

# **SUPPLEMENT 1**

**For Federal criminal/civil case filing  
-- PETITIONER'S RESPONSE BRIEF IN  
OPPOSITION TO "GOVERNMENT'S RESPONSE  
TO "MOTION AND BRIEF FOR LEAVE TO FILE  
ADDITIONAL EVIDENCE" AND  
GOVERNMENT'S MOTION FOR PRE-FILING  
INJUNCTION" (DOCUMENT #148) AND  
"MEMORANDUM IN SUPPORT OF  
GOVERNMENT'S MOTION FOR PRE-FILING  
INJUNCTION" (DOCUMENT #149) --**

**Brian David Hill (Petitioner) v. United States of  
America (Respondent)**

**Criminal Case Number 1:13-cr-435-1  
Civil Case Number 1:17-CV-1036**

**U.S.W.G.O.**

USWGO Alternative News (USWGO.COM, DEFUNCT)  
WE ARE CHANGE (WEARECHANGE.ORG)  
INFOWARS.COM (THERE IS A WAR ON FOR YOUR MIND)  
Oath Keepers (oathkeepers.org)  
FederalJack (FederalJack.com)  
Alternative Media/Truth Movement brigade

**In the United States District Court  
For the Middle District of North Carolina**

<b>Brian David Hill</b>	)	
<b>Petitioner,</b>	)	
	)	
v.	)	<b>Criminal Action No. 1:13-CR-431-1</b>
	)	
<b>United States of America</b>	)	<b>Civil Action No. 1:17-CV-1036</b>
<b>Respondent.</b>	)	
	)	
	)	
	)	
	)	

**Declaration of witnesses Stella Forinash, Kenneth Forinash and Roberta Hill in support of “MOTION to Vacate, Set Aside or Correct Sentence (Pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL (Document #141) and in support of Petitioner’s Response to Government’s motion for injunction and in our own “Memorandum in OBJECTION of Government’s Motion for pre-filing injunction: Pursuant to 28 U.S. Code 1746 and subject to the penalties of perjury, we therefore submit this statement to the U.S. District Court as follows:**

**MEMORANDUM IN OBJECTION OF GOVERNMENT’S  
MOTION FOR PRE-FILING INJUNCTION**

**1. STATEMENT OF THE CASE by (Brian David Hill’s Family)**

On November 14, 2017 Petitioner Brian David Hill and his family: his mom, Roberta Hill and his grandparents: Stella & Ken Forinash filed a motion under 28 USC 2255 in case 1:17CV1036 to vacate set aside or correct his sentence in criminal case 1:13CR435-1. Due to Brian’s documented disabilities from the age of two to thirteen: (Brittle Insulin Dependent Diabetes with seizures, Autism spectrum disorder, generalized anxiety, Attention Deficit and Hyperactivity Disorder (ADHD) and Obsessive Compulsive Disorder (OCD) Brian’s family have stepped

forward to help him to prove his innocence in this federal court in the middle district of North Carolina. He lives off of one SSI disability check so can't afford to hire an attorney.

Brian is a young person, disabled who can never make it on his own, and since 2012 has been on a medical Medicaid Waiver program in Virginia which provides him with 40 hours of paid assistance each week due to all of his medical disabilities. He and his family have sent many documents to this court which prove beyond a shadow of a doubt that he is innocent and should have never been charged with a crime in the first place or arrested as the proof of his innocence was in the court records. Both the prosecuting attorneys and the defendant attorneys the court appointed to his case ignored all of the evidence which proved he is innocent. Brian was framed, and he and his friends received threatening emails and text proving that someone hacked in Brian's computer and planted child porn and made attempts to set others up with child porn emails and hacked into other's computers and threatened sending more child porn to Brian and said they had people working in North Carolina who would make sure that he stayed guilty no matter how much proof he had. These threats and witnesses who came forth who wanted to testify with proof that Brian was innocent were ignored by the U.S. government's paid attorneys. Brian David Hill won't survive on his own, and remaining on a felony list and on a sex offender registry when he is innocent will restrict him from getting the help he needs when the people in his life now are no longer there for him. The Government's response to ignore his disabilities and to ignore his constitutional rights and attempt to file an injunction removing even more of his constitutional rights is astounding. The name "United States Government" is given to the union of all of the states under the US Constitution where government control is vested in the people of the states. "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general

Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America”.

## **II STATEMENT OF FACTS by (Brian’s Family)**

Prior to Brian David Hill’s 2255 Motion and supporting documents, his constitutional rights were denied him along with the insulin that he desperately needed for 11 months in the NC jails. After he became aware of the fact that his court appointed attorney was not really representing him, he had no choice but to start filing pro se documents to the court. In many of these filings, he asked for another attorney, and in some he declared under oath that he was innocent. We have proven to the court that neither of his attorneys represented him, ignored the proof of his innocence by not comparing the Mayodan police report with the NC SBI report, and more proof that both attorneys were ineffective and not really representing Brian. Both attorneys just wanted him to take a guilty plea. Brian continued to try to fight to prove to the court that he is innocent and should not be punished for a crime he did not commit. Laws are supposed to protect innocent American citizens and punish the people who are guilty, not punish the innocent person.

(Brian’s Family) DE#136-1, -2, -3 (This was the person who handled the NC SBI Report). This is the same report which proves that Brian’s confession given to the Mayodan police department at lunch time was a false confession. It proves that the time of the download of child porn was 11 months after Brian’s computers were taken by the Mayodan, NC police department and in the hands of the police and NC SBI. This report has no photos at all, and just has “word” descriptions. It also proves that Brian’s netbook contained no child porn at all. These facts

mentioned many times by Brian and his family in the 2255 continue being ignored by the government attorneys.

