

LETTER TO OFFICE OF AARON M. ZIGLAR, ATTORNEY GENERAL,  
DISPUTE RESOLUTION UNIT, AND ATTORNEY ERIC FERGUSON

RE: Case number: 953850; Mr. Brian D. Hill VS The Chimney Sweep

WEDNESDAY, JULY 6, 2022

EDITED, FINISHED ON THURSDAY, JULY 7, 2022, 12:53 AM

<p><b><u>ATTN: Aaron M. Ziglar</u></b> Dispute Resolution Specialist Office of the Attorney General 202 North 9th Street Richmond, Virginia 23219 Phone: (804) 786-1244 FAX: (804) 225-4378 <a href="mailto:AZiglar@oag.state.va.us">AZiglar@oag.state.va.us</a></p>	<p><b><u>ATTN: Eric H. Ferguson, Esq.</u></b> RHODES &amp; FERGUSON ATTORNEYS AT LAW 305 S. Main Street Rocky Mount, VA 24151 <a href="mailto:eferguson@fergusonlaw.net">eferguson@fergusonlaw.net</a> Phone: 540-483-5234 FAX: 540-483-5763</p>
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To Whom it may Concern,

I would like to reach out to you more personally rather than Roberta Hill conveying messages to you.

I ask Aaron Ziglar to wait until I and Roberta Hill receive a copy of her bank account record and/or check record proving that \$300 was paid to The Chimney Sweep.

Once I do, I will have the evidence proving that Mr. JaCody Cassell is lying about not doing any chimney work for Roberta Hill at 310 Forest Street, Martinsville, Virginia 24112. Lying about no estimate. Lying through his representative Attorney Eric Ferguson who is simply repeating what his client is directing him to do. As it is ethical to always do what your client asks you to do, though my court appointed lawyers did not do much of that if any at all.

It is admirable Attorney Eric that you will do whatever your client asks you to do. Even if certain statements Attorney Ferguson had said can be proven to be untrue.

In this Attorney's statements from his client, Mr. Cassell, owner of the business titled as "The Chimney Sweep" in Rocky Mount, Virginia. Attorney Eric Ferguson said

some statements which I will directly prove are not truthful.

CITATION FROM ATTORNEY ERIC FERGUSON'S RESPONSE DATED JUNE 29, 2022: "My client has never done any work for the Hills."

The formal written requests from Roberta Hill were put in to both the FDIC, SunTrust (failed bank) through FDIC, and TRUIST bank. I successfully faxed TRUIST bank in both Martinsville branch and Ridgeway branch. I am simply waiting for the records.

Once I have the bank records, the photograph of the check stub, it will prove that \$300 was paid to The Chimney Sweep in October, 2017, on the date which the money was transferred out of Roberta Hill's bank account in October, 2017. The check was dated as to being October 5, 2017.

I am aware that SunTrust in 2017 scans checks and keeps certain electronic records such as photocopies of cashed checks. The check date on the photograph of the check stub as to being OCTOBER 5, 2017 also backs the phone records of 276-790-2505 phone account on xFinity/Comcast. It backs that Roberta Hill made a phone call to the phone number (540) 483-2468, US Phone Book printout proved that the phone number belonged to James Cassell, who was the owner of the business known as The Chimney Sweep. Roberta opened the image to tab browser feature at the BBB profile for The Chimney Sweep to view the image logo of The Chimney Sweep and it was a large image to her surprise.



Notice the logo for The Chimney Sweep is the exact same phone number as the caller logs supporting that two times of phone calling in the telephone records.

Roberta Hill received a phone call from (540) 483-2468 at around 10:04 AM EST, Thursday, Oct 5, 2017, lasted 23 seconds. Roberta Hill later made a phone call back to that number (540) 483-2468 at around 1:22 PM EST, Thursday, Oct 5, 2017, lasted 36 seconds. At the time Mr. Cassell, whichever Cassell it was had used the mobile cell phone provider U.S. CELLULAR. That we can prove.

