9 letter, based on your contact with Mr. Brewington  
10 and your familiarity with his language, his writings  
11 and the difficulties you were having with him at the  
12 time of that, do you have an opinion as to whether  
13 or not he is likely the writer of that letter?  
14 DR. E. CONNOR: I do.  
15 MR. KISOR: What's that opinion?  
16 MR. BARRETT: To which we'll object your honor.  
17 MR. NEGANGARD: Can we approach?  
18 COURT: Yes you may.  
19 MR. NEGANGARD: (inaudible)  
20 COURT: What's the objection?  
21 MR. BARRETT: (inaudible).  
22 MR. NEGANGARD: (inaudible).  
23 MR. KISOR: That's not an issue. This goes to weight, if he wants  
24 to argue that on cross-examination, that's fine. He's  
25 an expert. Everything in this case is highly

1 prejudicial to Mr. Brewington but he wrote it all.  
2 You can't throw everything out under 403, but it is  
3 relevant.  
4 MR. BARRETT: (inaudible) 403 (inaudible) irrelevant (inaudible).  
5 MR. NEGANGARD: (inaudible) circumstantial evidence your honor, the  
6 time that points to Mr. Brewington that this letter  
7 comes out is after the blog posting is consistent with  
8 his blog postings and all the comments that he has  
9 made throughout the case to which there was  
10 numerous documents and the witness is particularly  
11 familiar with Mr. Brewington. He has done an  
12 analysis, psychological analysis of Mr. Brewington.  
13 He's had numerous contacts with Mr. Brewington  
14 by way of other letters.  
15 COURT: I'm going to over-rule the objection on the basis; I  
16 think it does go to the weight. I think that there is  
17 enough circumstantial evidence to link the two (2),  
18 whether it is or not, that can be up to the jury to  
19 decide.  
20 MR. BARRETT: Can we just note for the record that my objection is  
21 based on 403 Judge?  
22 COURT: Yes that was the 403 objection and it's over-ruled.  
23 You may re-ask the question.  
24 MR. KISOR: Thank you. Doctor, could you tell the ladies and  
25 gentlemen your opinion as to the source of that

1 anonymous letter?

2 DR. E. CONNOR: It's my opinion that Mr. Brewington wrote the  
3 letter.

4 MR. KISOR: Thank you. Now, in addition to that letter, did you  
5 become involved in a series of communications  
6 with Mr. Brewington?

7 DR. E. CONNOR: Well there were a number of correspondences that  
8 went back and forth um, he wanted the um, entire  
9 case file, for his review and um, I had concerns that  
10 if I gave him the mother's information that he  
11 would start to write about her information and her  
12 private test results as well so I sought guidance from  
13 the court and the court said that he does not get to  
14 have the mother's information. He's allowed to  
15 have his own which we gave to him. We copied it  
16 and made sure that he had that but the courts did not  
17 want him to have the mother's test results and  
18 information so I had to follow the order of the court.

19 MR. KISOR: And why were you concerned that he might disclose  
20 that information?

21 MR. BARRETT: To which we'll object, Judge. It's asked and  
22 answered. He's already answered that.

23 MR. KISOR: I don't know that he has your honor.

24 MR. BARRETT: Well no because he answered a question you didn't  
25 ask but he's already said that.

1 COURT: I'll over-rule. You can answer.

2 DR. E. CONNOR: My concern was that given his tenancy to write  
3 about people who disagree with him or see things  
4 differently than he does that he would use that  
5 information in the psychological test results against  
6 the mother on the internet and I felt that it was my  
7 responsibility to 1, seek her permission if she  
8 wanted him to have that information and also to  
9 seek the guidance of the court if they felt that that  
10 was okay for him to have that information. The  
11 mother did not want him to have that private  
12 information and the court, I believe on two (2)  
13 occasions, he requested her information and the  
14 court said no twice and I believe the appellate court  
15 even said no, so.

16 MR. KISOR: Okay and mother and her attorney never asked for  
17 his private information, did they?

18 DR. E. CONNOR: No, no.

19 MR. KISOR: And you didn't withhold that out of spite for him  
20 but because that's what the court told you to do.

21 DR. E. CONNOR: I have no jurisdiction over his records in that  
22 regards. It's up to the court or the mother whose  
23 records these belong to, private.

24 MR. KISOR: Dr. Connor, I'm going to show you a number of  
25 exhibits here, uh, I think in the interest of time, I'm

1 going to bring you a stack of them. While I'm  
2 gathering these documents is it fair to say that  
3 beginning in 2008, a series of communications  
4 began by fax?

5 DR. E. CONNOR: Yes.

6 MR. KISOR: Between you and Mr. Brewington?

7 DR. E. CONNOR: Yes.

8 MR. KISOR: Concerning his disagreements and complaints?

9 DR. E. CONNOR: Yes.

10 MR. KISOR: Okay. I'm going to hand you a number of exhibits  
11 and I'm just going to ask you to identify each of  
12 these and as you do that, there is a State's Exhibit  
13 number on them and if you could just say, State's  
14 Exhibit and this would be beginning with 27 and  
15 then describe what this is to the jury.

16 DR. E. CONNOR: Yes.

17 MR. KISOR: And the context. First of all if you would just take a  
18 moment just to kind of look through the whole  
19 packet. And I'm sorry; I forgot to bring one up.

20 DR. E. CONNOR: Um, these are all correspondence that transpired  
21 between uh, Mr. Brewington and I, some went to  
22 the court, some went to the mother's attorney.

23 MR. KISOR: Okay what I would like to do...

24 DR. E. CONNOR: I'm sorry.

25 MR. KISOR: ...and I'll give you some direct questions to you.

1 Just go through them individually.

2 DR. E. CONNOR: Okay.

3 MR. KISOR: First of all, we can see that's quite a stack. Is that

4 degree of correspondence common in your

5 experience as a custody evaluator?

6 DR. E. CONNOR: Not at all?

7 MR. KISOR: Ever happen?

8 DR. E. CONNOR: Never.

9 MR. KISOR: Okay. Let's just start then with the Exhibits. I

10 believe Exhibit 26 is the first exhibit.

11 DR. E. CONNOR: Yes.

12 MR. KISOR: If you could just tell us, first of all, are these in

13 chronological order?

14 DR. E. CONNOR: Uh, I haven't checked.

15 MR. KISOR: Okay, if you, as you look at them, if you could just

16 tell us what these exhibits are and when they were

17 sent and so forth.

18 DR. E. CONNOR: The first one is dated March 28, 2008.

19 MR. KISOR: And that's Exhibit 26?

20 DR. E. CONNOR: Exhibit 26. It's to me from Mr. Brewington and

21 um, and he seems to be in disagreement of Judge

22 Taul's order as to whether he should have the case

23 file. I interpret Judge Taul's order that he should

24 not have it.

25 MR. KISOR: And when you're a court expert just like if you're a

1 court party, you're supposed to follow a court's  
2 order. Is that correct?

3 DR. E. CONNOR: Correct.

4 MR. KISOR: Okay, so he's in disagreement with Judge Taul and  
5 then what's he doing in respect to you?

6 DR. E. CONNOR: Well he argues as to why he should have the  
7 mother's private information and results.

8 MR. KISOR: Does he tell you to limit your communication with  
9 Judge Taul?

10 DR. E. CONNOR: Uh yes he does make a comment to that.

11 MR. KISOR: Does he cite your professional associations, the  
12 American Psychological Association code of  
13 conduct?

14 DR. E. CONNOR: Yes, he does refer to the American Psychological  
15 Association wealth of information on the internet  
16 that would help you interprets your agreement and  
17 consent and release of information practices.

18 MR. KISOR: So basically he's telling you in document, I'm  
19 smarter than Judge Taul, I'm smarter than you and  
20 you all need to listen to me.

21 MR. BARRETT: To which we'll object Judge. He's characterizing  
22 the exhibit.

23 MR. KISOR: I'll withdraw...

24 COURT: Sustained.

25 MR. KISOR: I'll withdraw the question. Dr. Connor that was



1 Exhibit 26. What was the next exhibit that you  
2 have?

3 DR. E. CONNOR: The next exhibit is Exhibit 28 and this is to me from  
4 Mr. Brewington and um, the background of this  
5 exhibit is that he wrote in a letter to me that I had  
6 uh, had many numerous, that I had numerous errors  
7 and oversights in my evaluation. I wrote a letter...

8 MR. KISOR: He wrote that.

9 DR. E. CONNOR: He wrote that.

10 MR. KISOR: Do you believe that he was correct in that?

11 DR. E. CONNOR: There were maybe a couple of errors, uh; I believe I  
12 referred to his brother as Mark instead of Matt or  
13 something to that effect. There were a couple of  
14 minor errors in my opinion in all fairness.

15 MR. KISOR: In terms of the testing though and the evaluation  
16 that has been presented here, the findings that you  
17 made, do you believe that they were accurate and  
18 remain accurate as we sit here today?

19 DR. E. CONNOR: Yes, I believe those are accurate based on my  
20 clinical judgment.

21 MR. KISOR: Okay, now again you're back on Exhibit 28 I  
22 believe?

23 DR. E. CONNOR: Correct.

24 MR. KISOR: I'm not certain we talked about 27 – just to keep  
25 them in order.

1 DR. E. CONNOR: I believe that was 27 where he was arguing as to  
2 having the information.

3 MR. KISOR: Okay then let's move on. You were going to tell us,  
4 28, identify that for the record, for the jury.

5 DR. E. CONNOR: This is a letter dated March 31, 2008 to me from  
6 Mr. Brewington. Um, and just quickly the  
7 background of this letter, is that he...

8 MR. BARRETT: Judge, to which we'll object. He asked him to  
9 identify it and he has.

10 MR. KISOR: First let's just identify what it is Dr. Connor.

11 COURT: Sustained.

12 MR. KISOR: Thank you, your honor.

13 DR. E. CONNOR: Yes, this is a letter from Mr. Brewington to me, um,  
14 and explaining in great detail why I won't be  
15 participating in the additional evaluation session.

16 MR. KISOR: And this is how many pages?

17 DR. E. CONNOR: Uh, his letter is um, eleven (11) pages.

18 MR. KISOR: Okay and the date of that?

19 DR. E. CONNOR: March 31, 2008.

20 MR. KISOR: Okay what was the background and context of him  
21 now telling you he's not going to participate?

22 DR. E. CONNOR: He wrote at some point that I had many oversights  
23 and errors in my custody evaluation report and uh, I  
24 wrote a letter to Judge Taul and I quoted Mr.  
25 Brewington. In other words, I said that Mr.

1 Brewington said that I had many errors and  
2 oversights and therefore I would like to offer the  
3 opportunity for them to return to my office and  
4 correct any misunderstandings in all fairness that he  
5 felt that maybe I had made and um, and then he did  
6 come to my office but...

7 MR. KISOR: First of all, did Judge Taul grant that request that  
8 you asked on Mr. Brewington's behalf?

9 DR. E. CONNOR: I believe so, yes.

10 MR. KISOR: Okay and then go on, Mr. Brewington came to your  
11 office subsequent to that?

12 DR. E. CONNOR: He came to my office and he stood in the waiting  
13 room and would not come back into my office so he  
14 elected not to participate uh, the mother later came  
15 to my office and she did participate in updating the  
16 evaluation.

17 MR. KISOR: Okay and so at that point that's March the 31<sup>st</sup>, as  
18 far as your professional relationship with Mr.  
19 Brewington, was there any further contact regarding  
20 the job you were supposed to do and that's to be the  
21 custody evaluator?

22 DR. E. CONNOR: No.

23 MR. KISOR: Okay. He never made any efforts to re-initiate that.

24 DR. E. CONNOR: After that point in time?

25 MR. KISOR: Yes.

1 DR. E. CONNOR: Correct.

2 MR. KISOR: Yes. Alright, if you would then, I believe there's

3 Exhibit 29, can you identify that briefly for the

4 record?

5 DR. E. CONNOR: Yes, Exhibit 29, uh, this is a letter from my office to

6 Mr. Brewington, um, I was out of the office on that

7 day and um, and we were basically again telling him

8 that his, the wife's attorney did not receive the

9 entire case file and she didn't request it, um, other

10 than just the report, um, and that uh, I would be

11 addressing any concerns or issues he had during his

12 appointment that was scheduled with me on March

13 the 31<sup>st</sup> at 8:00 a.m.

14 MR. KISOR: Okay, go on, next exhibit please.

15 DR. E. CONNOR: Um, Exhibit #30, this is a letter to the mother's

16 attorney, Mrs. Loechel, and um...

17 MR. BARRETT: To which we'll object, Judge. If the letter,

18 correspondence, this is correspondence in a law suit.

19 If it's not directed to this witness, I'm not sure how

20 he could vouch for it.

21 MR. KISOR: I think it's, not to interrupt Mr. Barrett, I think that's

22 fair. I think that was inadvertently marked.

23 COURT: Okay thank you.

24 MR. KISOR: Dr. Connor, I think the next exhibit pertaining to

25 you, or came to you was Exhibit 31. Is that correct?

1 DR. E. CONNOR: Correct.

2 MR. KISOR: Could you identify that for the record?

3 DR. E. CONNOR: This is a fax to me from Mr. Brewington and it  
4 states, "Enclosed is a letter with some questions  
5 regarding the direction of your evaluation. Please  
6 note that Judge Taul confirmed my pro se status so I  
7 am entitled to all correspondence, documentation,  
8 channels of communication, etc. that opposing  
9 counsel would be privy to. A timely response  
10 would be greatly appreciated as this deals with the  
11 welfare of my children".

12 MR. KISOR: And again, what is he requesting that you provide?

13 DR. E. CONNOR: Well um, he wanted to know if I had forwarded his  
14 information to the Affinity Center where he had  
15 been treated previously and uh that he would also  
16 like to have a copy of the case file mailed to his  
17 home and again the case file would include the  
18 mother's records.

19 MR. KISOR: The same case file he's repeatedly asked you for  
20 already?

21 DR. E. CONNOR: Yes, yes.

22 MR. KISOR: And that Judge Taul's already said that he doesn't  
23 get?

24 DR. E. CONNOR: Correct.

25 MR. KISOR: Okay and what then, any further significance of

1 Exhibit 31?

2 DR. E. CONNOR: Well he goes on to say if I don't send him this, then

3 I've breached my contract.

4 MR. KISOR: Okay and you did have a contract with him.

5 Correct?

6 DR. E. CONNOR: Correct.

7 MR. KISOR: And by not sending it, would you be in breach of

8 that contract?

9 DR. E. CONNOR: Well because again, I would need permission of the

10 court as well as the mother to send that information.

11 MR. KISOR: Okay, alright, if you would then move on to the next

12 exhibit. I believe its Exhibit 32.

13 DR. E. CONNOR: Exhibit 32 and this is a letter from me to Judge Taul

14 who was the presiding Judge over the custody

15 dispute at that time.

16 MR. KISOR: Okay and basically you were just reporting as was

17 your duty?

18 DR. E. CONNOR: Yes I just stated that he arrived at my office for the

19 scheduled appointment um, but he only stayed long

20 enough to inform me that he would not be

21 participating in the update which in fact he had

22 requested.

23 MR. KISOR: Okay. Alright, if you would just move on to the

24 next exhibit please.

25 DR. E. CONNOR: This is Exhibit 34 and this is a letter to me from Mr.

1 Brewington and um...

2 MR. KISOR: The date of that letter?

3 DR. E. CONNOR: I'm sorry.

4 MR. KISOR: Was that by fax or by mail?

5 DR. E. CONNOR: This was faxed April the 1<sup>st</sup> of 2008 and um, it's

6 titled, "Dr. Connor's unethical behavior" from Mr.

7 Brewington and he goes on to again talk about

8 giving him the file and he cites the American

9 Psychological Associations ethical principles of

10 psychologists and code of conduct, um, and he

11 states that I um, didn't include members of his

12 family and the contacts in the evaluation and other

13 comments.

14 MR. KISOR: Did he direct you to do anything in that

15 correspondence?

16 DR. E. CONNOR: Um, I don't recall if there was anything that he...he

17 did ask me why I sent him the anonymous letter and

18 asked him if he knew anything about that in this

19 letter. He asked me, how dare I do that.

20 MR. KISOR: Okay, on page 3, does it say here that "I would

21 suggest that you pull the report and get an

22 attorney"?

23 DR. E. CONNOR: Well the last sentence in this letter says "pull your

24 report now as you have crossed the line as a treating

25 therapist".

1 MR. KISOR: So he did direct you to do something?

2 DR. E. CONNOR: To pull my report, yes.

3 MR. KISOR: Okay and by pulling your report, what was he

4 referring to as you understand it?

5 DR. E. CONNOR: As I understand it, the custody evaluation.

6 COURT: Let's hold off a second here. I've learned to take a

7 train timeout. I think we might be okay. I'm sorry.

