

1 the record and spell your first and last names.

2 MS. JORDAN: Anne Jordan.

3 MR. KISOR: Would you spell your name as well.

4 MS. JORDAN: J – O – R – D – A – N.

5 MR. KISOR: And It's A – N – N – E?

6 MS. JORDAN: Yes sir.

7 MR. KISOR: Okay, Ms. Jordan, how are you employed?

8 MS. JORDAN: I am employed by the Indiana Judicial Center.

9 MR. KISOR: Okay and what is your position?

10 MS. JORDAN: I'm a program attorney.

11 MR. KISOR: Program Attorney? And you're a licensed attorney

12 in the State of Indiana?

13 MS. JORDAN: Yes I am.

14 MR. KISOR: And just tell the ladies and gentlemen if you would,

15 what is the Indiana Judicial Center?

16 MS. JORDAN: It is the agency for the Judicial Conference of

17 Indiana which is part of the Supreme Court of

18 Indiana.

19 MR. KISOR: So an umbrella or an employee of the Supreme

20 Court of Indiana?

21 MS. JORDAN: Yes I am.

22 MR. KISOR: And is the primary duty of that agency, the Judicial

23 Center, to educate judges?

24 MS. JORDAN: Yes it is.

25 MR. KISOR: And you do CLE and other programs.

1 MS. JORDAN: We do all their conferences.

2 MR. KISOR: Okay. Are there conference committees as part of

3 that agency?

4 MS. JORDAN: Yes. Under the judicial conference there are

5 twenty-two (22) conference committees made up of

6 judicial officers.

7 MR. KISOR: There are twenty-two (22)?

8 MS. JORDAN: Twenty-two (22).

9 MR. KISOR: Specifically is there something that you call the

10 Ethics and Professionalism Committee?

11 MS. JORDAN: Yes.

12 MR. KISOR: And how is that membership comprised?

13 MS. JORDAN: Uh currently?

14 MR. KISOR: In general, how are the members selected and

15 appointed and so forth?

16 MS. JORDAN: The members are all appointed by the Chief Justice

17 of Indiana.

18 MR. KISOR: And are the members acting judges?

19 MS. JORDAN: Yes they are.

20 MR. KISOR: And in addition to that, are there what is called

21 Spouse Advisors?

22 MS. JORDAN: There were previously spouse advisors.

23 MR. KISOR: Okay while you've been employed there?

24 MS. JORDAN: Yes sir.

25 MR. KISOR: What period of time, if you know, were there

1 spouse advisors?

2 MS. JORDAN: 2002 until approximately 2008 or '09. I'm not sure.

3 MR. KISOR: Okay. Alright. As a licensed attorney and

4 employee of the Supreme Court, could you tell the

5 ladies and gentlemen, is there a procedure, a

6 protocol that the Supreme Court has for making a

7 complaint against a judge or an attorney?

8 MS. JORDAN: Yes there is.

9 MR. KISOR: And is that procedure spelled out on the Supreme

10 Court web-site?

11 MS. JORDAN: Yes it is.

12 MR. KISOR: Is it difficult to locate?

13 MS. JORDAN: No.

14 MR. KISOR: Okay, now I happen to have my computer and I'm

15 on the internet right now and it's at in.gov/judiciary.

16 That is the Supreme Court web-site.

17 MS. JORDAN: That is the one, yes.

18 MR. KISOR: I want to approach the witness with that, if I may

19 your honor.

20 COURT: You may.

21 MR. KISOR: Now none of us can see that at this point, but would

22 you just tell the ladies and gentlemen of the jury

23 from that point, the Supreme Court web-site, what

24 does this person need to do to find out how to file a

25 complaint against a judge.