(Brian's Family) DE# 137 -2, -6 12-04-2017. Prosecuting attorney is quick to point out what Brian said to the court about his probation officer (November, 2014 – May, 2015). Totally ignoring Brian's family's letter to the court on March 8, 2018; Document #145-1; page 58-60 where Brian's family gave proof through an email belonging to Brian's grandparents of one of her lies while she was on the stand in the courthouse on June 30, 2015 and copies of threat emails in this same document for Brian to stop his appeal in February 2015.

And in this same DE #137-20 about a judge in Brian's case in 2014. Brian's family don't feel like he is "crooked in the adjective or informal meaning of the word." Looking up this word and the meaning, Adjective: "Bent or twisted, out of shape or out of place". Informal "Dishonest or illegal". Another meaning is "Cunning". The verb meaning is "Crooked and Bend". The noun meaning is "Deceit, gale, trickery". We don't know what Brian meant by that word. But we do know that Brian read a threatening email sent to an attorney friend of Brian's. This threat email said that they sent child porn to Brian in a hard drive which this same judge ordered in Nov. 2014 that all things were to be returned to Brian as long as there is no child porn in it. This threatening email was dated Feb. 16, 2015, and Brian's family sent a copy of it which was in Brian's family's email accounts to the court. This is in Document 145-1, filed 3/17/2018 on pages 35-37. In this threat, whoever wrote this said that more child porn is coming and more charges will be brought, and they will make sure that this same judge from 2014 will proceed over the case. This "Fact" with "Proof" is also ignored by the government's attorney.

Government attorneys show DE #138 about a petition Brian got. We have proven to this court that this petition was a factor in this set-up. **Brian was attending meetings at the Mayodan, NC town hall and speaking at the meetings in March, April, (presented petition to the Mayodan town attorney who is also a NC senator) in May, 2012.** Attended the **July 9, 2012** Mayodan town hall meeting and asked the Mayodan town attorney who is also a NC senator about this petition. He was removed from this meeting forcibly by this town's chief of police. Brian wrote about this in his USWGO website on **July 10, 2012**; put up a video about it on his USWGO YouTube page, and it was on many other web sites. He also wrote on July 12, **2012** that the police were harassing his mom and trying to find a reason to arrest him or his mom, and then according to the Mayodan police and the SBI report, they both claimed that child porn started being downloaded on Brian's computer on **July 20, 2012**. Neither report had any child porn photos, just typewritten description. See the letter from Brian's family dated March 7, 2018, Document 145-1, page 7-9 and in other court documents by Brian and/or his family.

(Brian's Family) Document by Brian on DE #143. The prosecuting attorney seems to be more concerned about Brian's words here about the prosecuting attorney than he is the fact that an innocent, disabled young man is still having to register as a sex offender when this young man and his family have sent proof of his innocence for years, and the government's attorney shows no remorse and continues to ignore this proof. Being called a "sex offender" when you are innocent is a lot worse than being called any other name.

(Brian's Family) Document by Brian: DE#145-2. "A child porn hack" where the prosecuting attorney says "Unrelated to the Petitioner". Brian talked to the people involved, who sent a copy of one of the threatening emails they received to Brian's mom, and they had received threatening emails by someone just like the threatening emails Brian received. Brian's family again sent

copies of these emails to this court in their March 7, 2018 in Document 145-1. This too continues being ignored by the government's attorneys.

(Brian's Family) Document by Brian: DE#132 at 48-53) #49 is a photo of Brian and Alex Jones (his nationally syndicated news and talk show) & Stuart Rhodes (Oathkeepers) from June 2012. Brian received a threatening email in April, 2013 that the person/people who set him up planned to set up Alex Jones and others, and Attorney Sue Basko in Sept. 2014 testified to the court about the set up attempt on Stuart Rhodes. Brian has put these photos in the court record as proof that he was interviewing and meeting important people in 2011-2012. Page 50 is someone whom Brian interviewed in 2011 for his USWGO website and Youtube video (Jim Tucker, American journalist and author). Brian's family took these photos as Brian was working on his USWGO webpage and YouTube page. Page 51 is Brian with someone who used to be a US Congressman from 1997-2009 and was now running for the office of President of the USA, Virgil Goode. Brian interviewed him in May, 2012 in Virginia. Page 52 is a photo of Brian and the Mayodan town attorney who is also an NC senator, Phil Berger Sr. This photo was taken by Brian's family after one of the Mayodan town hall meetings in 2012. Page 53 is another one of Brian's interviews for USWGO in June, 2012.

(Brian's Family) DE 131 at 3-21 from Nov. 14, 2017 proves that Brian should have been under the care of his mom who is trained in diabetes and autism and not in the jail system. He was not allowed bond for 11 months (Dec. 2013 – Nov. 2014). Page 8 is proof that while Brian was in the NC jails, he was not given or allowed to take any sugar product to treat a low blood sugar which Brian knew if this went untreated, he would go in a seizure and die. This was on Brian's 24<sup>th</sup> birthday. Guards broke his nose, and from the way this note sounds, a doctor and nurse were called into the jail in the night. Brian almost died that night. The doctor wrote a note to let

him test his own glucose and give him a snack when his blood glucose goes low. Brian with autism and severe diabetes was moved constantly to different jails. This also proves that Brian has brittle diabetes and many times in jail was not given the insulin his body required, and the jail guards apparently were not trained in how to treat diabetes. He had also lost a lot of weight as these medical records prove. That was the reason he went ahead and let the 2<sup>nd</sup> court appointed attorney do the “Guilty Plea” when Brian was and is innocent. Page 19 is proof that on court days, Brian was not given any insulin and was suffering from high blood sugars and in physical torture.