8 Go ahead.

9 MR. KISOR: Um, when he told you to pull the report and get an

10 attorney, how did you interpret that?

11 DR. E. CONNOR: I interpreted it as uh, he wanted me to withdraw my

12 custody evaluation that I had submitted to the court.

13 MR. KISOR: Which had been by agreed order between him and

14 his wife?

15 DR. E. CONNOR: Correct.

16 MR. KISOR: And at that point, you hadn't even testified in the

17 dissolution case. Is that correct?

18 DR. E. CONNOR: That's correct.

19 MR. KISOR: Um, let's move on – next exhibit.

20 DR. E. CONNOR: The next exhibit is 36, um, and this is to me from

21 Mr. Brewington, um, he asked me to please send a

22 copy of the case file so I can begin preparation of

23 potential depositions, uh, please fax Judge Taul a

24 letter apologizing from misrepresenting and your

25 inappropriate conduct or feel free to contact the



1 Kentucky Board of Examiners of Psychology and  
2 make them aware of your actions.

3 MR. KISOR: And how did you interpret those statements from  
4 Mr. Brewington?

5 DR. E. CONNOR: Well again at this point I'm concerned. I'm not sure  
6 exactly why he's continuing. I again, have no  
7 jurisdiction over someone's records. That would be  
8 up to the Court and the person who those records  
9 belong to.

10 MR. KISOR: Is that concerning to you that someone is effectively  
11 threatening to turn you into the psychological  
12 authorities?

13 MR. BARRETT: To which we'll object to characterization Judge.

14 COURT: I'll sustain that objection.

15 MR. KISOR: Was there anything in that letter that was  
16 concerning to you as a threat or otherwise?

17 DR. E. CONNOR: Well when he tells me to contact a Judge and  
18 apologize, I didn't feel that I had anything to  
19 apologize for and um, but that was his  
20 characterization of me and my evaluation.

21 MR. KISOR: Uh, Dr. Connor, the next exhibit you have, before  
22 you identify it, what is the number on it?

23 DR. E. CONNOR: The next one?

24 MR. KISOR: Yes.

25 DR. E. CONNOR: 38.

1 MR. KISOR: Okay, if you would identify Exhibit 38 for the  
2 record please?

3 DR. E. CONNOR: Exhibit 38 is from Mr. Brewington to me. It says  
4 please read the following and respond accordingly.  
5 Please forward to me a copy of your license from  
6 the Indiana State Board of Psychology.

7 MR. KISOR: Okay now at that time, did you even have a license  
8 from the Indiana Board of Psychology?

9 DR. E. CONNOR: I was licensed in July of 2008, so this is dated July  
10 of 2008.

11 MR. KISOR: Okay and the context of the custody evaluation and  
12 the agreement, was it made clear to him that you  
13 were operating under your Kentucky license when  
14 you took on this assignment?

15 DR. E. CONNOR: Well the original court order from Judge, from the  
16 Judge states that he has to contact Dr. Edward  
17 Connor in Erlanger, Kentucky. We have a contract  
18 that they signed and he signed it and right above his  
19 signature is my Kentucky license number.

20 MR. KISOR: And evaluations were done at your Kentucky office.

21 DR. E. CONNOR: Correct.

22 MR. KISOR: Um, your understanding of this, your part in the  
23 court action at that time, the dissolution of these  
24 parties, was there any meaningful purpose in that  
25 fax?

1 DR. E. CONNOR: Again I um, found it just more of his writings in  
2 which I found to be more and more concerning as  
3 time went on about what exactly, why he was  
4 becoming, in my opinion, obsessed with me.  
5 MR. KISOR: Alright if you would move on to I believe Exhibit  
6 39.  
7 DR. E. CONNOR: Yes, this is a fax dated July 30, 2008, the same date  
8 as the previous fax from Mr. Brewington to me and  
9 um...  
10 MR. KISOR: It's the same date but it's a separate fax?  
11 DR. E. CONNOR: Correct, yes, same date, separate fax.  
12 MR. KISOR: And what is contained in that exhibit?  
13 DR. E. CONNOR: It asked me to provide him a copy with the case file.  
14 MR. KISOR: We've heard that before. What else did he ask for?  
15 DR. E. CONNOR: He goes on to say the release of the case file would  
16 demonstrate your dishonest, malicious and criminal  
17 behavior and it would reveal your gross retaliatory  
18 behavior against me for trying to expose your  
19 wrong-doing, your delusions regarding what you  
20 claim to be my inability to communicate will be  
21 exposed by the thousands of written words that you  
22 have in your possession authored by me which you  
23 claimed in the addendum to be intimidating,  
24 confusing and hard to follow and he goes on.  
25 MR. KISOR: Okay and did he ask you to place your insurance on

1 notice?

2 DR. E. CONNOR: Yes, on the second page, he says; please place your  
3 malpractice liability insurance carrier on notice.  
4 Um, and then...

5 MR. KISOR: Based on that, what did you, did you infer some  
6 kind of intent on his part if you're supposed to place  
7 your insurance company on notice?

8 DR. E. CONNOR: Well I felt in my...

9 MR. BARRETT: To which we'll object Judge. It invades, he asking  
10 him to infer intent. That's at the heart of this case.

11 MR. KISOR: Judge I think he can infer based on the thousands of  
12 words...

13 COURT: I think under these circumstances, I think he can.  
14 I'm going to over-rule the objection. You may  
15 answer the question.

16 DR. E. CONNOR: Again I felt that it was intimidating that um, he was  
17 trying to frankly intimidate me, withdraw my report.  
18 He had stated previously he wanted me to withdraw  
19 my report from the court.

20 MR. KISOR: Okay and alright next exhibit unless there's  
21 anything further significant in Exhibit 39.

22 DR. E. CONNOR: In the second to last paragraph, he says "please  
23 don't assume that you nor any persons or employees  
24 affiliated with Connor Associates have immunity  
25 from civil or criminal liability as the rules and

1 statues don't apply when gross negligence is a  
2 factor".

3 MR. KISOR: Okay, thank you. If you would, go on to Exhibit 40  
4 please.

5 DR. E. CONNOR: Exhibit 40 is um, addressed to my wife, Dr. Jones-  
6 Connor from Mr. Brewington.

7 MR. KISOR: And that's inter-office communications, your wife  
8 who works with you in the office?

9 DR. E. CONNOR: Correct.

10 MR. KISOR: And are you familiar with that as a record keeper  
11 within the office?

12 DR. E. CONNOR: Yes.

13 MR. KISOR: Okay, can you identify what's contained in that  
14 exhibit, further identify it?

15 DR. E. CONNOR: It says, "Please review the following as it may have  
16 serious legal implications for you".

17 MR. KISOR: And this is directed to your wife?

18 DR. E. CONNOR: That is but then it's, here it's addressed to me, so  
19 but the letter itself is addressed to me and it's  
20 regarding breach of contract law suit and asks for all  
21 copies of correspondence I've had with the mother's  
22 attorney, Mrs. Loechel, as you have sent her copies  
23 of our correspondence, uh, if your correspondence  
24 with Mrs. Loechel is considered confidential and  
25 part of the case file, then you have violated my

1 patient confidentiality rights.

2 MR. KISOR: Were you concerned with his patient confidentiality

3 rights as well as his wife's?

4 DR. E. CONNOR: Yes.

5 MR. KISOR: And did you violate either?

6 DR. E. CONNOR: No, no.

7 MR. KISOR: Okay.

8 DR. E. CONNOR: No, and he goes on to say, please send me the

9 names of your office staff as they could potentially

10 be named as defendant's for legal action. So now

11 he was starting to threaten my office staff with

12 potential legal action as well.

13 MR. KISOR: So not just your wife, but your whole office staff.

14 DR. E. CONNOR: Yes.

15 MR. KISOR: Is now at risk.

16 DR. E. CONNOR: Yes.

17 MR. KISOR: Okay, uh, next exhibit.

18 DR. E. CONNOR: This is Exhibit 41, uh, dated August 4, 2008, uh to

19 me from Mr. Brewington. It says please read the

20 following and respond accordingly. If Dr. Connor

21 is out of the office today it may be in his best

22 interest to be contacted as the material is time

23 sensitive and the letter reads um, that the contract I

24 signed June 18, 2007 entitles me to a copy of the

25 file. Your refusal to abide by the agreed contract

1 has left me no choice but to file a lawsuit for breach  
2 of contract where you will be left to explain your  
3 actions to a Judge, possibly jury about your actions.  
4 Uh, it goes on to say that in a final attempt to  
5 resolve matters privately, you have until the end of  
6 today, Monday, August 4, 2008, to confirm that you  
7 are going to provide me with a copy of the case file.  
8 MR. KISOR: Did he also again ask you to pull your custody  
9 evaluation at that time?  
10 DR. E. CONNOR: He goes on to say um, in accordance with your  
11 contract, APA, American Psychological Association  
12 rules and Kentucky Board of Examiners of  
13 Psychology or that you are going to pull your report  
14 for obvious reasons. He says this is not up for  
15 debate and if I do not hear from you today, I will be  
16 filing a lawsuit.  
17 MR. KISOR: So if you don't pull the custody evaluation, you  
18 were ordered to do, you are going to get sued.  
19 DR. E. CONNOR: Ordered by him, yes.  
20 MR. KISOR: That's what he told you?  
21 DR. E. CONNOR: Yes.  
22 MR. KISOR: Okay. Okay, go on to the next exhibit please.  
23 DR. E. CONNOR: Well then he attaches uh, a what appears to be a  
24 lawsuit or breach of contract to be filed in the  
25 Ripley Circuit Court.

1     MR. KISOR:                     Is this in fact in Exhibit 41 you're still referring to  
2                                     or is this the next exhibit?  
3     DR. E. CONNOR:               No, this is still Exhibit 41.  
4     MR. KISOR:                     Okay, so in 41, where he tells you to pull it or I'm  
5                                     going to file a breach of contract lawsuit, he  
6                                     attaches what appears to be some court documents  
7                                     of some sort?  
8     DR. E. CONNOR:               Correct, an unsigned law suit naming myself and  
9                                     my wife and my um, my clinic as defendants.  
10    MR. KISOR:                     What happened next? Exhibit 42.  
11    DR. E. CONNOR:               Exhibit 42, uh, dated August 4, 2008; again this is  
12                                     the same date, different fax. It says please read the  
13                                     following and respond accordingly. Please send the  
14                                     correct contract you referenced in your previous fax  
15                                     and it's more of this type of language, um, one of  
16                                     the statements in here, again states that you still  
17                                     have until the end of today to pull the report, in  
18                                     accordance with the American Psychological  
19                                     Association and the Kentucky Board of Examiners  
20                                     of Psychology, I challenge you to send this letter to  
21                                     the court but in fact you won't, because it would  
22                                     incriminate you in your illegal and unethical  
23                                     practices. Need I remind you to check your March  
24                                     26, 2008 letter stating that you would be happy to  
25                                     release the file as soon as you verify my pro se



1 status with the Court.

2 MR. KISOR: Dr. Connor, all these allegations and all his opinions  
3 that he's throwing into these repeated faxes and  
4 letters, is there any basis and truth for anything that  
5 he was accusing you of doing?

6 MR. BARRETT: To which we'll object, Judge. The State, Judge, has  
7 chosen to put all this before the jury. They get to  
8 decide now what they believe is true or not true. I  
9 mean that's kind of the issue here since we're now  
10 into the divorce as well. So I'm not really sure, you  
11 know, they can't call a witness and then ask him to  
12 vouch for himself.

13 MR. KISOR: Judge, that's not what I'm doing. I'm asking Dr.  
14 Connor who has just testified to this jury dozens of  
15 communications and accusations he's received from  
16 Mr. Brewington. Part of our case is are they true or  
17 are they false and Dr. Connor is the best person to  
18 know.

19 COURT: I'll over-rule the objection. You can answer the  
20 questions.

21 DR. E. CONNOR: In my opinion, they are false. Um, and I would add  
22 that he concluded the letter with um, saying that  
23 because of the situation has elevated from a breach  
24 of contract to gross negligence, malpractice, slander  
25 and/or liable, I plan to add Dr. Deters and Ms. Davis

1 to the law suit. Dr. Deters and Ms. Davis were two  
2 (2) psychologists in my practice at that time and had  
3 nothing at all whatsoever to do with this custody  
4 evaluation so I had to inform them of what was  
5 going on as well.

6 MR. KISOR: And these were business colleagues?

7 DR. E. CONNOR: Yes they were part of my practice at the time.

8 MR. KISOR: And how did that affect your, well at least  
9 potentially effect your business reputation at that  
10 time?

11 DR. E. CONNOR: Well I believe my reputation in the general public  
12 was solid enough to, I think whether some of this  
13 type of information but they were concerned. They  
14 have families and they have concerns about their  
15 practicing when someone, through no fault of their  
16 own whatsoever and probably didn't even know we  
17 did the custody evaluation on this case because they  
18 had their own clients or patients, are now all of a  
19 sudden being named as potential litigants in this  
20 case he, or disagreement he had with me.

21 MR. KISOR: Okay and in that Exhibit 42, he is telling you about  
22 slander and liable. Is that correct?

23 DR. E. CONNOR: Correct, yes.

24 MR. KISOR: And he's not telling you, you have a first  
25 amendment right to do that. He's accusing you of

1 doing that.

2 MR. BARRETT: To which we'll object, Judge. He's leading the

3 witness.

4 COURT: Sustained.

5 MR. KISOR: Withdrawn. Dr. Connor, if you would then go on to

6 the next exhibit, I believe 43.

7 DR. E. CONNOR: Exhibit 43 is dated August 5, 2008 and this is the

8 day after the previous two (2) faxes to me from Mr.

9 Brewington. It says please read the following and

10 respond accordingly and um, he wants a copy of

11 um, the different documents that were signed for the

12 agreement to do the evaluation from he and his

13 wife, uh he wanted a copy of his file which he was

14 provided. Um, saying, he says I haven't sent him

15 other copies of correspondence between myself and

16 the mother's attorney.

17 MR. KISOR: So again he wants the file and he's telling you what

18 you haven't done right.

19 DR. E. CONNOR: Right.

20 MR. KISOR: Okay, Exhibit 44?

21 DR. E. CONNOR: Exhibit 44 is dated August the 6<sup>th</sup>, so this is the day

22 after the previous fax to me, uh, from Mr.

23 Brewington. It says, "Enclosed is the motion to

24 clarify and it says please review the following

25 motion. Please forward the material I requested.



1 questions or concerns and again it's the verified  
2 petition for contempt citation, um.

3 MR. KISOR: Did you subsequently receive the other documents  
4 by certified mail, if you recall?

5 DR. E. CONNOR: Uh, I don't recall if I did or not.

6 MR. KISOR: Were you ever found in contempt by the Ripley  
7 Circuit Court as part of the dissolution...

8 DR. E. CONNOR: ...no, no.

9 MR. KISOR: ...proceedings of Mr. Brewington?

10 DR. E. CONNOR: No, I was never found in contempt of court.

11 MR. KISOR: Okay, had you agreed to withdraw your report or  
12 not testify, do you think he would have filed that  
13 motion based on your dealings with him?

14 MR. BARRETT: To which we'll object your honor. It calls for the  
15 operation of Mr. Brewington's mind.

16 COURT: What was the question?

17 MR. KISOR: If he believes that had he gone ahead and done what  
18 was being asked which was to withdraw the report  
19 and not testify.

20 COURT: I'll sustain.

21 MR. KISOR: Okay. I'll move on, thank you, your honor. Uh, Dr.  
22 Connor, after the contempt action was filed on  
23 August 20<sup>th</sup> of '08, uh, let's move on to August 28<sup>th</sup>  
24 of '08 – Exhibit 46.

25 DR. E. CONNOR: Yes, August 28<sup>th</sup>, Exhibit 46, um, he says if I retain

1 the services of an attorney, will you release the  
2 evaluation case file to my legal counsel from Mr.  
3 Brewington to me.

4 MR. KISOR: Okay, alright, anything else significant about that?

5 DR. E. CONNOR: No sir.

6 MR. KISOR: Okay, just a continuation of the communication?

7 DR. E. CONNOR: Yes.

8 MR. KISOR: Okay, uh, I believe the next exhibit will be 47. Can  
9 you identify that for the record?

10 DR. E. CONNOR: This is dated September the 2<sup>nd</sup>, 2008, from Mr.  
11 Brewington to me, please review the following.  
12 Please contact me if you have, if you find any of the  
13 information confusing or difficult to understand.  
14 Thank you for your cooperation and then the letter  
15 says, Dear Edward J. Connor, you still haven't  
16 forwarded copies of your office policy statement  
17 with my signature on it. Please forward a copy of  
18 the case file to me because I am an attorney.