1 MS. JORDAN: On the left hand side is information for with a colon
2 and then there are several categories you can choose
3 one, the first one is public.
4 MR. KISOR: The top one on that list is public.
5 MS. JORDAN: The top one is public and you need to click on
6 that...
7 MR. KISOR: And what's underneath public? I apologize.
8 MS. JORDAN: Press, judges, attorneys, clerks, court staff,
9 educators, students.
10 MR. KISOR: Okay, so if you're not a student or a reporter or a
11 judge or an attorney, if you're part of the public, you
12 would click that top line?
13 MS. JORDAN: Yes sir.
14 MR. KISOR: Would you do that? And what page does that take
15 you to?
16 MS. JORDAN: Information for members of the public.
17 MR. KISOR: Okay. And then after that one click is there
18 information on that page that says anything about
19 filing a complaint against a judge?
20 MS. JORDAN: Yes. It says complaints of misconduct.
21 MR. KISOR: Is there a link that you can click on?
22 MS. JORDAN: Yes underneath that, there's a line that states,
23 complaint about a judge.
24 MR. KISOR: Would you click on that link? Are you there?
25 MS. JORDAN: I am there.

1 MR. KISOR: Now if you want to file a complaint against a judge
2 in the few seconds that it has taken you, do you
3 know how to do that now?
4 MS. JORDAN: Yes I do.
5 MR. KISOR: Okay. Now this uh, I'm going to move on. Now
6 this Ethics and Professionalism Committee, I think I
7 asked you about that.
8 MS. JORDAN: Yes sir.
9 MR. KISOR: And if I didn't I want to ask you about that. Is that
10 one of your conference committees?
11 MS. JORDAN: It is one of the conference committees of the
12 judicial conference, yes.
13 MR. KISOR: Okay, does that Ethics and Professionalism
14 Committee have anything to do with filing a
15 complaint against a judge or an attorney?
16 MS. JORDAN: No.
17 MR. KISOR: Okay. Now was Heidi Humphrey ever a part of the
18 spouse advisor group of the Ethics and
19 Professionalism Committee?
20 MS. JORDAN: She was recommended as a spouse advisor in 2004
21 for a three (3) year term.
22 MR. KISOR: Okay, did she continue to serve for three (3) years?
23 MS. JORDAN: Yes.
24 MR. KISOR: And in the time that she served, you said now there
25 are no so such people.

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1 MS. JORDAN: Correct.

2 MR. KISOR: Did she ever have any responsibility for taking or
3 filing judicial or attorney complaints?

4 MS. JORDAN: She did not.

5 MR. KISOR: She did not. What, if any, responsibility did she
6 have?

7 MS. JORDAN: To attend meetings and help plan orientation for
8 new judge spouses that we host every two (2) years
9 and sessions of the September conference.

10 MR. KISOR: Okay, so basically to help plan social events
11 surrounding the education programs?

12 MS. JORDAN: Yes.

13 MR. KISOR: Okay, and nothing more?

14 MS. JORDAN: No.

15 MR. KISOR: Okay. That's all the questions I have. Thank you.

16 COURT: Do you have any questions for this witness Mr.
17 Barrett?

18 MR. BARRETT: I don't have any questions for the witness judge.

19 COURT: Does the jury have any questions for this witness?
20 Thank you. You may step down.

21 MS. JORDAN: Thank you sir.

22 COURT: The State may call their next witness.

23 MR. NEGANGARD: The State calls Heidi Humphrey.

24 COURT: Okay. Before you have a seat, would you please
25 raise your right hand? Do you swear or affirm

1 under the penalties for perjury that the testimony
2 you are about to give is the truth, the whole truth
3 and nothing but the truth?
4 MS. HUMPHREY: Yes.
5 COURT: Okay, you may have a seat. You may proceed Mr.
6 Negangard.
7 MR. NEGANGARD: Thank you, your honor. Would you please state
8 your name for the record please?
9 MS. HUMPHREY: Heidi Humphrey.
10 MR. NEGANGARD: And would you spell your last name?
11 MS. HUMPHREY: H – U – M – P – H – R – E – Y.
12 MR. NEGANGARD: And uh, Ms. Humphrey are you married or would
13 you just describe your relationship to James
14 Humphrey?
15 MS. HUMPHREY: He's my husband. We've been married twenty-six
16 (26) years.
17 MR. NEGANGARD: Do you have children?
18 MS. HUMPHREY: Yes, we have two (2) boys,
19 MR. NEGANGARD: And how old are they?
20 MS. HUMPHREY: John is twenty-one (21) and Alex is eighteen (18).
21 MR. NEGANGARD: And uh, what position does Judge Humphrey hold
22 in the community?
23 MS. HUMPHREY: He's the Circuit Court Judge of Dearborn and Ohio
24 Counties.
25 MR. NEGANGARD: And do you know how long he's held that position?

