

1 ordered by the Court?

2 BAILIFF: I do.

3 COURT: And do you further solemnly swear that you will not
4 communicate to any person the state of the
5 deliberations of the jury so help you God?

6 BAILIFF: I do.

7 COURT: Is the State or defense counsel...is there anything
8 before the jury's excused to go over? Mr.
9 Negangard?

10 MR. NEGANGARD: No your honor.

11 COURT: Mr. Barrett?

12 MR. BARRETT: No your honor.

13 COURT: Will the Court please rise? For the records, the
14 exhibits are going to deliberation. There was no
15 objection from either the State or defense counsel.
16 Bailiff, can you bring the jury back? You don't
17 necessarily have to sit down, just all come back in
18 the courtroom. I neglected to tell you one thing.
19 Okay all the parties are present and the jury is also
20 present. I neglected to inform you and I've talked
21 with counsel and the parties before this and there's
22 no objection. The alternate is going to be in the jury
23 room with you during these deliberations. The
24 alternate is not to participate. You will be sitting
25 there and you will listen to the deliberations but

1 you're not to participate unless you get another
2 order from the Court to do so and it becomes
3 necessary but you'll be present but you're not
4 voting, not conversing in the discussion. Okay?
5 That's all. I'm sorry about that. Thank you.

6 **VERDICT**

7 COURT: (Jury returns) You may be seated. We're on on
8 15D02-1103-FD-84, State of Indiana versus Daniel
9 Brewington. The State appears by Prosecuting
10 Attorney and Deputy Prosecuting Attorney and the
11 Defendant appears in person and by counsel and the
12 jury is also present. Ladies and gentlemen of the
13 jury, have you reached a verdict? Okay, can you
14 hand your verdict to the Bailiff and bring that to
15 me? Will the Defendant please rise? As to Count I
16 of the information, Intimidation as a Class A
17 Misdemeanor, the first verdict form return reads as
18 follows: We the jury find the Defendant, Daniel
19 Brewington, guilty of Intimidation, a Class A
20 Misdemeanor as charged in Count I of the
21 information. As to Count II: We the jury find the
22 Defendant, Daniel Brewington, guilty of
23 Intimidation, a Class D Felony, as charged in Count
24 II of the information. As to Count III: We the jury
25 find the Defendant, Daniel Brewington, guilty of

1 Intimidation, a Class A Misdemeanor as charged in
2 Count III of the information. Count IV: We the
3 jury find the Defendant, Daniel Brewington, guilty
4 of Attempt to Commit Obstruction of Justice, A
5 Class D Felony, as charged in Count IV of the
6 information. Count V: We the jury find the
7 Defendant, Daniel Brewington, guilty of Perjury, a
8 Class D Felony, as charged in Count V of the
9 information. Count VI: We the jury find the
10 Defendant, Daniel Brewington, not guilty of
11 Unlawful Disclosure of Grand Jury Proceedings, A
12 Class B Misdemeanor as charged in Count VI of the
13 information. Does defense wish to pole the jury?
14 MR. BARRETT: Yes your honor.
15 COURT: Will the jurors please stand? Uh, juror #5, did you
16 vote guilty of Count I, Intimidation, as a Class A
17 Misdemeanor?
18 JUROR #5: Yes sir.
19 COURT: And on Count II, guilty of Intimidation as a Class D
20 Felony?
21 JUROR #5: Yes sir I did.
22 COURT: And Count III, guilty of Intimidation as a Class A
23 Misdemeanor?
24 JUROR #5: Yes sir.
25 COURT: And Count IV, guilty on Attempt to Commit

1 Obstruction of Justice as a Class D Felony?
2 JUROR #5: Yes sir.
3 COURT: And on Count V, guilty of Perjury as a Class D
4 Felony?
5 JUROR #5: Yes sir.
6 COURT: And not guilty of Unlawful Disclosure of Grand
7 Jury Proceedings, a B Misdemeanor charged in
8 Count VI?
9 JUROR #5: Yes your honor.
10 COURT: And #13, did you vote in the same way as #5?
11 JUROR #13: Yes sir.
12 COURT: And #19?
13 JUROR #19: Yes.
14 COURT: And #21?
15 JUROR #21: Yes sir.
16 COURT: #23?
17 JUROR #23: Yes sir.
18 COURT: And #32?
19 JUROR #32: Yes.
20 COURT: Okay, you may be seated. The Court now will enter
21 Judgment of Conviction on Count I, Intimidation as
22 a Class A Misdemeanor against Mr. Brewington.
23 Count II, enter Judgment of Conviction for
24 Intimidation as a Class D Felony, enter Judgment of
25 Conviction of Count III as a Class A Misdemeanor,

1 enter Judgment of Conviction on Count IV, Attempt
2 to Commit, Attempt to Commit Obstruction of
3 Justice as a Class D Felony and enter Judgment of
4 Conviction on Count V, Perjury, as a Class D
5 Felony and find the Defendant acquitted of Count
6 VI, Unlawful Disclosure of Grand Jury Proceedings,
7 a Class B Misdemeanor. Is there anything from the
8 State before the release of the jury, Mr. Negangard?

9 MR. NEGANGARD: No your honor.

10 COURT: Mr. Barrett?

11 MR. BARRETT: No your honor.

12 COURT: This matter will be set for sentencing on October
13 24, 2011, at 1:30 p.m. I thank the jury for their
14 service in this matter. You are now excused and
15 you may be released and return to the jury room
16 with the Bailiff at this time. The Court is
17 adjourned. We're going back on the record briefly.
18 We're back on, on 15D02-1103-FD-84, uh, Mr.
19 Barrett?

20 MR. BARRETT: Judge at this time, I would ask the Court to entertain
21 bond for Mr. Brewington. He's been incarcerated
22 for seven (7) months on this matter, almost exactly.
23 Uh, my information is that his criminal history
24 prior to this consists of one Operating While
25 Intoxicated conviction in the mid 1990's. We

1 would ask the Court to entertain a bond pending
2 sentencing your honor.

3 COURT: And I'm not even going to ask for a response from
4 the State. I'm contemplating; I actually just forgot
5 to state that the Defendant's going to be held
6 without bond until that sentencing date. Anything
7 else Mr. Barrett?

8 MR. BARRETT: No your honor.

9 COURT: Mr. Negangard?

10 MR. NEGANGARD: No your honor.

11 COURT: Okay, that's all.

12 MR. BARRETT: Thank you, your honor.