IN THE CIRCUIT COURT OF THE CITY	OF MARTINSVILLE
COMMONWEALTH OF VIRGINIA,))
Plaintiff,)
v.) Criminal Action No. CR19000009-00
BRIAN DAVID HILL)
Defendant,)) Motion to Request an Insanity Defense
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VIRCINIA.

Motion to Request an Insanity Defense – Sanity at the time of the Offense

Pursuant to Virginia Code §19.2-169.5(A), criminal Defendant Brian David Hill ("Brian", "Hill") would like to request an outpatient mental evaluation/examination by a forensic psychologist or psychiatrist.

Hill would also like to give NOTICE to both the Court and the Commonwealth Attorney of Martinsville, that in accordance with Virginia Code §19.2-168, that the Defense gives notice of intention to file an insanity plea.

Here are the facts which can be presented to the Court upon determining whether Defendant Hill will show and has shown enough evidence warranting a plea of insanity at the time of the instant offense on September 21, 2018:

- newly discovered evidence was found since that evaluation which was pertinent to the case, relevant to the time of the alleged offense of September 21, 2018, and material to what happened during the alleged offense of September 21, 2018.
- 2. Newly discovered evidence not known during the time of the first mental evaluation was (1) that Defendant Hill had sinus tachycardia level abnormally high resting blood pulse two times at Martinsville hospital prior to being arrested by Martinsville Police Officer Sgt. R. D. Jones. That any resting blood pulse over the level of "100" is considered sinus tachycardia; (2) that Defendant Hill had also suffered sinus tachycardia on November 19, 2017 when he fell and hit his head. Blood was pouring out of his head while unconscious and wondering to bed with blood all over his pillow; (3) that sinus tachycardia is a symptom of Carbon Monoxide poisoning; (4) Abnormally high White Blood Cell ("WBC") count and Mean Platelet Volume ("MPV") count on November 19, 2017 which are also more further medical symptoms caused by exposure to Carbon Monoxide poisoning; (5) Medical records from 2017 also show that Brian was reportedly visited by an ambulance but Brian had asked the EMT staff to let him go to the hospital voluntarily to do his hand washing and body washing routines to satisfy his Obsessive Compulsive Disorder ("OCD") so that he doesn't feel extreme anxiety. The hospital record reported that it took 4 hours for Brian to get to the Emergency Room, four (4) hours to complete his OCD hand washing and body washing rituals before he was even at the Hospital Emergency Room. That was why he had suffered sinus tachycardia which was during his resting blood pulse.
- 3. Medical records were recently obtained from Piedmont Community Services, a mental health service provider, that Dr. Conrad Daum a forensic psychiatrist had diagnosed Brian on October 24, 2018 with "psychosis" and "delusions" over Brian's repeated statements about a man wearing a dark hoodie threatening to kill Brian's mother if he didn't get naked in public, on the Dick and Willie hiking trail. Psychosis is another symptom of Carbon Monoxide gas poisoning exposure. A forensic psychiatrist didn't think that Brian was making statements of an alleged event which caused him to take his clothes off in public, was even based on reality. When somebody makes statements that are not based on reality, then it is considered a mental "psychosis".

4. Brian had filed written statements on federal court record about his version of the story regarding a man wearing a dark hoodie, saying that if he didn't follow his instructions that his mother Roberta Hill would be murdered. Brian said that he thought somebody was watching him in the thicket in his backyard while he was mowing outside. He also said that he was afraid to be in his home but kept the doors unlocked and that his mother had witnessed him keeping his door unlocked. It was as if Brian wasn't afraid of somebody coming into the house, but subconsciously Brian was almost keeping his door unlocked to escape something in his home that scared him. Brian also made contradictory and confusing statements to law enforcement officer R. D. Jones before and after his visit to Martinsville Hospital on September 21, 2018 prior to being arrested and jailed at Martinsville City Jail. Sinus Tachycardia level blood pulse was found two times prior to being released from the Hospital. Both extremely high resting blood pulse readings are in the level of sinus tachycardia. The first blood pulse reading around 4:09AM was "119" for a resting pulse, then around 5:01AM the last resting blood pulse reading was "106". So Brian's heart beats were at extremely high or even possibly dangerous levels (high risk of a heart attack or a stroke) showing signs that something was wrong with Brian's body which can also attribute to his confusing mental state. His mental state was confusing, that Officer Sgt R. D. Jones assumed that Brian was lying about a man wearing a dark hoodie and verbally told Brian that he was lying, caused him to charge Brian with indecent exposure and also caused Brian to cuss out Sgt R. D. Jones two times. He said "F**k You" to Sgt. Jones on September 21, 2018, out of frustration that Sgt. R. D. Jones refused to believe Brian's statements about a man wearing a dark hoodie and about Brian's Autism Spectrum Disorder despite the fact that it was on record at the Virginia Department of Motor Vehicles which gave Brian legal handicap status and received a handicap placard. Then on December 21, 2018, again out of frustration that police refused to believe Brian's story and at that time Brian didn't know that he had been influenced by Carbon Monoxide poisoning, told Sgt. Jones "F**k the Police" and was rushed out of the courtroom for cussing at the officer. Brian would still had suffered the effects of Carbon Monoxide poisoning because some effects can return to somebody within 3 months, even upon no longer being exposed to the gas poison. Brian was frustrated at Martinsville Police and verbally agitated at Martinsville Police officers for not believing his story, when in reality Carbon Monoxide was to blame for Brian's indecent and weird/abnormal behavior. Carbon

