

STATE'S WITNESS – JUDGE JAMES HUMPHREY - DIRECT

1 COURT: You may call your next witness.

2 MR. NEGANGARD: If I could just have a moment your honor.

3 COURT: Sure.

4 MR. NEGANGARD: Your honor, the State calls Judge James Humphrey.

5 COURT: Before you have a seat, will you please raise your

6 right hand. Do you swear or affirm under the

7 penalties for perjury, the testimony you are about to

8 give is the truth, the whole truth and nothing but the

9 truth?

10 JUDGE HUMPHREY: I do.

11 COURT: Have a seat.

12 JUDGE HUMPHREY: Thank you.

13 COURT: You may proceed.

14 MR. NEGANGARD: Thank you, your honor. Would you please state

15 your name for the record please?

16 JUDGE HUMPHREY: My name is, first name James, middle initial D., last

17 name Humphrey – H-U-M-P-H-R-E-Y.

18 MR. NEGANGARD: And um, would you please state the current position

19 that you hold?

20 JUDGE HUMPHREY: I am the Circuit Court Judge for Dearborn and Ohio

21 Counties.

22 MR. NEGANGARD: And if you could tell the jury, how long have you

23 been the Judge?

24 JUDGE HUMPHREY: I began serving as Circuit Court Judge in 1999.

25 MR. NEGANGARD: And what term are you currently on?

1 JUDGE HUMPHREY: This is the first year of my third term.

2 MR. NEGANGARD: And so you've been a judge since 1999?

3 JUDGE HUMPHREY: That's correct.

4 MR. NEGANGARD: What committees have you or in the past have you
5 served on?

6 JUDGE HUMPHREY: As a Judge, I served on the juvenile bench book
7 committee which prepares forms for use by judges
8 across the state. I have served as a member of the
9 Juvenile Justice Improvement Committee and I am
10 currently just begun as a member of the board of
11 directors of the Indiana Council of Juvenile and
12 Family Court Judges.

13 MR. NEGANGARD: Bench book committee is that where you, what's the
14 bench book committee?

15 JUDGE HUMPHREY: The bench book committee helps prepare forms
16 used by judges across the state, forms of order for
17 different types of cases, different types of events
18 that occur in juvenile cases.

19 MR. NEGANGARD: Have you served on any legislative committees?

20 JUDGE HUMPHREY: I served for I believe two (2) to three (3) years on a
21 sentencing policy study commission with the
22 Indiana Legislature. Uh, I believe that was an
23 appointment by Governor Daniels.

24 MR. NEGANGARD: Have you ever received any or been notified that
25 you were going to receive any recognition or awards

1 as Judge?

2 JUDGE HUMPHREY: I recently received a letter from the Indiana State
3 Bar Association that the young lawyer section had
4 selected me as Judge of the Year for the State of
5 Indiana.

6 MR. NEGANGARD: I'll show you what's marked for identification as
7 State's Exhibit 205 and ask if you can identify that.

8 JUDGE HUMPHREY: That is the letter which I referred to from the
9 Indiana State Bar Association.

10 MR. NEGANGARD: And that's indicating that you're the recipient this
11 year of the Outstanding Judge Award?

12 JUDGE HUMPHREY: That's what it indicates.

13 MR. NEGANGARD: Thank you. I would move to admit State's Exhibit
14 205 your honor.

15 COURT: Mr. Barrett?

16 MR. BARRETT: We would object as to relevance Judge?

17 MR. NEGANGARD: May we approach?

18 COURT: Yes, counsel please. What's your response Mr.
19 Negangard?

20 MR. NEGANGARD: I believe it's relevant your honor because part of the
21 Defendant's accusations against the Judge is the
22 veracity of his statements is relevant, uh, you know,
23 whether the judge is a child abuser or criminal, evil
24 and vindictive, it's the State's position that's
25 relevant because lies are not protected speech and

1 therefore the fact that he was recognized for the
2 Outstanding Judge Award by the young lawyers
3 section would be relevant to show that he's a highly
4 recognized judge across the State and is not any of
5 these things the Defendant claims he is.
6 MR. BARRETT: (inaudible).
7 COURT: I'm going to sustain the objection and I'm going to
8 find it irrelevant.
9 MR. NEGANGARD: Now um, prior to becoming judge, could you tell
10 the jury and court about your career?
11 JUDGE HUMPHREY: I graduated law school in 1983 from Indiana
12 University in Bloomington and shortly after that and
13 I believe it was December of 1984, I became a
14 Deputy Prosecuting Attorney for the Dearborn and
15 Ohio Counties. I then became the elected
16 Prosecuting Attorney for Dearborn and Ohio
17 counties in January of 1987 and served two (2)
18 terms. I then returned to private practice and then
19 again as I've indicated I became Circuit Court Judge
20 in 1999.
21 MR. NEGANGARD: Um, so how long were you a prosecutor?
22 JUDGE HUMPHREY: Counting my, as Prosecuting Attorney, elected
23 Prosecuting Attorney, two (2) terms, that would be
24 eight (8) years and I was also a Deputy Prosecuting
25 Attorney for approximately two (2), two and a half

1 (2 ½) years.

2 MR. NEGANGARD: So how many years would you say you've been in
3 public service serving the community of Dearborn
4 and Ohio counties?

5 JUDGE HUMPHREY: A little over twenty (20) years.

6 MR. NEGANGARD: And did you um, ever become involved as Judge in
7 the case of IN RE: The Marriage of Melissa
8 Brewington and Daniel Brewington?

9 JUDGE HUMPHREY: I did.

10 MR. NEGANGARD: And how did you become involved in that case?

11 JUDGE HUMPHREY: I was appointed as Special Judge in that matter in I
12 believe it was December 2008.

13 MR. NEGANGARD: I'm showing you what's marked for identification as
14 State's Exhibit 120 and ask if you recognize that.

15 JUDGE HUMPHREY: This is a certified copy of the order naming me as
16 Special Judge in the matter of Brewington vs.
17 Brewington, December 17, 2008.

18 MR. NEGANGARD: Your honor, at this time I would move to admit
19 State's Exhibit 120.

20 COURT: Any objection?

21 MR. BARRETT: No objection your honor.

22 COURT: I'll show State's 120 offered and admitted.

23 MR. NEGANGARD: And uh upon being appointed, did you set a final
24 hearing in the matter?

25 JUDGE HUMPHREY: I did.

1 MR. NEGANGARD: When did you set that final hearing for?

2 JUDGE HUMPHREY: I don't recall the exact date. It was the end of May,
3 2009.

4 MR. NEGANGARD: I'll show you a document, would you wanted to see
5 a CCS entry? Would that refresh your memory of
6 the exact date?

7 JUDGE HUMPHREY: It should.

8 MR. NEGANGARD: I'll show you that document. Does that refresh your
9 memory as to the exact date of the final hearing?

10 JUDGE HUMPHREY: It does. The CCS entry scheduling final hearing
11 May 27, 2009 at 9:00.

12 MR. NEGANGARD: Thank you. Now did you have any, were there
13 pending motions to deal with upon accepting the
14 appointment?

15 JUDGE HUMPHREY: There were and I believe there were also some
16 motions filed after that time, after my initial
17 appointment.

18 MR. NEGANGARD: I'll show you what's marked for identification as
19 State's Exhibit 206. Had the Defendant in that case
20 issued a subpoena to Judge, or did Mr. Brewington
21 issue a subpoena to Judge Taul in that case?

22 JUDGE HUMPHREY: Yes.

23 MR. NEGANGARD: And at that time was Mr. Brewington representing
24 himself prose?

25 JUDGE HUMPHREY: He was.

1 MR. NEGANGARD: I'm showing you what's marked for identification as
2 State's Exhibit 121. Did the Attorney General file a
3 motion to quash this?
4 JUDGE HUMPHREY: The Attorney General's office for the State of
5 Indiana did.
6 MR. NEGANGARD: Attorney General's represent the Judges in issues
7 that pertain to them. Is that correct?
8 JUDGE HUMPHREY: That's correct.
9 MR. NEGANGARD: And was a response filed by Mr. Brewington um, to
10 that motion to quash?
11 JUDGE HUMPHREY: It was as is reflected in Exhibit 123.
12 MR. NEGANGARD: And did you issue an order?
13 JUDGE HUMPHREY: I recall that I did.
14 MR. NEGANGARD: I'm showing you State's Exhibit 124. Is that the
15 order that you issued in that case?
16 JUDGE HUMPHREY: This is a copy of the order.
17 MR. NEGANGARD: Now um, how, do you recall how Mr. Brewington
18 responded to the fact that, well let me ask you this.
19 Why did you feel that uh, why did you grant the
20 motion to quash the subpoena in regards to Judge
21 Taul?
22 JUDGE HUMPHREY: Well it appeared to me that Mr. Brewington was
23 attempting to call a former Judge in the case to elicit
24 testimony from him about the case which is
25 completely inappropriate and I felt that the Attorney

1 General's arguments in their motion were correct
2 and that's why I granted the motion. I quashed the
3 subpoena.
4 MR. NEGANGARD: How did the Defendant respond to um, your order
5 quashing the subpoena? Do you recall?
6 JUDGE HUMPHREY: I don't recall specifically.
7 MR. NEGANGARD: I'm showing you what's marked as State's Exhibit
8 125, the motion to reconsider filed by the
9 Defendant. Do you recall that?
10 JUDGE HUMPHREY: This is again, a motion filed by Mr. Brewington to
11 reconsider the ruling that I made quashing the
12 subpoena to Judge Taul.
13 MR. NEGANGARD: Had he also petitioned to find Angela Loechel in
14 contempt?
15 JUDGE HUMPHREY: Mr. Negangard that I do not recall.
16 MR. NEGANGARD: Did he file a Motion in Limine?
17 JUDGE HUMPHREY: He did.
18 MR. NEGANGARD: In an effort to exclude Dr. Connor's testimony?
19 JUDGE HUMPHREY: Uh, my memory is that he did.
20 MR. NEGANGARD: And State's Exhibit 206, is that a copy of that
21 motion?
22 JUDGE HUMPHREY: This is a copy of a Motion in Limine which was
23 filed. There may have been others of the same
24 nature.
25 MR. NEGANGARD: Did you recall that he frequently filed motions in

1 limine in an effort to exclude Dr. Connor's
2 testimony?