1 MS. HUMPHREY: He just started his third (3rd) term.

2 MR. NEGANGARD: And has he been a prosecutor before that?

3 MS. HUMPHREY: Yes, Prosecutor for eight (8) years and a Chief
4 Deputy for two (2) years after that.

5 MR. NEGANGARD: And uh, he's been Judge of the Dearborn and Ohio
6 Circuit Courts since 1999. Is that correct?

7 MS. HUMPHREY: Correct.

8 MR. NEGANGARD: Now um, are you aware that your name has come up
9 in a case involving Daniel and Melissa Brewington?

10 MS. HUMPHREY: Yes.

11 MR. NEGANGARD: And um, how did you find out about that?

12 MS. HUMPHREY: A year or so ago, my husband told me that he would
13 be coming home late from work which is not
14 unusual, but for me to not be alarmed. He would be
15 coming home with a police escort. When I asked
16 him why, he said he would fill me in later. When
17 he came home, he told me that um, a case involving
18 this man um, the man was not happy with the
19 ruling.

20 MR. BARRETT: Judge, this is hearsay. We would object.

21 MR. NEGANGARD: Your honor, it's not being offered for the truth of
22 the matter asserted but to indicate how she became
23 aware of Mr. Brewington.

24 COURT: I'll overrule the objection. You can continue to
25 answer. Go ahead.

1 MS. HUMPHREY: Okay. Um, that this individual um, was believed to
2 have been near the courthouse after the ruling of the
3 case and that it would be in his best interest if he
4 came home with a police escort. When he got home
5 he basically told me and our son that um, we
6 probably need to be aware of this individual,
7 offering a description of his vehicle, a description of
8 him and um, he told me also that for the next couple
9 of days, I would be escorted to the Stateline in the
10 morning when I left for work. I left roughly at 3:30
11 or 4:30 in the morning to be at work at the airport.
12 There are very few people on the road, um, he just
13 wanted me to be safe and we contacted our sons'
14 schools to alert them of this individual. Um, and
15 then after that I received three (3) letters addressed
16 to me from various people that I don't know
17 concerning this individual.

18 MR. NEGANGARD: I'm going to show you what's been entered into
19 evidence as State's Exhibit 71, 77, 78 and 87 and
20 ask if you recognize those?

21 MS. HUMPHREY: Yes. These were the letters that were sent to me at
22 our home address.

23 MR. NEGANGARD: And did you find out how those letters had gotten
24 sent to you?

25 MS. HUMPHREY: Um, I was on a committee several years ago, the

1 Ethics and Professionalism Committee with the
2 State of Indiana. I was asked to serve on that
3 committee as an advisory, as a spouse, as an
4 advisory position to incoming spouses only and um,
5 our name is not published in a telephone directory
6 so how these people got my name and address I do
7 not know. I apologize. Our address is not
8 published. Our name and phone number are. Um
9 and how they received my address or even linking
10 me to my husband I don't know.

11 MR. NEGANGARD: You weren't personally....you didn't have personal
12 knowledge of how, um, your personal address
13 became available to these people. Is that correct?

14 MS. HUMPHREY: As I said, we do not publish our address in the
15 phone book. We have not done so since he was
16 elected prosecutor back in the 80's.