What would cause The Chimney Sweep or Mr. Cassell to even be involved with calling Roberta Hill on October 5, 2017?

Roberta Hill made a longer phone call to that same number (540) 483-2468 at around 11:26 AM EST, Tuesday, September 26, 2017, lasted 3 minutes and 11 seconds. At the time Mr. Cassell, whichever Cassell it was had used the mobile cell phone provider U.S. CELLULAR. That we can prove. U.S. Cellular is his cell phone provider at the time. Roberta Hill did a phone lookup at a site called freecarrierlookup.com and printed the record for mne in pdf format. It is still at the cell phone provider of “US Cellular Corp.” the exact same phone provider name coming up in the caller ID in one of the phone call log entries.

UNKNOWN	(540) 483-2468	0s	PLACED	11:32 AM EST	Tue.	Sep 26, 2017
UNKNOWN	(540) 483-2468	3m 11s	PLACED	11:26 AM EST	Tue.	Sep 26, 2017
UNKNOWN	(540) 483-2468	36s	PLACED	1:22 PM EST	Thu.	Oct 5, 2017
U.S. CELLULAR	(540) 483-2468	23s	RECEIVED	10:04 AM EST	Thu.	Oct 5, 2017

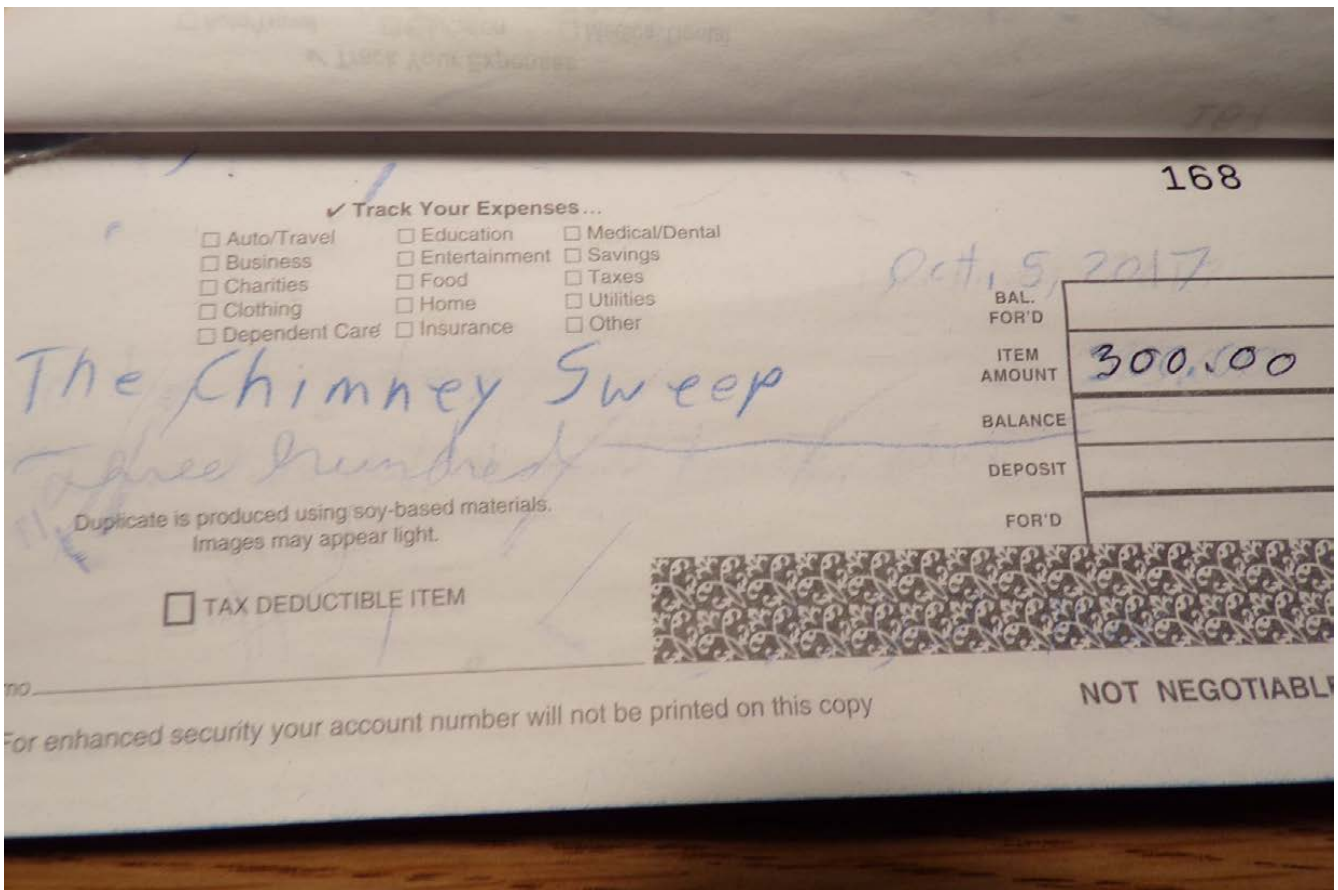
Once I have a pdf or scanned copy of Roberta Hill's bank account records and proof of \$300 leaving her bank account, I will have her sign an affidavit that the photograph of the check stub is a photo of her check stub and named as to being paid to “The Chimney Sweep” on the date of “Oct. 5, 2017” in the amount of \$300. Her affidavit, the bank account records, and the telephone records prove beyond doubt that The Chimney Sweep was doing an estimate or doing business of some sort with Roberta Hill, in 2017.