3 JUDGE HUMPHREY: I don't recall if they were specifically termed
4 motions in limine but I know that there were
5 multiple motions and arguments made regarding
6 excluding Dr. Connor's testimony.

7 MR. NEGANGARD: And you would rule on those motions?

8 JUDGE HUMPHREY: I did.

9 MR. NEGANGARD: And what would be his response when you ruled on
10 the motions, would he accept that and move on or
11 would he continue to make motions?

12 JUDGE HUMPHREY: My memory is that there were just more motions.

13 MR. NEGANGARD: Did he attempt to...I'm showing you what's marked
14 as State's Exhibit 116 and that's a contempt citation
15 for Dr. Connor. Did he attempt to have Dr. Connor
16 found in contempt?

17 JUDGE HUMPHREY: Mr. Negangard, I believe that this was prior to my
18 appointment in the case. The document so indicates
19 it, but I believe this was before I took over the case
20 in December of 2008. This was filed in September
21 of 2008.

22 MR. NEGANGARD: Was that issue still pending at that time when you
23 took over the case?

24 JUDGE HUMPHREY: That I do not recall.

25 MR. NEGANGARD: Did you set a hearing on pending motions based on

1 a number of motions in this case?

2 JUDGE HUMPHREY: I did.

3 MR. NEGANGARD: I'll show you what's marked as State's Exhibit 126

4 and ask if you can identify that.

5 JUDGE HUMPHREY: This is a Motion for Mistrial filed by Mr.

6 Brewington.

7 MR. NEGANGARD: Was there anything peculiar about getting a Motion

8 for Mistrial? When was that filed?

9 JUDGE HUMPHREY: It was filed April 16, 2009.

10 MR. NEGANGARD: Was there anything peculiar about when that motion

11 was filed?

12 JUDGE HUMPHREY: Well the unusual thing is we hadn't had the trial yet.

13 MR. NEGANGARD: So it wasn't really an appropriate motion.

14 JUDGE HUMPHREY: No, again, this is a Motion for Mistrial prior to

15 having the trial.

16 MR. NEGANGARD: Did you receive a number of pro se motions in this

17 matter?

18 JUDGE HUMPHREY: Yes.

19 MR. NEGANGARD: And when you denied the motions did that end it or

20 were they frequently brought up again?

21 JUDGE HUMPHREY: They were frequently brought up again both in

22 writing and by subsequent oral motions in court.

23 MR. NEGANGARD; I'll show you what's marked for identification as

24 State's Exhibit 127. It's a motion filed by Petitioner

25 and her counsel, Angela Loechel. Do you recall that

1 motion?

2 JUDGE HUMPHREY: I do.

3 MR. NEGANGARD: And what was the request made by, in that motion?

4 JUDGE HUMPHREY: The request as I recall was a request for a

5 restraining order and requesting an order from me

6 prohibiting certain conduct by Mr. Brewington and

7 it was regarding trying to stalk his web-site as I

8 recall.

9 MR. NEGANGARD: And when was that filed?

10 JUDGE HUMPHREY: The filing date on this is April 26, 2009.

11 MR. NEGANGARD: Now just before that in State's Exhibit 126, we

12 referred to the Motion for Mistrial that he filed

13 before the trial. Correct?

14 JUDGE HUMPHREY: Correct.

15 MR. NEGANGARD: And directing your attention to page 20 of the

16 document your honor.

17 JUDGE HUMPHREY: Which exhibit counsel?

18 MR. NEGANGARD: 126.

19 JUDGE HUMPHREY: I'm sorry; it was page twenty (20)?

20 MR. NEGANGARD: I believe so.

21 JUDGE HUMPHREY: I don't believe that exhibit has twenty (20) pages

22 counsel.

23 MR. NEGANGARD: Um, on the Motion for the temporary, I'm sorry

24 your honor, I'll have to deal with that through a

25 different exhibit. On that Motion for temporary

1 COURT: Okay.

2 MR. BARRETT: (inaudible).

3 MR. NEGANGARD: Well I need to point out why it's relevant. It's

4 relevant because it's an admission of the Defendant

5 that he has accepted responsibility for his blog

6 postings.

7 COURT: I'm looking at a document there that looks like it

8 could be thirty (30) or forty (40) pages long. I don't

9 know, I think they have a little latitude to go into it,

10 not to read a few pages but maybe to point out a few

11 things. I'll overrule the objection.

12 MR. NEGANGARD: And um, page 7 of that document, if you could just

13 read starting with the Respondent accepts full legal

14 liability?

15 JUDGE HUMPHREY: Would you like me to read it to myself or read it out

16 loud?

17 MR. NEGANGARD: Read it out loud please your honor.

18 JUDGE HUMPHREY: That section reads: The Respondent accepts full

19 legal liability for any of the Respondent's writings

20 and any publications regarding Dr. Connor, former

21 attorneys and misconduct of prior judges and/or

22 public officials are subject to separate litigation if

23 the parties mention and deem the writings to be

24 slanderous and/or defaming.

25 MR. NEGANGARD: Now did you rule on this motion, on the Motion in

1 Limine and Motion to Dismiss? Or did you rule on
2 the Motion for a temporary restraining order?
3 JUDGE HUMPHREY: Exhibit 127, the Motion for Temporary Restraining
4 Order filed by Petitioner, Melissa Brewington, I did
5 rule on that.
6 MR. NEGANGARD: And did you deny that?
7 JUDGE HUMPHREY: I denied the motion.
8 MR. NEGANGARD: I'm showing you State's Exhibit 130. Is that a copy
9 of the, a certified copy of that order?
10 JUDGE HUMPHREY: Yes.
11 MR. NEGANGARD: And did you advise um, did you deny with a caveat
12 or did you give an explanation for your denial?
13 JUDGE HUMPHREY: The first thing I did, was I denied the motion and
14 then I went on to provide some additional
15 comments regarding the issues involved.
16 MR. NEGANGARD: And what were those comments?
17 JUDGE HUMPHREY: My additional comments were that although I was
18 denying the motion, that at the final hearing, I may
19 take into consideration regarding my decision on
20 visitation and custody how these actions regarding
21 this public dissemination of information might
22 affect the best interests of the children, both now,
23 meaning at that time and in the future.
24 MR. NEGANGARD: Now on April, thank you your honor. So you
25 denied, he was allowed to post things on the

1 internet, but he had to understand there could be,
2 that that could be relevant in your determination of
3 custody.

4 JUDGE HUMPHREY: Correct.

5 MR. NEGANGARD: Now on April 29, 2009, a final hearing was held. Is
6 that correct?

7 JUDGE HUMPHREY: Uh, counsel I believe it was May.

8 MR. NEGANGARD: Oh, I'm sorry. There was a hearing on pending
9 motion on April 29th.

10 JUDGE HUMPHREY: I believe that's correct.

11 MR. NEGANGARD: And could you describe the Defendant's demeanor
12 during that hearing?

13 JUDGE HUMPHREY: Counsel, it's almost, it's very difficult to describe.
14 I've never seen anything quite like it in all my years
15 of practice and as a Judge. It was, as I recall, a very
16 lengthy hearing, constant rehashing of this almost
17 obsession with Dr. Connor, uh, I recall specifically
18 at the end of that hearing, I had to threaten Mr.
19 Brewington with contempt of court because of him
20 slamming things on the table, actually the exact
21 same table where he is right now. Uh, it was quite
22 an experience.

23 MR. NEGANGARD: So um, did you have trouble getting him to act
24 appropriately during that hearing?

25 JUDGE HUMPHREY: I recall I did.

1 MR. NEGANGARD: Did he um, did he file, after denying the motion that
2 he made, would he re-file the motion orally?
3 Would he ask for it again right after you denied it?
4 JUDGE HUMPHREY: It's been a while Mr. Negangard, but as I recall
5 again the Motion that kept being repeated, and
6 repeated and repeated was the Motion in Limine to
7 try to exclude Dr. Connor's testimony.
8 MR. NEGANGARD: And you denied that motion?
9 JUDGE HUMPHREY: I did and if I recall, and I might be mixing the
10 beginning of the final hearing and this motion
11 hearing, but as I recall at one time, there was some
12 calculation, this may have been brought up
13 approximately fifteen (15) times.
14 MR. NEGANGARD: So he had trouble taking no as an answer. Is that
15 fair to say?
16 JUDGE HUMPHREY: I think that's a fair statement.
17 MR. NEGANGARD: Even if that person was a judge?
18 JUDGE HUMPHREY: I would say that's correct.
19 MR. NEGANGARD: I'm showing you State's Exhibit 207. Is that your
20 order denying his motion in limine in writing or one
21 of them?
22 JUDGE HUMPHREY: That is correct.
23 MR. NEGANGARD: Now did he file a, after you had your hearing on
24 pending motions on April 29, 2009, it was still set
25 for final hearing on May 27, 2009. Is that correct?

1 JUDGE HUMPHREY: Yes.

2 MR. NEGANGARD: And I'm showing you what's marked as State's
3 Exhibit 208. Did he try to continue that final
4 hearing?

