

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



Brian David Hill,
Defendant

v.

United States of America,
Plaintiff

Criminal Action No. 1:13-CR-435-1

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF
DEFENDANT’S MOTION FOR STAY OF JUDGMENT PENDING
APPEAL AND ITS SUPPORTING MEMORANDUM OF LAW**

NOW COMES the Petitioner/Defendant Brian David Hill, by and through Brian David Hill ("Brian D. Hill", "Petitioner", "Defendant", "Brian", or "Hill"), that is acting pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this Declaration with the United States District Court in support of "Defendant’s Motion for Stay of Judgment Pending Appeal and it’s supporting Memorandum of Law." Evidence is attached below to this pleading.

I explain under penalty of perjury in this declaration as to my statement of facts as to why a motion to stay of judgment pending appeal is warranted.

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

- 1. I, Brian David Hill, am the criminal Defendant in this case as noted herein.

2. I have filed a 2255 motion in November, 2017 (See Document #125, and #128 the 2255 Brief/Memorandum of law) and all other documents in support of such motion. The 2255 case is still pending before this court. The fraud upon the court is still being investigated by me and any further frauds I discover that were committed by Assistant U.S. Attorney Anand Prakash Ramaswamy will be reported to the U.S. District Court in me pushing for reverse of judgment that was in Government's favor for fraud upon the court. I will not describe what additional frauds have been found from what the Government had presented during the Final Revocation Hearing on Sept. 12, 2019 at this time, but will be filing a motion asking for default judgment or summary judgment for my 2255 case in favor of Defendant/Petitioner in this case once I make a factual showing of a repeated pattern of fraud by AUSA Ramaswamy. I feel that the lies against me by the prosecutor will not be tolerated and will be revealed. His lies are making me suffer and had caused me to think of suicide again. I will not sit here and keep my mouth shut and let Ramaswamy be a bully to me without speaking up. I will not sit here and keep my mouth shut and let Ramaswamy using his bullying tactics, defamation of character, and legal terrorism to hurt me and my family. I will ask for the final Supervised Release Violation judgment to be reversed, and for default judgment on my 2255 case on the ground of Actual Innocence since the Government is perpetuating evidence fraud, witnesses who perjure, and knowingly makes false statements in attempts to discredit Brian David Hill, Susan Basko, Roberta Hill, and other witnesses. A repeated pattern of fraud upon the court by the plaintiff in my criminal case should be grounds for complete reversal of my conviction and constitutes that any final judgments should not be considered final and should not be subject to statutes of limitations under the Anti-Terrorism and Effective Death Penalty Act ("ADEPA"). I believe any and all fraudulent begotten judgments against me in this case should not stand. This is while the AUSA named

Ramaswamy pushes his witnesses to lie and make false statements before multiple hearings, and false statements in filings in this case against me. I may soon have evidence that can prove the Government's witness known as Sgt. Officer Robert Jones of Martinsville Police Department had made one or possibly more false statements while testifying under oath on the stand on the date of September 12, 2019 during the final revocation hearing. I will inform Attorney Renorda Pryor of these AUSA Ramaswamy pushed frauds upon the court once I document them and will push for default judgment in my 2255 case to overturn the wrongful conviction in this case. I will also sue Anand Prakash Ramswamy for damages and ask him to compensate me for any damages his frauds upon the court had caused me. I will ask to be compensated for all of the damages caused including my emotional anguish and thoughts of suicide caused by his lies and bullying. I had caught Kristy L. Burton on three or more lies on the stand during the revocation hearing on June 30, 2015 thanks to the transcript, and in 2018 even had an FBI duty agent (*I believe his name was Jerry Pickford, his direct number had a 336 area code at the Greensboro FBI office*) interested in investigating her to be prosecuted for perjury and I had also wanted the FBI to hold AUSA Ramaswamy accountable for subornation of perjury however the higher ups stopped the investigation last year in April or May, 2018. There seems to be a double standard for the Government here. The Government can destroy evidence anytime they want at their discretion if they feel it could hurt their case, they can put false information on any documents or records for the court or any Government agency, their witnesses can commit perjury at any court hearing that they want, and none of them are getting in any trouble because they seem to want to protect their own from criminal liability which is corruption and tyranny. They want me to accept responsibility to risk facing multiple counts of possible perjury due to my affidavits/declarations about my actual innocence (my 2255 motion was filed under