(Brian’s Family) DE 137-1 Called on July 25, 2015 - **PAGE 2/3 - CALL TRANSCRIPT - 08/02/2015** is Brian’s proof on another one of probation officer (from Nov 2014 to May, 2015) lies in the court. She told Brian in front of his family that Judge Osteen called her, and then in the court house she told the attorney representing Brian that it wasn’t the judge; it was the Federal Marshalls and the clerk, so Brian called the district clerk on 7/25/2015 to find out what the truth was, and the clerk court told Brian it was the judge. More proof that Brian was more concerned about his being punished when he was innocent and set up again in April – December, 2015 after he tried to appeal his case. This made his anxiety and other health problems worse. Check on Brian’s family’s document #145-1 on **Page 47** to read the transcript on June 30, 2015 for proof of this lie she told in court too. The clerk clearly told Brian on the phone that it was the judge. Burton said in court “ No, it was not per judge’s orders that I went to the home. I was contacted by the clerk’s office and the marshalls”. **SRV Hearing on June 30, 2015. Document 123 Page 27 of 84.**

(Brian’s Family) DE 132 at 56-68. These were photos shared with the public on FACEBOOK and the proof of the relationship is in Brian’s families’ document to this court: See **Case 1:13-**



**cr-00435-TDS Document 134 Filed 11/14/17 Page 60 of 99** showing how these people are all related in Brian's case.

(Brian's Family) DE# 137 at 9. Brian's family is witnesses to this fact. DE # 147 at 4. I think there would be many who feel this way after over 5 years of sending documents to the court of proof of your innocence, receiving ugly, threatening emails and the court ignoring everything.

Brian's family was part of his 2255. Please refer to Brian's grandmother's witness account proving his innocence on **Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 35 - 71 of 99**. His grandpa's witness account proving his innocence on **Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17, Page 73 – 75**. Brian's Mom's witness account proving his innocence on **Case 1:13-cr-00435-TDS Document 134 Filed 11/14/17 Page 76 – 87**.

### **III Standard of Review by (Brian's Family)**

Brian David Hill was not filing frivolous litigation. Frivolous meaning "lack of seriousness or sense"; "unconcerned about or lacking any serious purpose"; "not worthy of serious notice". These pro se motions that Brian keeps writing to the court is to prove that he is innocent and was set up with a crime He with many handicaps keeps trying to prove to a court that he is innocent, keeps being ignored and keeps trying. To be downloading child porn on purpose is a serious offense against children. To be set up with child porn, to have attorneys appointed who do nothing to help you, having judges and attorneys who ignore all of your proof is a very serious matter. To be a victim accused of a crime you did not commit is serious. To be put in jail for 11 months, denied all of the medicine you need is cruel and unusual punishment for any human, yet more so for someone who is really innocent, has major disabilities and a victim of this court system. Brian keeps trying to prove his case to the court as this is law and keeps trying to learn

law. Now this court system is not only trying to ignore everything he and his family writes to the court backed up with solid proof, but they want to keep him on the sex registry and take away his constitutional rights to address the court system which has put him in this serious situation. He and his family have proven to this court that he is innocent of knowingly downloading child porn and was set up. He is not the criminal. He is the victim. He has been seriously writing to the court, sending proof to the court of his innocence, proof that he was set up and should never have been charged for 5 years. These pro se motions are a very serious matter and can be stopped by the government admitting that they made a mistake and will vacate and correct his sentence. That will be the end of the pro se motions in correcting the government's mistake.

#### **IV ARGUMENT by (Brian's Family)**

Brian David Hill is not intentionally trying to file frivolous litigation. He has a major disability called "autism". **Definition of autism spectrum disorder.** : any of a group of developmental **disorders** (such as **autism** and Asperger's syndrome) marked by impairments in the ability to communicate and interact socially and by the presence of repetitive behaviors or restricted interests — called also pervasive developmental **disorder**. His OCD (hand washing routines) have gotten worse due to the stress and the extra time required of him to prove to the court that he is innocent and wants nothing to do with any type of child porn and has never downloaded any of that trash, saw it in Feb & March, 2015 when whoever has been trying to set him up put it in a hard drive which was delivered to him, then in a text message on his grandmother's phone. He was disgusted, upset, felt sorry for the children used in these photos and told his family about it immediately. His family destroyed the hard drive, and he called his probation officer right away and gave her the phone. It is not Brian's ***INTENT*** to be filing "vexatious, harassing or duplicative ***Lawsuits***. He did file one FOIA lawsuit to get copies of his

discovery records which is part of our constitution to use in his 2255, and yes, due to his autism, he did use some adjectives that he should not have used, but it was only in explaining to the court how various people don't want him to have access to records which the law says he is entitled to have. His intentions are just to prove his innocence and be free of a crime he did not commit. This 2255 is very serious to Brian and to his family to be free of a crime he did not commit. No one who is innocent should be on a sex registry.

Finally we have answered and explained 5 pages of the 52 page Memorandum through Matthew G.T, Martin, US Attorney for the middle district of NC by Anand P. Ramaswamy. (prosecuting attorney). The whole point of Brian David Hill's 2255 was to vacate his sentence. Brian and his family have sent evidence to this court as to his innocence. This prosecuting attorney totally ignores our proof, and the fact that Brian is innocent and did not commit the crime. He then proceeds to state that his time is up to file the 2255, then for the next 50 pages, he is belittling what Brian in sincerity has written to the court, and in doing so is belittling autism. Much of what Brian has written is part of his disability and not meant to offend. We have decided not to waste anymore time answering what we feel is really frivolous. We feel like this attorney is harassing Brian. He says that Brian is making accusations damaging the reputation of various individuals (page 7), but never once addresses the true fact that Brian is an innocent, disabled person who was arrested for a crime he did not commit over 4 years ago, was given ineffective counsel, no one listened to him or his family. He was not even given a chance to question his accusers. Then he was told to go file as a sex offender when he and his family have proven his innocence to this court. They have totally ruined Brian's reputation. Prosecuting attorney claims Brian is harassing other people. Not true. He brings up November 10, 2014 the court dismissed his filings and again on July 1, 2015. He brings up the word delusional disorder which

neither Brian nor his family feels like applies to him and totally ignores Brian's true diagnosis of autism, brittle diabetes requiring several insulin shots per day, his ADHD, anxiety and OCD.