5 JUDGE HUMPHREY: Yes. This is a written motion to continue the final
6 hearing filed May 11, 2009. I also recall that there
7 were, I believe, more than one (1) oral motions in
8 the courtroom attempting to continue it.

9 MR. NEGANGARD: And in that motion to continue final hearing, I'm
10 directing your attention to the first attachment.

11 JUDGE HUMPHREY: Uh, counsel, I have turned to what is marked as an
12 Exhibit A, a letter from Connor and Associates.

13 MR. NEGANGARD: Is there a letter attached to that where Dr. Connor is
14 um, threatened?

15 JUDGE HUMPHREY: There is a letter attached to Dr. Connor, appears to
16 be threatening, threatening in nature.

17 MR. NEGANGARD: Now again um, another motion for mistrial was
18 filed on May 6, 2009. Is that correct?

19 JUDGE HUMPHREY: Yes. This is a written motion filed May 6, 2009.

20 MR. NEGANGARD: And again this is the second motion for a mistrial
21 that has been filed before the trial.

22 JUDGE HUMPHREY: This is at least the second. I just don't recall if there
23 were others before that time or not.

24 MR. NEGANGARD: Okay, there's two (2) in front of you at this point
25 and those were prior to the final hearing. Is that

1 correct?

2 JUDGE HUMPHREY: That's correct.

3 MR. NEGANGARD: And on this motion for mistrial that was filed May

4 6, 2009, would you turn to page twenty (20) of that

5 exhibit?

6 JUDGE HUMPHREY: If I've counted correctly, I think I found page twenty

7 (20).

8 MR. NEGANGARD: On the second paragraph of that page, he indicates

9 that as a majority of my web content deals with the

10 unethical or illegal conduct of Dr. Connor, Judge

11 Humphrey should have excused himself because the

12 information on my web-site and blog has a

13 significant impact on Judge Humphrey as Dr.

14 Connor is often appointed by Judge Humphrey to

15 conduct child custody evaluations for divorces in

16 Dearborn County. He makes note of that in that

17 motion. Is that correct?

18 JUDGE HUMPHREY: Uh, that's what it says except it says Judge

19 Humphrey should have recused himself. I think you

20 indicated excused which means the same thing.

21 MR. NEGANGARD: Okay. Now in this case, Dr. Connor wasn't

22 appointed by you to conduct a child custody

23 evaluation, was he?

24 JUDGE HUMPHREY: He was not. It was my understanding that he was

25 agreed upon by the parties – both Mr. and Mrs.

1 Brewington.

2 MR. NEGANGARD: Have you used Dr. Connor for child custody
3 evaluations?

4 JUDGE HUMPHREY: Have I?

5 MR. NEGANGARD: Yes.

6 JUDGE HUMPHREY: He has been appointed numerous times, most times
7 by agreement of the parties in the cases that I've
8 handled here in Dearborn and in Ohio counties.

9 MR. NEGANGARD: In fact, he's often used by the members of the bar as
10 an agreed upon person to conduct a child custody
11 evaluation.

12 JUDGE HUMPHREY: That's correct.

13 MR. NEGANGARD: In your experience with dealing with Dr. Connor,
14 have you found him to do a thorough job?

15 JUDGE HUMPHREY: My experience is he does a thorough job. I haven't
16 always followed his recommendations but I always
17 agree with the thoroughness of his presentation and
18 his preparation.

19 MR. NEGANGARD: And you don't always agree with everything Dr.
20 Connor has recommended. Is that correct?

21 JUDGE HUMPHREY: That's correct.

22 MR. NEGANGARD: But he always is thorough and professional in a
23 manner that he conducts himself.

24 JUDGE HUMPHREY: That's been my experience.

25 MR. NEGANGARD: And if I could direct your attention to a couple more

1 pages, um, the third paragraph that starts "I expect".
2 Have you found that your honor?
3 JUDGE HUMPHREY: Is that the same page?
4 MR. NEGANGARD: No that would be two (2) pages from the one we
5 just read, the third paragraph down - the third
6 paragraph down in the middle of the paragraph; if
7 Judge Humphrey files a restraining order forcing me
8 to take down my internet content, please be advised
9 that I have no intentions of doing that. Is that in that
10 same motion filed by the Defendant?
11 JUDGE HUMPHREY: That's what it says and again this is Exhibit 129,
12 Motion for Mistrial filed May 6, 2009.
13 MR. NEGANGARD: Again the Defendant is demonstrating that he has no
14 intention on following the Court's orders in these
15 cases.
16 MR. BARRETT: To which we'll object Judge. It's calling for
17 conclusion that's not relevant to our...
18 COURT: I'll sustain that objection.
19 MR. NEGANGARD: Does he indicate um, referring to the previous time
20 um, if you could go back, your honor, to the part
21 where Judge Humphrey should have recused
22 himself. It should be a couple pages before that.
23 JUDGE HUMPHREY: Two (2) pages back?
24 MR. NEGANGARD: Yes your honor.
25 JUDGE HUMPHREY: Okay, I have it.

1 MR. NEGANGARD: Does he imply that you're staying on the case and
2 Dr. Connor staying on the case could lead to
3 litigation nightmare for Judge Humphrey and the
4 County of Dearborn as any criminal and/or civil
5 case Dr. Connor has been or is involved with could
6 be subject to scrutiny?

7 JUDGE HUMPHREY: That's what it says.

8 MR. NEGANGARD: Now um, after that, does he file another motion for
9 a change of judge? I'm showing you what's marked
10 as State's Exhibit 132.

11 JUDGE HUMPHREY: State's Exhibit 132 is a Motion for Change of Judge
12 filed May 18, 2009.

13 MR. NEGANGARD: And in that motion, is he essentially saying that if
14 you don't recuse yourself from the case, you've
15 denied him his constitutional rights because you're
16 protecting Dr. Connor?

17 JUDGE HUMPHREY: That appears to be what he says.

18 MR. NEGANGARD: And I'm showing you what's marked as State's
19 Exhibit 137. Did you deny that motion for change
20 of judge?

21 JUDGE HUMPHREY: I did. State's Exhibit 137, motion, or excuse me,
22 Order Denying Motion for Change of Judge filed
23 May 29, 2009.

24 MR. NEGANGARD: And then you had way back when you first took the
25 case, you had granted the Motion to Quash the

1 Subpoena of Judge Taul. Is that correct?

2 JUDGE HUMPHREY: Correct.

3 MR. NEGANGARD: Now um, did the Defendant also file on May 21,
4 2009, a Motion to Withdraw an Appearance?

5 JUDGE HUMPHREY: Exhibit 134 is a Motion to Withdraw Appearance
6 filed I believe this is May, I think it's May 21st, yes
7 that's correct.

8 MR. NEGANGARD: Was there anything concerning about that motion?

9 MR. BARRETT: To which we'll object Judge. I'm not even sure
10 what the question is. Concerning to whom and with
11 regard to what?

12 COURT: Clarify that question.

13 MR. NEGANGARD: On that Motion to Withdraw Appearance, what was
14 his request? What was he asking for?

15 JUDGE HUMPHREY: I believe this is the motion in which he was saying
16 that although he was representing himself that he
17 wasn't competent to represent himself because he
18 had ADHD.

19 MR. NEGANGARD: And did he attach a letter from Dr. Connor as
20 Exhibit G in that?

21 JUDGE HUMPHREY: There are multiple letters it appears from Dr.
22 Connor and there is an Exhibit G attached another
23 letter from Dr. Connor.

24 MR. NEGANGARD: Is there also an Exhibit H, the last one.

25 JUDGE HUMPHREY: Yes.

1 MR. NEGANGARD: And referring to the second paragraph of that, um,
2 Dr. Connor states that it is Mr. Brewington who is
3 potentially dangerous given his profile and behavior
4 thus far.

5 JUDGE HUMPHREY: That is correct. That is contained in Exhibit H
6 attached to State's Exhibit 134.

7 MR. NEGANGARD: And he filed another motion, State's Exhibit, I
8 mean, before we move on, on State's Exhibit 134,
9 how would you withdraw, how could you grant him
10 withdrawing from representing himself when he
11 was choosing to represent himself prose?

12 JUDGE HUMPHREY: I don't know.

13 MR. NEGANGARD: And is it fair to say you received voluminous pro se
14 motions frequently bringing up the same issues over
15 and over um during this period of time?

16 JUDGE HUMPHREY: That's correct.

17 MR. NEGANGARD: And even after denying them, he would bring up the
18 same issues in different motions in different ways.

19 JUDGE HUMPHREY: That's correct.

20 MR. NEGANGARD: And in fact that brings up the motion filed by the
21 Defendant in this case also as State's Exhibit 133.
22 What's that motion?

23 JUDGE HUMPHREY: Exhibit, State's Exhibit 133 is Respondent's Motion
24 to Reconsider or to Certify the Court's Order of
25 May 14, 2009 on Respondent's Motion in Limine

1 and Motion for Mistrial.

2 MR. NEGANGARD: So this again, he's trying to rehear the issues that

3 you've already decided in this matter.

4 JUDGE HUMPHREY: That's correct.

5 MR. NEGANGARD: I'm showing you State's Exhibit 135. Did the

6 defense, or did Angela Loechel file a response um,

7 to Defendant's Motion to Reconsider?

8 JUDGE HUMPHREY: This is Petitioner's response to that motion.

9 MR. NEGANGARD: Now I would direct your attention to Attachment A

10 or Exhibit A of that document.

