LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF RICHMOND
Re: John Ira Jones, IV filings in both cases around April 13, 2021; supplemental timely filed Petitions for Appeal

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion to Vacate Fraudulent Begotten Judgment)

Thursday, April 15, 2021 03:42 AM

ATTN: Clerk of the Court **Court of Appeals of Virginia**	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321

Dear Clerk of the Court, Court of Appeals of Virginia,

My request is simple, that both my timely filed petitions for appeal be considered as "Pro Se Supplemental Petitions" and please mark the date they were originally timely filed. Since my lawyer has invoked Rule 5:17 - Petition for Appeal [Effective until March 1, 2021], Va. R. Sup. Ct. 5:17 ("*This Court will rule upon the motion for extension of time upon its receipt, but will not rule on the motion to withdraw until this Court considers the case in its entirety, including any supplemental petition for appeal that may be filed*."). The rule was invoked and my pro se petition for appeals has a lot of issues of fact and fraud by the Commonwealth of Virginia, that Appellant had proved the Commonwealth of Virginia lied about Appellant being medically and psychologically cleared in the CRIMINAL COMPLAINT and never proven intent even in General District Court. Appellant's pro se supplemental petitions for appeal were timely filed and should now be considered prior to making a disposition on both appeals. It is very important that this be done. I can re-file my Petitions as "Pro Se Supplemental Petitions" but that may be redundant and a waste of this Court's time to re-file what was already filed before. So I rather request that both my filed petitions be treated as "Pro Se Supplemental Petitions" and added back to the Court's ACMS-CAV system.

Attorney John Jones IV finally emailed Roberta Hill at her email address rbhill67@comcast.net, on April 13, 2021. Emailed her his petitions for appeal and any other pleadings for appeal citing "Anders v. California, 386 U.S. 738 (1967)" Rule 5:17 - Petition for Appeal [Effective until March 1, 2021], Va. R. Sup. Ct. 5:17.

He never did discuss that the appeal would not be meritorious. I rather let it go and not make an enemy of my court appointed lawyer so I am letting this go, but I will not lie to the Court as fighting for my acquittal is extremely important. He did try to call me around the time of 9:00PM to 10:00PM on April 13, 2021, Tuesday. I wasn't available but after what he had filed, I will never talk to him. I have a friend who knows a lot about legal stuff named Eric Clark of Kansas, who was also a criminal defendant in the Commonwealth of Virginia in I believe it was Fairfax County after appearing at a protest in Chantilly, Virginia, in 2012, known as the Occupy Bilderberg protest where Alex Jones and Luke Rudkowski and I was also at in 2012. I was there as Free Press for USWGO Alternative News at uswgo.com before I was framed with child porn a few months later. Eric Clark also suggested that I file motion to receive new counsel after he was informed of the John Jones, IV situation. I already did with my Emergency Motions. I did timely file my petitions using the date calculator of my Desktop computer and the 40-day deadline was April 7, 2021. I timely filed my petitions, my counsel did not.

However I already had timely filed my Petitions for Appeal in cases no. 1294-20-3, 1295-20-3.

Since the lawyer has cited Anders v. California, 386 U.S. 738 (1967), this Court should accept my two “Pro Se Supplemental Petition” in both cases. Please mark the dates of both petitions as “Pro Se Supplemental Petitions” and please mark the dates as timely filed as both were filed pro se and should be considered as both a “Pro Se Supplemental Petition”.

I now have a right to file such since my attorney John Ira Jones, IV had basically considered my appeals to not be meritorious even though he did lie about having that discussion with me, he never told me such that I recall, ever. Maybe he told me that last year and I could have simply forgot but then why would I push for him to be re-appointed as counsel in my Notices of Appeal? If he thought I didn't stand a chance last year, I would have complained about it and sought the advice of Eric Clark or any other legal scholar but I do not believe that Attorney ever discussed such matter with me, so I have to admit truthfully to this Court that I do not recall anything about his claim that my appeals would not be meritorious. However I don't need to get this attorney angry and rather he just be ejected from both cases as he had requested in his request to withdraw as counsel of record in both appeals.

