



February 17, 2026

**To:** Raymon Grogan, Marion County Prosecutor Marion County Prosecutor's Office

**From:** Joel M. Spitzer, Spitzer Law Offices, on behalf of Defendant, Brenden Damron

**Re:** Request to Present Defense Evidence to the Grand Jury; Request for Recusal of the Marion County Prosecutor Due to Conflicts of Interest.

Dear Prosecutor Mr. Grogan:

I represent Brenden Damron in the above-referenced matter. I write to respectfully: (a) request the opportunity for defense counsel to present evidence to the grand jury on behalf of Mr. Damron, and (b) request your recusal, and that of your office as appropriate, due to multiple verifiable conflicts of interest that threaten the appearance and reality of impartiality in this prosecution.

#### **Request to Present Evidence to the Grand Jury**

In the interest of a complete and fair presentation, we request that the grand jurors be afforded the opportunity to hear material exculpatory evidence and relevant testimony from defense witnesses before any vote on an indictment. Without limitation, the defense is prepared to present: (a) a proffer of exculpatory documents including exculpatory text messages from Mr. Damron's wife, the alleged victim in this matter; (b) testimony from identified witnesses, a disinterested third party who can attest to key exculpatory facts including but not limited to family members of the victim who have exculpatory information; and (c) documentary records undermining the inculpatory theory, most notably documentation and text messages that exonerate Mr. Damron. We further request reasonable advance notice of the grand jury session at which this matter will be considered, along with the logistical parameters for submissions and appearances, so that we may coordinate witness availability and ensure an efficient presentation.

Our request is grounded in the fundamental objectives of the grand jury process: screening out unfounded charges, preserving the integrity of the charging decision, and promoting public confidence in the fairness of proceedings. Allowing the grand jury to hear the above-described evidence will materially reduce the risk of an inaccurate or incomplete presentation and will assist the jurors in discharging their independent duties.

#### **Request for Recusal Due to Conflicts of Interest**

We also request that you recuse yourself—and, to the extent necessary, transfer this matter outside your office—due to multiple conflicts that create a substantial risk of bias and an

appearance of impropriety. Specifically, the defense has identified the following verifiable conflicts:

1. Prior Representation/Adversity. You personally, or your office under your direct supervision, previously represented Brenden Damron or a key witness in a substantially related matter, giving rise to duties of loyalty and confidentiality that materially overlap with contested issues here.
2. Personal/Professional Relationships. You maintain a close personal or professional relationship with a complaining witness and central fact witness in this case, which a reasonable observer would perceive as compromising impartial judgment.
3. Institutional/Political Interests. You or your office have made public statements or policy commitments specifically referencing this case or category of cases, creating a risk that charging decisions are influenced by extraneous considerations rather than the evidence.
4. Financial or Organizational Ties. There exist financial or organizational affiliations between your office and other offices and/or organizations that directly relate to the investigative or alleged victim interests in this matter, including, which a reasonable person would view as a conflict.

We request that you promptly: (a) confirm whether these conflicts are accurate as stated; (b) identify any internal screening already implemented; and (c) recuse and reassign the matter to an independent prosecuting authority or to appropriate conflict-free personnel. At a minimum, we ask for written disclosure of the potential conflicts, the steps your office has taken to evaluate them, and your determination regarding recusal.

### **Proposed Next Steps**

1. Please provide dates and procedures by which the defense may submit materials and present witnesses to the grand jury. We are prepared to deliver an evidentiary proffer at any time and coordinate live or recorded testimony as permitted.
2. Please respond in writing before your presentation to the Grand Jury regarding the recusal request and any conflict-screening measures. If you decline to recuse, kindly set forth the basis for that decision and identify the supervising authority for further review.

This letter is submitted in good faith to safeguard the integrity of the charging process and to ensure that any decision of the grand jury is informed, fair, and impartial. We appreciate your prompt attention and remain available to confer at your convenience.

Respectfully,

Joel M. Spitzer