19 MR. KISOR: He told you he was an attorney?

20 DR. E. CONNOR: Yes.

21 MR. KISOR: Because he was representing himself?

22 DR. E. CONNOR: I'm not sure.

23 MR. KISOR: We don't know, do we? Okay, uh, anything else in  
24 Exhibit 47?

25 DR. E. CONNOR: Uh, he asked again for correspondence between

1                   myself and Mrs. Loechel, uh and a copy of the  
2                   verified petition for contempt not yet filed with the  
3                   court or he says this is enclosed. He sent me a copy  
4                   of that he was going to ask the court to hold me in  
5                   contempt, um, as well as a motion to clarify filed  
6                   September 2, 2008. Feel free to contact me with  
7                   any questions or if you find my writings to be  
8                   confusing or difficult to follow. Um, another letter  
9                   dated September 2, 2008, to Mrs. Loechel from Mr.  
10                  Brewington but he cc'd me a copy of that letter.  
11   MR. KISOR:           And what was the context of that attachment to the  
12                   fax?  
13   DR. E. CONNOR:       Please review the enclosed copy of the verified  
14                   petition for contempt of trying to prevent me from  
15                   having equal access to evidence was merely an  
16                   oversight on your part, please have your client sign  
17                   a release of information and consent waiver so Dr.  
18                   Connor can give me equal access to evidence that  
19                   you already are already entitled to as an attorney. If  
20                   this is not an oversight and I don't hear from you, I  
21                   will be filing contempt charge Thursday morning,  
22                   September 4, 2008 and contacting the Indiana  
23                   Supreme Court disciplinary commission regarding  
24                   obstructing equal access to evidence and then the  
25                   verified petition for contempt citation is attached as

1 well as well as a motion to clarify.

2 MR. KISOR: And that's against Mrs. Loechel. Correct?

3 DR. E. CONNOR: Correct.

4 MR. KISOR: But he felt some need to give you a copy of that one

5 as well?

6 DR. E. CONNOR: Yes.

7 MR. KISOR: The next exhibit I believe will be 48. Can you

8 identify that please?

9 DR. E. CONNOR: 48. This is September 3<sup>rd</sup>, the next day, to me from

10 Mr. Brewington, um, please review the following,

11 contact me if you have any of the information, if

12 you find any of the information confusing or

13 difficult to understand. Thank you for your

14 cooperation and in this letter he tells me again that

15 he is an attorney.

16 MR. KISOR: Does he go on again to accuse you of all the bad

17 things that you've done?

18 MR. BARRETT: To which we'll object Judge. He's leading the

19 witness.

20 COURT: Sustained.

21 MR. KISOR: What else, if anything, is in that exhibit, Dr.

22 Connor?

23 DR. E. CONNOR: Um, he says if you have decided to not

24 communicate with me about the office policy that

25 you don't have or refusing to send me, I assume you



1 have terminated your services as a licensed  
2 psychologist with me and will take the appropriate  
3 measures to withdraw from the case. If you don't  
4 provide me with the office policy bearing my  
5 signature which you have given to Melissa  
6 Brewington and subsequently the court has a copy  
7 of or you don't withdraw, it will just add to your  
8 numerous violations and infractions of Indiana and  
9 Kentucky law, psychology boards of the respective  
10 states as well as the American Psychological  
11 Association. Please let me know when it would be  
12 a good time for us to meet so I can begin with your  
13 deposition and we can really get moving on things.  
14 Feel free to contact me with any questions or if you  
15 find my writings to be confusing or difficult to  
16 follow. Have a great day.

17 MR. KISOR: Previously you have been asked multiple times to  
18 pull the report, the custody report, now you're being  
19 asked to withdraw from the case entirely.

20 DR. E. CONNOR: Yes.

21 MR. KISOR: Or bad things are going to happen to you.

22 DR. E. CONNOR: Yes.

23 MR. KISOR: Let's move on to Exhibit 49.

24 DR. E. CONNOR: Uh, Exhibit 49; this is dated September the 5<sup>th</sup>, two  
25 (2) days later, to me from Mr. Brewington. Please

1 review the following. Please contact me if you have  
2 of the information, if you find any of the  
3 information confusing or difficult to understand.  
4 Thank you for your cooperation. Uh and this letter,  
5 he says that any ignorance of the law or  
6 misinterpretations of court rulings on your part are  
7 not a defense in not releasing the case file. So he's  
8 still wanting the case file and he says as an attorney,  
9 referring to himself and a client of Connor  
10 Associates, if you still don't intend to release a copy  
11 of the case file, I want a written reason why you  
12 don't want to release it. Obstructing the release of  
13 the case file in order to prevent self incrimination on  
14 your part is not a defense in itself. If you do not  
15 release the file, I will file a petition for contempt  
16 against you for violating this order. Um, and then  
17 he goes down, further down to say and this again  
18 concerned me for safety of myself and my family  
19 where he says the game is over Dr. Connor and it  
20 concerned me because I certainly did not see this as  
21 a game and I wasn't sure what he was implying but  
22 um.

23 MR. KISOR: In addition to the obvious concern from the face of  
24 it, you've done psychological testing of him.

25 DR. E. CONNOR: Yes.

1 MR. KISOR: Is there anything pertaining to the psychological  
2 testing coupled with this series of correspondence  
3 and ultimately with the game is over that was  
4 troubling or concerning to you?

5 DR. E. CONNOR: Yes.

6 MR. KISOR: Tell us about that.

7 DR. E. CONNOR: Well I feel that he does not take no for an answer  
8 even from one in a position of authority such as the  
9 court. I feel like he takes information and twists it  
10 to serve his interest and um, can be very, very  
11 aggressive verbally with his written comments, with  
12 his continued faxes and including my wife, my  
13 office staff, uh, and these threatened law suits. In  
14 my opinion that is an act of aggression although it's  
15 not necessarily physical, uh, as a psychologist I  
16 certainly see where many cases where people step  
17 out of their verbal aggression into an act of physical  
18 aggression and so I became even more concerned at  
19 this point.

20 MR. KISOR: Okay, let's move on, the game's over. Let's move  
21 on to Exhibit 50.

22 DR. E. CONNOR: Exhibit 50, please review the following. Contact  
23 me if you have any of the information, if you find  
24 any of the information confusing or difficult to  
25 understand. Thank you for your cooperation. Uh,

1 and then he asked for please be sure to include  
2 Melissa Brewington's raw psychological test data  
3 and a copy of the case file you are preparing for me  
4 since the release of test data has nothing to do with  
5 maintaining the security and confidentiality of the  
6 psychological tests. And then he cites standards  
7 from the American Psychological Association.  
8 Please feel free to contact me if you find this to be  
9 confusing or difficult to follow.

10 MR. KISOR: Dr. Connor, you've already testified why it wasn't  
11 appropriate to give him the case file that he keeps  
12 asking for.

13 DR. E. CONNOR: Yes.

14 MR. KISOR: Was it appropriate to give him quote "raw  
15 psychological data"?

16 DR. E. CONNOR: Not at all.

17 MR. KISOR: And had you given any of his raw psychological  
18 data to his wife or her attorney?

19 DR. E. CONNOR: No, no.

20 MR. KISOR: Okay, next Exhibit 51.

21 DR. E. CONNOR: Exhibit 51, this is dated October the 9<sup>th</sup>, um, from  
22 Mr. Brewington to me. He says please review the  
23 following and the letter states that attached is a copy  
24 of the motion filed with the court today. Feel free to  
25 contact me if you find any of it confusing or hard to

1 follow. Please verify if you are going to continue to  
2 communicate with me since the court disagreed  
3 with the contention that you are an extension of the  
4 court, it would not provide you with protection.  
5 Please forward any correspondence you have with  
6 Mrs. Loechel. If you plan on continuing to retaliate  
7 against me for trying to hold you accountable for  
8 your unethical and criminal behavior by sending  
9 slanderous letters to the judge, please have the  
10 professional courtesy to base your allegations on  
11 fact and not try to insult the court's intelligence by  
12 proclaiming yourself to be an extension of the court  
13 or asking for protection when I'm sure you are very  
14 familiar with the proper channels in obtaining  
15 various orders of restraint. So I interpreted this as  
16 um, he was telling me that I know how to get a  
17 protective order or restraining order against him if I  
18 chose to do so.

19 MR. KISOR: If you take the bait.

20 DR. E. CONNOR: Yes.

21 MR. KISOR: Okay, alright, um, if I may approach? Dr. Connor is  
22 there still an additional exhibit that you have not  
23 referred to?

24 DR. E. CONNOR: Yes there is on this um, there is, this is Exhibit 51  
25 where he attaches the motion to compel Dr. Connor

1 to honor his contract and release the child custody  
2 evaluation case file and um, number 5 on this  
3 motion says Dr. Connor refused to provide the  
4 respondent which is Mr. Brewington, uh with a  
5 copy of the case file after respondent provided Dr.  
6 Connor with the court's September 3, 2008 ruling.  
7 And again I can't refuse that. It's up to a court and  
8 the mother's permission to allow him to have that  
9 information at this point. And then there's a letter  
10 attached to this dated September 16, 2008 on the  
11 same exhibit, um, from Judge Carl Taul where he  
12 states I'm unable to provide you with protection and  
13 you are free to communicate or not as you choose  
14 with Mr. Brewington and he also states that he  
15 disagrees that I would be an extension of the court  
16 at that point.

17 MR. KISOR: Judge Taul (inaudible)?

18 DR. E. CONNOR: Yes.

19 MR. KISOR: And you were taking the direction from Judge Taul  
20 on that?

21 DR. E. CONNOR: Correct.

22 MR. KISOR: Do you have one exhibit?

23 DR. E. CONNOR: Yes, I have one left here.

24 MR. KISOR: And that would be exhibit 26?

25 DR. E. CONNOR: Exhibit 26 correct?

1 MR. KISOR: (inaudible)

2 DR. E. CONNOR: Yes.

3 COURT: She's having a hard time picking you up.

4 MR. KISOR: I'm sorry. Dr. Connor, can you identify Exhibit

5 26?

6 DR. E. CONNOR: This is Exhibit 26, dated March 28, 2008, and it's

7 addressed to me from Mr. Brewington and he cites

8 the various American Psychological Association

9 ethical principles of psychologists and code of

10 conduct, uh, in this letter and he actually attaches

11 uh, the a copy of the ethics and code of conducts

12 from the American Psychological Association to

13 this letter.

14 MR. KISOR: Indicating to you what?

15 DR. E. CONNOR: Again indicating that I am in violation of the code

16 of conduct for making ethical violations is how I

17 interpret it.

18 MR. KISOR: Were you?

19 DR. E. CONNOR: No, I was not.

20 MR. KISOR: Your honor, at this time, the State would move to

21 admit State's Exhibit 26, 27, 28, 29, 31, 32, 33, 34,

22 and I'm just going to note that there was a sticky on

23 mine on the back of 36, that I'm removing. It's not

24 part of the exhibit and it's not referred to in Dr.

25 Connor's testimony.

1 COURT: Okay so you were at 34?

2 MR. KISOR: Yes your honor. The next exhibit we're offering

3 into evidence is 36, also 38, 39, 40, 41, 42, 43, 44,

4 45, 46, 47, 48, 49, 50, 51, 192, 193. I believe

5 State's 9 is already entered.

6 COURT: Mr. Barrett?

7 MR. BARRETT: 30 was not included in that list?

8 COURT: It was not.

9 MR. BARRETT: Okay, you're not offering 30?

10 MR. KISOR: That's correct.

11 MR. BARRETT: We would renew our objection Judge based on

12 relevance and 403.

13 COURT: I'll show those exhibits admitted over objection.

14 That's 192, 193, 26, 28, 27, 29, 31, 32, 33, 34, 36,

15 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and

16 51.

17 MR. KISOR: Thank you. Dr. Connor, in addition to the written

18 communications that have just been admitted into

19 evidence, did you become aware of additional

20 blogging and additional communications that Mr.

21 Brewington was making concerning you?

22 DR. E. CONNOR: I did.

23 MR. KISOR: Okay and specifically did you become familiar with

24 a web-site known as Merchantscircle.com?

25 DR. E. CONNOR: Yes.



1 MR. KISOR: I'm going to show you what's been marked for  
2 identification as State's Exhibit 53 and ask you to  
3 identify this for the record please.

4 DR. E. CONNOR: Yes, this is from the merchants circle web-site and  
5 it's authored by Mr. Brewington dated October 13,  
6 2008.

7 MR. KISOR: And what does it say, if anything, about you?

8 DR. E. CONNOR: Um, I was involved in a bad custody evaluation that  
9 was conducted by Dr. Edward J. Connor of  
10 Erlanger, Kentucky. Uh, Dr. Connor who is a  
11 forensic psychologist works with civil and criminal  
12 courts in Cincinnati, northern Kentucky, Lexington  
13 and Louisville. Dr. Connor has refused to give me a  
14 copy of the evaluation case file because I don't have  
15 an attorney. Dr. Connor continues to attack me in  
16 personal letters to the judge because I continue to  
17 hold him accountable for his misconduct. Uh, for  
18 more information, check out my web-site,  
19 [www.dansfamilycourtexperience.com](http://www.dansfamilycourtexperience.com). Contact me  
20 with any other questions. Dr. Connor is a very  
21 dangerous man who abuses his power. I hope this  
22 information can help other children and families.

23 MR. KISOR: Did you ever attack Dan Brewington in any way?

24 DR. E. CONNOR: No.

25 MR. KISOR: Okay, alright let's move on. There have been a

1 number of complaints I think where he brought up  
2 the psychology board and so forth.

3 DR. E. CONNOR: Yes he did.

4 MR. KISOR: I'm going to show you what's been marked for  
5 identification as State's Exhibit 54.

6 DR. E. CONNOR: Yes.

7 MR. KISOR: Your honor, before I proceed, I would move to  
8 admit Exhibit 53 into evidence.

9 COURT: Mr. Barrett, 53?

10 MR. BARRETT: No objection.

11 COURT: I'll show 53 admitted into evidence.

12 MR. KISOR: Dr. Connor, without going into the detailed  
13 statements contained in the exhibits, we can maybe  
14 move on a little bit. Uh, just tell us if you can,  
15 identify Exhibit 54 for the record.

16 DR. E. CONNOR: This is a complaint that Mr. Brewington filed with  
17 the Kentucky Board of Psychology against me.

18 MR. KISOR: Was that complaint taken and a decision made on  
19 it?

20 DR. E. CONNOR: Yes it was.

21 MR. KISOR: And how did that come out?

22 DR. E. CONNOR: The complaint was dismissed.

23 MR. KISOR: Was there anything new in that complaint?

24 DR. E. CONNOR: None, no, not that I recall. It was just more  
25 disagreements he had.

1 MR. KISOR: Your honor, the State moves to admit Exhibit 54.  
2 COURT: Mr. Barrett?  
3 MR. BARRETT: No objection.  
4 COURT: I'll show 54 offered and admitted.  
5 MR. KISOR: Thank you, your honor. Uh, Dr. Connor, let me  
6 show you what's been marked as State's Exhibit 55  
7 and ask you to identify it and describe it for the jury.  
8 DR. E. CONNOR: Uh, this is a fax to me from Mr. Brewington. Uh, it  
9 says, please read, send me copies of your notes used  
10 to score my psychological testing. Please contact  
11 me if you find any of this to be confusing or  
12 difficult to follow.  
13 MR. KISOR: And what's the date of this correspondence?  
14 DR. E. CONNOR: I'm sorry; this is December the 5<sup>th</sup>, 2008.  
15 MR. KISOR: Okay and we may have already testified, I'm not  
16 certain. What was the date of the complaint that's  
17 in Exhibit 54?  
18 DR. E. CONNOR: Uh, the complaint was received on November the  
19 21<sup>st</sup> of 2008.  
20 MR. KISOR: Okay, so then about three (3) weeks or so later you  
21 get another fax from Dr. or from Mr. Brewington?  
22 DR. E. CONNOR: Yes.  
23 MR. KISOR: Okay and uh, I'll show you what's been marked as  
24 State's Exhibit 56.  
25 DR. E. CONNOR: Uh this is a fax to me from Mr. Brewington dated

1 December the 8<sup>th</sup> of 2008, uh, three (3) days later  
2 from Mr. Brewington to me. Please read the  
3 following, also please provide me with the proper  
4 release consent forms needed to obtain a copy of my  
5 patient record. If your office policy statement is  
6 indeed an adjunct document to the court order, then  
7 I am entitled to a copy of my client patient record  
8 under Kentucky law in the rules and regulations set  
9 forth by HEPA. I'm sorry this has been so difficult  
10 for you to understand. Please don't bother to  
11 contact Judge Taul as the court has stated that the  
12 court wasn't aware of Kentucky law. Please contact  
13 me if you find any of this to be confusing or  
14 difficult to follow.

15 MR. KISOR: Dr. Connor, I would move to January 22<sup>nd</sup> and I  
16 would ask you to look at Exhibit 59 and identify it  
17 for the record.