My Petition for Appeal filed on March 29, 2021, in case no. 1294-20-3, was timely filed and should be considered as a “Pro Se Supplemental Petition”. It was already served with the Commonwealth Attorney on that same day and should simply be

considered rather than re-file the same petition but re-wording it as a “Pro Se Supplemental Petition”. If the Clerk requests that I re-file and re-word the cover page as a “Pro Se Supplemental Petition”, then I will re-file my timely filed petition as a “Pro Se Supplemental Petition” and re-serve the re-branded corrected pleading with the Commonwealth Attorney to comply and correct the deficiency.

My Petition for Appeal filed on March 25, 2021, in case no. 1295-20-3, was timely filed and should be considered as a “Pro Se Supplemental Petition”. It was already served with the Commonwealth Attorney on that same day and should simply be considered rather than re-file the same petition but re-wording it as a “Pro Se Supplemental Petition”. If the Clerk requests that I re-file and re-word the cover page as a “Pro Se Supplemental Petition”, then I will re-file my timely filed petition as a “Pro Se Supplemental Petition” and re-serve the re-branded corrected pleading with the Commonwealth Attorney to comply and correct the deficiency.

I also have to make a note that another reason why my timely filed Petitions for Appeal in cases no. 1294-20-3 and 1295-20-3 should be considered by the Court of Appeals of Virginia, is because in my attorney's Petition for Appeal dated April 13, 2021, it actually contradicts the Record on Appeal as was outlined in both pro se supplemental petitions. The Attorney cited Appellant's false assumption that his withdraw of appeal is considered as a guilty plea. That is not true as Appellant never had access to the Record on Appeal at the time and made a false assumption in his criminal case because his court appointed lawyers were all terrible and were never upfront and honest about everything. Appellant's family printed the Online Case Information System 2.0 (“OCIS”) for the criminal case and it said “GULTY PLEA” by “Withdrawing Appeal”. Of course that system I asked my family to check the “Disclaimer” and it said not to rely on that for reliable information that is to be the same as the Record in a court case. So I was relying on inaccurate information that my family printed for me.

The Petitions for Appeals in both cases properly cite what John Ira Jones, IV had failed or refused to acknowledge. He argues that:

> “Hill’s Motion to Vacate was replete with references to Hill’s surprise at learning that his withdrawal of his appeal constituted, for all practical purposes, a guilty plea. (R. 437-61).”

That was based on false assumptions, because of the OCIS database with a Disclaimer from the Office of Executive Secretary which is a legally binding agreement between those who access that service and access the information from that service. My family

checked that and it waives the guarantee of accuracy of the information and asks to check the actual record of a Court to obtain accurate information of a case. Appellant couldn't afford to do so at $0.50 a page of literally hundreds and hundreds of case pages.

Appellant had already made it known in his pro se Supplemental Petitions for Appeal that he never plead guilty at all based upon the final Conviction of his criminal case.

Petition for Appeal filed pro se, supplemental petition in RECORD NO. 1294-20-3 argues that, Page 18 of 54 of PDF document AppealPet3-29-2021.pdf:

> "When Appellant had filed his Motion to Withdraw the Appeal in the Trial Court which is Pages 422 of 961 of the Record, Page 434 the Trial Court Judge only considered his "Motion to Withdraw Appeal" as exactly that, a technical withdraw **but did not consider it as a "guilty plea" in fact the Trial Court** never entered in that Brian actually plead guilty, **he did not plead guilty, it was marked out by the Judge at the time the conviction was entered.** There was no guilty plea by Appellant. Page 434 written this: "Other: DEF ~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDG GDC, PAY COURT COSTS." Yes, Appellant is showing the true strikethrough, the Judge had stricken the words "~~CHANGED HIS PLEA TO GUILTY AND~~" with what appeared to be a black marker pen. So, the **Judge of the Trial Court did not consider that Appellant honestly decided that he was guilty because** in his Motion with Withdraw Appeal **he said that he did not waive his actual innocence or legal innocence, he did not plead guilty by any stretch of technicality.**

That argument is so true. The petitions for appeal by John Ira Jones negated to bring up that Appellant's claims were based upon erroneous assumptions that he had plead guilty when he in fact never did as the Trial Court never actually entered a guilty plea from the record reviewed by Appellant this year, not reviewed over last year and not ever reviewed prior to the Record on Appeal being given to Appellant thanks to the Clerk of this Court. Appellant had simply faxed a typed statement with his concerns that he would not receive a fair jury trial because of his federal conviction would be brought up and other issues and probably more erroneous assumptions.