penalty of perjury, so accepting responsibility invalidates my actual innocence claim in my 2255 motion and can get me charged with perjury, Ramaswamy wants me in a perjury trap by forcing me to accept responsibility against my free will)

by getting me to falsely admit guilt (referring to my acceptance of responsibility), or be punished as non-compliant with my Supervised Release because I will not lie for the Government by falsely admitting guilt. I was clearly forced into that guilty plea agreement by ineffective counsel, me being misinformed and having assumptions when I never got to review over all discovery evidence material in my case before the jury trial in 2014. That deprives me of my constitutional right to discovery material (the Brady material), and my own former lawyer Eric Placke had deprived me of my right to access all discovery material to be able to assist my attorney in my own defense. I never was even able to see all of the materials that the Government had presented at the Final Revocation hearing on Sept. 12, 2019, until the day of the hearing. I didn't have the time to see what the Government was going to present there and could not prove that the Government was lying that day until further investigation is to be conducted and is being conducted since that final SRV hearing. I will prove that AUSA Ramaswamy is a liar and has been unprofessionally out to get me, and should be disbarred for his acts of legal terrorism also known as LawFare (Legal Warfare) against me and my family. I will also prove my legal innocence since Officer Jones admitted that I wasn't being obscene. The Commonwealth Attorney admitted at my state trial on December 21, 2018, that I wasn't charged with obscenity. My former state lawyer Scott Albrecht told me and my family with confidence that I wasn't being obscene (he even looked at the photos from my state case) and told me that he can argue my technical innocence. He was saying that I was legally innocent. If the Circuit Court finds that I am legally innocent of the state charge of indecent exposure, then I clearly did not violate the state law I was charged with under the most recent

revocation petition (Doc. #157). If a chimney expert or even a carbon monoxide expert had been present at the revocation hearing, I would have had a better outcome and Judge Schroeder would have had to admit that carbon monoxide may have indeed caused me to exhibit the weird and strange behavior on September 21, 2018. My mom showed me a video of a lawyer saying that carbon monoxide (“CO”) can still have an effect on somebody even when the victim of CO poisoning is no longer under the conditions of CO gas. He said months can go by and the victim of CO gas can still exhibit effects of carbon monoxide. It takes a while for it to completely get out of your system if you are under chronic carbon monoxide exposure. What AUSA Ramaswamy had said and argued at the revocation hearing was a disgrace and goes against what other lawyers and experts had said throughout the years when arguing cases in court that have anything to do with carbon monoxide. I deserve another final revocation hearing, and I deserve having experts paid for by the Government in my defense to prove that I had suffered under carbon monoxide and that such effects can cause me to do weird or bazaar behavior when I didn’t even know why I had exhibited such behavior until I heard from my own family members that Pete Compton the chimney expert found evidence of carbon monoxide gas in my residence, and removed the tin off of the chimney. The tin that was placed on top of the chimney flues may have been by a business known as “The Chimney Sweeper” located in Rocky Mount, VA. Why was tin installed on the chimney instead of it being a wire mesh or chimney cap? Carbon monoxide effects do not simply go away immediately once I had left the house. AUSA Ramaswamy is not an expert in carbon monoxide and cannot just simply get the judge to dismiss such issue until an expert can testify as to the effects and issues of carbon monoxide. There should have been such experts at my hearing, but there wasn’t, that is one reason why I had lost the revocation hearing wrongfully. It was a wrongful revocation. It is further wrongful imprisonment.

3. I had been compliant with the conditions of my appearance bond since I had been released on the bond conditions as set forth by the Hon. Magistrate Judge Robert S. Ballou who works for the U.S. District Court for the Western District of Virginia, and the “Government does not oppose bond” under Document #176-1 in the Middle District of North Carolina (Western District of Virginia Case #7:18-mj-00148, Document #21, Filed 05/14/19). United States Probation Officer (“USPO”) Jason McMurray (“McMurray”) who has been supervising me before the bond conditions were imposed and after the bond conditions were imposed has given me no impression that I had not been compliant. I have been attending all appointments with the mental health community based services of Piedmont Community Services (“Piedmont”) as ordered by the Court. Last time I spoke with the case manager at Piedmont, she informed me that USPO McMurray had called to check in on my compliance and that she had informed him that I had been attending my appointments. I have always got back home before curfew and been at home around curfew.