Why would Roberta Hill pay \$300 to a business called “The Chimney Sweep” on the exact same day of the telephone call logs proving that Mr. Cassell's cell phone number from provider U.S. CELLULAR was in two phone call log entries on the exact

same day as the check stub???. Both placed and received calls.

CITATION FROM ATTORNEY ERIC FERGUSON'S RESPONSE DATED JUNE 29, 2022: "Mr. Hill's complaint is baseless and he has no evidence to support it. He has offered no contract, no estimate, and no evidence of payment. He has nothing with which to back up his complaint."

We do have evidence of payment. The bank account records will prove that the money was drawn out of her bank account and that money was being paid for by check to "The Chimney Sweep".



The reason Roberta Hill has no contract was because she was never given this paper contract to my knopwledge, she cannot find this paper contract. I find it odd that she has no paper contract despite having records of other repair work done to the same home. I don't believe Mr. Cassell ever gave her a paper contract as long as I remember, it would be their fault and not our fault.

CITATION FROM ATTORNEY ERIC FERGUSON'S RESPONSE DATED JUNE 29, 2022: "My client has no records of ever providing an estimate for work to be done at the home of the Hills in Martinsville and he has no evidence of ever doing any work for the Hills at a home in Martinsville."

We have something in this country called the Fifth Amendment, Constitutional right to remain silent. It is Mr. Cassell's right to deny everything or keep his mouth shut. Denying everything can be more detrimental than simply remaining silent under the Fifth Amendment. Especially when any denials are disproved with counter evidence.

However, if this Attorney Eric Ferguson truly wants his client's claims to be entirely true without any shadow of doubt, this lawyer and his client should have simply remained silent because the telephone records, the photograph of the check stub, the BBB profile printout, The US Phone Book printout, the logo for The Chimney Sweep, and the incoming bank account records will prove that \$300 was paid to The Chimney Sweep and the check was issued by Roberta Hill to The Chimney Sweep on the very same day the phone number (540) 483-2468 was called and call received from that number on the exact same day. That number belonged to James Cassell, at the time this mobile phone number was published on US Phone Book, and that directly ties the check stub with the exact same name as the business and the phone number in the phone logs.

