

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



**Brian David Hill,** )  
**Petitioner/Defendant** )  
 )  
**v.** ) **Criminal Action No. 1:13-CR-435-1**  
 ) **Civil Action No. 1:17-CV-1036**  
**United States of America,** )  
**Respondent/Plaintiff** )  
 )  
 )  
 )

**DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO  
DOCUMENTS #157 AND #200**

NOW COMES the Petitioner and criminal defendant, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", "Brian", or "Hill"), that is acting pro se and is proceeding pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to report a state Writ of Habeas Corpus action by Petitioner in regards to his legal innocence and filing this Declaration with the United States District Court which can affect the outcome of the Supervised Release Violation ("SRV") charges in Documents #156, #157, #158, and #200 in this criminal case. Evidence is attached as Supplement 1.

Supplements attached to this Declaration are as follows:

1. **Supplement 1:** A copy of what was filed with the Martinsville Circuit Court which is a Petition for Writ of Habeas Corpus. The notary signatures and the signatures of Brian David Hill are all original even though it is one out of four copies and one original of the Petitioner for Writ of Habeas Corpus that was filed with the Clerk on November 18, 2019, under civil case no.

CL19000331-00. So it is a copy of what was filed, but the signatures and the pages that were notarized by the notary public including affidavits are all original signatures. So it is a true and correct copy of what was filed, except the signatures were all original in each of the four copies and one original. The entire Petition, brief, and exhibits were all filed with the Circuit Court and is awaiting a response from the Commonwealth's Attorney before the Court if by rule or ordered to do so may compel Brian David Hill to appear to testify and/or argue why his state conviction on November 15, 2019 should overturned on the ground of actual innocence, whether arguments are through counsel or pro se.

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 am going to make it known to this court that I was not going to receive a fair trial in the jury trial inside of the Martinsville Circuit Court on December 2, 2019. Here is why.

This very federal case and wrongful conviction that was entered on Document #54 is exactly why Petitioner had withdrawn his state appeal which automatically entered a plea of guilty on November 15, 2019. Petitioner didn't sign any guilty plea agreements, Petitioner wasn't asked by any judge about changing his plea to guilty. All he faxed was that he was withdrawing his appeal and accepting the decision in the lower court, told the Clerk that he was withdrawing his appeal on November 15, 2019, and all he signed was that he was going to owe over \$1,000 to the Clerk's office for the legal costs, no restitution and no fines. He never said anything about being guilty. All he did was what his ineffective counsels' have all advised Brian David Hill to do.

So if you want the truth as to what had happened, I am not giving up on this state case, I am forced to change strategy.

The reason the attorneys were all lecturing me to withdraw my appeal in this state case was because OF MY FEDERAL CONVICTION in this case. This federal case had prejudiced me in the state case. I was told or given the impression by multiple attorneys including private attorneys on free consultation that I have a high chance of losing the jury trial because the Commonwealth Attorney was going to bring up my FEDERAL CONVICTION against me and tell the jurors in the state trial that I was convicted on possession of child pornography. The last private attorney I had spoken with told me that they will bring up my child porn conviction at the jury trial if I testify but I wouldn't be allowed to present any counter evidence showing my 2255 motion and the fraud upon the court claims against Anand Prakash Ramaswamy. The jury wouldn't know anything about why I had falsely plead guilty in Federal Court. That was what I was led to believe. My family later researched that rule and it said that details of prior convictions cannot be brought out except convictions for perjury. All that could be brought out was that I was a convicted felon but I may bring out evidence in rebut as to my prior conviction. So the jury may not have been allowed to hear what my federal conviction was for. So I was misled by ineffective counsels' to withdrawing my appeal.

So this federal conviction is at FAULT for why I had withdrawn my appeal for my state charge. Anand Prakash Ramaswamy is AT FAULT, he is responsible for why I wasn't going to receive a fair trial on December 2, 2019. He wrongfully convicted me, and he didn't even follow N.C. State Bar rule 3.8. The court appointed attorney basically said that my legal innocence of indecent exposure doesn't matter because the jurors would have been Bible belt Christian jurors.

They would have saw the nude pictures of me and would then hear about my child pornography conviction. They would automatically believe that I was an obscene pervert when my federal conviction is not relevant to what had happened on September 20-21, 2018. The prosecutor was going to use Christians against me, my federal conviction against me, which is why I had withdrawn my appeal on November 15, 2019.

However I never agreed to plead guilty, the Clerk and my attorney misled me as well and never told me that withdrawing my appeal would be a automatic guilty plea, and I don't understand why they didn't just revert back to the verdict of guilty on December 21, 2018, rather than determine that me withdrawing my appeal is the same as a willful guilty plea. They again took advantage of my ignorance.

I have filed Writ of Habeas Corpus, I may file a Writ of Mandamus or even a Writ of Actual Innocence thereafter even though it only seems to apply to felonies.

The Commonwealth of Virginia didn't give me any due process whatsoever. They ignored every one of my pro se filings that I had hand delivered or even faxed to the Clerk's office. My attorney didn't even attempt a motion to dismiss to avoid the prejudicial jury trial I was facing which violates my constitutional right to a fair and impartial jury. My attorney didn't even find any expert witness at all before the deadline period for him to have to present to the Court the very expert witnesses that he was intending to use for my defense. Had no defense prepared. My state court appointed lawyer did nothing for me except for wasting my time, giving me depressing advice, and begging me and/or my family multiple times to withdraw my appeal knowing that I have Autism.