11 JUDGE HUMPHREY: I have it.

12 MR. NEGANGARD: Is that a posting from Dan Brewington's blog site,

13 Dan's Adventure in Taking on Family Courts?

14 JUDGE HUMPHREY: Uh, yes.

15 MR. NEGANGARD: And if you could, it says uh, about me, and it's got a

16 picture of Dan Brewington at the time, if you could

17 read um, the about me section of that document out

18 loud please.

19 JUDGE HUMPHREY: Beginning at the top?

20 MR. NEGANGARD: Yes.

21 JUDGE HUMPHREY: It says about me, there's a photograph and it says

22 Dan Brewington. It says I have been involved in a

23 divorce and child custody proceeding for over two

24 (2) years. My main objective is to ensure that my

25 children have the ability to grow up spending equal

1 time with both parents. This isn't your "standard
2 divorce" as it contains wild twists and turns. I have
3 designed this blog to help inform people about the
4 dangers of the family court system and the
5 "professionals" who are involved. I have been
6 representing myself for the past year. I have been
7 through two (2) lawyers and a crooked custody
8 evaluation. I got the former judge in my case to
9 recuse himself because of the ex-parte
10 communications he had with the custody evaluator
11 and it goes on and on. I didn't set out to take on the
12 system. The system took me on. Sit back, grab a
13 bucket of popcorn and enjoy. I'm here to inform
14 but I also like to entertain. I don't want people to
15 feel sorry for me because there are many other
16 people in life whose circumstances are much worse
17 than mine who don't have the resources, vision time
18 and (possibly stupidity) etc., to take on the system
19 like I have. I could ramble on but that's what the
20 blog is for. Thanks for stopping by and it says view
21 my complete profile.

22 MR. NEGANGARD: So he basically, he says sit back, grab a bucket of
23 popcorn and enjoy. I'm here to inform but I also
24 like to entertain.

25 MR. BARRETT: Judge, that's repetitious your honor.

1 MR. NEGANGARD: I'll withdraw the question. Um, if you could,
2 referring to Exhibit B in that document, that's the
3 letter he sent to um, the State of Kentucky or claims
4 to have sent to the State of Kentucky. Is that
5 correct? A blog posting – Dan's adventure in taking
6 on family courts – letter to the State of Kentucky?
7 JUDGE HUMPHREY: That's what it says.
8 MR. NEGANGARD: And uh, again this is the week, a few days before
9 the final hearing is scheduled to take place in this
10 matter. Is that correct?
11 JUDGE HUMPHREY: That's correct.
12 MR. NEGANGARD: And he's posting on the blog, um, and he says um,
13 directing yourself to the last sentence of the second
14 big paragraph, um, where it says Judge Humphrey
15 um, do you see that one? Judge Humphrey is
16 aware, or I'm sorry, direct yourself to the part where
17 it says Judge Humphrey is aware that Dr. Connor is
18 a liar.
19 JUDGE HUMPHREY: Uh, I see that there. That's not the beginning of the
20 sentence if I'm reading the correct spot.
21 MR. NEGANGARD: Oh I'm sorry. No, you're in the correct spot. It was
22 a long sentence, I'm sorry. So do you see in that
23 document where it says Judge Humphrey is aware
24 that Dr. Connor is a liar?
25 JUDGE HUMPHREY: Yes.

1 MR. NEGANGARD: Judge, in all your years in working with Dr. Connor,
2 have you ever known him to be a liar?

3 JUDGE HUMPHREY: No.

4 MR. NEGANGARD: And um, did you also see where it says Judge
5 Humphrey could be subject to disciplinary action?

6 JUDGE HUMPHREY: Yes.

7 MR. NEGANGARD: And that was on May 21, 2009?

8 JUDGE HUMPHREY: That's the date indicated.

9 MR. NEGANGARD: Okay. And that was from State's Exhibit 135. Is
10 that correct?

11 JUDGE HUMPHREY: That's correct.

12 MR. NEGANGARD: Now the proceedings, did those start on May 27,
13 2009?

14 JUDGE HUMPHREY: It is my recollection that they did.

15 MR. NEGANGARD: And did um, during the course of those hearings,
16 did the Defendant file in writing a Motion for
17 Mistrial, an amended Motion for Mistrial, marked
18 as State's Exhibit 138 and 139?

19 JUDGE HUMPHREY: State's Exhibit 138 is a Motion for Mistrial filed
20 May 29, 2009. Exhibit 139 is an amended Motion
21 for Mistrial filed June 1, 2009. It's my memory that
22 this final hearing took place over I believe it was
23 three (3) days within this period of time.

24 MR. NEGANGARD: So the hearing took place three (3) days. Why did
25 that, is that unusual for a final hearing to take that

1 long?

2 JUDGE HUMPHREY: The answer is yes. I mean I've had some that have
3 been lengthy but I don't think I've ever had one
4 quite like this.

5 MR. NEGANGARD: Um, during the course of that hearing, did the
6 Defendant re-raise motions that have already been
7 denied a number of times?

8 JUDGE HUMPHREY: Yes.

9 MR. NEGANGARD: Did he um, did you have to take any special
10 precautions based upon the behavior of the
11 Defendant, Daniel Brewington during this final
12 hearing?

13 JUDGE HUMPHREY: I threatened him with contempt multiple times and I
14 had a police officer in the courtroom behind him
15 during the entire proceedings as I recall.

16 MR. NEGANGARD: Did he ever become loud and disrespectful to the
17 court?

18 JUDGE HUMPHREY: Several times. I recall one time in particular toward
19 the beginning of the trial in which he, after I denied
20 again one of his repetitive motions, as I recall he
21 slammed his fist on that table and screamed out "I
22 demand justice".

23 MR. NEGANGARD: So you had to have a deputy in the courtroom
24 during the course of the final hearing because of the
25 Defendant's conduct during that time?

1 JUDGE HUMPHREY: I did. The first time I ever remember doing that in a
2 final hearing.

3 MR. NEGANGARD: You've never had to do that before in a final
4 hearing?

5 JUDGE HUMPHREY: Not that I recall.

6 MR. NEGANGARD: I'm showing you what's already been admitted as
7 State's Exhibit 140 and ask if you recognize that.

8 JUDGE HUMPHREY: I recognize it. It's a copy of the Judgment and Final
9 Order of Decree of Dissolution of Marriage filed in
10 this cause of action in the dissolution.

11 MR. NEGANGARD: And when was that order issued?

12 JUDGE HUMPHREY: The file stamp date is August 18, 2009 and the order
13 was signed on the 17th of August, 2009.

14 MR. NEGANGARD: And so it took you a few months after hearing the
15 evidence in the final hearing to complete your order.
16 Is that fair?

17 JUDGE HUMPHREY: That's correct.

18 MR. NEGANGARD: And why did it take three (3) months or a couple of
19 months?

20 JUDGE HUMPHREY: The record was voluminous. The, uh, again, this
21 matter took three (3) days to hear and I took
22 extensive time to prepare and review and cite in my
23 order uh, to the record the evidence and testimony
24 that was presented to support what I decided. I took
25 a lot of time.

1 MR. NEGANGARD: Did Dr. Connor testify at that final hearing?

2 JUDGE HUMPHREY: He did.

3 MR. NEGANGARD: Now referring to, you made several findings in that
4 document. Is that correct?

5 JUDGE HUMPHREY: That's correct.

6 MR. NEGANGARD: Referring to 8J, I believe it's on page 5 of your
7 order.

8 JUDGE HUMPHREY: I have counsel.

9 MR. NEGANGARD: Um, you make a finding that joint custody is
10 inappropriate giving the findings of the custodial
11 evaluation, the addendum, the testimony of the
12 parties and Dr. Connor, the Court's file in this
13 action and the Respondent's actions in the court.
14 The husband has severe attention deficit disorder
15 that affects his ability to focus and concentrate. He
16 rambles and forgets and is given impulsive and
17 incoherent thought. Husband could not
18 communicate with mother the skills necessary to
19 conduct joint custody. Is that one of the findings?

20 JUDGE HUMPHREY: It is.

21 MR. NEGANGARD: Um, you referred to the Respondent's actions in the
22 Court was part, went into part of your finding here.
23 What sort of actions in Court are you referring to?

24 MR. BARRETT: To which we'll object Judge. We've been
25 through...asked and answered.

1 COURT: I'll sustain.

2 MR. NEGANGARD: Okay, um, also in finding K, you said Dr. Connor's
3 testimony indicates that he has, Dr. Connor testified
4 that Mr. Brewington had a degree of psychological
5 disturbing that is concerning and does not lend itself
6 to proper parenting. Is that correct?

7 JUDGE HUMPHREY: Correct.

8 MR. NEGANGARD: And Dr. Connor testified and you made note of this
9 that the Respondent is paranoid, manipulative,
10 exhibits a manic-like existence, is unwilling to
11 accept responsibility for his behavior, is self-
12 centered, has difficulty seeing an issue from
13 another's prospective, likes to do things on his own
14 as opposed to being more cooperative and
15 compromising when needed and does not handle
16 criticism well. You said most of these behaviors
17 were exhibited by Respondent at some time during
18 the hearings before this court. Is that correct?

19 JUDGE HUMPHREY: That's correct.

20 MR. NEGANGARD: So all those things that Dr. Connor indicated
21 described the Respondent, you observed um, most
22 of those behaviors during the hearing.

23 JUDGE HUMPHREY: I saw it in the hearing, I saw it in the final hearing, I
24 saw it in the pre-trial hearing and I saw in the
25 pleadings that were filed.