Page 7, Prosecuting attorney calls Brian's filings "vexatious, harassing, causing damage to the reputations of various individuals". Page 8 he includes his accusations and never states whether any were substantiated. If a judge takes time to read his and his family's information in the 2255, it proves Brian's innocence. States again that Brian is harassing and brings out the diagnosis of delusional disorder. Page 9 goes over to Brian's FOIA lawsuit in Danville, VA where Brian is trying to get his Discovery from the NC SBI in Greensboro, NC and false confession tape from Mayodan, NC to be examined, has been trying to get these since 2015, and for 3 years, these are kept from him. Neither he nor his family was allowed to see these by his court appointed attorney in 2014. His 2<sup>nd</sup> court appointed attorney let us read the discovery, then refused to let an attorney who was going to represent Brian see the discovery.

On page 10 prosecuting attorney says that Brian is using his 2255 in order to "harass and besmirch his perceived oppressors, consistent with the diagnosis that petitioner denies he suffers from. Again NOT TRUE. He and his family have filed proof that if a jury had seen this proof, he would have been acquitted. Proof that the government's attorneys are ignoring and denying PROOF we have sent to this court of Brian's innocence. In doing this, they are the ones harassing Brian. Page 11 prosecuting attorney says "His conclusion of wholly irrelevant and personal Facebook pages of two individuals". These are public pages, and an investigator can use this to prove set up, a brother and sister involved in this political set up, causing a disabled person with autism and brittle diabetes to be questioned alone at lunchtime and getting a false confession and government attorneys ignore all proof. Brian did not put the photos of these people and their children on a public Facebook page. They chose to do that. Most politicians

include their children to be in public photos with them. This is their choice, and it was them who put these photos as public pictures on Facebook. "Petitioner demanded that these Facebook pages be in color". Not true. He asked for all color photos to be in color, not just the Facebook pages. Prosecuting attorney says this material has no relation to any such challenge". Not true. Read what all Brian's family have submitted to this court, and you will see that all of it is proof of his innocence, and that is why Brian and his family chose to submit all of this to the court to prove he is innocent and needs to be vacated from this sentence.

Page 11 of Document 149 Filed 3/23/18: Brian's family has copied case law from the internet so Brian can give case law to prove his point since he has no attorney to represent him when he files papers with the court. Any information he needs on the Internet is obtained for him by his family and friends. He is not doxing anyone with malicious intent nor is he searching the internet. These are malicious and false statements that Mr. Ramaswamy is making about Brian in court records. Brian also has friends and others who have come forth and put things on the internet on his behalf. On page 12, this prosecuting attorney says Brian's frequent reference to suicide is itself a form of harassment. Not true. Brian has even been put in the hospital for this. He would rather be dead than be on a sex registry since he is innocent of knowingly downloading child porn, and he and his family have given proof that he is innocent and was set up with this due to his public articles on USWGO in 2012. Brian, someone with autism is being judged by Mr. Ramaswamy for everything he is saying, for every word, then this prosecuting attorney is putting unreal meanings to every word which Brian writes. On page 12 based on Brian's words and Mr. Ramaswamy's interpretation of Brian's words, this prosecuting attorney wants a pre-filing injunction against Brian. Brian does not want to file all of this. Neither does his family. It takes precious time from our lives. All we're trying to do is clear his name, free him from being on a

sex registry when he is innocent and was set up. We're trying to do this in a lawful way through the same court which falsely arrested and charged Brian with a crime when he is innocent of it and needs to be cleared. "Petitioner's filings in his 2255 motion alone exceed one thousand pages" per Mr. Ramaswamy. Brian is fighting to prove he is innocent. Proof takes many pages, and his family has added many pages to the 2255. It's not all what Brian is filing.

Page 13 "Petition's 2255 motion was untimely-made" per the prosecuting attorney. He says nothing about Brian being guilty of this crime or innocent. Is he saying "Too bad you waited too long. It's law that we keep people on a sex registry even when they are innocent. We don't care about your constitutional rights as an American citizen"?? Then he says that Brian's untimely actions have created a wholly unreasonable and burdensome demand of time and resources upon the US attorney's office and the court. What about Brian and his family? This court (this same prosecuting attorney) went after Brian, had Brian arrested and removed from a hospital. Brian was kept in jail for 11 months without bond even after this court had proof of all of his disabilities without all the insulin his body needed, moved him from one jail to the next which is hard on someone with diabetes, autism, anxiety, OCD and he was given attorneys who acted more like prosecuting attorneys. Forced him to take a guilty plea against his will ignoring proof that he is innocent, then they made him call a probation officer (This last one is good and seems to understand all of Brian's disability issues), forced him against his will to register as a sex offender when he is a virgin, and have called him all kinds of names and won't admit that the Government attorneys are in the wrong. This battle has taken over 5 years and counting from Brian and his family, putting much stress for years on all of us and causing us to do a lot of work to prove he is innocent to a court which keeps ignoring us, then complain that we are putting too much proof or documents of proof on the court records. Mr. Ramaswamy talks about his

untimely appeal in January, 2015 after Brian and his family read the discovery for the first time but neglects to say anything about the proof Brian's family gave to the court in March, 2018 about the threats Brian had received to stop the appeal and more threats about sending more child porn to him.