Monoxide was not known to the Defendant Brian David Hill until after February, 2019. It was not known to the Defendant during the General District Court Trial and neither was it even known to the evaluator who conducted the mental evaluation and competency evaluation of Brian in November, 2018. Prior to him saying those cuss words, Brian has never cussed at police officers, not even once prior to that time. Brian had left his home late night (approx. around 11:00PM) of September 20, 2018, with clothes on, from the home with the Carbon Monoxide gas, and would have still have been under it's effects, then was told by a guy wearing a hoodie to take his clothes off in a public place or his mother would be murdered. Brian didn't act right, and the police were wondering why Brian made confusing and possibly contradictory statements as to why he was naked in a public place. The police would not have known at the time that Brian was under Carbon Monoxide poisoning. If they had known, they may not have arrested him but instead would have attempted to have the hospital provide him treatments and to determine what caused the carbon monoxide in Brian's apartment, to relieve him of the Carbon Monoxide symptoms instead of jailing Brian David Hill at Martinsville City Jail which has no means to treat any symptoms of Carbon Monoxide gas exposure.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for an insanity evaluation for Sanity at the Time of the Offense. It is clear with this Pro-Se Motion that Brian is sane now and is not repeating the behavior of indecent exposure, therefore Brian is sane now and is competent, but was not sane at the time of the offense which was September 21, 2018.

Hill is also including a "proposed order" to grant Hill's request for an outpatient sanity evaluation pursuant to §19.2-169.5(A). Carbon Monoxide gas is a dangerous, invisible gas that cannot be detected by taste or smell. Sources from different places such as Hospital records (November 19, 2017, and September 21, 2018), Piedmont Community Services records (October 24, 2018), Brian sending off legal mailings from the Jail to the wrong addresses less than 2-3 weeks after he was arrested and would have still suffered the effects of Carbon Monoxide poisoning. Brian places the right federal building name (which is in Greensboro, North Carolina) but was sending it to the "L

Richardson Preyer Federal Building" in Martinsville, Virginia when Martinsville has no federal courthouses and no federal buildings. Brian was told that he had exhibited a form of delusions and "psychosis" from a forensic psychiatrist named Dr. Conrad Daum. Brian has obtained evidence from the National Institute of Health ("NIH") (a federal government research organization), the Centers for Disease Control and Prevention ("CDC"), research study in regards to sinus tachycardia and carbon monoxide exposure, and research study from Universities and a State hospital, that the multiple symptoms Brian had suffered were all symptoms caused by being poisoned by Carbon Monoxide. Carbon monoxide can cause hallucinations, mental confusion, and psychosis. In Document #153 in the federal filings Brian had filed on 10/17/2018 (MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (Attachments: # 1 Envelope – Front and Back) (Garland, Leah) (Entered: 10/18/2018), Middle District of North Carolina), Brian's handwriting had appeared to be sloppy and his statements made no sense, and were contradictory or confusing or both. Brian had mailed an earlier federal filing to the right federal courthouse on "10/03/2018" but then the envelope before and after were sent to a non-existing federal building in Martinsville, Virginia. Mental confusion and psychosis as caused by Carbon Monoxide exposure.

Brian will also like to introduce a photocopy of the letter from chimney expert Pete Compton of Bassett, Virginia (Ace Chimney Sweep, located at 296 Dodson Rd, Bassett, VA 24055), that he removed metal tin from the chimney at 310 Forest Street, Martinsville Virginia. He found residue of Carbon Monoxide gas. That would mean evidence of Carbon Monoxide gas coming into apartments at 310 Forest Street until late January 2019. Brian had lived in a home with carbon monoxide gas coming into his apartment and his mother's apartment until he was arrested on September 21, 2018. Had Brian not been arrested and had been allowed to go back to his home in September, 2018, Brian would have been under the same conditions of Carbon Monoxide which either would have led to his possible death or may have exhibited the same behavior as

what had happened on September 21, 2018.