1 MR. NEGANGARD: You also make a finding that according to Dr.
2 Connor's testimony, husband's writings are similar
3 to those of individuals who have committed
4 horrendous crimes against their families.
5 MR. BARRETT: To which we'll object Judge. We've been through
6 this, this morning.
7 MR. NEGANGARD: Your honor, this is...
8 MR. BARRETT: Can we approach Judge?
9 COURT: Yes.
10 MR. BARRETT: (inaudible).
11 MR. NEGANGARD: Dr. Connor, I'm not familiar what document we
12 attempted to get in that was sustained that had this
13 information and this exhibit's already been entered.
14 It was admitted to the Court.
15 COURT: Right. This is fine. I'll overrule the objection.
16 MR. NEGANGARD: You made a finding that Dr. Connor testified to that.
17 Is that correct?
18 JUDGE HUMPHREY: That is correct that his writings were similar to
19 those of individuals who have committed
20 horrendous crimes against their families.
21 MR. NEGANGARD: During the course of these proceedings referring to
22 finding O, um, he admitted to posting on his
23 Facebook page that this is like playing with gas and
24 fire and anyone who has seen me with gas and fire
25 knows that I'm quite the accomplished pyromaniac.

1 JUDGE HUMPHREY: That's correct.

2 MR. NEGANGARD: And that if he posted, if this court wanted him to
3 take down his internet postings concerning the
4 dissolution, they would have to kill him to stop him.

5 JUDGE HUMPHREY: Correct.

6 MR. NEGANGARD: Now if you could, I'm directing your attention to
7 finding S. If you could read that finding S out loud
8 your honor.

9 JUDGE HUMPHREY: Finding uh...

10 MR. NEGANGARD: Page 8, I believe.

11 JUDGE HUMPHREY: Page 8, excuse me, paragraph 8, subparagraph S and
12 this is on page 8 of the order says the record of this
13 case shows that husband has attempted to intimidate
14 the court, court staff, wife, Dr. Connor and anyone
15 else taking a position contrary to his own. The
16 Court is most concerned about husband's irrational
17 behavior and attacks on Dr. Connor. Frankly it
18 appears that these attacks have been an attempt at
19 revenge for taking a position regarding custody
20 contrary to husband. The Court also finds that
21 husband has made a less than subtle attempt to
22 intimidate attorney Loechel by contacting attorney
23 Loechel's husband regarding weapons training
24 during the pendency of the case. The Court also
25 considers husband's verbal explosion on the first

1 day of the final hearing and the necessity to have a
2 Sheriff's Deputy present in the courtroom for all
3 three (3) days of said hearing. In sum, the Court
4 finds husband to be irrational, dangerous, in need of
5 significant counseling before he can conduct
6 himself as a parent. Husband has stated that he acts
7 in this manner to show his children he is fighting for
8 them. To the contrary, his words and actions show
9 that he is, at least presently unable to conduct
10 himself with the level of maturity necessary to be a
11 parent. Husband would be better served to show
12 how much he can cooperate with wife and the
13 professionals involved for the best interest of his
14 children.

15 MR. NEGANGARD: And uh, so you found that during the course of these
16 proceedings that if anyone who didn't agree and
17 took a position opposite to them, he would attempt
18 to intimidate in some fashion.

19 MR. BARRETT: To which we'll object Judge. We've been through
20 this.

21 MR. NEGANGARD: I'll withdraw the question.

22 COURT: Thank you.

23 MR. NEGANGARD: Now based upon your findings in this case and the
24 ones we testified and also the rest of the findings in
25 the order, did you make a decision with regard to

visitation between Daniel Brewington and his minor children?

3 JUDGE HUMPHREY: I did. First of all, I gave custody of the children to
4 wife and as to visitation. I suspended visitation
5 with Mr. Brewington until such time as he could
6 receive an evaluation to help me determine if it was
7 safe for his children to be with him.

8 MR. NEGANGARD: Referring to page seventeen (17) of that order, you
9 said he shall have visitation with the minor children
10 as follows and then paragraph A sets forth, if you
11 could read that out loud for the jury and the Court.

12 JUDGE HUMPHREY: 4A reads: Respondent shall not be entitled to
13 visitation until he undergoes a mental health
14 evaluation with a mental health care provider
15 approved by the Court. The purpose of this
16 evaluation is to determine if he is possibly a danger
17 to the children, wife or to himself. Further, husband
18 shall follow all recommendations made by mental
19 health care provider.

20 MR. NEGANGARD: And that motion or that finding was based upon all
21 the findings that you made and the evidence that
22 you heard in the final hearing. Is that correct?

23 JUDGE HUMPHREY: That's correct.

24 MR. NEGANGARD: And you didn't terminate his parental rights by this
25 order.

1 JUDGE HUMPHREY: I did not. This was not a termination of parental
2 rights proceeding.

3 MR. NEGANGARD: All that was required for him to get visitation was to
4 get a mental health care provider and that that
5 evaluation show that he's not a danger to himself,
6 his wife or his children.

7 JUDGE HUMPHREY: That's what I was looking for.

8 MR. NEGANGARD: From the time you issued that order in August of
9 2009 to the time you recused yourself from the case
10 I believe in June of 2010, um, had he ever complied
11 with that requirement?

12 JUDGE HUMPHREY: Not to my knowledge.

13 MR. NEGANGARD: And what was the purpose in ordering him to get a
14 mental health evaluation?

15 MR. BARRETT: To which we'll object Judge. We've been through
16 this. The Judge has indicated his ruling.

17 MR. NEGANGARD: I'll withdraw the question. Did the Defendant
18 respond by filing several more pro se motions?

19 JUDGE HUMPHREY: He did.

20 MR. NEGANGARD: I'm showing you what's marked for identification as
21 State's Exhibit 141.

22 JUDGE HUMPHREY: State's Exhibit 141 is a Motion to Clarify and
23 Reconsider filed by Mr. Brewington, uh; file stamp
24 date is August 20, 2009.

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

1 State's Exhibit 142. What motion was that filed by
2 the Defendant?

3 JUDGE HUMPHREY: State's Exhibit 142 file stamped August 24, 2009, is
4 a Motion to Grant Relief from Judgment and Order.

5 MR. NEGANGARD: I'm showing you State's Exhibit 146. What is that
6 document?

7 JUDGE HUMPHREY: State's Exhibit 146 file stamped date September 8,
8 2009, is a Verified Petition for Contempt Citation
9 filed by Mr. Brewington.

10 MR. NEGANGARD: And State's Exhibit 148?

11 JUDGE HUMPHREY: State's Exhibit 148 file stamped October 19, 2009,
12 is Response to Petitioner's Verified Petition for
13 Contempt Citation and Motion to Dismiss. This
14 motion was filed by Mr. Brewington.

15 MR. NEGANGARD: Did the Defendant also appeal your decision?

16 JUDGE HUMPHREY: He did.

17 MR. NEGANGARD: I'm showing you State's Exhibit 209 and ask if you
18 can identify that.

19 JUDGE HUMPHREY: State's Exhibit 209 is the decision of the Indiana
20 Court of Appeals affirming or upholding my
21 decision in the dissolution of marriage in all
22 respects.

23 MR. NEGANGARD: And in that decision upholding your final order and
24 decision, what is a per curiam decision?

25 JUDGE HUMPHREY: It is my understanding a Per curiam decision is the

1 entire Court of Appeals renders the decision.
2 Usually with a decision through the Court of
3 Appeals you would have three (3) judges. It is my
4 understanding this is the entire Court of Appeals.
5 MR. NEGANGARD: And did the Court of Appeals actually commend
6 um, your decision in the Brewington case?
7 JUDGE HUMPHREY: They did.
8 MR. NEGANGARD: Now I would like to go back to State's Exhibit 142
9 and if you could, again that was an exhibit filed by
10 the Defendant on what date?
11 JUDGE HUMPHREY: The file stamp date on State's Exhibit 142 is August
12 24, 2009.
13 MR. NEGANGARD: And if you could, refer to page, directing your
14 attention to page ten (10) of the Motion to Grant
15 Relief from Judgment and Order, the last sentence
16 right before the last paragraph where he says
17 wherefore.
18 JUDGE HUMPHREY: Counsel, excuse me, the last sentence before the
19 wherefore clause?
20 MR. NEGANGARD: Yes. Could you read that for the jury?
21 JUDGE HUMPHREY: It says any person, law enforcement agency, etc.
22 who takes action against the Respondent for
23 protecting the Respondent's children and the public
24 from the child abducting tactics of Judge James
25 Humphrey will be held personally responsible for

1 **their actions.**

2 MR. NEGANGARD: In that, he accuses you of child abducting. Is that
3 correct? Child abducting tactics?

4 JUDGE HUMPHREY: I know that is contained in one of these motions.

5 MR. NEGANGARD: Well I guess what I'm saying is he says and the
6 public from the child abducting tactics of Judge
7 James Humphrey.

8 JUDGE HUMPHREY: That's what he says.

9 MR. NEGANGARD: And he appears to direct that to any law
10 enforcement agency who protects you from the
11 Respondent, from himself, will be held personally
12 responsible for their actions.

13 MR. BARRETT: To which we object Judge. He's read it.

14 COURT: Sustained.

15 **MR. NEGANGARD:** What did he demand in his uh, the wherefore
16 specifically states the demand of the person filing it.
17 What did he demand?

18 JUDGE HUMPHREY: The wherefore clause is the demanding or what
19 you're asking to be done in a pleading and this one
20 says wherefore Daniel P. Brewington, Respondent,
21 pro se demands the Court to relieve the Respondent
22 of any judgment and order in this matter due to
23 fraud on the part of Judge Carl H. Taul, Dr. Edward
24 J. Connor, the Petitioner, opposing counsel and
25 Judge James Humphrey and Respondent calls for

1 the immediate resignation of Judge James D.
2 Humphrey from the bench for the horrendous
3 crimes committed against the Respondent and his
4 children and for all proper relief.