I would say the 3 minutes and 11 seconds on September 26, 2017 would be plenty of time to discuss an estimate, for the visit and chimney work to be conducted on October 5, 2017. \$300 paid to "The Chimney Sweep" from Roberta Hill's bank account.

## **CONCLUSION**

At this point the claims by Attorney Eric Ferguson regarding no work ever being done at the Hill's residence in Martinsville and no estimate are fraudulent, false statements.

Despite it being scant bits and pieces of evidence, it is enough to prove a few statements made by Attorney Eric Ferguson's client Mr. Cassell are fraudulent, false statements. Pokes holes in those statements. Shows evidence of a possible cover up. Possible cover up by Mr. Cassell.

\$300 was paid for chimney work done on October 5, 2017 at the chimney, and the phone call logs prove activity was going on around or on October 5, 2017, involving Mr. Cassell.

As I said before, he has the constitutional right to remain silent. Before ever attempting to make me out to be a liar in any way, shape, or form.

His statements had proven by and through his lawyer Eric Ferguson that he will remain silent as tight as a clam. He will never admit to what he had done. It's useless.

It is come to the best of my belief that Mr. James Cassell or JaCody Cassell will never admit to placing metal tin on top of the chimney flues on the date of October 5, 2017. The fact that the complaint process, as argued by Mr. Aaron Ziglar, Dispute Resolution Specialist, he repeatedly said that the process to respond to my complaint was voluntary. The fact that Mr. Cassell would pay money and hire a lawyer, Mr. Eric Ferguson (a lawyer from Rocky Mount, VA) just to try to shoot down my COMPLAINT with the Office of the Attorney General when Aaron Ziglar repeatedly argued that the process was voluntary tells me that he is afraid of possibly criminal liability and needed to mitigate the situation by simply acting as though I am a liar, and deny everything, act like nothing is true. I symbolically shot a few holes in Attorney Eric Ferguson's claims which came directly from his client Mr. Cassell.

Like Aaron Ziglar had warned, the dispute resolution process was voluntary and is not a legal process. I was trying to get Roberta Hill to have Mr. Cassell feel guilty enough to admit his wrongdoing. A Stanley Bolten reportedly in some emails tried a few times to try to persuade Mr. Cassell to admit to what he had done. That failed. Tight as a clam.

Mr. Cassell simply made a mistake, he didn't intentionally place metal tin on top of the chimney flues with any ill intent. He made a mistake which had caused the carbon monoxide gas exposure since October 5, 2017, after the chimney work was completed.

Of course this attorney can shoot down my unsworn affidavit/declaration dated July 5, 2022 based on any legal technicality of my federal case but Roberta Hill can write an affidavit about what had happened and hers would hold up in a court of law.

However it would have been better if Mr. Cassell had remained silent rather than deny everything which destroyed his credibility the very minute we produce records

disproving even a portion of the claims made by Mr. Cassell. His attorney is right, it is beyond the statute of limitations to file a lawsuit against Mr. Cassell and against The Chimney Sweep. So why take the time and pay attorney fees to deal with my complaint which is voluntary to respond to??? I am judgment proof, my only income is SSI disability. Why hire an attorney to respond to a supposedly “baseless” complaint if that were entirely true?

I believe there is probably some unintended consequence or consequences which scared Mr. Cassell into lawyering up. Usually certain things cause people to lawyer up.

To these reasons, I believe I have poked enough holes in Mr. Cassell's claims, that his claims of never being involved with Roberta Hill to do chimney work is baseless and based on false statements by Mr. Cassell. Enough evidence to show a reasonable doubt if Mr. Cassell made such claims against me in a court room, I can show the phone record logs, check stub, the bank account records. That would be enough to dismiss Attorney Ferguson's claims against me in front of a jury by poking those few holes which would be reasonable doubts. I have enough proof that it proved chimney work was done as \$300 was paid to a business doing CHIMNEY work. What kind of work did they do on October 5, 2017??? That can be kept to speculation but Mr. Cassell cannot disprove my claims completely by claiming no involvement when there is scant evidence proving involvement of Mr. Cassell and money paid to his business. The phone records of his phone number in contact with Roberta Hill's phone number match the date of the check stub and will match the bank account records.