Page 14, This prosecuting attorney hints that Brian's case has no merit. Again Mr. Ramaswamy wants to issue a pre-filing injunction against Brian, taking away more of his constitution rights. He says that Brian has taken unacceptable actions before the court. Apparently Brian made a mistake by asking for subpoenas. "He submitted a hand-written motion to recuse Judge Osteen from his criminal case". Could this be because of fear from the threat emails Brian had received months before Brian did that? He and his family have submitted these to the court more than once. Yes, we all know that Brian was sent a letter by the clerk of the court that he could only submit records to the court by US mail or in person. Brian found a way that he could text that to the court by using his grandma's phone. He did not use email to do that, and he stopped after he received that letter from the clerk of the court where he was told that he could mail these to the court or bring them in person but not through text or email.

Page 15, in Brian's effort to prove his innocence to the court, prosecuting attorney claims that Brian has demonstrated his continual willingness to abuse the ECF system. This is not true. All Brian is doing is to try to prove his innocence to the court. He can't afford to hire an attorney to do this for him as his only source of income is his Disability SSI check, and Brian cannot work, Mr. Ramaswamy is making sure that Brian will not get help or relief from this court by stating that Brian will unceasingly file vexations, harassing, meritless, and frivolous documents with impunity". Prosecuting attorney wrote that another court granted a pre-filing injunction to protect the court. What type of protection is there for a disabled person who is innocent of a

crime and a victim of our government attorneys to be set free? Are the courts there to protect its citizens or to harass its citizens?

Page 16 again talking about a pre-filing injunction against Brian, making sure he stays on the sex registry even if he is innocent, and **Brian is innocent**.

## V. CONCLUSION by (Brian's Family)

Same thing on page 17 - 18 "Long history of harassing, repetitive filings" "Enter a pre-filing injunction barring Hill from filing any future motions in any court, whether state or federal". This prosecuting attorney also is asking the court to place all of Brian's filings under seal to protect the people he mentioned in his case. Order that the Government is exempt from responding to his filings. Mr. Ramaswamy wants all of Brian's filings to be under seal which means all of the documents Brian and his family have submitted to this court proving he is innocent, all the time, work and money spent on mailings will be hidden, and Brian will stay on the sex registry when he should have never been on it to start with. All of Brian's constitutional rights will be denied him, and again the threat emails are proven to be true and whoever wrote and sent those emails are getting exactly what they want in this great country of the USA, land of the FREE and home of the brave. This is not the America that we know, and the constitution and laws which are supposed to protect innocent people in our country is not addressed by this government employee, Mr. Ramaswamy. If it will please the court, let's put some links of proof we (Brian's family) have given to this court in the very words of Mr. Ramaswamy and Brian's first court attorney when they both told the judge on September 30, 2014 that they ignored all of Brian's witnesses, a violation of Brian's constitutional rights. He is ignoring all of Brian's family's letters to this court of the injustice that was done to Brian, and from reading his reply,



he is clearly & frivolously going after Brian, clearly ignoring all of the proof of Brian's innocence and everything Brian's family have submitted further proving that Brian is innocent and should never have been charged with any crime. Here is proof Brian's family have submitted to this court about this same prosecuting attorney, Mr. Ramasway that he is asking the court to cover up/hide this information from the public court records:

**A defendant enjoys the presumption of innocence.** (Brian with all of his disabilities was denied bond and treated "guilty" and forced to stay in jail for **11 months** in torture without the Insulin requirements for his body to keep his blood glucose in control UNTIL he took the guilty plea, then he was allowed to come home and go to his doctor to get his prescribed insulin.) **The prosecution must prove its allegations at trial beyond a reasonable doubt.** This did not happen either because Brian now has the proof that the police got a FALSE guilty plea, and the Mayodan police records and Brian's confession does not match with the NC SBI Discover report which does not include any photos and states that child porn was being downloaded for **11 months** after the police got Brian's computer and while these computers and hard drives were in the custody of the Mayodan, NC police and the Greensboro, NC SBI office. Ineffective attorneys had this information

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Witness letters at the address below:

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Brian to prove he is truly innocent, did not knowingly download child porn, had not seen any child porn at this time and didn't even know if his computer had child porn. That was the truth, but his court appointed attorney ignored all, and all the judge had was what the prosecuting attorney would offer for proof and probably didn't even realize all the proof Brian did have. Brian wrote many pro se motions in 2014 and submitted them to the court and proof documents. All pro se motions were denied and the judges always said they were denied because Brian had a competent attorney. If Brian had a competent attorney, then there would be no reason for his spending time and money to write these pro se motions. Finally on September 30, 2014, Brian's court appointed attorney proved to the court that he was incompetent and had denied Brian all of his constitutional rights. This attorney also covered up the fact that Brian had autism, brittle diabetes and OCD all requiring communication aids according to the Americans with Disabilities Act. In 2017, Brian and his family received more proof that both attorneys appointed by the United States District Court for the Middle District of North Carolina were ineffective attorneys and denied Brian's right to a fair trial according to the US Constitution and the Laws of our great land.

Both attorneys admitted getting emails from her, admitted that she was an attorney and admitted ignoring her and other witnesses who had contacted them on Brian's behalf. The judge then decided to get Brian another attorney. (US v. Hill - Hearing - **September 30, 2014**). This attorney had 2 weeks to decide what to do. He met with Brian's family, and at this time we were more concerned about Brian's health, knowing all of the things which happen to a diabetic when not getting enough insulin like blindness, kidney failure, nerve damage, losing a limb, and this time in jail would also make his autism worse, all the years his mom and teachers spent to help his autism improve was now being affected by months in jail, sometimes with criminals (some good and some bad) and sometimes 23 hours a day in solitary, and Brian was worried constantly which would make his diabetes, autism, anxiety and OCD worse. He was losing a lot of weight. See Brian's pro se motion in federal court records: Case 1:13-cr-00435-WO Document 38 Filed 09/22/14 Page 7 of 8 and page 8 of 8.