4. One of the conditions of my appearance bond is that I appear before all hearings in my federal court case. On **September 12, 2019**, before the final revocation hearing scheduled for 2:00PM in Courtroom 2, I had arrived at the Winston-Salem federal courthouse around 12:00PM (noon) and had filed my Notice of Interlocutory Appeal (The same one filed under Document #187) with the U.S. Probation Office on the 8th floor right where the U.S. Tax Court is located. The Notice of Interlocutory Appeal inside an envelope was delivered at approximately around 12:00PM to 12:30PM. The reason why I could not file with the chamber clerk was that the U.S. Marshals

dictated what floors I was allowed to be on in the federal building. They told me that I would have to wait until 1:30PM before I can even enter the floor of the courtrooms and also where the judge's chambers are. It was very strict and the U.S. Marshals kept their eye on me on that floor and watched everywhere I had walked, so I couldn't serve the Notice of Interlocutory Appeal with the clerk of the Judge's chambers. The courthouse has no manned clerk's office. I would be in violation of my state bond conditions if I had decided to travel to the Greensboro federal courthouse to file the Notice of Interlocutory Appeal. So I had explained to the secretary at the U.S. Probation Office in the federal building that my state bond conditions will not allow me to go to Greensboro to file the Appeal with the clerk and the hearing was that day at 2:00PM so the secretary agreed to take my envelope (The same one filed under Document #187, Attachment #1). I was informed that she, the secretary (I assumed it was a secretary in the Probation Office), would deliver my appeal envelope to the CSO and I thanked her for it. At the final revocation hearing, I had witnessed the Judge's clerk or some other kind of court employee gave a copy of my filed Notice of Interlocutory Appeal with my attorney Renorda Pryor right around 2:00PM approximately or around that time. It took a while before the Judge got to my case as he had dealt with some other cases. When he got to mine, Renorda verbally brought up about my Notice of Interlocutory Appeal as a possible request for continuance since my state criminal appeal was still pending before the Martinsville Circuit Court (for the very case that triggered the revocation charge). See Exhibit 4 in attachment to this declaration as proof that the state case was appealed from the General District Court and that the appeal (trial de novo) is still ongoing. Back on December 26, 2018, I was told by the Hon. Magistrate Judge Robert S.

Ballou in Roanoke, Virginia federal building that I had the right to trial de novo, despite the revocation charge that was already filed against me. I had also learned from an independent legal source that a federal Judge cannot attempt to revoke my probation until my state criminal appeals have been exhausted as it would be an error of law. On September 12, 2019: The U.S. Attorney brought up his objection to my Notice of Interlocutory Appeal and the Judge also read my Notice of Interlocutory Appeal. The Judge Thomas D. Schroeder refused to call-off the hearing despite my appeal to the Fourth Circuit being filed prior to the hearing. Attorney Renorda Pryor had also orally requested a continuance and was also denied. I had prepared, the night before, a regular Notice of Appeal (Document #190) in case my Interlocutory Appeal had failed, I had planned to have that appeal ready to file with the Court, that same day. Attorney Renorda Pryor asked me for the envelope for my regular Notice of Appeal and she went back into Courtroom 2 and delivered it to somebody in the Court as it was also filed that day. I had also faxed an EMERGENCY Notice of Interlocutory Appeal on the night of September 11, 2019 (See Exhibit 2 in attachment to this Declaration) with a request asking for permission to file the emergency Notice of Interlocutory Appeal to stop the hearing the next day and give me more time for my state appeal to be completed as I fight to be found legally innocent of my state charge in Virginia. On September 11, 2019: I could have tried to mail it quickly by U.S. Postal Service, Express Mail, but both of my wrists were hurting and I had to go to Urgent Care (See Exhibit 3 in attachment to this Declaration) and I was worried about any possible bone problems and that my carbon monoxide had gotten worse. So I was at MedExpress Urgent Care for a while and was after 5:00PM before I had been discharged. It was too late for me to file the Interlocutory Appeal by

Express Mail. My only option was attempting to deliver to the chamber clerk. The U.S. Marshals refused to even deliver my envelope to the chamber Clerk of the Hon. Judge Thomas D. Schroeder and refused to let me get access to the chamber clerk so I had no choice but to file it with the U.S. Probation Office on the 8th floor in the federal building/courthouse in Winston-Salem, NC.

5. I have Obsessive Compulsive Disorder (“OCD”) and mild Autism. I have to keep myself clean and have a thing about germs. That is why I have to wash my body a lot more than the average person, and conduct hand/arm washing routines and body washing routines (showering, sponge baths) each and every day and every time I use the bathroom/toilet. It bothers me that Winston-Salem federal court had pushed for an ankle monitor that I will be forced to wear 24 hours each day, and that it will exacerbate my conditions of OCD, Autism, and eczema which I have all documented by Carilion Clinic. It already has exacerbated my conditions. I know this because it had made my OCD and autism worse when I had 6 months home detention back in 2015. I tried to beg my former doctor named Dr. Shyam Balakrishnan to do something to inform the court that it was making my OCD worse, but he didn’t want to do anything about it. However the medical records prove that I have eczema (Exhibit 1 in attachment to this Declaration) and skin problems which can be caused by my diabetes. I have sensitive skin and it can flare up with chemicals. An ankle monitor may flare up my eczema and cause worsening of my OCD and autism symptoms. The Magistrate Judge Robert Ballou had no problems with me being out on bond without an ankle monitor as long as I was compliant with all conditions of my release, which I have been and my Probation Officer Jason McMurray also is aware that I

had been following my bond conditions to the letter. I am not a flight risk. I am a fighter and will fight legally through the court system by filing any motions I deem necessary to seek justice. I will not flight, I will fight. There is no reason why an ankle monitor is necessary since the U.S. Magistrate Judge of the Western District of Virginia did not think it was necessary. The U.S. Attorney office in Roanoke did not think it was necessary to force me to wear an ankle monitor. It will exacerbate my mental health and neurological conditions which I am sure my Probation Officer does not want.

6. After Renorda had read to me under Document #158 by phone conversation on the day before the hearing on September 12, 2019, I had decided that I had wanted to file an interlocutory appeal but I had to go to urgent care because of pain in both of my wrists due to the carpel tunnel (Again, Exhibit 3) I believe was caused by the ton of pages of legal work I had done pro se. By the time I had left urgent care, it was after 5:00PM and I could not send out any mailing from the U.S. Post Office on September 11, 2019. So I had worked on two interlocutory appeal notices and one regular notice of appeal. The first one I had faxed to the U.S. Court of Appeals late night of September 11, 2019, (Again, Exhibit 2) through fax number 804-916-2469, along with a cover sheet asking for permission to file the interlocutory appeal through fax and gave a good reason as to why I am seeking permission. Then I had also faxed the same type of fax to both the Greensboro federal court through fax number 336-332-6085 and the Winston-Salem federal court through fax number 336-631-5004 with the cover sheet asking for permission to file the interlocutory appeal through fax and gave a good reason as to why I am seeking permission. I have the

transmission tickets of successful delivery on record with VentaFax system. Even though the faxed Interlocutory Appeal did not get filed before the hearing, I made sure to have drafted a second Interlocutory Appeal to have been filed at the federal building before the hearing. I am just stating under oath that I had attempted to file an Interlocutory Appeal a day before the hearing and was hoping that one of the Clerk's gave permission to file my faxed Notice of Interlocutory Appeal on the record so that the hearing would have been continued until after the mandate and would give me more time for my state appeal to have been completed before the final revocation hearing.