5 MR. NEGANGARD: And attached to that motion um, for relief, Motion
6 to Grant Relief from Judgment and Order, is a letter
7 of some sort prepared by Dan Brewington. Is that
8 correct?

9 JUDGE HUMPHREY: That's correct.

10 MR. NEGANGARD: And um, in this he indicates he, is there anything in
11 this to indicate that, well I'll strike that. Um, in this
12 he describes uh, makes a number of statements
13 describing what he did and how um, unjust your
14 decision was. Is that correct?

15 JUDGE HUMPHREY: Yes.

16 MR. NEGANGARD: And directing your attention to the last page, it says
17 my job is to hold people accountable for doing
18 mean things to my children and my family and to
19 make sure that these people do not have an
20 opportunity to hurt others. And he says copy this
21 letter and send a letter along with your own personal
22 comments and opinions to the ethics and
23 professionalism committee advisor located in
24 Dearborn County, Indiana. Please save a copy of
25 the letters for future use if necessary. Send the

1 information to Heidi Humphrey, 1406 Indian
2 Woods Trail, Lawrenceburg, Indiana, 47025. Feel
3 free to contact me. The time for bullying is over.
4 Please help me to take a stand. Is that correct?
5 JUDGE HUMPHREY: That's what is says.
6 MR. NEGANGARD: Now when you read this, were you disturbed by this
7 motion?
8 JUDGE HUMPHREY: Indeed I was.
9 MR. NEGANGARD: And could you tell the Court and the jury why?
10 JUDGE HUMPHREY: Well first of all, Heidi Humphrey has been my wife
11 for twenty-six (26) years and the address that's read
12 is my home address. As we discussed earlier, I was
13 Prosecuting Attorney for many years in Dearborn
14 and Ohio Counties. I have handled very many
15 difficult and dangerous cases, both as Prosecuting
16 Attorney and as Judge and to have someone print
17 my wife's name and my home address is absolutely
18 ridiculous and goes beyond anything I have ever
19 seen.
20 MR. NEGANGARD: Did you become that not had he put that in a motion
21 but he also posted that on the internet?
22 JUDGE HUMPHREY: I did.
23 MR. NEGANGARD: Now in this internet posting and in this
24 correspondence he indicates that she's the ethics
25 and professionalism committee advisor in Dearborn

1 County, Indiana. Could you explain that to the
2 Court and the jury – ethics?

3 JUDGE HUMPHREY: And as best I can, this, to my knowledge, this was a
4 committee that was comprised of certain judges and
5 I think for a time they also wanted to involve some
6 wives or spouses of judges on the committee to get
7 their perspective on things, I suppose.

8 MR. NEGANGARD: Was it your wife's responsibility to ever handle
9 ethics or disciplinary issues from the uh, of judges
10 or lawyers?

11 JUDGE HUMPHREY: Absolutely not. It's the job of the judicial
12 qualifications commission.

13 MR. NEGANGARD: The judicial qualifications commission handles
14 complaints with regard to judges and complaints
15 with regard to attorneys are handled by who?

16 JUDGE HUMPHREY: The disciplinary commission. That's correct.

17 MR. NEGANGARD: And um, so when you became aware that this was
18 posted on the internet, did you receive any letters?
19 Did your wife receive any letters as a result of this
20 posting?

21 JUDGE HUMPHREY: The answer is yes.

22 MR. NEGANGARD: I'm showing you what's marked for identification as
23 State's Exhibit 71, 87 and 77, 78. Are those copies
24 of correspondence that you received or that your
25 wife received at your house?

1 JUDGE HUMPHREY: That's correct.

2 MR. NEGANGARD: Now um, do you recall at what point you found out
3 there was a criminal investigation regarding the
4 actions taken by Daniel Brewington?

5 JUDGE HUMPHREY: I can't tell you exactly when I found that out. I just
6 don't recall. I did find out but I don't recall exactly
7 when that was.

8 MR. NEGANGARD: Now given the testimony that was presented um, in
9 the findings you made during the final hearing, um,
10 were you concerned by the actions of the
11 Defendant?

12 JUDGE HUMPHREY: Absolutely.

13 MR. NEGANGARD: Did you take any steps to protect yourself as a result
14 of the actions of the Defendant?

15 JUDGE HUMPHREY: Well at that point in time when we first found out
16 about this, one of the things you do is you are
17 vigilant, you keep an eye on what's going on. I
18 have to say that we had a firearm and that firearm
19 had been placed in a closet with a child safety lock
20 ever since our children had been born for their
21 protection and I have to tell you I got it out and it
22 had been locked up so long that it wouldn't even
23 work. I had to get it fixed because I felt that for the
24 safety of my wife and kids, that that was necessary
25 and this is not just involving, I mean the printing of

1 this, of my wife's name and my home address is not
2 just about the Defendant. It is about all those other
3 people I've had to deal with all these years and
4 that's what makes this even worse.

5 MR. NEGANGARD: Did you, your name and phone number is in the
6 phone book. Is that correct?

7 JUDGE HUMPHREY: That's correct.

8 MR. NEGANGARD: But you did not have your address listed in the
9 phone book?

10 JUDGE HUMPHREY: The address has not been listed since I was
11 Prosecuting Attorney to my knowledge.

12 MR. NEGANGARD: And thanks to the Defendant it was now posted for
13 all the world to see.

14 JUDGE HUMPHREY: With the click of a mouse and it's there.

15 MR. NEGANGARD: Now um, were you also familiar that, you were
16 familiar with his internet postings as a result of
17 some of the motions that were before you. Is that
18 correct?

19 JUDGE HUMPHREY: That's correct.

20 MR. NEGANGARD: Um, did you follow, with the exception of this one
21 internet posting; did you follow any of the other
22 internet postings that he um, placed about you after
23 you issued your order?

24 JUDGE HUMPHREY: The only internet postings I've seen were those that
25 had been made part of pleadings filed in the case.

1 MR. NEGANGARD: Okay. Now, at some point you became aware that
2 an investigation, a criminal investigation with
3 regard to the actions of Daniel Brewington was
4 ongoing. Is that correct?

5 JUDGE HUMPHREY: That's correct.

6 MR. NEGANGARD: And at that time you were still the Judge on the
7 case. Is that correct?

8 JUDGE HUMPHREY: That's correct.

9 MR. NEGANGARD: Um, there was a period of time however though that
10 you waited before you recused yourself or excused
11 yourself from the case, um, once you became aware
12 of the criminal investigation, why didn't you recuse
13 yourself right away?

14 JUDGE HUMPHREY: I contacted Adrian Myrie who is counsel for judicial
15 qualifications and discussed the situation with her.
16 She is there to help give advice to judges regarding
17 ethical issues and our decision was to remain on the
18 case because if I recuse myself some other judge
19 would be put on the case and have to deal with the
20 same thing.

21 MR. NEGANGARD: And that was discussed with Adrian Myrie?

22 JUDGE HUMPHREY: Yes it was.

23 MR. NEGANGARD: And so uh you waited to recuse yourself until the
24 appropriate time?

25 JUDGE HUMPHREY: I did. I mean the case was also on appeal which as I

1 remember once the record is certified to the Court
2 of Appeals, then jurisdiction over the case would go
3 to the Court of Appeals at that time.

4 MR. NEGANGARD: Now um, has the Defendant's actions in this case
5 changed your life?

6 JUDGE HUMPHREY: Yes it has.

7 MR. NEGANGARD: Could you tell the jury how?

8 JUDGE HUMPHREY: Well as I've indicated, we now have a firearm
9 prepared in case it's necessary. I would hope it
10 never would be but it is. We installed a burglar
11 alarm system in our house which is on. There have
12 been times based upon other events that we've had
13 police officers sitting outside of our house for a
14 week at a time. We have had, when my wife used
15 to work at the airport, she had to be followed to the
16 airport and there was one occasion where I had to be
17 followed home because of some observations I was
18 made aware. The answer is yes. I notified my
19 children's, my youngest son's high school at the
20 time. I notified the security department at my other
21 son's college. Those are some of the actions that
22 we took.

23 MR. NEGANGARD: Did you notify the Greendale police?

24 JUDGE HUMPHREY: Yes I did. I notified Greendale police which is, I
25 live within the city limits and they've also taken

1 steps to keep an eye on the premises.

2 MR. NEGANGARD: In your twenty (20) plus years of public service as a
3 Prosecutor and Judge, has there ever been an
4 instance where you were put in fear in the manner
5 that Mr. Brewington's actions did?

6 JUDGE HUMPHREY: We had a couple of situations arise but I've never
7 had one in which someone has gone to such lengths
8 to make my home address and a member of my
9 family part of what I have to do here in my job. I've
10 never seen that happen.

11 MR. NEGANGARD: And how many other cases though has this ever
12 come up where you've been placed in fear for your
13 family?

14 JUDGE HUMPHREY: There was a case that I recall when I was prosecutor
15 in which a gentleman had been originally charged
16 with as I recall trying to run someone over at the
17 park in Greendale, at Greendale Park and he
18 subsequently and I believe by letter indicated that he
19 wanted to kill me and rape my wife. I believe he
20 also sent a similar letter to the presiding judge at
21 that time.

22 MR. NEGANGARD: In your years as prosecutor have you had to
23 prosecute murderers, rapists, child molesters, drug
24 dealers and violent criminals?

25 JUDGE HUMPHREY: Correct.

1 MR. NEGANGARD: In your years of Judge, have you had to sentence
2 violent criminals, murderers, rapists, child
3 molesters, drug dealers and violent criminals?
4 JUDGE HUMPHREY: I have.
5 MR. NEGANGARD: Have any of those individuals caused you to take the
6 actions that you've had to take because of the acts
7 of Dan Brewington?
8 JUDGE HUMPHREY: Never.
9 MR. NEGANGARD: Can you identify Dan Brewington for the record
10 please?
11 JUDGE HUMPHREY: Mr. Brewington is seated on as I'm facing the table
12 on the right hand side of defense counsel table next
13 to his attorney and appears to be wearing a uh, I
14 believe it is a blue suit and a striped tie.
15 MR. NEGANGARD: Since the beginning of these divorce proceedings
16 and subsequent to all the motions and internet
17 postings, have you and your family been placed in
18 fear because of the acts of Mr. Brewington?
19 MR. BARRETT: To which we'll object Judge. It invades the
20 prevalence of the jury, it calls for the ultimate
21 conclusion for the jury and...
22 MR. NEGANGARD: Your honor may we approach?
23 COURT: I'm going to overrule that objection.
24 MR. NEGANGARD: You can answer the question.
25 JUDGE HUMPHREY: The answer is yes.

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1 **MR. NEGANGARD:** Your honor the State has no further questions at this
2 time but would reserve the right to recall this
3 witness if necessary.

4 **COURT:** Mr. Barrett do you wish to cross-examine?

5 **MR. BARRETT:** Yes your honor. Thank you. Good afternoon
6 Judge.

7 **JUDGE HUMPHREY:** Good afternoon counsel.

8 **MR. BARRETT:** My name is Bryan Barrett. I'm the attorney that
9 represents Mr. Brewington as you're obviously
10 aware.

11 **JUDGE HUMPHREY:** Counsel, I am having some trouble hearing you.

12 **MR. BARRETT:** I am having trouble hearing in this courtroom too.
13 Um, which is your courtroom I guess, isn't it? My
14 name is Bryan Barrett. I'm the attorney that
15 represents Mr. Brewington.

16 **JUDGE HUMPHREY:** Nice to meet you sir.

17 **MR. BARRETT:** Um, I just have a few questions for you your honor.
18 Um, based on your testimony, you did not file the
19 complaint with the Dearborn County Prosecutor's
20 office.

21 **JUDGE HUMPHREY:** I did not.

22 **MR. BARRETT:** You became aware of it later and were interviewed
23 and involved in the investigation at the request of
24 the Prosecutor's office.

25 **JUDGE HUMPHREY:** Correct.

1 MR. BARRETT: Um, I want to go back to some of the discussion
2 with regards to Mr. Brewington's divorce. Um, in
3 your experience, is it unusual for a person to have
4 more than one attorney during a divorce?

5 JUDGE HUMPHREY: Uh, it's not unusual. It doesn't happen that often. I
6 mean, but it happens enough that I wouldn't say that
7 it's uncommon.

8 MR. BARRETT: Um, the final hearing in this case was continued by
9 you once. Is that right?

10 JUDGE HUMPHREY: Counsel, I don't recall that.

11 MR. BARRETT: Okay. Um, you indicated in your answers to the
12 prosecutor's questions that you warned Mr.
13 Brewington on various occasions um, about the
14 possibility of holding him in contempt.

15 JUDGE HUMPHREY: I did.

16 MR. BARRETT: But you never did that.

17 JUDGE HUMPHREY: I did not.

18 MR. BARRETT: Okay. Um, why didn't you hold him in contempt?
19 That's a strange question to get from an attorney. I
20 understand, but.

21 JUDGE HUMPHREY: Quite frankly counsel, one of the things I was
22 trying...this case had been pending for over two (2)
23 years and it was obvious to me that your client was
24 trying to delay it even further and one of my duties I
25 felt was this case needed to be completed and I felt

1 that would help not make that happen.

2 MR. BARRETT: So to expedite the affairs if you could.

3 JUDGE HUMPHREY: Not so much expedite it – just get it done.

4 MR. BARRETT: Okay, um, the counsel for Mr. Brewington’s wife

5 filed the temporary restraining order, that only had

6 to do with his bloggings. Is that correct?

7 JUDGE HUMPHREY: Counsel I could not hear the last part of your

8 question. I’m sorry.

9 MR. BARRETT: The temporary restraining order that was filed by

10 the attorney for Mr. Brewington’s wife, the request

11 for one.

12 JUDGE HUMPHREY: Regarding the web-site?

13 MR. BARRETT: Is that the only one that was filed while you were

14 judge on the case?

15 JUDGE HUMPHREY: It’s the only one I recall counsel.

16 MR. BARRETT: Okay and you denied that.

17 JUDGE HUMPHREY: I did.

18 MR. BARRETT: And the reason for your denial in your words?

19 JUDGE HUMPHREY: The reason that I denied it because, I think there

20 were probably two reasons: #1, your client was

21 indicating this was my first amendment right to say

22 what I want to say and I was going to let him do it

23 and the second reason was and in my order I also

24 indicated I think to paraphrase, I think you better

25 consider what you’re doing because I may consider

1 this as reflecting on what's really important to you,
2 making these web-site postings or your children and
3 I think by your client's continued actions, he made
4 it very clear he was more interested in his web-site
5 postings than his children.

6 MR. BARRETT: Okay, do you recall Mr. Brewington making an oral
7 motion for a guardian ad litem to be appointed for
8 his children?

9 JUDGE HUMPHREY: I do.

10 MR. BARRETT: And do you recollect whether you granted that
11 motion or denied it?

12 JUDGE HUMPHREY: I recall I denied it.

13 MR. BARRETT: Okay and why was that sir?

14 JUDGE HUMPHREY: I denied it because first of all, the case had been
15 pending for over two (2) years and I don't recall it
16 being requested before. I had had the case for six
17 (6) months and it had not been requested and there
18 had already been a custody evaluation which was
19 agreed upon by your client and by his wife at that
20 time.

21 MR. BARRETT: Okay.

22 JUDGE HUMPHREY: It did not appear to even be necessary.

23 MR. BARRETT: The prosecutor asked you about whether or not Mr.
24 Brewington ever sought approval for a mental
25 health evaluator pursuant to your order in the final

1 decree. Do you recall that?

2 JUDGE HUMPHREY: I do.

3 MR. BARRETT: And did he ask the court to set a hearing on that or

4 did he submit a name?

5 JUDGE HUMPHREY: It seems to me that toward the end of me being on

6 the case that something about that may have come

7 up and I think one of the issues that had to be dealt

8 with was whether or not I had any jurisdiction at

9 that time to do anything because again once the

10 record is submitted to the Court of Appeals, I'm not

11 sure that the trial Court retained any jurisdiction at

12 that time. And if I remember correctly counsel, I

13 think I issued an order and said exactly that I'm not

14 sure we have any jurisdiction to do anything with it

15 but if counsel has any legal authority to indicate that

16 I could that I would consider.

17 MR. BARRETT: Okay.

18 JUDGE HUMPHREY: I think that's how I responded to it.

19 MR. BARRETT: Is it possible that it was actually set for hearing and

20 then that hearing vacated because you recused

21 yourself or indicated that your jurisdiction had

22 lapsed because the Court of Appeals or a Notice of

23 Appeal had been filed?

24 JUDGE HUMPHREY: Counsel that is possible.

25 MR. BARRETT: Okay.

1 JUDGE HUMPHREY: I honestly just do not remember.

2 MR. BARRETT: Did Mr. Brewington ever show up at your home or

3 ~~showed your home~~ that you're aware of sir?

4 JUDGE HUMPHREY: Not that I'm aware of.

5 MR. BARRETT: Or you mentioned I think, your children, any report

6 that he ever was around your children that you're

7 aware of?

8 JUDGE HUMPHREY: Not that I'm aware of.

9 MR. BARRETT: And sir, your wife – was he ever reported around

10 her that you're aware of.

11 JUDGE HUMPHREY: Not that I'm aware of and I made sure that we had a

12 description of his vehicle and his photograph at

13 home.

14 MR. BARRETT: So obviously nothings perfect but hopefully if he

15 had come around, someone would have recognized

16 him.

17 JUDGE HUMPHREY: Counsel, I don't know.

18 MR. BARRETT: Okay. Were you aware, do you recall, let me ask

19 you that Judge, of Mr. Brewington making

20 allegations that there had been some sort of ex-parte

21 communications by Judge Taul with Dr. Connor

22 and he became, that was the subject of several of his

23 filings. Correct?

24 JUDGE HUMPHREY: It was subject of several of his written motions,

25 subject of several of his rants in the courtroom as I

1 remember.

2 MR. BARRETT: And was that, I understand you ruled and I

3 understand how you ruled but do you recollect

4 whether you ever explained to Mr. Brewington why

5 you were ruling the way you were – why you didn't

6 deem that to be ex-parte communication other than

7 just denying the...

8 JUDGE HUMPHREY: Counsel, I'm not sure I understand your question.

9 Are you asking if I ever ruled that Judge Taul had

10 had ex-parte communications?

11 MR. BARRETT: No sir, no, I'm asking if you ever explained, as I

12 understood your rulings Judge, it was that he did not

13 have ex-parte communications, that nothing was

14 done incorrectly by Judge Taul with regard with

15 communicating with the custody evaluator is the

16 way I took it.

17 JUDGE HUMPHREY: I don't recall your client ever asking me to

18 specifically rule if that had taken place. I mean

19 whatever your client was alleging, it happened

20 months ago and I understand this correspondence

21 and as I recall the correspondence from Dr. Connor

22 was basically this is what your client is doing to me

23 – what do I do, help me.

24 MR. BARRETT: Okay I understand.

25 JUDGE HUMPHREY: And that was correspondence as I recall from, the

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1 correspondence I recall from Dr. Connor to Judge
2 Taul.