18 DR. E. CONNOR: Um, this Exhibit 59 is dated January 22, 2009 from  
19 Mr. Brewington to me. Um, he's talking about  
20 some of the laws that, the test results that I referred  
21 to earlier, his diagnosis, um, again he says the game  
22 is over Dr. Connor. Uh, don't bother running to  
23 another court looking for pity. Um, he references  
24 other cases that I have been involved in, in this  
25 letter as well. He says, please feel free to contact

1 me if you find any of this confusing or difficult to  
2 follow. He closes his letter saying; remember one  
3 of the fundamental blocks of rehabilitation is  
4 accepting full responsibility for wrong doing while  
5 realizing that there shouldn't be any blame placed  
6 on the victim.

7 MR. KISOR: Okay, thank you. Your honor, I would move to  
8 admit Exhibits, I believe its 55, 56 and 59.

9 COURT: 55, 56 and 59?

10 MR. KISOR: I believe so.

11 COURT: Mr. Barrett?

12 MR. BARRETT: We would object again Judge, based on relevancy.

13 COURT: I'll show 55, 56 and 59 offered and admitted over  
14 defense objection.

15 MR. KISOR: Your honor, (inaudible).

16 MR. BARRETT: I think it's been admitted.

17 COURT: 53 and 54 were also admitted.

18 MR. KISOR: Dr. Connor, you testified that his complaint to the  
19 psychological board was over-ruled.

20 DR. E. CONNOR: Yes.

21 MR. KISOR: About how long did that process take?

22 DR. E. CONNOR: I believe it was approximately a week or two (2)  
23 where it was dismissed. I'm not sure exactly but it  
24 was dismissed.

25 MR. KISOR: Okay, I'm going to show you what's been marked

1 as State's Exhibit 60 and ask you to identify it and  
2 describe it.

3 DR. E. CONNOR: Um, this is a letter from the Assistant Attorney  
4 General for the State of Kentucky.

5 MR. KISOR: A letter from?

6 DR. E. CONNOR: I'm sorry, this is to Mr. Bringleman.

7 MR. KISOR: And that's from whom?

8 DR. E. CONNOR: From Mr. Brewington. Um, dated February 17,  
9 2009 and it's in regards to legal counsel of the  
10 psychology board regarding the Daniel Brewington  
11 complaint against Edward J. Connor.

12 MR. KISOR: What does it say regarding legal counsel?

13 DR. E. CONNOR: Well it uh, he criticizes the board's dismissal of the  
14 complaint against me. He cites different um, um,  
15 content in their dismissal of the complaint that he  
16 says is wrong. Um, he says he finds it troubling that  
17 the board didn't see any apparent violations in a  
18 complaint consisting of two hundred and thirty  
19 seven (237) pages. So his complaint against him is  
20 two hundred and thirty seven (237) pages and he is  
21 saying that the board didn't find anything in any of  
22 those pages wrong against me and that's troubling.  
23 Um, and he goes on to cite different statutes and  
24 why he feels that the board made a wrong decision  
25 in dismissing the complaint he filed against me.

1 MR. KISOR: Okay, I'm going to show you Exhibit 61. It has a  
2 date, the same date, February 17<sup>th</sup> of '09 and ask if  
3 you can identify 61 for the record.

4 DR. E. CONNOR: This is a letter to me from Mr. Brewington, um,  
5 where he talks about again the different Kentucky  
6 statutes, um, about how the investigator shall make  
7 available to counsel and any party not represented  
8 by counsel the investigator's file of underlying data  
9 and reports, complete tests of diagnostic reports  
10 made to the investigator pursuant to provisions of  
11 subsection and then he goes on to list the different  
12 laws about um, again why he should have that case  
13 file.

14 MR. KISOR: Thank you. I would move to admit 60 and 61 your  
15 honor.

16 MR. BARRETT: No objection.

17 COURT: We'll show 60 and 61 offered and admitted.

18 MR. KISOR: Thank you, your honor. Dr. Connor, to your  
19 knowledge, other than the documents you just  
20 testified about, were there further letters to the  
21 attorney general?

22 DR. E. CONNOR: Uh, I believe there was. He filed a second  
23 complaint against me with the board and um, that  
24 complaint was dismissed as well.

25 MR. KISOR: When was that filed?

1 DR. E. CONNOR: I don't recall the exact date of the second complaint.

2 MR. KISOR: Okay. Was the substance of the second complaint,

3 for some reason I don't have a copy of it, was it

4 similar to the original complaint?

5 DR. E. CONNOR: Similar.

6 MR. KISOR: Any new allegations that you recall?

7 DR. E. CONNOR: Not that I recall.

8 MR. KISOR: Now let's move on. You already testified a little bit

9 about some of the voluminous I think you said,

10 postings, the blogs...

11 DR. E. CONNOR: ...yes...

12 MR. KISOR: ...that Mr. Brewington was doing.

13 DR. E. CONNOR: Yes.

14 MR. KISOR: I think you've already testified about some of the

15 things he called you.

16 DR. E. CONNOR: Yes.

17 MR. KISOR: There's others. Is that correct? Other postings that

18 you observed?

19 DR. E. CONNOR: Other postings?

20 MR. KISOR: Yes.

21 DR. E. CONNOR: It's hard to say because it seems that there was so

22 many postings and I'm not sure where they all are.

23 MR. KISOR: Okay, well I've got a few exhibits here if I can sort

24 out here what I...if I could just have a moment your

25 honor. I apologize. Doctor, I'm going to show you



1 two (2) exhibits - exhibits 194 and 195 and uh ask  
2 you to look at these, identify them and explain how  
3 they relate to one another.

4 DR. E. CONNOR: Exhibit 194 is dated September 1, 2009 from Mr.  
5 Brewington to me, um.

6 MR. KISOR: What's he telling you?

7 DR. E. CONNOR: He says please see the enclosed information. I have  
8 sent some of this information to local lawyers and  
9 other professionals. I have included a copy of the  
10 mailing list of people to whom I have sent the  
11 information. I will continue to send the information  
12 to other professionals in the Greater Cincinnati area.

13 MR. KISOR: Do all those attachments appear in that exhibit?

14 DR. E. CONNOR: Yes, there's, his first page of his web-site, um, some  
15 of his information and his um, disagreements and  
16 concerns he has with me, uh in my evaluation of he  
17 and his ex-wife. Um, and then he also attaches a  
18 mailing list that is basically three (3) columns with I  
19 think ten (10) names in each column so thirty (30)  
20 on one page and there are one, (1), two (2), three  
21 (3), three and a half (3 1/2) pages of attorneys and  
22 other people and I'm not sure who a lot of these  
23 people are in this area which he sent this  
24 information to.

25 MR. KISOR: And what was he telling all these recipients in his

1 correspondence?

2 DR. E. CONNOR: Well he says here, um, it says according to Dr.

3 Connor's testimony, this is, he's referring to Judge

4 Humphrey's statement that according to Dr.

5 Connor's testimony, husband's writings are similar

6 to those individuals who have committed

7 horrendous crimes against their families. Please

8 forward copies of these alleged writings along with

9 the case file as I plan to contact a professional to

10 determine if there is any truth to your testimony.

11 Providing me with a copy of the case file prior to

12 any civil or criminal investigation will be viewed as

13 an act of good faith on your part. Feel free to

14 contact Judge James Humphrey about the situation.

15 I believe Judge Humphrey's interpretation of your

16 testimony is inaccurate. I would advise you to

17 contact the advisor of the Ethics and

18 Professionalism commission of the Indiana

19 Supreme Court, then he gives me the name and

20 address of this being the Judge's wife. The advisor

21 is located in Dearborn County, Indiana. Please send

22 concerns and comments to Heidi Humphrey and

23 then lists what I believe to be a home address but

24 I'm not certain.

25 MR. KISOR: For who?

1 DR. E. CONNOR: For Mrs. Heidi Humphrey, Judge Humphrey's wife.  
2 MR. KISOR: Okay and in terms of what he wrote to the attorneys  
3 on those, I think three (3) pages of mailing labels,  
4 what did he tell them? Anything more specific?  
5 DR. E. CONNOR: Well he again cites as many complaints about me  
6 and my um, evaluation, um.  
7 MR. KISOR: Does he state things in the citing that they are true  
8 or untrue?  
9 DR. E. CONNOR: Well some of it may be true as perhaps he sees it but  
10 some statements such as I was punished for holding  
11 a dangerous psychologist accountable for his  
12 actions, I'm not a dangerous psychologist so I don't  
13 believe that to be true.  
14 MR. KISOR: And that's what he told all those lawyers and other  
15 people?  
16 DR. E. CONNOR: Yes.  
17 MR. KISOR: Professional people?  
18 DR. E. CONNOR: Yes, yes.  
19 MR. KISOR: If they are foolish enough to believe that, could that  
20 harm your business reputation?  
21 DR. E. CONNOR: Well absolutely it could, yes.  
22 MR. KISOR: Okay. Could it subject you to hatred or contempt in  
23 the community?  
24 DR. E. CONNOR: Yes, one of the concerns in this type of writing as  
25 well is that I deal with people who are mentally ill

1 and who have various mental illnesses that have  
2 committed various crimes and to incite these types  
3 of people as well, um, could be very, I think,  
4 detrimental and possibly dangerous to myself.

5 MR. BARRETT: To which we'll object and ask to be stricken Judge.  
6 He is speculating wildly on, there's no evidence to  
7 indicate any of that. I mean we've gone beyond his  
8 opinion about the documents to speculation.

9 MR. NEGANGARD: Your honor...

10 COURT: I'll sustain, I'm going to sustain the last comments  
11 about the other patient's reactions. The jury is  
12 instructed not to, to uh, to disregard the testimony.

13 MR. BARRETT: Thank you, your honor.

14 COURT: You may proceed, Mr. Kisor.

15 MR. KISOR: Thank you, your honor. May I approach? Dr.  
16 Connor I don't think we've talked about #195.

17 DR. E. CONNOR: Correct.

18 MR. KISOR: Can you identify that for the record please?

19 DR. E. CONNOR: this was on his web-site, um, and it's dated Friday,  
20 July 2, 2010, um, where people are responding to  
21 him uh, but they are using the name of anonymous.

22 MR. KISOR: Does he mention anything in that posting about the  
23 mass mailing letter?

24 DR. E. CONNOR: Um, yes, he says I sent a message to lawyers and  
25 professionals in Dearborn County, Indiana, that they

1 are going to be in trouble if they continue to use Dr.  
2 Edward J. Connor. Uh, Dr. Connor should not be  
3 allowed to abuse children.

4 MR. KISOR: Thank you. Your honor, I would move to admit  
5 Exhibits 194 and 195 please.

6 COURT: Mr. Barrett?

7 MR. BARRETT: No objection your honor.

8 COURT I'll show 194 and 195 offered and admitted.

9 MR. KISOR: Thank you, your honor. Dr. Connor, are you  
10 familiar with a web-site of yahoo local in your  
11 community?

12 DR. E. CONNOR: Yes I am.

13 MR. KISOR: And uh, I'm going to show you what's been marked  
14 as State's Exhibit 196. Does this exhibit refer to  
15 some yahoo local postings?

16 DR. E. CONNOR: Yes it does.

17 MR. KISOR: And other information?

18 DR. E. CONNOR: Yes.

19 MR. KISOR: Can you just tell the ladies and gentlemen of the  
20 jury uh, what exactly went on on this particular  
21 web-site and how you dealt with it?

22 DR. E. CONNOR: Well there were, uh, our business was listed on  
23 yahoo local which is not uncommon for a business  
24 to be listed but uh, there were manipulations within  
25 this web-site that seemed to be um, being done by

1 someone other than myself or my wife because we  
2 never initiated an account with yahoo local and it is  
3 um, our, it was our concern that it was Mr.  
4 Brewington so we then contacted yahoo local.  
5 MR. BARRETT: Judge we would object at this point and ask  
6 permission to ask a preliminary question.  
7 COURT: You may.  
8 MR. BARRETT: Do you have any evidence Dr. Connor, that Mr.  
9 Brewington is the one that did that?  
10 DR. E. CONNOR: From what we understand from yahoo local, it was  
11 his IP address.  
12 MR. BARRETT: It was what?  
13 DR. E. CONNOR: His address that initiated the account.  
14 MR. BARRETT: Initiated what account?  
15 DR. E. CONNOR: To and or to be able to go in and manipulate the  
16 yahoo local um, negative comments and things.  
17 MR. BARRETT: And do you have that document with you?  
18 DR. E. CONNOR: This is what we have from yahoo local, yes.  
19 COURT: That's the exhibit you're looking at?  
20 DR. E. CONNOR: Yes sir.  
21 MR. BARRETT: Thank you, your honor.  
22 MR. KISOR: And in that exhibit, they removed that posting for  
23 your reported business listing. Is that correct?  
24 DR. E. CONNOR: Yes, we contacted them and said we have not  
25 authorized this and therefore asked that it be

1 removed and it was removed within two (2) days.

2 MR. KISOR: Your honor, we would move to admit Exhibit 196.

3 COURT: 196 Mr. Barrett?

4 MR. BARRETT: I need to see that if I could Judge.

5 COURT: Okay, sure.

6 MR. BARRETT: Please.

7 COURT: I'm sorry. I thought you had a copy. Any response

8 to that?

9 MR. BARRETT: Judge I would object to State's 196 (inaudible).

10 COURT: What's the response?

11 MR. KISOR: Judge, the document is in direct response to a

12 question. He's asking the witness do you have any

13 documentation of that. It's subject to interpretation

14 (inaudible) and identified by the witness as

15 correspondence he had and it's been discussed as

16 part of Mr. Barrett's questions, do you have a

17 document.

18 MR. BARRETT: Judge, they are the ones that provided him with that

19 document. (inaudible) well in the courtroom.

20 MR. NEGANGARD: (inaudible)

21 MR. BARRETT: (inaudible) that's my objection.

22 COURT: That it's not a business record?

23 MR. BARRETT: It isn't a business record. There's not been a proper

24 foundation. (Inaudible)

25 MR. NEGANGARD: (inaudible).

1 COURT: I'm going to sustain the objection.

2 MR. KISOR: So Doctor, just to recap, you didn't set up a local  
3 yahoo account for your business.

4 DR. E. CONNOR: No, I did not.

5 MR. KISOR: And when you got in touch with yahoo local, they  
6 took that account down.

7 DR. E. CONNOR: Correct.

8 MR. KISOR: That much we know for sure.

9 DR. E. CONNOR: Yes.

10 MR. KISOR: Okay, now you mentioned the children's home.  
11 Tell us a little bit about your involvement with the  
12 Children's Home. I believe that's in Kentucky.

13 DR. E. CONNOR: There is approximately a thirty (30) bed um, facility  
14 in Northern Kentucky. It's called the Children's  
15 Home of Northern Kentucky where we treat  
16 children with various behavioral problems,  
17 psychiatric problems and who have been removed  
18 from their homes and I'm their consultant, their  
19 clinical consultant. I train the staff. I also do  
20 evaluations with the children, uh to determine what  
21 the diagnosis may be and what type of treatment  
22 plan they may need and uh, when Mr. Brewington  
23 put something on his blog...

24 MR. KISOR: Before we go there, I just want to ask you, uh and I  
25 have something I want you to look at.



1 DR. E. CONNOR: Okay.

2 MR. KISOR: But how long have you maintained your business  
3 relationship with the Children's Home?

4 DR. E. CONNOR: I started I believe in 1998 or '99, so um, at this  
5 point, twelve (12) years or so.

6 MR. KISOR: Is it a volunteer or paid position?

7 DR. E. CONNOR: It's a paid position, yes.

8 MR. KISOR: Is it something you believe strongly in?

9 DR. E. CONNOR: Well very much. Over the years we've treated  
10 hundreds and hundreds of children with various  
11 psychiatric problems.

12 MR. KISOR: Okay, alright and you've eluded at some point there  
13 were postings about the children's home...

14 DR. E. CONNOR: ...correct...

15 MR. KISOR: ...made by Mr. Brewington.

16 DR. E. CONNOR: Yes.

17 MR. KISOR: Can you describe those for the jury, what you  
18 observed?

19 DR. E. CONNOR: Well uh, what I recall is that he was threatening to  
20 contact their donors. The Children's home, we rely  
21 very heavily on donations and things to sustain the  
22 facility and the treatment for the children and he  
23 was threatening to contact their donors and their  
24 board members and saying that I was a dangerous  
25 man and other comments uh, and that they should

1 stop their association with me and their attorney, uh,  
2 from the Children's home contacted me and said  
3 what is this, you know, what do we need to do here  
4 and were very supportive of me and understood that  
5 this was not accurate.

6 MR. BARRETT: To which we'll object. He's testifying about the  
7 operation of somebody else's mind at this point,  
8 some attorney that we don't know.