7. On October 16, 2019, the GPS ankle monitor was installed on my left ankle. It feels uncomfortable. I have had a urine accident and the ankle monitor is making it difficult for me to change my pants, my stress level is higher and nerves causing me to have diarrhea. My hand washing routines and body washing routines are taking longer now with every routine because of this ankle device. This might make me late for any appointments which may include legal appointments as well. This ankle monitor will cause me to be at higher risk of possibly being late for any state court hearings because it is increasing my OCD hand washing and body washing times to be longer which will raise the water bill. I can no longer wear shorts but pants instead, despite the hot temperatures, because of how embarrassing wearing this ankle monitor is and people judging me just by seeing it and yet not knowing what is really going on. The GPS device has to be in contact with my skin, this may flare up my eczema (See Exhibit 1 attached to this Declaration). It is causing me nervous problems and is increasing my OCD issues because my USPO instructed me not to clean the ankle monitor. This

is a problem for my OCD as I like to keep everything clean on my body. I like to consistently wash my body and hands, and use hand sanitizer a lot. This ankle monitor is negatively effecting my OCD, my autism, and is exacerbating my conditions, just like Kristy L. Burton had warned the court about my condition or conditions can be exacerbated when she tried to obtain a urine sample for the drug testing and had pushed for suspending the drug testing. This device is a nightmare to me, and I feel like it isn't necessary because the U.S. Magistrate Judge Robert S. Ballou released me on \$20,000 unsecured bond and had no issue with me being out on bond without an ankle monitor. Despite my health issues and disability issues, I have complied with all bond conditions since my release on May 14, 2019. My USPO said to me on Sept. 16, 2019, that I have been compliant with my conditions except for that incident last year (the one at issue with the SRV charge under Document #157) but it is between me and the state court. So if I am found actually innocent or legally innocent of my state charge, then that may not be a violation either and should be reconsidered or a new final revocation hearing should be commenced.

Respectfully filed with the Court, this the 17th day of September, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 17, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
Make America Great Again

Defendant also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing (“NEF”) email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

Declaration of Brian David Hill on evidence/records in support of claims made in this declaration

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I attach the following evidence in the following order in attachment to this pleading for this Honorable Court in support of the claims made in this pleading in regards to my Motion to Stay the Judgment:

1. Attached hereto as Exhibit 1, is a Photocopy of the Carilion Clinic medical record from Dermatology proving that Defendant Brian David Hill has a skin condition known as eczema. – 2 pages
2. Attached hereto as Exhibit 2, is true and correct copy of 3 transmission tickets and a true and correct photocopy of the fax that was sent to the Fourth Circuit U.S. Court of Appeals with the Notice of Interlocutory

Appeal and requesting permission to file the Emergency Notice of Interlocutory Appeal through the fax. – 9 pages

3. Attached hereto as Exhibit 3, is a true and correct Photocopy of the MedExpress Urgent Care medical record for pain in both wrists and was found to be carpel tunnel. With the hundreds of pages of legal filings over the years in this case, all of the letters through faxes I've had to type up, and legal mailings. All of that contributes to my carpel tunnel. – 3 pages

4. Attached hereto as Exhibit 4, is a true and correct copy of a printout of the Virginia criminal case (Case #: CR19000009-00) appealed to the Circuit Court of Martinsville (trial de novo). This proves that Brian's appeal is still ongoing in the state case for the state charge which the Supervised Release Violation is based (referring to Documents #157, and 158). Disclaimer: State case information printout sheet from the Virginia Judiciary Online Case Information System was printed by a member of Brian's family to a PDF format. – 3 pages

Total is 21 pages, including the 4 Pages for the 4 exhibit pages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 17, 2019.

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
Make America Great Again

CERTIFICATE OF SERVICE

Defendant hereby certifies that on September 17, 2019, service was made by mailing the original of the foregoing:

“DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF DEFENDANT’S MOTION FOR STAY OF JUDGMENT PENDING APPEAL AND ITS SUPPORTING MEMORANDUM OF LAW”

by deposit in the United States Post Office, in an Priority Mail envelope, Postage prepaid, on September 17, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

It is under Certified Mail tracking number 7017-2680-0000-5750-9139

Then pursuant to 28 U.S.C. §1915(d), Defendant requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

<p>Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov</p>	<p>Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov</p>
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This is pursuant to Defendant's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and

perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p><u>September 17, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u></p> <p><i>Signed</i> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again</p>
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Qanon
Alliance/DOD
Please help me!
S.O.S