I will at some point have those bank account records from Roberta Hill. I will have Roberta Hill email those records directly to Mr. Aaron M. Ziglar, as well as give me the physical copies which will be scanned and made into PDF file copies . He will have those in his office of the Attorney General, and copies will be given to the Office of the Attorney General.

I was hoping to have Mr. Cassell admit to placing the metal tin on top of the chimney on October 5, 2017, and that would establish evidence in my criminal case that Brian David Hill was subject to carbon monoxide poisoning from October 5, 2017, until the day I wandered away from home in late night September 20, 2018, and was walking naked down a deserted walking trail at night until I was arrested on September 21, 2018. My Autism Spectrum Disorder along with the Carbon Monoxide gas poisoning caused me to wander away from home and the effects of the carbon monoxide odorless tasteless gas caused me to take my clothes off and walk around naked on a deserted walking trail

for hours in the middle of the night until a passing car went by the road right close to the Dick and Willie walking trail, around Hooker Street and saw me running naked and called Martinsville Police who arrested me. The carbon monoxide effects had caused me to make confusing statements which gave Officer Robert Jones the wrong conclusion that Brian David Hill was making false statements or misleading statements. People with Autism Spectrum Disorder are known to make false confessions and misleading statements to law enforcement according to a report from Dennis Debbaudt, a law enforcement trainer. Family gave me this link to paste in here:

<https://www.polfed.org/WestMids/media/1938/interview-and-interrogation-of-people-with-autism.pdf> or

<https://web.archive.org/web/20220614102303/https://www.polfed.org/WestMids/media/1938/interview-and-interrogation-of-people-with-autism.pdf>. Carbon monoxide can worsen the symptoms of Autism or even cause a regression leading me to exhibiting a behavior usually exhibited from younger autistic children who at times are found naked outside or wandering naked at night. So I exhibited an unusual behavior that normally happens with autistic children such as wandering and walking naked and confused due to the prolonged (long term) carbon monoxide exposure from October 5, 2017, until September 20, 2018.

The fact that Mr. Cassell did not exercise his right to remain silent but instead decided to make a bold move of hiring an attorney to simply respond by denying any and all involvement in anything regarding chimney work done on October 5, 2017 at 310 Forest Street had shown me that my claims will at least be considered if I file a motion for a New Jury Trial based on the false claims made by Mr. Cassell in response to only me accusing Mr. Cassell of placing metal tin on top of the chimney flues to block the exhaust from the chimney flues, when the intent of the metal tin was only with attempting to stop the chimney swifts birds from flying into the chimney in the fall. Based on what Pete Compton from ACE Chimney found in January of 2019. We all immediately figured out that this was done by the work of The Chimney Sweep. All of my supporting family members such as Roberta Hill, Stella Forinash, and Kenneth Forinash, we all knew it had to be from the past chimney work done on October 5, 2017.

I have enough evidence to push for a new trial in my criminal case based on Mr. Cassell's denials of everything even in the face of scant evidence proving \$300 paid to The Chimney Sweep on October 5, 2017, phone call logs between Roberta Hill through 276-790-3505 and Mr. Cassell's mobile number (540) 483-2468 which is on provider U.S. CELLULAR, calls made on both September 26, 2017, and October 5, 2017. Normally a check would be paid to a contractor or business after the work was



completed. So the work would be completed on October 5, 2017. I have enough evidence to push back against Mr. Cassell's wall of denial. WALL OF DENIAL!!!!!!!!!!!!