I notify this Court that I intend to continually fight my state charge and my conviction of November 15, 2019 on Constitutional grounds including my legal innocence.

It is ironic that again because of ineffective counsel, I again had given up the jury trial (just like on June 10, 2014 in this case) and a guilty plea was entered in that case even though I had a very good chance at being found legally innocent. Then I enter a Writ of Habeas Corpus in my state case on November 18, 2019, just like two years ago when I had filed a federal Writ of Habeas Corpus (2255 Motion) in November, 2017. It is ironic how I had made the same mistake twice because of ineffective counsel. False guilty pleas because of fear my attorneys have about the jury trial. Because of my court appointed lawyers' own insecurities and feelings that they are scared of going to jury trial over my charge or charges (*one was possession of child porn, the other was indecent exposure*) so they beg me to give up and plead guilty or in this case withdraw my appeal with auto guilty plea.

Robert Barnes the attorney was right. Most lawyers are cowards that don't even fight for their clients anymore. It has become all about guilty pleas, and attorneys argue every way they can to persuade their clients to give up and accept guilt, then I get judged as well. We used to be all about innocent until proven guilty, but now we have become guilty until proven innocent.

My Writ of Habeas Corpus was timely filed in the state case. I am under more strict conditions of Federal Bond directly as a result of the state charge on September 21, 2018. I will fight and win to be given a certificate of innocence from the Commonwealth of Virginia, and then I plan on asking this Court to overturn my Supervised Release Violation on the basis that I BROKE NO LAW, and the certificate of innocence will prove that. I will not give up here, I am changing strategy. If the Habeas Court in Martinsville gives me new trial and

reverses my withdrawal of my appeal, then I will face that trial and show the evidence that my own stupid court appointed lawyers refuse to want to show the jury. I may have to represent myself in the state if the Circuit Court refuses to overturn my entire conviction but just gives me a new trial. At least I am not a coward like the lawyers are because they are scared of the corrupt Commonwealth Attorney Andrew Hall (Andy Hall) of Martinsville. A few attorneys let me know how bad Andy Hall was. These attorneys are scared of this Andy Hall and one attorney told me that even innocent people had to take guilty pleas that was what one told me during free consultation. That attorney was from the office in Rocky Mount, VA, and he told me that the "Feds are BS". Yes he actually said that cuss word. Another attorney verbally said to me and my family that the Feds were BS too. That is their personal opinions as lawyers about the Federal Court and Prosecution system, not mine. Even Virgil Goode told me that he didn't want to be involved in the Federal Court system when I had spoken with him over the phone asking him to help me overturn my federal conviction. These attorneys hate the Federal Court system from what I could tell. Anyways, these attorneys are so afraid of fighting against a corrupt Commonwealth Attorney and afraid of my federal conviction causing the jurors to want to find me guilty immediately, that they all beg me to withdraw my appeal in my state case. That is not justice, this is not right. I am suffering one punishment after another for crimes that I am legally innocent of. The judicial system is broken. Congress needs to fix it. NOW!

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

Executed on November 19, 2019.

Respectfully filed with the Court, this the 19th day of November, 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

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

Friend's site [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Petitioner 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!

#### CERTIFICATE OF SERVICE

Petitioner/Defendant hereby certifies that on November 19, 2019, service was made by mailing the original of the foregoing:

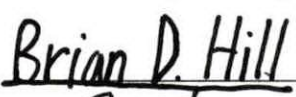

“DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO DOCUMENTS #157 AND #200”

by deposit in the United States Post Office, in an envelope (Priority Mail), Postage prepaid, on November 19, 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, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner 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  <a href="mailto:Anand.Ramaswamy@usdoj.gov">Anand.Ramaswamy@usdoj.gov</a></p>	<p>Angela Hewlett Miller          U.S. Attorney Office          Civil Case # 1: 17 -cv-1036          101 South Edgeworth Street, 4th          Floor, Greensboro, NC 27401  <a href="mailto:angela.miller@usdoj.gov">angela.miller@usdoj.gov</a></p>
<p>JOHN M. ALSUP          U.S. Attorney Office          101 South Edgeworth Street, 4th          Floor, Greensboro, NC 27401  <a href="mailto:john.alsup@usdoj.gov">john.alsup@usdoj.gov</a></p>	

This is pursuant to Petitioner'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:   <i>November 19, 2019</i></p>	<p>Respectfully submitted,    <i>Signed</i> Signed          Brian D. Hill (Pro Se)          310 Forest Street, Apartment 1          Martinsville, Virginia 24112          Phone #: (276) 790-3505            I stand with QANON/Donald-Trump – Drain the Swamp          I ask Qanon and Donald John Trump for Assistance (S.O.S.)          Make America Great Again</p>
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I ask Department of Defense ("DOD") military Constitutional oath keepers, alliance, Qanon for help in protecting me from corruption and criminal behavior of Government.

Friend's justice site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)