More time in jail without the insulin his body needs could cause him to die. If he was in jail for 12 months (1 year), he would also lose his SSI. At this time he had been in jail for almost 10 months, sentencing was to be in November (almost 11 months). This attorney (Scott Coalter) did show Brian's family (Brian's mom and 2 grandparents) the discovery, but it would take hours to read, and we were not experts and wouldn't know what any of it meant (we thought), so we didn't read it. Brian's mom did ask this second court appointed attorney (Coalter) about Brian's net book in October, 2014. When the police questioned Brian at lunchtime, they asked if he had any other computers with child porn in it, he said, "I have a netbook that you didn't get". This netbook he used a lot when he was interviewing people and for his USWGO articles. The attorney asked what the serial number was, and of course, we had with us a lot of proof including the police report they gave to Brian's mom

Please refer back for proof of Brian's family's letters to this court proving Brian is innocent and should never had been convicted of this crime in the first place. The prosecuting attorney is ignoring all of our proof and wants this proof deleted from the court records, thus denying Brian more of his constitutional rights to be heard by this court which is the law of our land for Brian to go through this court and prove his innocence. The prosecutor according to Rule 3.8 The prosecutor in a criminal case shall:

- (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;.
- (B) When a prosecutor knows of new, credible evidence or information creating a reasonable likelihood that a convicted defendant did not commit an offense for which the defendant was convicted, the prosecutor shall: (1) if the conviction was obtained in the prosecutor's jurisdiction, promptly disclose that evidence or information to (i) the defendant.
- (C) [1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate; the prosecutor's duty is to seek justice, not merely to convict or to uphold a conviction. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.
- (D) 2] The prosecutor represents the sovereign and, therefore, should use restraint in the discretionary exercise of government powers, such as in the selection of cases to prosecute. During trial, the prosecutor is not only an advocate, but he or she also may make decisions normally made by an individual client, and those affecting the public interest should be fair to all. In our system of criminal justice, the accused is to be given the benefit of all reasonable doubt. With respect to evidence and witnesses, the prosecutor has responsibilities different from those of a lawyer in private practice; the prosecutor should make timely disclosure to the defense of available evidence known to him or her that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment. Further, a prosecutor should not intentionally avoid pursuit of evidence merely because he or she believes it will damage the prosecutor's case or aid the accused.
- (E) [4] Every prosecutor should be aware of the discovery requirements established by statutory law and case law. See, e.g., N.C. Gen. Stat. §15A-903 et. seq, *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. U.S.*, 405 U.S. 150 (1972); *Kyles v. Whitley*, 514 U.S. 419 (1995).
- (F) [6] Paragraph (f) supplements Rule 3.6, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused.
- (g) [7] Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer's office. Paragraph

(f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case.

(H) [8] When a prosecutor knows of new, credible evidence or information creating a reasonable likelihood that a defendant did not commit an offense for which the defendant was convicted in the prosecutor's district, paragraph (g)(1) requires prompt disclosure to the defendant.

(I) Please also review the "RULE 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR"

Brian and his family have given many documents of proof to this court that Brian is innocent of the crime that he was accused of by the same prosecuting attorney who is obviously angry and wants him to stay accused, and instead of acknowledging all of our proof which is all credible proof, this prosecuting attorney is trying to bring fear to Brian and to his family, totally ignoring all of our proof, calling it "Frivolous" as he is trying to cover up and hide all the proof of Brian David Hill's innocence that we as a "Family Team" have presented to this court. He is also discriminating against a person whom he knows for a fact is poor and disabled, and thus through his actions is discriminating against all who are poor and disabled especially these disabilities: diabetes, seizures, autism, OCD, etc. He is violating his own Rule 3.8 for Prosecutors in North Carolina by ignoring and trying to cover up our evidence and making big issues out of adjectives used by a disabled person who is not intentionally trying to hurt anyone just trying to prove his innocence to the court.

He (Mr. Ramasway) who brings up Brian's FOIA lawsuit in the Danville, VA court house in an honest attempt by Brian David Hill to get his discovery and false confession tape for this 2255, and due to his autism decided to cancel the hearing. Now that this prosecutor sees his autism as being a reason why Brian canceled that hearing scheduled in Danville, VA, he is acting like a bully going after a handicapped person. *Hill v. Executive Office for United States Attorneys* (4:17-cv-00027 in the District Court, W.D., VA. We refer to **Civil Case Number 4:17-cv-**

**00027-JLK-RSB Document 61-1 Filed 01/19/18** where Brian filed a letter to explain more about his autism from his Counselor since 2015, Preston Page LCSW, LSATP, Counselor, Licensed Clinical Social Worker, dated July 18, 2017 “CLIENT STATUS REPORT” where Mr. Page states: “I have seen the above named client, Brian David Hill, for about two years. Among the issues we deal with is Autism Spectrum. While he is intelligent and can understand and prepare complex documents his ability to present and support these documents is very low. **I therefore recommend he not be allowed to represent himself in court**”. After reading this, Mr. Ramaswamy wrote on March 23, 2018 in his “Memorandum in Support of Government’s Motion for Pre-filing Injunction” as he ignores all proof Brian and his family have submitted to this court of Brian’s innocence and why he should be vacated from this criminal case. Mr Ramaswamy wrote “Because of Petitioner’s demonstrated propensity for filing voluminous documents of dubious relation to the issues before the Court, the government would ask that this Court set this matter for **hearing on the sole issue of the government’s proposed Motion for Pre-Filing Injunction, to allow Petitioner to respond to this Motion in person before the Court**”. Case 1:13-cr-00435-TDS Document 149 Filed 03/23/18 Page 19 of 20.