9 MR. KISOR: That's fine. Dr. Connor, I'm just going to show you  
10 what's been marked for identification as State's  
11 Exhibit 197 and ask if you can identify it please.

12 DR. E. CONNOR: Okay. Yes, um, this is from Mr. Brewington's web-  
13 site and it's dated Friday, December 18, 2009. Um,  
14 he states that the Indiana trial courts will not protect  
15 my civil rights and the Kentucky Board of  
16 Examiners of Psychology and the Attorney General,  
17 Jack Conway will not protect my right to access my  
18 own health records so I'm going to leave the writing  
19 of complaints up to the attorneys while I focus on  
20 telling people what goes on inside Dr. Connor's  
21 world and that people and organizations whom are  
22 affiliated with Dr. Connor, consider it blogumentry.  
23 I'm going to send letters to people like the board  
24 members and donors of the Children's Home in  
25 Northern Kentucky where Dr. Connor oversees the

1 psychological staff. Places like the Children's  
2 Home of Northern Kentucky can disregard my  
3 concerns but I will be posting the letters on this blog  
4 on my web-site so the public can see how they are  
5 affiliated with Dr. Connor. Um, it goes on to make  
6 other comments and then on the next page which is  
7 dated January 20, 2010, it says uh, Dr. Edward J.  
8 Connor may be a pervert um, this is very disturbing  
9 of course, because we deal with children at the  
10 Children's Home, um, many have been sexually  
11 abused so to even make this kind of comment and  
12 they were monitoring this web-site as well.

13 MR. KISOR: So you at least had to explain to them what was  
14 going on.

15 DR. E. CONNOR: Yes. Yes I did.

16 MR. KISOR: Okay. Um, Dr. Connor, at any point did Mr.  
17 Brewington ever involve himself in any of your  
18 other court cases?

19 DR. E. CONNOR: Yes he showed up to a case in Campbell County uh,  
20 where I was there to testify. Um, I believe it was in  
21 November of 2010.

22 MR. KISOR: Okay and what was the context of that court  
23 appearance that you had?

24 DR. E. CONNOR: Well I was testifying in a child custody case and  
25 um, he showed up at that hearing.

1 MR. KISOR: And I'm going to show you what's been marked for  
2 identification as State's Exhibit 200.

3 DR. E. CONNOR: Yes. This again was on his web-site dated  
4 November 17, 2010, um, where he talks about me  
5 testifying in a child custody hearing in Campbell  
6 County, Kentucky and he says Dr. Connor seemed  
7 rather surprised to see me and after we first made  
8 eye contact, he made a conscious effort not to look  
9 at me again. He seemed a little nervous from a  
10 psychological standpoint and he probably should  
11 have been.

12 MR. KISOR: So you seemed a little nervous and he said you  
13 should have been.

14 DR. E. CONNOR: Correct.

15 MR. KISOR: At some point, did you ever see any postings about  
16 pyromania or pyromaniac?

17 DR. E. CONNOR: He did make a comment that he was a, uh, I forget  
18 his exact words but I believe a self proclaimed  
19 pyromaniac.

20 MR. KISOR: Was that in context of his postings and bloggings  
21 about you in his divorce case or something else?

22 DR. E. CONNOR: Well it was on the same web-site where he was  
23 posting about all this information about me and the  
24 divorce issues and everything.

25 MR. KISOR: Okay and how did you perceive his self proclaimed

1 pyromania as it relates to you?

2 DR. E. CONNOR: Well again, I take that very seriously, um, I was  
3 concerned. I knew that I needed to pay attention,  
4 not only to for myself but for my family, my  
5 children, the office, our house. To make this type of  
6 comment, I wasn't sure this was a threat or just an  
7 attempt of intimidation or taunting or what have you  
8 but it concerned me enough to really pay a lot of  
9 attention.

10 MR. KISOR: Okay and we'll get to some of the things hopefully  
11 that you did in response, but just to move on, at  
12 some point in his postings, did you observe what  
13 you perceived to be physical threats?

14 DR. E. CONNOR: There was one definite blog where he tells a story  
15 about wanting to beat the custody evaluator  
16 senseless.

17 MR. KISOR: Let me interrupt me briefly and show you what's  
18 been marked as State's Exhibit 198. Dr. Connor is  
19 198 the posting that you were just starting to talk  
20 about?

21 DR. E. CONNOR: Yes it is.

22 MR. KISOR: Okay, can you tell the ladies and gentlemen of the  
23 jury what that posting says?

24 DR. E. CONNOR: It's dated Tuesday, May 11, 2010, and um,  
25 throughout the writings and again he's talking about

1 um, how I was wrong and so forth and then there's a  
2 paragraph that says "that lousy son-of-a-B-I- and  
3 then different symbols H, Dr. Custody evaluator lied  
4 in his report. He made me so mad I wanted to beat  
5 him/her senseless. The dirty piece of S symbol,  
6 symbol, T, would not honor his/her contract and left  
7 me in a worse situation even though he/she took my  
8 money. Every time I think about the evaluation  
9 report that contained 'numerous errors and  
10 oversights', it makes me want to punch Dr. Custody  
11 evaluation in the face".

12 MR. KISOR: And other than you was there any other Dr. Custody  
13 evaluator that had been involved in his divorce case  
14 up to that point?

15 DR. E. CONNOR: Uh, my wife.

16 MR. KISOR: Your wife – so his and her.

17 DR. E. CONNOR: Yes.

18 MR. KISOR: Do you take that seriously?

19 DR. E. CONNOR: Very much, yes.

20 MR. KISOR: Why?

21 DR. E. CONNOR: Well it was a, in my opinion, a direct threat of  
22 aggression toward myself and my wife.

23 MR. KISOR: Okay, Dr. I'm going to show you what's been  
24 marked for identification as State's Exhibit 199 and  
25 ask if you can identify and review that with the jury.

1 DR. E. CONNOR: This again was on his web-site dated Saturday, June  
2 26, 2010, and again it talks about my wife and I and  
3 that he, in fact, he's starting a campaign to warn  
4 people in the Greater Cincinnati, Northern  
5 Kentucky areas about the troubles in the family  
6 court system. And then he goes on to say "Dr.  
7 Connor probably needs the money. I'm sure his  
8 mortgage with Fifth Third Bank on his house in  
9 Triple Crown Subdivision in Union, Kentucky isn't  
10 cheap.  
11 MR. KISOR: Okay, did you at that time, have a mortgage with  
12 Fifth Third Bank?  
13 DR. E. CONNOR: Yes.  
14 MR. KISOR: On your house in Triple Crown Subdivision in  
15 Union County Kentucky?  
16 DR. E. CONNOR: Yes, that's where we live.  
17 MR. KISOR: Okay, did you ever tell him that?  
18 DR. E. CONNOR: No, never, never.  
19 MR. KISOR: Okay, was that ever any part of the case file of the  
20 dissolution?  
21 DR. E. CONNOR: No, no.  
22 MR. KISOR: Did that concern you that he knew all that?  
23 DR. E. CONNOR: Very much.  
24 MR. KISOR: Tell us why.  
25 DR. E. CONNOR: Well he goes on to say that there are some nice

1 houses on his street and that of course, um...

2 MR. KISOR: ...his being you, correct?

3 DR. E. CONNOR: Please?

4 MR. KISOR: Not his street, but I mean he says there's some nice

5 houses on his street referring to your street?

6 DR. E. CONNOR: Referring to my street, yes.

7 MR. KISOR: Okay.

8 DR. E. CONNOR: Uh, he says I have family that lives a couple of

9 streets over from Dr. Connor. I wonder if I should

10 warn my family's neighborhood about the troubles

11 within the family court system. Sometimes you just

12 have to grab the reigns but he spells reigns R-E-I-G-

13 H-N-S. The name of my street is Reigh – R-E-I-G-

14 H.

15 MR. KISOR: And that document is R-E-I-G-H capitalized?

16 DR. E. CONNOR: Yes it is. It's all in capital letters.

17 MR. KISOR: So he's telling you he knows not just the

18 subdivision but he knows what street you live on?

19 DR. E. CONNOR: Yes.

20 MR. KISOR: Okay, anything else in that document that was

21 concerning to you?

22 DR. E. CONNOR: When he says about contacting my neighbors and

23 things like this.

24 MR. KISOR: Dr. Connor, at some point, did you attend a family

25 wedding in the State of Pennsylvania?



1 DR. E. CONNOR: Yes, approximately three (3) years ago, my niece's  
2 wedding in Hershey, Pennsylvania.

3 MR. KISOR: And apparently were there some photographs of that  
4 wedding?

5 DR. E. CONNOR: Yes.

6 MR. KISOR: And how were they distributed if you know?

7 DR. E. CONNOR: Uh, they were distributed to family members and  
8 other people who had attended that wedding.

9 MR. KISOR: Okay, were they distributed or through some other  
10 means?

11 DR. E. CONNOR: Through e-mail.

12 MR. KISOR: Let me ask you this, I've got an Exhibit here that's  
13 201 which appears to me to have your picture as  
14 part of it.

15 DR. E. CONNOR: Yes.

16 MR. KISOR: I want to show it to you and ask if you can identify  
17 the document whether that is you in the picture and  
18 we'll go from there.

19 DR. E. CONNOR: Thank you. This is dated Wednesday, February 2,  
20 2011.

21 MR. KISOR: And what is it?

22 DR. E. CONNOR: This is a picture of me dancing at my...

23 MR. KISOR: Where does document originate? What is it?

24 DR. E. CONNOR: Oh, I'm sorry. It's on his, Mr. Brewington's web-  
25 site.

1 MR. KISOR: Okay. And the picture is?

2 DR. E. CONNOR: Well it's a picture of me dancing at my niece's

3 wedding. I certainly don't profess to be a good

4 dancer but it was at my niece's wedding at the

5 reception.

6 MR. KISOR: Okay. Do you have any idea where he got that

7 picture?

8 DR. E. CONNOR: I have no idea and we have tried to figure out how

9 he could have gotten a hold of this and have not

10 been able to.

11 MR. KISOR: Have you searched the internet for that picture?

12 DR. E. CONNOR: Yes we have.

13 MR. KISOR: Did you find it?

14 DR. E. CONNOR: We weren't able to find how he could have gotten a

15 hold of this picture.

16 MR. KISOR: Do you know who took the picture?

17 DR. E. CONNOR: There was a professional photographer at the

18 reception who was taking pictures.

19 MR. KISOR: And how, if you know, how would family members

20 have access to that picture if they didn't physically

21 have it?

22 DR. E. CONNOR: Well through Facebook perhaps or some other type,

23 you know, between family members, maybe sharing

24 the photographs.

25 MR. KISOR: Was it on your Facebook account?

1 DR. E. CONNOR: I don't have a Facebook account.

2 MR. KISOR: Okay, so it certainly wasn't then.

3 DR. E. CONNOR: No.

4 MR. KISOR: And you couldn't find it period.

5 DR. E. CONNOR: No.

6 MR. KISOR: So you don't know how he got it.

7 DR. E. CONNOR: I do not.

8 MR. KISOR: Now how did he depict that photograph in the

9 posting?

10 DR. E. CONNOR: It's entitled "the dangerous dancing Dr. Edward J.

11 Connor".

12 MR. KISOR: And what, if anything, does he tell the public to do?

13 DR. E. CONNOR: Um, it says if you happen to see this man out in

14 public, keep your distance. The best thing a person

15 can do is forward this photo to as many people as

16 possible to make sure that everyone stays clear of

17 the very dangerous Dr. Edward J. Connor. For

18 more information on Dr. Connor's unethical and

19 illegal activities go to [www.danhelpskids.com](http://www.danhelpskids.com).

20 MR. KISOR: Dr. Connor, thank you, just one moment your

21 honor. Your honor at this time, I believe and I

22 apologize, 194 and 195 have been admitted. Is that

23 correct?

24 COURT: 194 and 195.

25 MR. KISOR: At this time your honor, the State would move to

1 admit State's 197, 198, 199, (inaudible).  
2 COURT: Okay.  
3 MR. KISOR: 200, and 201.  
4 COURT: Any objection to 197 and 198, 199, 200 and 201?  
5 MR. BARRETT: No objection.  
6 COURT: We'll show 197, 198, 199, 200 and 201 offered and  
7 admitted.  
8 MR. KISOR: Thank you your honor.  
9 MR. NEGANGARD: Your honor may we approach?  
10 COURT: You may.  
11 MR. NEGANGARD: Was 192 and 193 admitted?  
12 COURT: Yes, let me double check here. I show 192 and 193  
13 were. They were early on. They were right after #9,  
14 and then 192 and 193. They are right here in the  
15 bottom of that stack.  
16 MR. NEGANGARD: The one exhibit 61...  
17 COURT: Yes, came in (inaudible). There was an objection to  
18 53, 54, 55, 56.  
19 MR. BARRETT: Right now, I don't object to that (inaudible).  
20 COURT: Were you looking for 61?  
21 MR. NEGANGARD: Yell, I found it.  
22 COURT: Oh, okay. Are you um, just for time, we've got two  
23 (2) hours; I want to give a break. Are you just about  
24 done? Are you about to finish? Do you have a  
25 problem taking a break right before your cross?

1 MR. BARRETT: No.

2 COURT: Okay.

3 MR. KISOR: Dr. Connor, um, a lot of evidence right now of  
4 things that Mr. Brewington told you, you should do.  
5 Is that a fair statement?

6 DR. E. CONNOR: Yes.

7 MR. KISOR: As a result of all his actions that you've just  
8 testified to this jury about his postings and his  
9 letters and things he sent to other people, um, what,  
10 if anything, have you had to do in your personal and  
11 your professional life in response to his actions?

12 DR. E. CONNOR: Well as I've stated previously, um, we had to  
13 instruct the Children's Home about what was going  
14 on and the front office if he would show up, to call  
15 the police immediately. Um, I had to um, contact  
16 our local police department and have them review  
17 some of the information to see if they felt you know,  
18 what I could do, you know, to protect our office  
19 staff, our building if necessary. Um, the, uh, Mr.  
20 Smith in the Boone County attorney's office. I also  
21 contacted him just to make sure because I certainly  
22 was concerned. Um, in um, had to tell the kids.

23 MR. KISOR: Had to tell your kids? How old are your kids?

24 DR. E. CONNOR: Um, at the time ten (10) and fourteen (14) I believe.  
25 You know, show his picture to them in case, just in

1 case, because there was so much information, some  
2 of it was so bizarre and some of it was just so, what  
3 I felt potentially threatening, um, and um, had to  
4 inform our staff if he should show up to call the  
5 police immediately. We had an agreement with the  
6 local police department to call them right away if he  
7 would show up at the office because again I wasn't  
8 sure and I didn't want to take chances. It's uh, quite  
9 a bit research about mental health professionals who  
10 do get attacked and so I wanted to um, be cautious.  
11 MR. KISOR: Okay.  
12 DR. E. CONNOR: After all these writing and everything, I felt that it  
13 warranted appropriate caution and consideration.  
14 MR. KISOR: Okay, so you acted to protect yourself, your family  
15 and your business and the people that work for you.  
16 DR. E. CONNOR: Well primarily my children and my family and my  
17 staff and myself, yes.  
18 MR. KISOR: And in your umpteen decades of practice, have you  
19 ever experienced anything like this?  
20 DR. E. CONNOR: Nothing has, no one has even come close to  
21 something like this in my entire career as a mental  
22 health professional. I've worked in various  
23 countries, um, and different states and nothing like  
24 this has ever even approached this type of behavior.  
25 MR. KISOR: Thank you. I have no additional questions at this

**STATE'S WITNESS – DR. EDWARD CONNOR - CROSS**

1 time your honor.

2 COURT: Before cross-examination, we're a little over two (2)

3 hours, let's take a ten (10) minute break to stretch

4 your legs and we'll be back. If all will rise. (Jury

5 returns). You may be seated. We're back on the

6 record with 15D02-1103-FD-84, the State of

7 Indiana versus Daniel Brewington. The parties

8 appear in person and with counsel and the jury is

9 also present. We just, I believe we did direct

10 examination of the witness. Mr. Barrett, do you

11 wish to cross-examine at this time?

12 MR. BARRETT: Thank you, your honor. Good morning, Doctor.

13 DR. E. CONNOR: Good morning.

14 MR. BARRETT: As I understood your testimony with regard to the

15 correspondence, letters and faxes from Mr.

16 Brewington, um, your interpretation of those was

17 that they were all seeking the case file.

18 DR. E. CONNOR: Many of them, yes.

19 MR. BARRETT: Is that correct?

20 DR. CONNOR: Yes.

21 MR. BARRETT: That seemed to be an over-riding theme. Is that fair

22 to say?