17 MR. NEGANGARD: And since he was an elected prosecutor, you had not
18 published your address. Why was that?

19 MS. HUMPHREY: We felt at the time with him being a Prosecuting
20 Attorney that any time a person is in that position,
21 even though you need to be accessible to the public,
22 the public doesn't necessarily have to be accessible
23 to you. They don't necessarily need to have your
24 address or your family contact in that position. We
25 left our phone number. Being an elected official in

1 a small town, we do feel you need to at least have
2 phone contact but we made the decision to take our
3 address out of there and my name is not in that
4 phone directory at all. So for basically for safety
5 and security reasons.

6 MR. NEGANGARD: So were you concerned when you received letters
7 from people you did not know about a case...

8 MS. HUMPHREY: ...yes...

9 MR. NEGANGARD: ...you weren't familiar with at your home address?

10 MS. HUMPHREY: Yes. I find it very disturbing.

11 MR. NEGANGARD: Um, your husband's been in public service for the
12 people of this county and Ohio County for over
13 twenty (20) years, have you ever received letters
14 from people on a case that was before your
15 husband?

16 MS. HUMPHREY: Never.

17 MR. NEGANGARD: Have you never received letters from anyone, any
18 individual that he prosecuted?

19 MS. HUMPHREY: Never.

20 MR. NEGANGARD: So this is the first time that anything like this had
21 occurred?

22 MS. HUMPHREY: Yes.

23 MR. NEGANGARD: Now um, this Ethics and Professionalism
24 Committee, what was your understanding of that
25 role on that committee was?

1 MS. HUMPHREY: It was my understanding that I was to be an advisor
2 to incoming spouses for social activities, gatherings,
3 things like that. I, in no way, had anything to do
4 with the judicial ethics citings or laws or anything
5 of that nature.

6 MR. NEGANGARD: So it was more or less, uh, did you attend any
7 meetings for that committee?

8 MS. HUMPHREY: I believe one (1). The meetings were held in
9 Indianapolis. Um, I don't remember the dates. I
10 think it was once a month, maybe once every other
11 month between the meeting times and my work
12 schedule, I would have to schedule to be off work,
13 weather and so forth and so on, I was only able to
14 attend one (1).

15 MR. NEGANGARD: And um, your, at the time this first came about, your
16 oldest son was attending Hanover. Is that correct?

17 MS. HUMPHREY: John was, he was, his first, see '09, would have
18 been his first year at Hanover College, a freshman.

19 MR. NEGANGARD: Did you notify the Madison police department?

20 MS. HUMPHREY: My husband notified the Madison police and I
21 believe he notified, I know he notified for sure, the
22 Hanover Campus police. As far as Alex, Alex is, at
23 the time, he was a junior at Lawrenceburg High
24 School and Jim contacted the school as well. We
25 also advised both boys, supplied them both with

1 photos of this gentleman as well as a description of
2 his truck.

3 MR. NEGANGARD: How have the actions of Dan Brewington changed
4 your life and the life of your family?

5 MS. HUMPHREY: There's no reason for my name to be associated
6 with my husband in the courtroom. There's no
7 reason for anyone to contact me or my children.
8 Um, we have taken, for a short time; I had the
9 police escort which I did not like. At work, at that
10 time, I had very good attendance. If I was ever sick,
11 I would call in and I would report, therefore, when I
12 would arrive at work, I immediately went to my
13 immediate supervisor and I told them if for some
14 reason if I don't ever show up for work and you
15 have not heard from me, you are to contact my
16 husband or the local police there at the airport to
17 report me not being there. It would be very much
18 out of my character. Um, to this day, I continue to
19 look for a vehicle that meets that description. If I
20 see that vehicle around me, I'm instructed and
21 would go to law enforcement agents. Um, we have
22 taken additional measures that we have a security
23 system in our home. We've never had that. We
24 never felt a need for that. We've had firearm
25 training as well.

1 MR. NEGANGARD: Um, did the actions of Dan Brewington place you in
2 fear for any harm that might come to your children?
3 MS. HUMPHREY: Once again, there's no reason for anyone to bring
4 my name or our family's name into the courtroom
5 or into dealings with whatever my husband would
6 make a ruling on. Um, for that reason, yes. I have
7 never been in this courthouse, in this courtroom
8 during proceedings. It's been an unspoken rule in
9 our home. If my sons need to be here to see their
10 father, we make sure there's no trial going on. We
11 do everything we can to keep ourselves as removed
12 as possible from this setting.
13 MR. NEGANGARD: And those were not steps you had had to take
14 before.
15 MS. HUMPHREY: What I'm saying is, it would be difficult for
16 someone to find our names and to associate us to do
17 what has happened. There is not a reason for this,
18 so in that instance, yes. I am afraid. Even though
19 my sons are grown, they could probably take care of
20 themselves, I still worry. I am a mother.
21 MR. NEGANGARD: So have you been placed in fear because of the
22 Defendant's actions?
23 MS. HUMPHREY: Yes.
24 MR. NEGANGARD: Nothing further.
25 COURT: Mr. Barrett, do you have any questions for this

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1 witness?

2 MR. BARRETT: Have you seen Mr. Brewington around your home

3 or your place of employment?

4 MS. HUMPHREY: No.

5 MR. BARRETT: Nothing further, your honor.

6 COURT: Any redirect Mr. Negangard?

7 MR. NEGANGARD: No your honor.

8 COURT: Does the jury have any questions for this witness?

9 Okay.

10 MR. NEGANGARD: Your honor may we approach?

11 COURT: Yes. Counsel?

12 MR. NEGANGARD: Judge, I apologize but the anticipation this might go

13 until 4:00, I excused my third (3rd) witness.

14 COURT: Okay.

15 MR. NEGANGARD: I apologize. I excused my last witness.

16 COURT: So uh...

17 MR. NEGANGARD: So I have them coming first thing in the morning at

18 8:30. I guess, what I'm saying, can we break. I

19 didn't realize that we would get through it.

20 COURT: It's 3:30. I don't have any problem with that.

21 MR. NEGANGARD: I apologize.

22 COURT: I mean, it's...

23 MR. NEGANGARD: Well I knew we wanted to get...

24 COURT: ...we'll listen to the Sheriff and then do her.

25 MR. NEGANGARD: There's a lot of documents that I hadn't prepared

1 because I didn't anticipate getting to the Sheriff
2 today.

3 COURT: What are we anticipating on how we are going to
4 deal with these exhibits and the jury?

5 MR. NEGANGARD: Uh, well that's a good question. Um, I did want to
6 ask the Court how you wanted to go about, if we
7 just wanted to, I mean we can make copies of
8 everything, although I don't think they need to look
9 at everything that, you know, but I don't how much
10 time you want to spend with them. We could
11 publish all of them to the jury right now – have
12 them go through them. We have a half hour.

13 COURT: That's what I'm saying. We've got some time. I
14 don't want to wait.

15 MR. NEGANGARD: That would be great.

16 COURT: I don't want to spend all afternoon.

17 MR. NEGANGARD: Yell, that sounds like a great idea actually Judge.

18 COURT: Do we need to do that on the record? Do we just
19 want to give them some time here off the record?

20 MR. NEGANGARD: I could move to publish them all and then we can
21 just give them some time and we can see if they
22 need more time in the morning.

23 COURT: This is a lot. I guess if nobody objects, I don't
24 mind. I mean technically they can take them to the
25 jury room when they deliberate too. So you want to

1 allow them to do that, to view them?

2 MR. BARRETT: I don't have any objection. (inaudible).

3 MR. NEGANGARD: They're not supposed to talk about it.

4 COURT: Well let's just do that. We'll give them some time.

5 We'll give them to at least 4:00 or quarter after 4 or

6 something. Okay.

7 MR. NEGANGARD: Your honor at this time, I would move to publish

8 Exhibit 9, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38,

9 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53,

10 54, 55, 56, 59, 60, 61, 71, 77, 78, 87, 99, 104, 107,

11 110, 111, 116, 120, 121, 123, 124, 125, 126, 127,

12 128, 129, 130, 132, 133, 134, 135, 137, 138, 139,

13 140, 141, 142, 146, 148, 192, 193, 194, 195, 196,

14 197, 198, 199, 200, 201, 205, 206, 206a, 207, 208,

15 and 209.

16 COURT: Any objection to that publication Mr. Barrett?

17 MR. BARRETT: No your honor.

18 COURT: What I'm going to do, uh, the State still has more

19 witnesses to call that they've indicated. We are not

20 going to do that the rest of the day today. I'm going

21 to give about twenty (20) or thirty (30) minutes that

22 you are going to have an opportunity to look at that

23 and I understand twenty (20) or thirty (30) minutes

24 may not do it. View as many of the documents as

25 you wish or you think you can get through. We're

1 going to sit here. I don't know if may counsel
2 wants to distribute evenly or however you want to
3 do it but you can make notes of which ones you've
4 viewed so if I give you this opportunity tomorrow,
5 you can know which ones you've already seen as
6 they come across. So we'll do that. We'll stay on
7 the record, well I don't know if there's any need to
8 be on the record per se. We're going to be here in
9 the courtroom so we'll go off, uh, but if we can
10 keep it down. If there are observers here, you are
11 free to come and go. Just please don't be having a
12 conversation in here, so the jury can have an
13 opportunity to look at these things. Is there
14 anything else before we go off the record at this
15 time Mr. Negangard?

16 MR. NEGANGARD: No your honor.

17 COURT: Mr. Barrett?

18 MR. BARRETT: No your honor.

19 COURT: Again we'll come back on before we recess for the
20 day. We can go off. We are back on on 15D02-
21 1103-FD-84, the State of Indiana versus Daniel
22 Brewington and the parties appear and the jury is
23 also present and I understand if you want some
24 more time to review the exhibits but we're not
25 going to do that this evening. You might have

1 another chance tomorrow to do that so if I could
2 have the State, if you could collect the exhibits
3 back. We are going to recess until tomorrow
4 morning at 8:30. We're going to try to get started
5 again promptly at 8:30. So I think everything
6 worked out well this morning and if you can be
7 back here about the same time as you were this
8 morning. During the times that you are out of the
9 courtroom you may discuss the case amongst
10 yourselves, however you are not to deliberate or
11 begin making decisions as to a verdict. Do not talk
12 to any of the parties, the attorneys, the witnesses.
13 Should anyone attempt to talk to you about the trial,
14 you should refuse and report the attempt to me at
15 your first opportunity. There may be publicity and
16 various media concerning this trial and you should
17 not read or listen to those accounts but should
18 confine your attention to the Court proceedings,
19 listen attentively to the evidence as it comes from
20 the witnesses and reach a verdict solely upon what
21 you hear and see in this court. You should keep an
22 open mind. You should not form or express an
23 opinion during the trial and should reach no
24 conclusion about the case until it is submitted to you
25 for your deliberation. The jury is now excused. All

1 rise. I'm just asking counsel if there's anything
2 else before we break today and Mr. Barrett, you've
3 got...

4 MR. BARRETT: It is my normal practice to ask once the State has
5 rested in the criminal case to ask the Court for time
6 to speak with my client with regard to the issue of
7 testimony and I just have a practice that I follow so I
8 may ask for some time.

9 COURT: Okay.

10 MR. BARRETT: I'm all in favor of finishing tomorrow. That's not
11 what I'm saying. I'm just, I may ask that so if that
12 impacts how they do their witnesses.

13 COURT: I would definitely grant it. No, I think you're
14 definitely to that but I don't mean by saying we're
15 going to finish tomorrow that we're going to ram
16 this through.

17 MR. BARRETT: Oh no, no I understand.

18 COURT: It's however it's going to happen.

19 MR. BARRETT: A lot of times, I just want to let you know that I
20 guess.

21 COURT: I completely understand. That time would be
22 granted for however much time you need. Anything
23 else then before we end?

24 MR. NEGANGARD: No your honor.

25 MR. BARRETT: Thank you, no your honor.