Brian would also like to make it known that since the metal tin was removed from the chimney by expert witness and material witness Pete Compton, the home had plenty of time to air out, and Carbon Monoxide ("CO") monitoring devices were installed in both apartments at 310 Forest Street, Martinsville, and the detectors report that the CO levels are at zero, non-detectable levels. So Brian is safe to live at 310 Forest Street at this time and has not repeated the behavior of what had happened on September 21. 2018. So it is quite clear that Brian was butt naked on a hiking trail, at night which is a dangerous time to be walking with wild animals and possibly criminals, and being brittle diabetic with a history of diabetic seizures. Walking naked at night runs a higher risk of being raped or kidnapped or killed. Brian did something not just very stupid around September 21, 2018, but an act that Brian had not done previously and an act that was not a normal behavior of Brian. The fact that Brian is in better control of his behavior and is not cussing out the police anymore, means that Brian is recovering from the Carbon Monoxide poisoning. Brian is also taking supplements such as "colloidal silver" and drinking Aloe Vera drinks from the ALDI grocery store to clean out his liver and clean out his body from any toxins and damage caused by the CO gas poisoning.

It is quite clear that Hill was not in his right frame of mind at the time of the alleged offense. Brian didn't bring up all of these different facts around the mental evaluation in November, 2018 because they were not known to him at the time. That evaluator did not know of Brian's CO exposure, and did not know of Brian's writings on federal court record at the time and how it relates to the diagnosis of "psychosis" and how it relates to Carbon Monoxide. All of these different facts were not known to the evaluator for the General District Court case at the time. It is clear that another evaluation is warranted for this case and would be for the means of justice to be served. Brian's mental state as caused by an exposure to an external gas poisoning which can

affect the body internally and the mind, constitutes questionable behavior which is not normal and does not signify sanity. Insanity is rather what his abnormal behavior signifies. Brian was acting insane on September 21, 2018, Brian was talking insane to Officer Sgt. R. D. Jones and cussed him out without even understanding that he was confused because of suffering from an invisible gas that cannot be detected by smell or taste. Brian was talking insane which was why Dr. Conrad Daum, a forensic psychiatrist diagnosed him with a "psychosis" which that very symptom happens to those with the Carbon Monoxide poisoning. If Brian was an exhibitionist, a person who loves to be seen naked and gets sexually aroused of such, then he would be doing this in the day time when people are out walking the trail. Brian wasn't even flashing, he was just naked, walking naked, confused, and making confusing statements. He said he thought he was drugged on his federal court filing in 2018. Brian was "drugged" but not by illegal drugs, but by Carbon Monoxide poisoning. He said his memories were blacked out and cannot remember some or most of what happened that night, yet he was walking on a hiking trail, alone, butt naked, at night and then making confusing statements. It is quite clear and evident that Brian wasn't sane and wasn't sane when questioned by Sgt. R. D. Jones. Brian didn't exhibit appropriate behavior but his behavior improved overtime as the Carbon Monoxide poisoning slowly leaves his system and slowly recovering. The evidence is clear, the mental evaluation around November, 2018, was not done properly and did not take all evidence into account, especially the newly discovered evidence which could not have possibly been discovered until after late January, 2019. A new mental evaluation is warranted under the weight of this new evidence and logic surrounding his statements, federal court filings, Sgt. R. D. Jones reaction to Brian's confusing statements on September 21, 2018.

An outpatient psychological and psychiatric evaluation would be better for the interest of justice, because the forensic psychiatrist/psychologist can personally inspect the white and rust colored residue that was caused by the carbon monoxide gas and a Medical

Doctor can also inspect the residue evidence if the Court finds that it is necessary for the administration of justice. Since a psychiatrist is also considered a doctor, a forensic psychiatrist may be more suitable to conduct the psychiatric evaluation for determining sanity at the time of the offense.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order mandating that Brian be given an outpatient mental evaluation by a forensic psychologist and/or a forensic psychiatrist in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 19th day of July, 2019. An attached "proposed order" is attached to the end of this pleading.

Signed,

Brian D. Hill (Pro Se)

Phone #: 276-790-3505

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Amazon: The Frame Up of Journalist Brian D. Hill Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 19, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed,

Brian D. Hill (Pro Se)

Phone #: 276-790-3505

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

U.S.W.G.O.