23 DR. E. CONNOR: Yes. Yes sir.

24 MR. BARRETT: Tell, if you would, tell the jury, what is a case file?

25 DR. E. CONNOR: Well the case file in a child custody evaluation

1 contains all of the psychological test results, all the  
2 information that was gathered throughout the course  
3 of the evaluation whether it be from other people,  
4 school records, medical records, um, all the  
5 interviews, the observations and things of this  
6 nature. That pretty much constitutes the case file.  
7 MR. BARRETT: And it is from those documents that you write your  
8 report.  
9 DR. E. CONNOR: That's correct.  
10 MR. BARRETT: And as I understand the time-line in this case, you  
11 were engaged by the original attorneys on behalf of  
12 Mr. Brewington and Mrs. Brewington to perform a  
13 custody evaluation.  
14 DR. E. CONNOR: Correct.  
15 MR. BARRETT: And you have testified I think that you were to be a  
16 neutral evaluator. Correct?  
17 DR. E. CONNOR: Correct, yes.  
18 MR. BARRETT: Um, and you did that.  
19 DR. E. CONNOR: Yes sir.  
20 MR. BARRETT: And you provided a custody evaluation report to the  
21 Court.  
22 DR. E. CONNOR: Yes.  
23 MR. BARRETT: And as I understand the testimony from at least  
24 yesterday and I spoke, well it was admitted into  
25 evidence and considered by the court.



1 DR. E. CONNOR: Yes.

2 MR. BARRETT: Um, I also took it Doctor from your testimony that  
3 you frequently do that – that you frequently perform  
4 custody evaluations. Correct?

5 DR. E. CONNOR: Yes.

6 MR. BARRETT: Um, what is your office policy with regarding case  
7 files to attorneys licensed to practice law?

8 DR. E. CONNOR: Well we will provide the case file to an attorney,  
9 um, to both attorneys if it's requested as long as we  
10 have the person's permission. Um, it's part of the  
11 law that they do have the right to review that  
12 information.

13 MR. BARRETT: Okay, so the notion that someone might want the  
14 case file is not a foreign one.

15 DR. E. CONNOR: Correct.

16 MR. BARRETT: Um, have you in the past provided case files to  
17 attorneys?

18 DR. E. CONNOR: I have.

19 MR. BARRETT: And you, at some point at least, became licensed to  
20 practice psychiatry in Indiana.

21 DR. E. CONNOR: Correct.

22 MR. BARRETT: You testified?

23 DR. E. CONNOR: Yes.

24 MR. BARRETT: Um, have you provided case files to attorneys in  
25 cases such as this in the State of Indiana?

1 DR. E. CONNOR: I don't recall doing any in the State of Indiana. I  
2 may have, but I don't recall for sure.

3 MR. BARRETT: Okay. Um, and obviously Mr. Brewington, well I  
4 shouldn't say obviously, I believe the evidence has  
5 been that Mr. Brewington had retained at least two  
6 (2) or three (3) attorneys to do that for a business,  
7 professional attorneys in the course of his...

8 DR. E. CONNOR: I understood that he had um, a number of attorneys  
9 before he began to represent himself, yes.

10 MR. BARRETT: Okay, and have you been involved in custody um,  
11 evaluations before where a person has chosen to  
12 represent themselves?

13 DR. E. CONNOR: I believe one a few years ago.

14 MR. BARRETT: Um, would it be fair to say that if a person is  
15 representing themselves in a law suit that they  
16 would be entitled to what an attorney would be  
17 entitled to have?

18 DR. E. CONNOR: I think that's fair to say within reason, yes.

19 MR. BARRETT: Okay, and obviously you put a cavity out on there.

20 DR. E. CONNOR: Yes sir.

21 MR. BARRETT: Um, do you recall ever advising Mr. Brewington  
22 that in fact that if you could validate or confirm his  
23 pro se status in his divorce that you would provide  
24 the case file to him?

25 DR. E. CONNOR: I do.

1 MR. BARRETT: And you, I believe, put that in writing.

2 DR. E. CONNOR: I'm sorry?

3 MR. BARRETT: You put that in writing.

4 DR. E. CONNOR: I believe I did, yes.

5 MR. BARRETT: Do you recall when that was?

6 DR. E. CONNOR: I don't recall the exact date, no.

7 MR. BARRETT: So you have testified that and again I'm not

8 referring to the blogs, I'm referring to the

9 correspondence or the faxes and you made a

10 reference that there were um, I think you called

11 them voluminous...

12 DR. E. CONNOR: ...volumes...

13 MR. BARRETT: ...voluminous, okay.

14 DR. E. CONNOR: Yes sir.

15 MR. BARRETT: But from Mr. Brewington to you.

16 DR. E. CONNOR: Yes.

17 MR. BARRETT: He's not a licensed attorney. Correct?

18 DR. E. CONNOR: Well he said he was.

19 MR. BARRETT: Okay, he said I'm an attorney on at least one

20 occasion that I know you referred to.

21 DR. E. CONNOR: Yes sir.

22 MR. BARRETT: Okay, you are not an attorney. Correct?

23 DR. E. CONNOR: No, I'm not.

24 MR. BARRETT: Okay, do you know the difference between an

25 attorney at law and an attorney in fact?

1 DR. E. CONNOR: No.

2 MR. BARRETT: An attorney in fact is someone representing  
3 themselves.

4 DR. E. CONNOR: Well I understand pro se if that's what in fact  
5 means. I do understand pro se.

6 MR. BARRETT: Okay, exactly.

7 DR. E. CONNOR: Yes sir.

8 MR. BARRETT: Okay, um, I take it from your testimony that Mr.  
9 Brewington didn't say he was an attorney at law.  
10 He just said I'm an attorney.

11 DR. E. CONNOR: Correct.

12 MR. BARRETT: Okay, that is correct?

13 DR. E. CONNOR: Yes, that's correct.

14 MR. BARRETT: Um, and as I understood your testimony and this is  
15 cross-examination so I'm certainly characterizing it  
16 and if you disagree with my characterization, please  
17 do so.

18 DR. E. CONNOR: Okay.

19 MR. BARRETT: Um, but I understood your testimony to be that your  
20 concern with giving the case file to Mr. Brewington  
21 was the psychological information about his ex-  
22 wife.

23 DR. E. CONNOR: Correct.

24 MR. BARRETT: Did you provide the rest of the case file to him?

25 DR. E. CONNOR: Yes.

1 MR. BARRETT: Um, would you, have you ever provided the  
2 psychological information of an opposing party to  
3 counsel for the opposing party?  
4 DR. E. CONNOR: I have.  
5 MR. BARRETT: Okay, so that's not something that's absolutely  
6 forbidden.  
7 DR. E. CONNOR: Correct.  
8 MR. BARRETT: And would it be fair to say that at least in your  
9 opinion, you don't think Mr. Brewington  
10 understood the distinction in his case?  
11 DR. E. CONNOR: I'm not sure what he understood.  
12 MR. BARRETT: Sure, but I mean from the letters he repeatedly  
13 asked for the case file.  
14 DR. E. CONNOR: Yes, yes.  
15 MR. BARRETT: Um, now he also, I think in some of that  
16 correspondence referred to office policies.  
17 DR. E. CONNOR: Correct.  
18 MR. BARRETT: And you have an office policy form that you have  
19 folks sign?  
20 DR. E. CONNOR: We do.  
21 MR. BARRETT: And it deals with, well just tell us what it deals  
22 with, I understand you don't have one with you, I  
23 assume.  
24 DR. E. CONNOR: No, I don't have one with me, no. Basically just  
25 covering some procedures of the evaluation and

1                                what to expect and the fee arrangement, a waiver  
2                                giving us permission to release the final report to  
3                                the Court, uh, information or waiver allowing us to  
4                                contact perhaps a Grandma or a Grandpa or Aunt or  
5                                Uncle to interview them as well as we feel would  
6                                help with our evaluation.

7    MR. BARRETT:            Um, did Mr. Brewington receive one of those when  
8                                he started this process?

9    DR. E. CONNOR:        Yes.

10   MR. BARRETT:            Do you recall corresponding with him indicating  
11                                that he was inadvertently not given that policy?

12   DR. E. CONNOR:        There was a mistake by my secretary at the time that  
13                                I believe that he didn't get one of the, there's a  
14                                number of different documents, um, when you come  
15                                into the office that you have to fill out for various  
16                                reasons and one of the documents, what we  
17                                discovered later, he did not get, but the mother did  
18                                and I forget exactly which document that was um,  
19                                but the major contract agreement, I know he  
20                                received because his signature is on the contract.

21   MR. BARRETT:            Sure. Um, and did you ever seek a protective order  
22                                against Mr. Brewington?

23   DR. E. CONNOR:        No, I did not.

24   MR. BARRETT:            I'm assuming by that answer, not in the  
25                                commonwealth of Kentucky either.

1 DR. E. CONNOR: No, I did not.

2 MR. BARRETT: Um, and you've obviously told us some of the other  
3 steps you took. Why did you not seek a protective  
4 order?

5 DR. E. CONNOR: Well in thinking through this, um, one of the things  
6 that I was concerned about is any kind of contact I  
7 had with him would just escalate him and incite him  
8 more to send more documents, write more about me  
9 on his web-site and I thought in order not to incite  
10 him more or escalate him more, I didn't want to  
11 take that step unless I absolutely had to. Um, I was  
12 advised to hopefully he would just die down when  
13 he realized I'm not keeping him from his children.  
14 Um, and so that's what I had hoped and decided  
15 unless I could see an actual some type of direct,  
16 physical action that perhaps just let it go, that he  
17 would stop.

18 MR. BARRETT: And you never did see any direct, physical action.

19 DR. E. CONNOR: Uh, to the best of our knowledge, he didn't come on  
20 the street or around the office, um, to the best of our  
21 knowledge.

22 MR. BARRETT: And I think you indicated you had made the, I  
23 believe you said the Erlanger...

24 DR. E. CONNOR: ...Erlanger police department, yes...

25 MR. BARRETT: ...police aware of that and...

1 DR. E. CONNOR: ...yes.

2 MR. BARRETT: Okay, um, and did you ever file any kind of a civil  
3 action besides a protective order or a restraining  
4 order?

5 DR. E. CONNOR: No, I did not.

6 MR. BARRETT: No action for liable or slander or?

7 DR. E. CONNOR: No I did not.

8 MR. BARRETT: Um, the uh, there were, you made references from  
9 the documents that have been admitted to um, Mr.  
10 Brewington referring to your behavior as criminal  
11 and unethical.

12 DR. E. CONNOR: Yes.

13 MR. BARRETT: Um, do you recall him inquiring of you whether or  
14 not you were sending him and providing him with  
15 copies of all the documents that you were sending to  
16 other counsel?

17 DR. E. CONNOR: He did inquire about that, yes.

18 MR. BARRETT: Were you, did you?

19 DR. E. CONNOR: As far as I recall, he had what he was allowed to  
20 have through the court order.

21 MR. BARRETT: Okay, but you understand, I guess my question is  
22 this; you, my understanding, you were not hired  
23 specifically by one of the attorneys.

24 DR. E. CONNOR: That's correct.

25 MR. BARRETT: And you weren't working for an attorney.



1 DR. E. CONNOR: Correct.

2 MR. BARRETT: You do that sometimes.

3 DR. E. CONNOR: Yes, no, well not in child custody cases.

4 MR. BARRETT: Okay, but in other matters.

5 DR. E. CONNOR: In criminal cases, yes.

6 MR. BARRETT: Okay and you don't necessarily provide all the  
7 information in those kinds of cases to the opposing  
8 counsel. You provide reports to whoever has hired  
9 you and leave that to them.

10 DR. E. CONNOR: In a criminal case?

11 MR. BARRETT: Yes.

12 DR. E. CONNOR: Yes sir, sometimes the um, opposing counsel will  
13 want a copy of the case file or the reports for their  
14 expert to review them.

15 MR. BARRETT: Did you um, so there was communication, written  
16 communication with Mrs. Brewington's attorney  
17 that you did not provide to Mr. Brewington when he  
18 was representing himself?

19 DR. E. CONNOR: I don't recall that ever providing any type of  
20 communication just to her without him receiving it  
21 as well. This was more about the mother's private  
22 information and psychological test results and data  
23 that he wanted that I was not permitted to give.

24 MR. BARRETT: And you were not permitted to give why?

25 DR. E. CONNOR: Well Judge Taul ruled that uh, he was not to have

1 that. Judge Humphrey ruled the same and if I  
2 understand it correctly it was appealed and the  
3 appellate court ruled the same; that he was not to  
4 have the mother's test data.

5 MR. BARRETT: Okay, so basically you didn't give it to Mr.  
6 Brewington in this particular case because you  
7 didn't have a court order saying you should.

8 DR. E. CONNOR: That as well as I did not have the mother's  
9 permission to do so.

10 MR. BARRETT: Okay. So in the other instances when you release  
11 that information to opposing counsel you had those  
12 things?

13 DR. E. CONNOR: I had the other parties' permission to release the file.

14 MR. BARRETT: Okay.

15 DR. E. CONNOR: To the opposing attorney, yes.

16 MR. BARRETT: Okay. Your view is that what led to this? The fact  
17 that he didn't get this information that he felt for  
18 whatever reason, that he felt he was entitled to  
19 whether it was because he was trying to represent  
20 himself or your theory that he wished to put it on  
21 the internet, is that basically what led Mr.  
22 Brewington to uh, continue to communicate with  
23 you on a repetitious basis, I guess?

24 DR. E. CONNOR: No I don't believe it was just that, no.

25 MR. BARRETT: Okay, what else?

1 DR. E. CONNOR: Well I think he was very bothered by the  
2 recommendation that the mother have sole custody  
3 of the two (2) little girls, um, he was very bothered  
4 by, he felt that I um, acted criminally and  
5 unethically in my report. Um, I think he just has a  
6 very difficult time if he doesn't get his way and this  
7 is the type of thing he resorts to.

8 MR. BARRETT: And as a psychologist, did you form an opinion as  
9 to why he had difficulty in the areas you have  
10 described?

11 DR. E. CONNOR: I'm sorry, I didn't hear that.

12 MR. BARRETT: As a psychologist did you form an opinion as to  
13 why he had problems in those areas that you just  
14 enumerated?

15 DR. E. CONNOR: Right, I think he's the type of person that doesn't  
16 think he has any fault or does anything wrong,  
17 blames other people when things don't go his way,  
18 takes little to no accountability for his contribution  
19 to conflict in a relationship.

20 MR. BARRETT: And those were also some of the reasons that, as I  
21 understood it and I'm not a psychologist, but as I  
22 understood it from your custody evaluation, those  
23 were some of the reasons that you didn't  
24 recommend joint custody.

25 DR. E. CONNOR: Yes.

1 MR. BARRETT: Or legal, joint legal custody.

2 DR. E. CONNOR: Yes, yes.

3 MR. BARRETT: Um, is that a mental illness? What you've

4 described.

5 DR. E. CONNOR: No, I don't think he's mentally ill in the legal sense

6 of insanity by any means.

7 MR. BARRETT: And there's a distinction, certainly.

8 DR. E. CONNOR: I'm sorry?

9 MR. BARRETT: There is a distinction.

10 DR. E. CONNOR: Yes sir. But I do believe there's personality patterns

11 and characteristics that make him very difficult,

12 again, if he doesn't get his way.

13 MR. BARRETT: And are those, do you know, are those treatable?

14 DR. E. CONNOR: Yes. If, if...the person has to be willing to be

15 treated for that....

16 MR. BARRETT: Sure.

17 DR. E. CONNOR: ...attitude and behavior.

18 MR. BARRETT: Sure.

19 DR. E. CONNOR: But if they don't think there's anything wrong with

20 them, of course, that's not going to work.

21 MR. BARRETT: Um, did you ever recommend to Mr. Brewington

22 that he needed to seek treatment?

23 DR. E. CONNOR: Um, I don't recall if I did in 2008 or not in the

24 initial custody evaluation. I would have to go back

25 and look.

1 MR. BARRETT: Okay, so I'm sorry, you said, I didn't understand.

2 DR. E. CONNOR: I don't recall if I did in the initial 2008 custody  
3 evaluation. I would have to go back and look or...

4 MR. BARRETT: ...okay...

5 DR. E. CONNOR: ...whatever year that evaluation came out. That was  
6 approximately three (3) to four (4) years ago.

7 MR. BARRETT: Okay and since then have you recommended that to  
8 him?

9 DR. E. CONNOR: I don't know. I don't believe I've had any contact  
10 with him in that manner.

11 MR. BARRETT: Okay, when was your um, has your contract been  
12 completed in that case, in the Brewington matter?

13 DR. E. CONNOR: Um, well, when the, I, that's a difficult question to  
14 answer because if a case is appealed, I feel like I  
15 still have some um, I guess level of obligation but I  
16 haven't had any contact with the case since I  
17 testified in Judge Humphrey's court.