3 MR. BARRETT: Yes sir.

4 JUDGE HUMPHREY: And I recall one response from Dr., excuse me,
5 from Judge Taul saying I can't do anything –
6 contact your attorney.

7 MR. BARRETT: Okay.

8 JUDGE HUMPHREY: That's what I recall counsel.

9 MR. BARRETT: I don't have any other questions your honor.

10 COURT: Mr. Negangard?

11 MR. NEGANGARD: A couple your honor and after I would like to
12 approach to address an issue, after...

13 COURT: I'm sorry?

14 MR. NEGANGARD: I have a couple of questions and then I would like to
15 approach to address some issues.

16 COURT: Alright.

17 MR. NEGANGARD: Um, you, Defense counsel brought up that you
18 didn't file a complaint with law enforcement and
19 why was that?

20 JUDGE HUMPHREY: When I found out, it was my understanding that a
21 complaint had already been made.

22 MR. NEGANGARD: So the investigation was already proceeding at that
23 time.

24 JUDGE HUMPHREY: That's what I recall.

25 MR. NEGANGARD: You weren't aware that Dan Brewington ever came

1 to your house, were you aware that he had come to
2 the courthouse after um, the posting that we have
3 discussed – after you had issued the final order?
4 JUDGE HUMPHREY: As I understand it, I was in Rising Sun on a Friday
5 afternoon; it is my understanding he may have come
6 while I was gone there or on some other business.
7 MR. NEGANGARD: And um, the Defendant filed a motion for change of
8 judge, accusing Judge Taul having ex-parte
9 conversation with Judge, with Dr. Connor, so Judge
10 Taul gets out of the case based on the Defendant,
11 based on the motion for change of judge and then
12 did the Defendant accuse you of an ex-parte
13 conversation with Judge, Dr. Connor?
14 JUDGE HUMPHREY: He did, he did and I believe that was after the
15 hearing on pending motions as I recall.
16 MR. NEGANGARD: And was that again an effort to, it had been
17 successful once in getting a change of judge, um, so
18 he accuses you of ex-parte contact and then asked
19 for a change of judge again?
20 JUDGE HUMPHREY: That may have been his intent but it was absolutely
21 ridiculous what he was referring to was at the
22 conclusion of a hearing I said if either side and I
23 referred to both sides, if either side in the
24 dissolution needs me to take a witness out of order,
25 contact the office and we'll make arrangements.

1 Mr. Brewington then said well that was me saying
2 to have Dr. Connor call me directly and when I
3 issued my order denying that one, I attached a copy
4 of the transcript of the hearing to it to show how
5 ridiculous it was.

6 MR. NEGANGARD: Um, he continued to accuse you of having ex-parte
7 contact with Dr. Connor. Is that correct?

8 JUDGE HUMPHREY: I don't recall after I issued that order with the
9 transcript attached if it came up again.

10 MR. NEGANGARD: Now were you, you mentioned the request for the
11 GAL, when did that request and that's a Guardian
12 ad litem, when did that request come in? Do you
13 recall?

14 JUDGE HUMPHREY: Counsel, I don't recall if that came up at a hearing
15 on motions held in April or at the final hearing. It
16 may have come up at both. I just don't remember.

17 MR. NEGANGARD: And you indicated; you felt that was an instance of
18 delay. Were you also concerned about appointing a
19 GAL to this case?

20 JUDGE HUMPHREY: Quite frankly counsel, anyone appointed to this is
21 going to be attacked if they don't specifically and
22 completely agree with Mr. Brewington.

23 MR. NEGANGARD: Nothing further but I do need to approach.

24 COURT: You may. Counsel?

25 MR. BARRETT: Oh, I'm sorry.

1 MR. NEGANGARD: Um, we have a number of exhibits that I intend to
2 move to introduce. I don't know if we wanted to, I
3 think some of that probably needs to be addressed at
4 the bench. I don't know if you wanted to give the
5 jurors a break and then try to handle some of those
6 issues outside of their presence or you just want me
7 to...

8 COURT: It might be. I'm going to presume that there are
9 going to be some objections to the list that he's had
10 the witness identify?

11 MR. BARRETT: (inaudible).

12 COURT: Actually under the circumstances if we do want to
13 give the jury a break, we can take ten (10) minutes
14 and come back at 4:00 and get some more evidence.

15 MR. NEGANGARD: Yell we need to get moving. I've got two (2) more
16 witnesses I have to get on today.

17 COURT: Do you have any objection to that? If I give you the
18 opportunity to cross-examine some more and if you
19 have any other questions (inaudible)?

20 MR. NEGANGARD: That's okay.

21 COURT: Ladies and gentlemen, we're going to take a brief
22 break. We'll come back at 3:00. That will be in
23 about ten (10) minutes. During the times that you
24 are out of the courtroom you may discuss the case
25 amongst yourselves, however you are not to

1 deliberate or begin making decisions as to a verdict.
2 Do not talk to any of the parties, the attorneys or
3 witnesses. Should anyone attempt to talk to you
4 about the trial, you should refuse and report the
5 attempt to me at your first opportunity. There may
6 be publicity and various media concerning this trial.
7 You should not read or listen to those accounts but
8 should confine your attention to the court
9 proceedings, listen attentively to the evidence as it
10 comes from the witnesses and reach a verdict solely
11 upon what you see and hear in this courtroom. You
12 should keep an open mind. You should not form or
13 express an opinion during the trial and should reach
14 no conclusion about the case until it is submitted to
15 you for deliberation. With that, would the Court
16 rise? We're going to stay on the record for any
17 argument with counsel, the addition of the
18 documents. Is there any reason to have Judge
19 Humphrey, I'm going to bring him back to make
20 sure there's any cross or any jury questions but you
21 can step down and take a break also. Any objection
22 to that Mr. Barrett?
23 MR. BARRETT: No judge.
24 COURT: Mr. Negangard?
25 MR. NEGANGARD: No your honor.

1 COURT: Okay, you're excused. We'll be back at 3:00. Mr.
2 Negangard if I could get a list of all the ones and if
3 you could have them all in order just to make sure
4 so we can do this summarily once we come back so
5 Mr. Barrett can be heads up and not make sure he's
6 not missing anything.

7 MR. NEGANGARD: Do you want me to pull these out and then put those
8 in order?

9 COURT: These are the two (2) that you have. Why don't we
10 take these, I mean he's already expressed an issue
11 with these. Why don't we take all the numbers and
12 just make sure Mr. Barrett's fine with those. We're
13 on the record in 15D02-1103-FD-84. The parties
14 are appearing in person and by counsel, however the
15 jury is not present at this time and it was brought up
16 to me that the State's going to be moving to admit
17 several exhibits here in a moment when the jury
18 comes back and uh, with the exception of one,
19 however there's no objection, however there is an
20 objection to 208 and what's the nature of that
21 objection Mr. Barrett?

22 MR. BARRETT: Judge, Exhibit 208 contains an addendum to it or
23 attachment to State's 208, I'm sorry, State's 208 is
24 Motion to Continue Final Hearing filed May 11,
25 2009 by Mr. Brewington. It contains an attachment

1 that Mr. Brewington marked as Exhibit A. It's in
2 two (2) parts. Exhibit A, to State's 208 is a letter
3 from Dr. Connor to Mr. Brewington and the letter
4 says please review the attached document. Do you
5 know anything about this? Please respond via fax
6 or mail and then it is the letter that I believe was
7 attempted to be introduced this morning as State's
8 Exhibit 30 that I objected to. It is not signed. It's
9 an anonymous letter um, my recollection that the
10 Court sustained the objection to State's 30.
11 (inaudible)
12 COURT: Yell that's true, 33 was already admitted. I think
13 it's the same cover letter and everything.
14 MR. BARRETT: I will withdraw my...
15 COURT: Alright, are we ready for the jury then?
16 MR. BARRETT: Um I think so.
17 MR. NEGANGARD: Yes your honor.
18 COURT: Where is Judge Humphrey?
19 MR. NEGANGARD: He doesn't know that we're ready.
20 COURT: Alright. You may be seated. We're back in 15D02-
21 1103-FD-84 in the presence of the jury and the State
22 had just finished their redirect to James Humphrey
23 and moving to enter into evidence exhibits.
24 MR. NEGANGARD: Yes your honor, I want to move to admit, State's
25 Exhibits 71, 77, 78, 87, 115, 121, 123, 124, 125,

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1 126, 127, 128, 129, 130, 132, 133, 134, 135, 136,
2 137, 138, 139, 141, 142, 146, 148, 206, 206a, 207,
3 208 and 209.

4 COURT: Any objection to those exhibits Mr. Barrett?

5 MR. BARRETT: No your honor.

6 COURT: We'll show those exhibits offered and admitted into
7 evidence. Any other questions of this witness Mr.
8 Negangard?

9 MR. NEGANGARD: No your honor but I would reserve to the right to
10 recall this witness.

11 COURT: So noted. Any other questions Mr. Barrett?

12 MR. BARRETT: No your honor.

13 COURT: Does the jury have any questions for this witness?
14 Thank you sir, you can step down.

15 JUDGE HUMPHREY: Thank you, your honor.

16 COURT: The State may call their next witness.

17 MR. KISOR: Your honor the State calls Anne Jordan.

18 COURT: If you will come up please. Before you have a seat
19 would you please raise your right hand? Do you
20 swear or affirm under the penalties for perjury the
21 testimony you are about to give is the truth, the
22 whole truth and nothing but the truth?

23 MS. JORDAN: I do.

24 COURT: Please have a seat.

25 MR. KISOR: Ms. Jordan would you please state your name for