Once I get the bank account records, copies given to Attorney Eric Ferguson and Aaron Ziglar, I will give Mr. Cassell one more chance to voluntarily be a witness in my criminal case. I do not want money, I don't want a pursue a financial claim for damages against Mr. Cassell, I make that clear. I need him to testify in my criminal case. I will provide the contact information for the Circuit Court and the criminal case number. I will give Mr. Cassell one more chance to make things right after I receive the bank account records and confront his attorney with these records. He can still agree to testify and write an affidavit as of right now. He can agree to testify and I can agree to waive liability claims against him if that makes him feel more comfortable about testifying.

I agree to sign a conditional waiver of liability where I will not hold Mr. Cassell and any of his workers and agents liable for anything he has done and will not push to hold him criminally liable either, if he agrees to tell the truth and tell the facts from his own witness testimony. I will not tell him what to say, it is up to him to testify and up to him to answer my questions and the questions of the Commonwealth Attorney at any future criminal case hearings involving my charge of indecent exposure. All I want is for him to be a witness. His denials tell me that he is lying, that he does remember what happened and denies it out of fear, out of fear that it would have him civilly and criminally liable. I understand a mistake was made and that Mr. Cassell did not intentionally place metal tin on top of the chimney flues to cause carbon monoxide. If he did, then that is between him and God, that will be something he would have to face on Judgment Day, when that day naturally comes as will come for every one of us, someday. Judgment day where you will be judged for every action you take.

I will give him one more chance to make things right. One more chance before I submit the final pieces of evidence (bank account records once acquired) to the Circuit Court and that will be filed in the Federal Court in my 2254 motion once the entire State Court criminal case records are filed by the Commonwealth of Virginia in my 2254 Motion petitioning for Writ of Habeas Corpus to overturn my state conviction.

It is clear that the Circuit Court judge will feel that Mr. Cassell was lying about not doing any chimney work for Roberta Hill in Martinsville. And was lying about not doing an estimate. Even with scant evidence, lying in an attempt to shut down a complaint which is voluntary to respond to would be viewed in a negative light. The judge may consider this enough for a New Trial based on new evidence in my criminal

case. My claims would hold weight since lying in response to a complaint is usually a sign of guilt. A wall of denials when holes can be poked in such a large wall equals guilt. Lying in a voluntary response to attempt to dismiss a complaint which isn't even a lawsuit, it isn't guaranteed to receive any financial damages claims if beyond the statute of limitations, especially a hard statute of limitations. Yet lying to get a complaint dismissed as baseless when it isn't even considered a legal process. It is voluntary.

I will submit what I have so far to the Circuit Court Clerk, then soon enough I will ask for a New Trial again in my criminal case in the Circuit Court but based on the few proven lies of Mr. Cassell. I have no need to sue Mr. Cassell. If I win the jury trial, I can sue the Commonwealth Attorney Glen Andrew Hall for malicious prosecution against an innocent man. I would be compensated by the Commonwealth of Virginia for damages caused by the prosecutor. I am confident I would win suing the prosecutor of my criminal case. I would also sue my court appointed lawyers too, and win on defective counsel. I have no need to sue Mr. Cassell. I can sue the prosecutor and the ineffective defense attorney. I will also sue Martinsville Police and sue the Police Chief G. E. Cassidy. I will sue them all, and I would win. I rather sue them than sue The Chimney Sweep. Believe me, I need you as a witness and suing you would not be in my best interest even if there wasn't a statute of limitations. I rather compel you to admit the truth.

At some point, NOT NOW, I plan on dismissing my complaint voluntarily after I receive the bank account records, regardless of Mr. Cassell's decision and give Mr. Cassell one last chance to make things right and admit to what he had done placing the metal tin on top of the chimney. One more chance, write an affidavit and agree to be a witness until my criminal case is disposed of and dismissed. Regardless, the complaint will be dismissed. I will not hold this complaint over you, I about have enough evidence.

Mr. Cassell has his right to remain silent, he has the right to not be a witness against himself, and him lying in response to my complaint will not help him disprove my claims when I push for a New Trial in the Circuit Court for the City of Martinsville.

Regardless of whether Mr. Cassell will testify or not, at some point after I have my final evidence I will have the complaint dismissed upon the ground that Mr. Cassell is as tight as a clam, will not cooperate to being a witness in my criminal case, and that my complaint case is going nowhere. Regardless, I am dismissing the complaint once I have the final evidence and give Attorney Eric Ferguson's client one more chance to admit to what he had done on October 5, 2017, despite the scant evidence available.

I hope that Mr. Cassell will do the moral thing, do the smart thing, be right with God, tell the truth, and stop lying.

I pray to God that he will tell the truth and do the right thing. Denying everything only hurts me and hurts my mother Roberta Hill, and lying hurts himself. Someday in the Court of God, in his life review aka judgment day the Bible spoke of, Mr. Cassell someday after being elderly and naturally passing on to the spiritual realm, HE will be shown visions of me and will experience feeling my pain, suffering, and misery he had caused me. If you ever want to read a good spiritual book, it is called **“Embraced by the Light” by Betty Eadie**. She explained that when she faced her life review, and I think she met Jesus Christ as well, that every pain or suffering she caused, she had to experience that pain and suffering she caused another, the very pain and suffering she caused another person. Some day, Mr. Cassell will face God, will face Judgment Day, his life review after he lives a long healthy life, and he will feel my pain, my misery, my suffering, and he will feel the years of anguish and torment that Mr. Cassell had caused me. The lawyer will also feel my pain, suffering, and misery as God will give everybody a life review process. GOD'S COURT, GOD'S JUSTICE SYSTEM. **Mr. Cassell can get away with hurting me and my family in man's Court of Law, but he cannot get away with this in God's Court of Law.** He will feel my pain, my emotions, my suffering and will look at my face and body as I am naked with cuts on my body, carbon monoxide poisoning shown on my face, and me being arrested with handcuffs. God will show Mr. Cassell these visions and he will have to experience the pain that he caused me and Roberta Hill. He will see visions of Roberta Hill crying, almost killed herself and she told me that she almost killed herself when she saw that I was being arrested for indecent exposure. So Mr. Cassell will feel the pain of my mother almost killing herself in 2018, the pain of her body deteriorating, her suffering and her misery. Mr. Cassell will feel all of that someday as God shows him the wrongs and rights he has done with his life on this planet. Someday he will feel the pain of me, Roberta Hill, and pain of everybody he harmed and hurt. I have no need to do anything to Mr. Cassell, I am letting God and Jesus Christ deal with Mr. Cassell. Mr. Cassell, I am asking my lawyer Jesus Christ, Jesus is my lawyer and I have asked Jesus to hold you accountable someday in God's Court of Law of the Universe, Court of Heaven, whatever you wish to call it, and Jesus will prosecute you someday for what you have done to me.

My only interest throughout all of this is getting my life back, I want to be acquitted. Money doesn't matter to me when I can be free of my wrongful conviction. Please do the right thing JaCody Cassell. I pray to God that you will do what is right, do the right thing. **Though shall not bear false witness, one of God's Ten Commandments.**

Case #: CR19000009-00, Martinsville Circuit Court. Virginia.

Hon. Ashby Pritchett, Clerk of the Court: [APritchett@vacourts.gov](mailto:APritchett@vacourts.gov) and  
[APritchett@courts.state.va.us](mailto:APritchett@courts.state.va.us)

Commonwealth Attorney Glen Andrew Hall, Esq.: [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us).  
City of Martinsville, Commonwealth of Virginia v. Brian David Hill.

Thank You. Respectfully filed with the Aaron Ziglar, this the 7th day of July, 2022.

  
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Brian D. Hill

God bless you,  
Brian D. Hill

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