The Bill of Rights, the first ten amendments to the U.S. Constitution, delineates specific rights that are reserved for U.S.citizens and residents. No state can remove or abridge rights that are guaranteed by the Constitution. The Fourteenth Amendment ratified in 1868, provides that every individual who is born or naturalized in the United States is a citizen and ensures that a state may not deprive a citizen or resident of his or her civil rights, including **Due Process of Law** and **Equal Protection** of the laws. There are also laws to protect people with Disabilities against discrimination.

There needs to be an investigation done in Brian's case. Please read in addition to this Memorandum in objection of Government's motion for pre-filing injunction by Brian's family's this other paper: Brian's grandma's 7 page "Investigation" paper. Thank you.

**Another file in this court for Brian's 2255 by his mom & grandparents:**

Case 1:13-cr-00435-TDS Document 143-2 Filed 01/26/18

**Declaration of witnesses Stella Forinash, Kenneth Forinash, and Roberta Hill in support of "MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL" (Document #125); in opposition to "MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sentence by USA as to BRIAN DAVID HILL" (Document #141); and in support of RESPONSE in Opposition to 141 MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sentence filed by BRIAN DAVID HILL (Document #143)**

Pursuant to 28 U.S. Code § 1746 and subject to the penalties of perjury, we therefore submit this statement to the U.S. District Court as follows.

To Whom This May Concern:

**EXTRA ADDITION TO BRIAN DAVID HILL'S 2255**

**PROOF of what was going on Brian's 1<sup>st</sup> Year (Nov. 2014 – Nov. 2015)**

Case 1:13-cr-00435-TDS Document 145-1 Filed 03/07/18

Brian and his family humbly ask the court to consider all of the proof we gave to this court that Brian is innocent and give him his constitutional right to vacate, set aside or correct sentence and to recognize the prejudice from the government attorneys against this young man and his handicaps. Once this is done, there will be no more need for Brian to file anymore pro se filings

as justice would be done in his case, and he will finally be free of a crime where he was framed, is innocent.

In addition to the fact that Brian David Hill is innocent, we also ask this court to understand his extraordinary circumstance due to his many severe health issues which this court is well aware and these are all documented on court records: Brittle insulin dependent diabetes with seizures, Autism spectrum disorder, generalized anxiety, Attention Deficit and Hyperactivity Disorder (ADHD) and Obsessive Compulsive Disorder (OCD), He has been on a Medicaid Waiver requiring 40 hours of paid assistance each week in Virginia since 2012. His mom is available to him 24 hours a day. It was important and took 5 years, a lot of research and work on Brian's & Brian's family's part to investigate and put this puzzle together. Even though Brian is supposed to have a constitutional right to his discovery and to be able to examine and use the same discovery to prove his innocence, his accusers are not letting him and/or his family have access to this important information. Due to this time in jail and the lack of insulin, Brian has other disabilities added which are not on this list, and his OCD, autism, and diabetes have gotten worse. He has a counselor and doctors he sees on regular basis, but there is only one person who takes care of him 24 hours a day, 365 days a year. His Mom is now 50 years old with health problems. He has 3 grandparents (two who have been there all of his life, and the other for 18 years). All are in their 70s and disabled. Brian is a young person, disabled who can never make it on his own. Each of Brian's 6 main disabilities are considered serious and require extra time and help.

Remaining on a felony list and on a sex offender registry when he is innocent will restrict him from getting the help he needs when the people in his life now are no longer there for him. Brian's autism, anxiety, OCD and diabetes have all gotten worse and more critical from all the

stress this case is putting him through. He is INNOCENT, and we have proven his innocence to the court. It is time that this prosecutor in this case stops ignoring all of this proof and all the proof of that fact and stops ignoring what all Brian's family have sent to this court explaining how serious Brian's health is and how we know for a fact that Brian is innocent with proof we have given Brian to send to this court. It is time that he admits this to the court instead of ignoring. It is time he realizes what his false arrest and accusations have done to Brian & to Brian's family, all of the stress he has added to all of our lives from December, 2013 to now. Watching Brian's health deteriorate further due to the stress and time it takes him fighting to prove his innocence when he needs to be spending this time hiking, relaxing and just enjoying working on hobbies which are not stressful. For Brian to be able to do this justice must be done, and he must be free from the felony, probation and the sex registry. After all of the proof he has sent to the court, this prosecutor is ignoring his proof, his family's letters to the court and making all of this sound delusional. This is very serious and is affecting the health of an innocent disabled young gentleman as his mom explains in her 7 page Commentary to this court. This prosecuting attorney for the past 4 ½ years has been ignoring Rule 3.8 "Special Responsibilities of a Prosecutor" (page 17-18) in Brian's case, and Brian, his family: Roberta, Stella & Ken are aware of this. All of the proof of this is in all of the filings of Brian's 2255. There really does need to be a special investigator in this case and perhaps other cases as well that this same prosecutor has handled.

We are aware that Brian and his family have filed a lot of information to this court, but to our amazement in the past 5 years, we have found a lot of information and witnesses who can attest to and prove that Brian is innocent. We as a family team give special thanks to God and His Heavenly team for guiding and helping us. We also have a lot of information about the set up



attempts to keep Brian on the sex registry so he can be watched closely by the person or people sending the threat emails to him and others. The FBI and the department of Justice have this information, and we hope that soon these agencies will find out who this person or people are who is/are sending child porn to others to ruin their reputations, and that they will be arrested for their crimes against children and innocent adults like Brian and others.