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AL EVALUATION 0.2-168, 19.2-168.1, 19.2-169.1, 19.2-169.5 Ty of Martinsville, VA 55 West Church St., Martinsville, VA ORDER FOR PSYCHOLOGICAL EVALUATION Circuit Court of the Cit Commonwealth of Virginia v. TYPE OF EVALUATION AND REPORT [] COMPETENCY EVALUATION: It appearing to the Court, on motion of [] Commonwealth's Attorney [] defendant's attorney [] the Court and upon hearing evidence or representations of counsel, that there is probable cause to believe that the defendant lacks substantial capacity to understand the proceedings against him or to assist in his own defense, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant and to submit a report, on or before the date shown below, to this Court, the Commonwealth's Attorney and the defendant's attorney, concerning: (1) the defendant's capacity to understand the proceedings against him; (2) his ability to assist his attorney; and (3) his need for treatment in the event that he is found to be incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified in the event he is found incompetent but restorable, or incompetent for the foreseeable future, the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report. [] SANITY AT THE TIME OF THE OFFENSE: It appearing to the Court, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity may be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. They shall prepare and submit a full report, on or before the date shown below, solely to the defendant's attorney, concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. If further evaluation on this issue is necessary, the evaluator(s) shall so state. The motion for the evaluation having been made by the Commonwealth after receiving notice pursuant to Virginia Code § 19.2-168, the Court also orders the defendant to submit to an evaluation and has advised the defendant that a refusal to cooperate with the Commonwealth's evaluator(s) could result in the exclusion of defendant's expert evidence. The Court further orders the evaluator(s) to submit to the attorneys for the Commonwealth and defendant copies of the report and the records obtained during the evaluation. **DESIGNATION OF EVALUATOR(S)** The Court finds and concludes that: [] the evaluation shall be performed on an outpatient basis at a mental health facility or in jail. The Court therefore appoints the following evaluator(s) to conduct the evaluation: EVALUATOR(S): NAME(S) AND TITLE(S) OR NAME OF FACILITY [] the evaluation shall be conducted on an inpatient basis by qualified staff at a hospital designated by the Commissioner of the Department of Behavioral Health and Developmental Services because: an outpatient evaluation (copy attached) has been conducted and the outpatient evaluator opined that a hospital-based evaluation is needed to reliably reach an opinion. the defendant is currently in the custody of the Commissioner of Behavioral Health and Developmental Services pursuant to Virginia Code §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, 19.2-182.9, or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2. DUE DATE AND TIME: The Court further orders that the Commonwealth's Attorney and the defendant's attorney forward appropriate background information to the evaluator(s) as required by law.

TO EVALUATORS AND ATTORNEYS: See reverse for additional instructions.

DATE

JUDGE

ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS

Providing Background Information

- 1. Competency Evaluation: Prior to an evaluation of competency pursuant to Va. Code § 19.2-169.1, the Commonwealth's Attorney must forward to the evaluator(s) within 96 hours of the issuance of this order:
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime; and
 - d. a summary of the reasons for the evaluation request.

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C).

- 2. Sanity at the Time of the Offense: Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s):
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any;
 - d. a summary of the reasons for the evaluation request;
 - e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
 - f. a copy of defendant's criminal record, to the extent reasonably available.
 - Va. Code § 19.2-169.5(C).

Use of Information Obtained During Evaluation

No statement of disclosure by the defendant concerning the alleged offense made during the evaluation may be used against the defendant at the trial as evidence, or as a basis for such evidence, except on the issue of his/her mental condition at the time of the offense after the defendant raises the issue pursuant to § 19.2-168 of the Code of Virginia. Va. Code § 19.2-169.7.

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VIRGINIA.

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Motion to Request an Insanity Defense - Sanity at the time of the Offense

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Hill would also like to give NOTICE to both the Court and the Commonwealth Attorney of Martinsville, that in accordance with Virginia Code §19.2-168, that the Defense gives notice of intention to file an insanity plea.

Here are the facts which can be presented to the Court upon determining whether Defendant Hill will show and has shown enough evidence warranting a plea of insanity at the time of the instant offense on September 21, 2018:







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VIRGINIA: IN THE CIRC	CUIT COURT OF THE CITY O	Commonwealth Attorney's	
COMMONW	/EALTH OF VIRGINIA,	COPY	
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v.	horoital prior to being arres))0
BRIAN DAV	ID HILL)		
Defendant,	was patering end of the law) with bleed all over his pile) Carbon Monoxida potentia)	Motion to Request an Insanity Def	ense
	(FWBC Trement and Meen A)		

Motion to Request an Insanity Defense - Sanity at the time of the Offense

Pursuant to Virginia Code §19.2-169.5(A), criminal Defendant Brian David Hill ("Brian", "Hill") would like to request an outpatient mental evaluation/examination by a forensic psychologist or psychiatrist.

Hill would also like to give NOTICE to both the Court and the Commonwealth Attorney of Martinsville, that in accordance with Virginia Code §19.2-168, that the Defense gives notice of intention to file an insanity plea.

Here are the facts which can be presented to the Court upon determining whether Defendant Hill will show and has shown enough evidence warranting a plea of insanity at the time of the instant offense on September 21, 2018: