

VIRGINIA:
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 Earlier Trial date
)	
)	

Motion to Request Earlier Trial date

Criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request an earlier Trial date for this criminal case pursuant to the Speedy Trial clause of both the U.S. Constitution and Virginia Constitution and for good reasons as stated herein.

Because of Hill being detained under Federal Custody (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Document #1; criminal case no. 1:13-cr-435-1, Middle District of North Carolina, United States District Court, citing Documents #156, #157, #158) Hill was unable to attend the Trial date set for 04/23/2019 due to the Federal mental evaluation. Therefore the trial date was rescheduled to July 15, 2019.

However on May 14, 2019 (criminal case no. 7:18-MJ-149, Western District of Virginia, citing Documents #25, #26) Hill was released on Federal bond conditions pending the outcome of this Commonwealth criminal case. Hill is released on bond and therefore is able to attend any and all hearings for this honorable court.

Hill believes that the trial date of July 15, 2019, is too late and would like to request an earlier trial date for the following reasons:

1. Hill is no longer under detainment due to being released on bond. Therefore Hill can attend all hearings imposed by this court.
2. Hill has Type 1 brittle diabetes and Mild Autism. The waiting on this case, is taking it's toll on Hill's mental health. Hill has Generalized Anxiety Disorder and waiting for over 1 month will cause unnecessary worry and anxiety.
3. Hill had appealed the case from the Martinsville General District Court (case no. C18-3138) in December, 2018, and the Circuit Court case was filed on January 9, 2019. It was originally scheduled for January 28, 2019, but the mental evaluation at the Federal Correctional Institution 1 ("FCI-1") at Butner, North Carolina had delayed the trial date. Now that Hill isn't detained, it would be better for Hill's Constitutional speedy trial right to have the trial date set for June, 2019.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the trial date in this criminal case be set for June 2019. Hill asks the scheduling Clerk to schedule an earlier date for this trial to resolve this case as soon as possible. Hill's health is deteriorating, worrying about waiting for the resolution of this case. Hill has a speedy trial right. Now that Hill is no longer in Federal detainment, Hill is free to report to the Court and prepare for trial. Hill is preparing for trial right now and request that the trial date be set earlier than July 15, 2019.

Hill would also like for this Court to acknowledge on record whether it had received the Pro Se filings of the (1)Americans with Disabilities Act ("ADA") Accommodation form, and the (2)Affidavit of Brian David Hill, cause both were mailed to the Clerk of the Martinsville Circuit Court in January. 2019, and wasn't sure if the court had received those and added those to the record in this case.

The Commonwealth Attorney acknowledged during the General District Court trial on December 21, 2019, that Hill was not charged with obscenity, meaning that the Commonwealth had no indication to believe Hill was being obscene, since Hill did not do anything sexual while he was naked, he was just naked at night when nobody was on the trail. Since Hill was not sexually aroused, is technically innocent under the law, Hill again introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because “it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372.”

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond

Also Hill had filed two Pro Se Motions with evidence to introduce to the trial Court in Hill's defense: (1) MOTION TO ADMIT EVIDENCE (Filed: 01/23/2019), and (2) MOTION TO FILE EVIDENCE BEFORE TRIAL (Filed: 04/08/2019). This brings up newly discovered evidence in 2019 from a Chimney expert finding evidence of carbon monoxide in the home of 310 Forest Street, Apartment 2, Defendant's home. That evidence was not known from the first trial on December 21, 2019. Hill wasn't aroused and was only naked, and was exposed to carbon monoxide in his own home in 2018 prior to being arrested, Hill was under the influence of an invisible gas (gas that cannot be detected by smell via the human nose) which can cause impulsiveness and hallucinations. Hill was not well at the time due to the carbon monoxide poisoning and Hill never masturbated. Hill was not being obscene and therefore Hill is innocent of indecent exposure if this Circuit Court adopts the decisions of the three case laws stated

above and any other similar case laws which may exist. Hill was under Federal custody and detainment due to this Commonwealth case, many months spent sitting in Jail. Hill had already suffered enough waiting for a trial when sufficient evidence and case law points towards Hill being innocent of the violation of Virginia Code § 18.2-387. Hill suffered enough under the federal Supervised Release Violation charge while waiting the pending charge in this Circuit Court. The Federal Court wants this resolved in the State so that they can make a final determination as to whether Hill violated his Supervised Release conditions as a result of being charged under Code § 18.2-387. Since Hill has both case law and evidence of innocence, an innocent man's fate in the Judicial system pushing for justice should not be delayed nor denied. Justice needs to come as soon as possible for Hill.

Hill respectfully files this Motion with this honorable Court, this the 29th day of May, 2019.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order scheduling an earlier date for the Trial in this criminal case.

Signed, Brian D. Hill
Signed
Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

U.S.W.G.O.

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

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 May 29, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2019, a true copy of the foregoing Motion 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
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

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