We do respectfully apologize to this court for the extra time and hours reading all of Brian's and his family's filings to this court and hope and pray that this filing will be the last, and that this court while considering all facts in Brian's case will free him from the felony charge, the sex registry list and from the probation. We are thankful for Brian's 2<sup>nd</sup> probation officer who has treated Brian and his family with respect and seems to understand all of Brian's disabilities and for his counselor since 2015. We are thankful to this court for your understanding and all the time you are taking in reviewing Brian's 2255. Brian does not plan on filing any law suits for the horrible treatment he has received in his case from 2012-2018 nor does he plan on ever having another website related to alternative news or political subjects. He wants to be free and enjoy what time he does have before the complications from his diabetes that he has had now for 26 years (Eventually, diabetes complications may be disabling or even life-threatening). Possible complications include: Cardiovascular disease, nerve damage (neuropathy), kidney damage (nephropathy), eye damage (retinopathy), foot damage, skin conditions, hearing impairment, and other complications.

Is it possible that this court in reading all of the proof of Brian's innocence and all of the violations in this court by various attorneys of Brian's constitutional, civil and disability rights being ignored as well as his extraordinary circumstance with so many severe health disabilities and after reading what the Government's attorney wrote about not having the funds or time to

read Brian's pro se motions which also take a lot of Brian's valuable time away from him to write them and after reading Brian's mom's 7 page "Commentary". **Can this court remove Brian's felony from his record, remove him from the probation obligation, from the sex offender registry and have his criminal record expunged or receive a Certificate of Actual Innocence or guide us in what to do to have this done or any other remedy?** This would save a lot of time and stress on the court, on Brian and on Brian's family. If not, then he still has a battle, is an American citizen under the Constitutional laws of our great land with the right to his Freedom of speech and to continue fighting and to make filings to this court to clear his name and to not have his filings sealed until the court finally acknowledge what all we have sent to this court proves he is innocent, perhaps it will be from the supreme court. Brian and his family promise this court that if Brian does have to make any more pro se motions or court filings of any kind, his family will check over everything he writes to the court to make sure there are no longer any "questionable adjectives" in any of his filings.

We also humbly apologize if we have shown any disrespect to this court in any way because we as a family do honor our laws and courts to right all wrongs. We also apologize for not taking the time to read our disabled family member's pro se filings that apparently typed some questionable adjectives and assure this court that with his autism disability, he has the tendency to speak & write his thoughts, but did not have the intention of insulting anyone. We all have these negative thoughts and try to keep these thoughts to ourselves. With Brian's disabilities, he speaks or writes them just as soon as they come to mind. This is just part of his disabilities, and his freedoms should not be denied him due to his disabilities. Please we also ask this court to be

understanding of a family who are not professional lawyers. The constitution in our federal courts is very important to all American citizens. We thank the court for your time reading Brian's pro se motions, his family's letters to this court and his proof of innocence. Please read **Brian David Hill's Mom's 7 page Commentary next** after reading what Brian's grandpa, TSGT, USAF, Ret Kenneth R. Forinash has written:

### Statement of Facts from Brian D. Hill's Grandpa.

The government's public defender is attempting to silence Mr. Hill by asking the court to make it impossible to submit evidence to prove his innocence. They want the court to grant an injunction that would prohibit any future filings by Brian D. Hill. Mr. Hill and his family have submitted proof of Brian's innocence, and the government's attorney has constantly ignored it. They have also ignored his Constitutional rights. The public defender states that certain items the Petitioner has filed are unrelated to Mr. Hill's case, yet **the examples of someone being banned from filing pro se motions submitted by the government's representative are completely unrelated to even the type of case Mr. Hill was charged with.**

Brian D. Hill is not submitting frivolous motions. He is attempting to prove his innocence and get his life back. He has been constantly abused by the system and the loss of his Constitutional rights. His medical needs were not met while he was incarcerated, even the U.S. Marshals were aware of this and at one time had to have Mr. Hill admitted to the hospital prior to an appearance in court. The court date had to be changed because of his admission to the hospital. This is just one example of the abuse he has suffered because of his incarceration that never should have happened. The government has no proof of his guilt, yet they are still fighting to keep him silent

and have his records sealed. They refuse to acknowledge his severe disabilities which is a **violation of the Americans with disabilities act**. At least two of his disabilities, Autism Spectrum Disorder and Obsessive Compulsive Disorder have been proven to have a side effect of false confessions, yet the government has ignored all of these facts.

It is Brian's Constitutional right to be able to defend himself, yet the government's public defender is attempting to take that right away from him just like they have taken several of his Constitutional and Americans with disabilities rights from him. This needs to be stopped now. His family prays that the judge will see the injustice that has been done to this young man and right a horrific wrong done against him.

Kenneth R. Forinash, Brian D. Hill's Grandpa.

Signed on next page

Signed without Notary Seal but can obtain this as we have in other documents Brian has sent to this court for us if the judge wants this done.

We declare the above is true and correct to the best of our knowledge and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Stella B. Forinash 3/30/2018

Stella B. Forinash (Brian David Hill's grandma) 916 Chalmers St, Apt A, Martinsville, VA 24112. Phone #276-632-2599

Kenneth R. Forinash 3/30/2018

Kenneth R. Forinash TSGT, USAF, Ret (Brian's grandpa) 916 Chalmers St, Apt A, Martinsville, VA 24112. Phone #276-632-2599

Roberta R. Hill March 30, 2018

Roberta R. Hill (Brian's Mom) 310 Forest St., Apt. 1, Martinsville, VA 24112 Phone # 276-790-3505