

**IN THE
INDIANA COURT OF APPEALS**

APPELLATE NO. 15A01-1110-CR-00550

DANIEL BREWINGTON)	APPEAL FROM THE DEARBORN
)	
APPELLANT/PARTY BELOW)	SUPERIOR COURT II
)	
VS.)	TRIAL COURT CASE NO.
)	15D02-1103-FD-0084
)	
STATE OF INDIANA,)	BEFORE THE HONORABLE
APPELLEE/PARTY BELOW)	BRIAN HILL, SPECIAL JUDGE

TRANSCRIPT OF JURY TRIAL

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1 **DANIEL BREWINGTON – JURY TRIAL – OCTOBER 3, 2011**

2 COURT: (Outside the presence of the jury) We are here in
3 case number 15D02-1103-FD-84, the State of
4 Indiana vs. Daniel Brewington. Let the record
5 reflect that the State appears by Prosecuting
6 Attorney, Aaron Negangard and the Defendant
7 appears in person and by counsel, Bryan Barrett and
8 this matter is scheduled for jury trial this morning
9 and about twenty (20) or thirty (30) minutes ago I
10 received a file marked Motion to Dismiss, Motion
11 to Disqualify F. Aaron Negangard and appoint
12 Special Prosecutor and Motion to Dismiss for
13 Ineffective Assistive of Counsel. Those are pro se
14 motions filed by the Defendant. Mr. Brewington,
15 you have legal counsel and I'm not inclined to
16 contemplate pro se motions. I guess, what's your
17 uh, what are you going for here? You've got
18 counsel to represent you to give you legal advice
19 and make these filings. Are you're uh, indicating to
20 me that you're wanting to represent yourself or do
21 you want to clarify that for me please?

22 MR. BREWINGTON: No your honor. Uh, I just, Mr. Barrett hasn't met
23 with me since July, I believe the 17th of this year. I
24 don't have any idea of the direction of my case other
25 than what was just explained to me just in the past

1 few minutes before things got settled here. I still
2 don't have some of the evidence. I don't have
3 copies of the Grand Jury evidence. There's
4 documents from Detective Kreinhop's investigation
5 that are not included. There's transcripts that uh,
6 that he said would be included in his investigation
7 that were not included in discovery and I've never
8 been able to obtain that information and Mr. Barrett
9 has not communicated with me about that stuff and
10 I just don't know the direction of my defense and he
11 hasn't been able to meet with me, tell me anything,
12 explain to me anything. I also do not have my
13 medication. I take Ritalin for attention deficit
14 disorder. It's been an issue of the defense. It's been
15 brought up multiple times in the grand jury
16 transcripts and without that I don't even have the
17 ability to concentrate as hard. I have difficulties
18 reading and that sort and Mr. Barrett waived my
19 right to bring that up at trial as he made no objection
20 to the motion in limine which I did not realize that a
21 motion in limine had uh, was requesting the court to
22 prohibit any discussion about medication that was
23 given to me while I was incarcerated in DCLEC. So
24 I have absolutely no idea what's going on in my
25 case. I tried, everything that has been provided here

1 Barrett, are you ready to proceed with this case
2 today?

3 MR. BARRETT: Yes your honor.

4 COURT: And is the State ready to proceed?

5 MR. NEGANGARD: Yes your honor.

6 COURT: Alright, then as I stated in opening the hearing, I'm
7 going to find the pro se motions filed on this
8 morning's date are denied. Um, and I think we're
9 ready to bring in jury then. (Voir dire not
10 transcribed)

11 COURT: (outside the presence of the jury). We're on case
12 #15D02-1103-FD-84, the State of Indiana versus
13 Daniel Brewington. The State appears by
14 Prosecuting Attorney, Mr. Negangard and the
15 Defendant appears in person and by counsel and the
16 jury is not present and I believe the next step would
17 be the instructions for the jury. Do the parties have
18 any uh, there was some proposed preliminary
19 instructions supplied to the parties by the Court.
20 Are there any objections or additions to any of those
21 instructions Mr. Negangard?

22 MR. NEGANGARD: Your honor, uh, on regards to Count I and I had
23 mentioned this, we had prepared and filed relatively
24 early on in this case an amended Count I which
25 added the language, after with intent that Dr.