18 MR. BARRETT: And excuse me, and that level of obligation to who  
19 or whom?

20 DR. E. CONNOR: I guess primarily the Court, if they would want to  
21 hear more testimony or if the case were appealed  
22 and they wanted to bring me back into it at some  
23 point.

24 MR. BARRETT: What is uh, Merchant's Circle – the Yahoo, I think  
25 you referred to?

1 DR. E. CONNOR: Merchant's Circle is a web-site that lists various  
2 businesses in the area and their location address and  
3 the type of business.

4 MR. BARRETT: And there was some posting on there?

5 DR. E. CONNOR: Yes.

6 MR. BARRETT: So is it, I mean is that the purpose of it, so people  
7 can post?

8 DR. E. CONNOR: People are permitted to put comments on the  
9 posting, yes.

10 MR. BARRETT: About the businesses?

11 DR. E. CONNOR: Yes.

12 MR. BARRETT: Okay, and that's I apologize, I'm a little, I think I do  
13 have it actually, there it is, State's Exhibit 53, the  
14 Merchant's Circle October 13, 2008 posting – that's  
15 where Mr. Brewington posted something.

16 DR. E. CONNOR: Yes.

17 MR. BARRETT: Was um, were there other postings or do you know  
18 from other people that have been patients of yours?

19 DR. E. CONNOR: There may have been, yes.

20 MR. BARRETT: Is it inappropriate for someone to make a complaint  
21 to the Kentucky Board of Psychology?

22 DR. E. CONNOR: It's not inappropriate, no.

23 MR. BARRETT: You mean, okay go ahead, I'm sorry, I didn't mean  
24 to cut you off.

25 DR. E. CONNOR: I'm sorry?

1 MR. BARRETT: It's not inappropriate?

2 DR. E. CONNOR: No, I wouldn't say that was inappropriate.

3 MR. BARRETT: Okay. Did you find that intimidating?

4 DR. E. CONNOR: That in the word self by itself I would not.

5 MR. BARRETT: Okay. Um, and that took place, when? You don't

6 recall?

7 DR. E. CONNOR: I don't recall the exact date.

8 MR. BARRETT: Okay.

9 DR. E. CONNOR: I know it's...

10 MR. BARRETT: February of 2008, I believe?

11 DR. E. CONNOR: Okay.

12 MR. BARRETT: No I'm sorry, I'm looking at...and then there was a

13 complaint made to the Kentucky Attorney General

14 that was introduced as State's Exhibit 60 and the

15 way I understood it, and I'm not licensed in

16 Kentucky but the Kentucky Attorney General's

17 office is basically legal counsel for the psychology

18 board?

19 DR. E. CONNOR: Well yes sir, for the division, I believe it's called

20 Professions and Occupations or something of that

21 nature.

22 MR. BARRETT: Okay, we have a similar situation here in Indiana.

23 DR. E. CONNOR: Yes.

24 MR. BARRETT: So again, it would not necessarily be inappropriate

25 for somebody to send a complaint to that, to the

1 attorney?

2 DR. E. CONNOR: Yes.

3 MR. BARRETT: To the Attorney, Kentucky Attorney General's

4 office?

5 DR. E. CONNOR: That's correct.

6 MR. BARRETT: So your concern as far as that communication and

7 those communications is just the volume of them,

8 the amount?

9 DR. E. CONNOR: No sir, not just the volume. I believe that some of

10 them were intimidating. I think that they were uh,

11 with the intent to uh, be intimidating toward me.

12 MR. BARRETT: Okay, he asked you to withdraw your...but he did

13 that directly. He directly, Mr. Brewington directly

14 asked you to withdraw your custody evaluation.

15 Correct?

16 DR. E. CONNOR: Yes.

17 MR. BARRETT: And that was during the course of the litigation?

18 DR. E. CONNOR: Correct.

19 MR. BARRETT: Okay, because he didn't agree with it.

20 DR. E. CONNOR: That's correct.

21 MR. BARRETT: Has anyone else ever asked you to withdraw your

22 custody evaluation?

23 DR. E. CONNOR: No sir.

24 MR. BARRETT: Have you ever done it?

25 DR. E. CONNOR: No sir.



1     MR. BARRETT:                   Are there circumstances that would cause that that  
2   you can think of?

3     DR. E. CONNOR:                 Um, I don't think so. I would never withdraw my  
4   evaluation. I might write an addendum if it were  
5   necessary, but I don't believe that I would just  
6   withdraw the evaluation, um, so.

7     MR. BARRETT:                   How did you become aware of Mr. Brewington's  
8   blogging activities?

9     DR. E. CONNOR:                 Um, someone told us and I don't remember who or  
10                                       how or if he put it in one of his letters, I don't recall  
11                                       how I became aware of it originally.

12    MR. BARRETT:                   Did you make a complaint to the Prosecutor's office  
13                                       here about that?

14    DR. E. CONNOR:                 Here?

15    MR. BARRETT:                   Yes, in this County, Dearborn County?

16    DR. E. CONNOR:                 Yes, I was interviewed by the Prosecutor's office  
17                                       and again I forget when about all the bloggings and  
18                                       comments.

19    MR. BARRETT:                   Okay, but, I didn't ask that question very good. Did  
20                                       you initiate that contact?

21    DR. E. CONNOR:                 I don't believe so, no.

22    MR. BARRETT:                   Do you know how this investigation was started?

23    DR. E. CONNOR:                 I don't know all the, no I don't know all the details  
24                                       of how this all was initiated.

25    MR. BARRETT:                   But you personally never made a complaint to the

1 Dearborn County Prosecutor's office.

2 DR. E. CONNOR: When I was interviewed, I'm sure I did express my

3 concerns.

4 MR. BARRETT: No, I understand. They were already investigating

5 though.

6 DR. E. CONNOR: Yes.

7 MR. BARRETT: Okay.

8 DR. E. CONNOR: But I don't recall making a formal complaint

9 myself.

10 MR. BARRETT: Do you recall making a formal complaint to any law

11 enforcement agency in Dearborn County?

12 DR. E. CONNOR: Not formally, I don't recall that, no.

13 MR. BARRETT: Alright and you're using formally and I'm using

14 formally. Did you ever ask that any law

15 enforcement agency in this county, in Dearborn

16 County, initiate an investigation of Mr.

17 Brewington?

18 DR. E. CONNOR: I don't recall ever asking any law enforcement

19 agency to initiate an investigation of Mr.

20 Brewington.

21 MR. BARRETT: Alright, thank you. What do you um, do you read

22 other blogs?

23 DR. E. CONNOR: I'm sorry?

24 MR. BARRETT: Do you read other blogs?

25 DR. E. CONNOR: I do, um, but nothing other than any kind of media

1 type things.

2 MR. BARRETT: Okay, what is your understanding of the purpose of

3 blogs?

4 MR. KISOR: Judge, I think we're getting way beyond the scope

5 of cross-examination.

6 COURT: I'm going to allow a little bit – overruled – go ahead

7 and answer the question.

8 MR. BARRETT: Did you hear the question?

9 DR. E. CONNER: What is my understanding of a purpose of a blog?

10 MR. BARRETT: Mm hmm.

11 DR. E. CONNOR: I believe it's for people to express themselves.

12 MR. BARRETT: Express opinions?

13 DR. E. CONNOR: Yes.

14 MR. BARRETT: Views, things of that nature?

15 DR. E. CONNOR: Yes, yes.

16 MR. BARRETT: Okay and certainly Mr. Brewington did that.

17 DR. E. CONNOR: Yes he did.

18 MR. BARRETT: And it's your view that it's over the line, I take it.

19 DR. E. CONNOR: Absolutely yes,

20 MR. BARRETT: Okay, for the reasons you've told us about.

21 DR. E. CONNOR: Yes sir.

22 MR. BARRETT: Do you recall um, your testimony about I don't

23 think I wrote the date down but I believe it was

24 State's Exhibit 50 or 51, 51 I think, um, any way, it

25 was a letter from Mr. Brewington to you dated

1                               September 5, 2008 and there was discussion you  
2                               read part of that letter, talking about the game is  
3                               over Dr. Connor?  
4     DR. E. CONNOR:       Yes, I remember that.  
5     MR. BARRETT:         And what had, I mean that goes on to say the game  
6                               is over and the Court has ordered that “delivery to  
7                               counsel representing a party is the same as delivery  
8                               to a party personally”.  
9     DR. E. CONNOR:       Yes.  
10    MR. BARRETT:         Okay, and so but as I understood your testimony,  
11                               you took the reference to the word the game as  
12                               being something to be directed to intimidate you in  
13                               some way.  
14    DR. E. CONNOR:       Yes.  
15    MR. BARRETT:         But isn’t it just additional discussion about the case  
16                               file? I mean he thought you were playing a game  
17                               with him about the case file.  
18    DR. E. CONNOR:       Well it’s my interpretation, again based on all the  
19                               other information together that that was more  
20                               intimidating, had that sentence by itself with  
21                               nothing else around it or before it or after it, then I  
22                               would maybe see it differently but it’s the  
23                               accumulation of these types of comments and  
24                               events when something like that is said, again as a  
25                               person who deals with aggressive people, I found

**STATE'S WITNESS – DR. EDWARD CONNOR - REDIRECT**

1 that to be disturbing.

2 MR. BARRETT: Okay, but, and again, you didn't make any  
3 complaint to law enforcement here.

4 DR. E. CONNOR: That's correct.

5 MR. BARRETT: Or seek a protective order or file any kind of action.

6 DR. E. CONNOR: Yes, that's correct.

7 MR. BARRETT: Did you contact the FBI about this?

8 DR. E. CONNOR: I spoke with an agent who had worked with us  
9 previously about this because it was across state  
10 lines, yes.

11 MR. BARRETT: Did they, what did they tell you?

12 DR. E. CONNOR: Um, basically to, you have to be careful, watch the  
13 uh, observant, suggest that if you feel like it is an  
14 immediate threat, if you see him in your  
15 neighborhood, um, around the office, or what have  
16 you, then contact the police and get a restraining  
17 order.

18 MR. BARRETT: Okay, but you never did any of those things.

19 DR. E. CONNOR: No, again I didn't want to escalate him. I didn't  
20 want to excite him even more.

21 MR. BARRETT: I don't have any other questions your honor.

22 COURT: Does the State have any redirect?

23 MR. KISOR: Yes, briefly Judge. Now I think you just answered  
24 the question about why you didn't seek a protective  
25 order but I know there was also a question about

1                                   that you never filed a civil law suit against Mr.  
2                                   Brewington for slander or liability. Why didn't you  
3                                   do that?  
4     DR. E. CONNOR:         For the very same reason. Um, I did not want to  
5                                   incite this man any more because I was under the  
6                                   impression that he simply would not stop regardless  
7                                   and in fact, when something like that incurs, I think  
8                                   he gets more excited and he gets more challenged  
9                                   and goes even more to extremes and uh, my uh,  
10                                  wife and I discussed it and felt like let's just see if  
11                                  maybe um, this would stop because again we felt  
12                                  like we didn't really have anything to do with him  
13                                  not seeing his children.  
14     MR. KISOR:             Now just so I'm clear, I think I heard you say that  
15                                  Mr. Brewington got the entire case with the  
16                                  exception of psychological data and confidential  
17                                  medical information for his wife Melissa.  
18     DR. E. CONNOR:         That's correct.  
19     MR. KISOR:             Okay and I think you also testified that in your  
20                                  Indiana custody evaluations you can't recall any  
21                                  situation where you gave an entire case file to the  
22                                  attorneys.  
23     DR. E. CONNOR:         I don't recall.  
24     MR. KISOR:             And I'm not saying it didn't happen.  
25     DR. E. CONNOR:         Yell I do quite a few of these evaluations. I don't

1 recall that.

2 MR. KISOR: Okay. If you were to provide those...

3 DR. E. CONNOR: ...yes...

4 MR. KISOR: ...that type of data, would you need a consent or an

5 agreement between the parties?

6 DR. E. CONNOR: Yes.

7 MR. KISOR: And you did not have that in this case.

8 DR. E. CONNOR: No, and I would seek the agreement or the consent

9 and if one party did not, then the attorneys or the

10 court would have to make that decision whether I

11 should release it or not. That is simply not my

12 decision.

13 MR. KISOR: And I'm not going to ask you to speculate but in

14 your dealings with Mr. Brewington and his wife,

15 Melissa, did you understand without telling us what

16 you understood, did you understand why she might

17 not want him to have that information?

18 DR. E. CONNOR: Yes, absolutely I did.

19 MR. KISOR: Okay. Now you've dealt with attorneys and

20 courtrooms for decades, do you understand that I, as

21 an attorney, have an obligation of truth and candor

22 to the court?

23 DR. E. CONNOR: I do.

24 MR. KISOR: Do you feel that Mr. Brewington as his pro se

25 attorney would have that same obligation?

1 MR. BARRETT: To which we'll object Judge.

2 COURT: I'll sustain that.

3 MR. KISOR: In any event, you didn't try to withhold anything

4 from him for spite, for any other reason, you sought

5 the guidance of the Judge of the dissolution court.

6 DR. E. CONNOR: Yes.

7 MR. KISOR: And followed that order explicitly.

8 DR. E. CONNOR: Exactly.

9 MR. KISOR: And in fact this Exhibit 50 that Mr. Barrett was just

10 talking about and Mr. Brewington then referred to

11 an order of Judge Taul, that order said that custody

12 evaluation was delivered to Tom Blondell, that

13 means it's delivered to Mr. Brewington and it also

14 said Mr. Brewington obviously has that evaluation.

15 DR. E. CONNOR: Yes.

16 MR. KISOR: Okay, and as far as you completing your contract,

17 did Mr. Brewington ask you to do anything else

18 other than his demands of giving him this case file,

19 has he asked you to do any other work in regard to

20 evaluating his custody situation since March 31,

21 2008?

22 DR. E. CONNOR: Not other than what we have discussed here today.

23 MR. KISOR: Okay, so had you been allowed to, you would have

24 completed the addendum with both parties

25 cooperation?



1 DR. E. CONNOR: Yes.

2 MR. KISOR: And you reported what was going on to the local  
3 law enforcement where you live.

4 DR. E. CONNOR: Yes.

5 MR. KISOR: And just because you didn't necessarily start this  
6 investigation, do you think we shouldn't have  
7 initiated this investigation?

8 DR. E. CONNOR: No, I do not. I think it was a wise move.

9 MR. KISOR: Okay, do you believe, based on what's happened to  
10 you, did Mr. Brewington intimidate you, try to stop  
11 you from testifying and putting your report into  
12 evidence?

13 MR. BARRETT: To which we'll object, Judge. The State's filed a  
14 motion asking that these kind of questions not be  
15 asked whether witnesses believe that Mr.  
16 Brewington's guilty essentially of what he's charged  
17 with.

18 COURT: I'll sustain that.

19 MR. KISOR: Thank you and your honor, I have no additional  
20 questions at this time. I do reserve the right to recall  
21 Dr. Connor.

22 COURT: With that, do you have any other questions Mr.  
23 Barrett?

24 MR. BARRETT: Just a couple Judge. Um, Doctor, do you recollect  
25 as you said here this morning, how big the case file

1 was in the Brewington matter?

2 DR. E. CONNOR: How big?

3 MR. BARRETT: How thick, how many pages?

4 DR. E. CONNOR: Well we had to, I guess buy a file cabinet this size

5 type thing to contain all the documents.

6 MR. BARRETT: Do you recall having correspondence with

7 somebody saying it was about nine hundred and

8 forty (940) pages?

9 DR. E. CONNOR: Uh, that's possible, yes.

10 MR. BARRETT: Do you know how many of those pages you gave to

11 Mr. Brewington?

12 DR. E. CONNOR: What was in the case file pertaining to the custody

13 evaluation that he was allowed to have, I don't

14 know how many pages that is. The other whatever

15 hundred (100) pages are his blog. We copy, print

16 off the blog comments because sometimes

17 something was said that in my opinion, was more

18 inflammatory than what we have and then removed.

19 MR. BARRETT: Okay.

20 DR. E. CONNOR: So we thought it would be better to be sure to copy

21 every time something new comes up so we didn't

22 lose a potential threat.

23 MR. BARRETT: Thank you Doctor. I don't have any other questions

24 your honor.

25 COURT: Does the State?

**STATE'S WITNESS – DR. SARAH JONES-CONNOR - DIRECT**

1    MR. KISOR:                    No additional questions but again your honor, I  
2                                        would ask that we have the right to recall if  
3                                        necessary.  
4    COURT:                        Okay.  
5    DR. E. CONNOR:                Thank you Judge.  
6    COURT:                        The State may call your next witness.  
7    MR. NEGANGARD:                Thank you, your honor.  
8    COURT:                        Bailiff? (inaudible).  
9    MR. NEGANGARD:                Your honor, the State would call Dr. Sarah Connor.  
10   COURT:                        Come on up here ma'm. Before you get seated,  
11                                        raise your right hand. Do you swear or affirm under  
12                                        the penalties for perjury that the testimony you are  
13                                        about to give is the truth, the whole truth and  
14                                        nothing but the truth?  
15   DR. JONES-CONNOR:                I do.  
16   COURT:                        You may proceed.  
17   MR. NEGANGARD:                Thank you, your honor. Dr. Connor, would you  
18                                        please state your name for the record please?  
19   DR. JONES-CONNOR:                Dr. Sarah Elizabeth Jones-Connor.  
20   MR. NEGANGARD:                And um, do you want to be called Dr. Jones-Connor  
21                                        or Dr. Connor?  
22   DR. JONES-CONNOR:                Whatever is easier.  
23   MR. NEGANGARD:                Okay. Um, if you could, briefly state your  
24                                        background and education.  
25   DR. JONES-CONNOR:                I graduated from Bowling Green State University

1 with a Bachelor's in Journalism, from Florida  
2 Atlantic University with a Master's Degree in  
3 Psychology and from the University of Miami in  
4 Florida with a P.H.D. in Counseling Psychology and  
5 I've been in practice for about fifteen (15) years.

6 MR. NEGANGARD: Okay and are you married to Dr. Edward Connor?

7 DR. JONES-CONNOR: Yes I am.

8 MR. NEGANGARD: And do you guys have a practice together?

9 DR. JONES-CONNOR: Yes we do.

10 MR. NEGANGARD: And how long have you had a private practice  
11 together?

12 DR. JONES-CONNOR: He established the practice in 1996. I joined it in  
13 2002.

14 MR. NEGANGARD: And um, what type of work does the practice do?

15 DR. JONES-CONNOR: A variety of things. We do sort of traditional  
16 therapy with individuals, families, couples, children  
17 but we also do some forensic work including  
18 custody evaluations, evaluations for the courts,  
19 other court ordered matters.

20 MR. NEGANGARD: And did you um, when you do a custody evaluation,  
21 do you frequently do those together as a team?

22 DR. JONES-CONNOR: Yes we do.

23 MR. NEGANGARD: I'm going to show you what's been admitted into  
24 evidence as State's Exhibit 9 and ask if you  
25 recognize that.

1 DR. JONES-CONNOR: Yes I do.

2 MR. NEGANGARD: And what is that?

3 DR. JONES-CONNOR: It's the custody evaluation report for the Brewington  
4 vs. Brewington custody case.

5 MR. NEGANGARD: And did you work with your husband, Dr. Connor,  
6 in preparing that confidential custody evaluation?

7 DR. JONES-CONNOR: Yes I did.

8 MR. NEGANGARD: And do you agree with the conclusions in that?

9 DR. JONES-CONNOR: Yes I do.

10 MR. NEGANGARD: Did you agree that if wasn't, did you agree that joint  
11 custody would not have been an acceptable  
12 arrangement in that relationship?

13 DR. JONES-CONNOR: Yes I did.

14 MR. NEGANGARD: And why is that?

15 DR. JONES-CONNOR: The test results, background history, information  
16 that we gather from the variety of different sources  
17 indicated that Mr. Brewington had a difficult time  
18 communicating with Ms. Brewington and that he  
19 could be um, it would be very difficult to try to  
20 come to agreements, mutual agreements,  
21 compromises and that sort of thing in a co-parenting  
22 arrangement and it's very necessary when two (2)  
23 parents are divorced and they are sharing co-  
24 parenting decisions and so forth, that they be able to  
25 have some semblance of communication and ability

1 to recognize when the other person may have a  
2 point or be correct about something and our  
3 impression was that he could be very difficult for a  
4 variety of reasons for her to try to work with  
5 regarding the children.

6 MR. NEGANGARD: Did you guys determine Dan Brewington, he's not  
7 one who takes no for answer?

8 DR. JONES-CONNOR: That was our impression, yes.

9 MR. NEGANGARD: That he would not um, never really recognizes when  
10 someone else has a point, does he?

11 MR. BARRETT: Asked and answered Judge.

12 COURT: I'll sustain, disregard that answer. Go ahead and  
13 ask the question.

14 MR. NEGANGARD: And without getting into any more detail on that, is  
15 Mr. Brewington the Mr. Brewington that you  
16 evaluated in State's Exhibit 9? Is he present in the  
17 courtroom here today?

18 DR. JONES-CONNOR: Yes he is.

19 MR. NEGANGARD: Could you indicate to the Court and the Jury where  
20 he is located?

21 DR. JONES-CONNOR: Right there.

22 MR. NEGANGARD: What is he wearing?

23 DR. JONES-CONNOR: A dark suit with a striped burgundy tie and it looks  
24 like a light gray shirt.

25 MR. NEGANGARD: Let the record reflect the witness has identified the

1 Defendant.

2 COURT: It shall reflect.

3 MR. NEGANGARD: Now as a result of your evaluation, you and your

4 husband's evaluation, um, did you become aware of

5 correspondence between your husband and Mr.

6 Brewington?

7 DR. JONES-CONNOR: Yes I did.

8 MR. NEGANGARD: Did you find that correspondence unsettling or

9 disturbing in any way?

10 DR. JONES-CONNOR: Yes, in a number of ways.

11 MR. NEGANGARD: In what ways?

12 DR. JONES-CONNOR: Well first of all the volume of correspondence. We

13 were getting almost daily faxes, sometimes as many

14 as four (4) faxes in one day and um, he was

15 basically making threats to pull the custody

16 evaluation or he would file a law suit or do various

17 other things in what seemed to be a threat of

18 retaliation, um, it was also concerning and because

19 some of his, the basis for his thinking seemed to be

20 distorted in terms of the reality of the situation,

21 what he was accusing Dr. Connor of, um, was

22 misguided and um, the, it was concerning in that it

23 has persisted for over four (4) years without any

24 indication of letting up.

25 MR. NEGANGARD: Were you, did you also during this timeframe

1                               become aware of postings on the internet from Mr.  
2                               Brewington?  
3    DR. JONES-CONNOR:       Numerous postings on the internet, yes.  
4    MR. NEGANGARD:         And um, did you find those postings disturbing in  
5                               any way?  
6    DR. JONES-CONNOR:       Very much so.  
7    MR. NEGANGARD:         In what way?  
8    DR. JONES-CONNOR:       Um, well again the volume of postings was quite  
9                               remarkable. The number of different sites that he  
10                              posted on, we can't even keep track of how many  
11                              sites he has been on to post negative comments and  
12                              reviews about Dr. Connor and a few in there about  
13                              myself as well. Um, some of the comments that he  
14                              made were very derogatory, factually inaccurate,  
15                              threatening, perceived by us as threatening, um, and  
16                              it was just, you know, very concerning, the extent  
17                              that he would go to and it was also very concerning  
18                              that he would go to the extent of pulling pictures of  
19                              Ed's deceased father from where we're not sure,  
20                              also from a family wedding in 2007 of Ed dancing  
21                              with his brother and how he got that we don't know  
22                              and so just the fact that he would spend that much  
23                              time and energy trying to track down things about  
24                              Ed and posting them on the internet was very  
25                              concerning.



1     MR. NEGANGARD:         May I have just a moment your honor? I'm  
2                                 showing you what's been admitted as State's  
3                                 Exhibit 201. Is that a photograph of your husband  
4                                 at the wedding that you're referring to?

5     DR. JONES-CONNOR:       Yes it is.

6     MR. NEGANGARD:         And that was a family wedding. Correct?

7     DR. JONES-CONNOR:       Yes.

8     MR. NEGANGARD:         And you uh, found it disturbing that he was able to  
9                                 track down. Have you been able to determine how  
10                                he would have gotten that photo?

11    DR. JONES-CONNOR:       No, we actually tried to find it ourselves by you  
12                                know, googling, by going to various Facebook  
13                                pages and that sort of thing of family members that  
14                                we knew, um. I have not been able to find it. He  
15                                has not been able to find it himself. We can only  
16                                speculate that he's either somehow gone on to  
17                                somebody's cite, although I highly doubt that he  
18                                knows anyone who was in attendance at that  
19                                wedding. It was in Hershey, Pennsylvania and Ed's  
20                                family members here in Northern Kentucky that  
21                                attended do not know Mr. Brewington. So our  
22                                speculation is that he either found some  
23                                unauthorized means to gather it from someone's  
24                                Facebook page or possibly that he somehow hacked  
25                                into our e-mail because I had saved an e-mail that

1 my niece sent to us with a password that you had to  
2 use to get into the photographer's web-site in order  
3 to be able to view the photographs of the wedding.  
4 Otherwise, we're not really sure how he got it.

5 MR. NEGANGARD: But it's disturbing that someone spent that much  
6 time trying to get a photo of your husband.

7 DR. JONES-CONNOR: Yes it is.

8 MR. NEGANGARD: Based upon the actions of the Defendant and the  
9 voluminous correspondence that transpired during  
10 the course of this, the continued uh, the continued,  
11 uh, blog postings with regard to Dr. Connor, um,  
12 have you had to take actions among your family um,  
13 if you have, what were those?

14 DR. JONES-CONNOR: We have sat down with our children, my step-  
15 children, Ed's children from a prior marriage and  
16 told them about this. We have shown them Mr.  
17 Brewington's photograph. We've done the same  
18 with our office staff, um, we've contacted various  
19 authorities who have advised us to call 911  
20 immediately if he ever shows anywhere near either  
21 property, either our office or our home address.  
22 Um, in contrast, I've avoided, we've avoided  
23 talking, you know, with other family members, his  
24 mother, my parents, who are elderly because we're  
25 afraid that it would alarm them too much, that they

1 would worry, so we really haven't shared that this is  
2 going on because I think it would be something that  
3 would be a real cause for anxiety for them.

4 MR. NGANGARD: And has this let up? I mean has he still continued to  
5 um, I'll strike that. Um, I'll withdraw that question.  
6 Um, has the actions of the Defendant impacted you  
7 and your family?

8 DR. JONES-CONNOR: Yes.

9 MR. BARRETT: To which we'll, Judge this, we've been through this.  
10 That's what he just asked her.

11 COURT: I'll overrule. It's related but I'll allow the question.

12 DR. JONES-CONNOR: Yes it has.

13 MR. NEGANGARD: Have you been placed in fear because of the actions  
14 of the Defendant?

15 DR. JONES-CONNOR: Yes we have.

16 MR. NEGANGARD: Why is that?

17 DR. JONES-CONNOR: Well again looking at the totality of the case, the  
18 extent to which this individual is willing to go to  
19 track down information, to try to retaliate against  
20 my husband for an opinion that he gave in a custody  
21 evaluation is disturbing in it of itself and it  
22 suggestive of some serious psychological issues that  
23 anyone would spend that much time, that much  
24 energy and that much effort to focus on one  
25 individual like this and among the information that

**STATE'S WITNESS – DR. SARAH JONES-CONNOR - CROSS**

1 he has posted, um, there are certain comments,  
2 blogs, that have been particularly frightening to us,  
3 namely when he posted the information about our  
4 street name and remarked that there were nice  
5 looking houses on our street and he knew the bank  
6 through who we have our mortgage for the home  
7 and when I read that, I remember just, my heart just  
8 sank. I just thought, Oh my gosh, he's been on our  
9 street. My first thought is the kids, you know if  
10 they're out playing in the yard, what, to what extent  
11 is this individual willing to go and we don't know  
12 the answer to that. Um, another particular blog  
13 where he talked about beating the custody evaluator  
14 senseless was extremely frightening and concerning  
15 because there's only one custody evaluator involved  
16 in this case that I'm aware of and it was not a very  
17 thinly veiled threat in my opinion.

18 MR. NEGANGARD: Thank you. I don't have anything further.

19 COURT: Mr. Barrett, any questions?

20 MR. BARRETT: A few Judge. Um, do you recollect how you  
21 became aware of the postings, the blogging?

22 DR. JONES-CONNOR: Um, gosh, that's been so far back I really can't say  
23 for sure.

24 MR. BARRETT: Um, your function in the custody evaluation was  
25 what?

1 DR. JONES-CONNOR: Basically a supporting role. I do the parent-child  
2 observations and provide the information on those  
3 informations for the report and if there are older  
4 children and in this case they weren't old enough, I  
5 will interview the children individually about their  
6 experiences with the parents and so forth and then I  
7 also go through at the end um, and discuss with Ed  
8 about recommendations and review our thoughts  
9 together and so forth.

10 MR. BARRETT: So you observed Mr. Brewington interact with his  
11 children?

12 DR. JONES-CONNOR: Yes I did.

13 MR. BARRETT: And what were those observations? Do you  
14 recollect?

15 DR. JONES-CONNOR: Uh, he interacted appropriately with the children.  
16 As I recall, there were no major concerns from those  
17 observations at the time.

18 MR. BARRETT: How often did you observe him interact with his  
19 children?

20 DR. JONES-CONNOR: Twice.

21 MR. BARRETT: You didn't observe anything inappropriate?

22 DR. JONES-CONNOR: No, I did not.

23 MR. BARRETT: And apparently didn't observe anything that  
24 would...there was no recommendation that  
25 visitation or contact be limited with the children?

1 DR. JONES-CONNOR: Um, no.

2 MR. BARRETT: The issue was who should be the custodial parent.

3 DR. JONES-CONNOR: Yes.

4 MR. BARRETT: And as I understood your testimony that had more  
5 to do with Mr. Brewington's ability to get along  
6 with his then wife, now ex-wife.

7 DR. JONES-CONNOR: As far as?

8 MR. BARRETT: The recommendation about custody not being  
9 joined.

10 DR. JONES-CONNOR: Yes that and among others.

11 MR. BARRETT: It didn't have anything to do with Mr. Brewington's  
12 ability to parent.

13 DR. JONES-CONNOR: Well...

14 MR. BARRETT: That you witnessed.

15 DR. JONES-CONNOR: I mean there was some concerns noted. Ed did a  
16 home visit and he was concerned about the  
17 environment and some dangers in the environment  
18 and um, things of that nature. Um, but I think our  
19 primary concern in terms of recommending that she  
20 have sole custody was the ability or the lack thereof  
21 to communicate with Ms. Brewington regarding the  
22 children in an objective manner.

23 MR. BARRETT: Was Mr. Brewington ever directed to stop  
24 communicating with your office?

25 DR. JONES-CONNOR: I believe at one point after we started having the

1 barrage of letters and so forth that he was.

2 MR. BARRETT: Okay, do you remember when that was?

3 DR. JONES-CONNOR: I can't tell you for sure.

4 MR. BARRETT: As I understood your testimony about the

5 photograph of your husband dancing, you don't

6 know how Mr. Brewington got that.

7 DR. JONES-CONNOR: I'm not exactly sure.

8 MR. BARRETT: So you, alright nothing further Judge.

9 COURT: Any redirect from the State?

10 MR. NEGANGARD: No your honor.

11 COURT: Okay, you may step down.

12 DR. JONES-CONNOR: Okay.

13 COURT: Actually, could you hand me those exhibits?

14 DR. JONES-CONNOR: Sure.

15 MR. NEGANGARD: Your honor, may we approach?

16 COURT: Yell, please. Would counsel approach please?

17 MR. NEGANGARD: I know the Court likes to break around noon and we

18 don't have anything (inaudible).

19 COURT: I say we break (inaudible). Okay. We're going to

20 break for lunch and again before you leave the

21 courtroom to the jury, uh, during the times that you

22 are out of the courtroom you may discuss the case

23 amongst yourselves, however you are not to

24 deliberate or to actually, I missed the ball on that

25 witness. Does the jury have any questions for that

1 witness? Thank you. Uh, during the times that you  
2 are out of the courtroom you may discuss the case  
3 amongst yourselves, however you are not to  
4 deliberate or begin making decisions as to a verdict.  
5 Do not talk to any of the parties, the attorneys or  
6 witnesses. Should anyone attempt to talk to you  
7 about the trial, you should refuse and report the  
8 attempt to me at your first opportunity. There may  
9 be publicity and various media concerning this trial.  
10 You should not read or listen to those accounts but  
11 should confine your attention to the Court  
12 proceedings, listen attentively to the evidence as it  
13 comes from the witnesses and reach a verdict solely  
14 upon what you hear and see in this court. You  
15 should keep an open mind. You should not form or  
16 express an opinion during the trial and should reach  
17 no conclusion about the case until it is submitted to  
18 you for your deliberation. Okay, we're going to  
19 recess until 1:00. If the Court will rise. You may  
20 be seated. We are back on, on 15D02-1103-FD-84,  
21 the State of Indiana versus Daniel Brewington. The  
22 parties are present and the jury is also present. Is  
23 the State ready to continue with their case? Mr.  
24 Negangard and Mr. Kisor?  
25 MR. NEGANGARD: Yes your honor.