I do not need to re-cite the same citation above as both petitions had the same statement of the facts that Appellant never plead guilty from the Record on Appeal not known to Appellant at the time of his conviction, not ever known until this year thanks to Justin Shelton who provided the Record on Appeal to Appellant to review over the Record on Appeal. It was at that point that Appellant was misled by false or inaccurate information from the OCIS database under the authority of the Office of Executive Secretary. The Clerks put in inaccurate information from the Circuit Court of Martinsville. The Attorney should have known that Appellant never plead guilty. It is a very weak conviction and is not constitutional due to ineffective assistance of counsel and pro se motions being ignored by the Trial Court, again that was already iterated in the Petitions for Appeal filed Pro Se by Appellant. Yes, in appeal record no. 1295-20-3, same page 18 of 55 of the PDF Document AppealPet3-25-2021.pdf, it argued the same statement of facts that Appellant never plead guilty from the Record on Appeal, the Court never actually considered that Appellant plead guilty, they didn't.

Appellant had already timely filed his supplemental petitions for appeal filed pro se on March 29, 2021, and March 25, 2021.

So Appellant requests that the Clerk's office either consider those pro se petitions as timely filed “Pro Se Supplemental Petitions”, or send a letter requesting that he cure that deficiency by re-labeling his “PETITION FOR APPEAL OF APPELLANT” as a “PRO SE SUPPLEMENTAL PETITION FOR APPEAL OF APPELLANT” to cure that issue and allow those to be distributed to the panel of judges for review.

Appellant believes his lawyer is wrong in his claim that Appellant had plead guilty. It all boils down to false assumptions. False assumptions based upon the Record of both cases. Appellant never actually plead guilty and that is supported by the Record. Appellant did not waive all of his rights to challenge his criminal case. Appellant had asked that upon withdrawing his appeal that he retain his rights such as: “***However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence***.” That was page 420 of the Record and Page 423 if the Table of Contents are included. So his lawyer John Ira Jones is absolutely wrong and should have brought this up if he really did believe that Appellant had waived his rights and waived a good appeal as a result of the “MOTION TO WITHDRAW APPEAL”. Appellant does not want false claims or inaccurate information in Appellant's defense as a result of ineffective assistance of counsel or incompetence. Appellant files this letter to set the record straight, this lawyer didn't conduct enough research to know and fully understand all of this or maybe Appellant doesn't understand how the Virginia Courts really work, but regardless, the Judge did consider that Appellant never plead guilty and wanted to be

acquitted on actual innocence for his state charge of indecent exposure and did not waive his right to file a Writ of Actual Innocence or Collateral Attack, which may include the right to direct appeal under a meritorious appeal claims.

Appellant proved his attorney wrong here, and thus Appellant respectfully requests that his timely filed Pro Se Supplemental petitions be considered and not just the erroneous information in both Petitions for Appeal submitted by John Ira Jones, IV. A lot of evidence and case law authorities was overlooked and Appellant made assumptions not based upon fact or the record and that wrecked his Due Process rights because of ineffective assistance of counsel throughout his criminal case and the ineffective assistance of counsel throughout his appeals. Counsel should have informed Appellant that he never plead guilty but had only filed a technical motion to withdraw appeal but retain his "Actual Innocence" which may be similar to an Alford plea and right to collateral attack his conviction which includes showing any evidence of fraud on the court in case no. 1294-20-3. An Alford plea (also called a Kennedy plea in West Virginia, an Alford guilty plea and the Alford doctrine), in United States law, is a guilty plea in criminal court, whereby a defendant in a criminal case does not admit to the criminal act and asserts innocence.

John Ira Jones, IV arguing that the appeal of a motion being denied is not meritorious when it is a collateral attack on a fraud on the court, that is a lie and John Ira Jones, IV should have known better than to put down Appellant's appeal of denial of a motion asking for collateral attack on a fraudulent conviction as a non-meritorious appeal. His petitions for appeal or other pleadings have erroneous information and were untimely filed after the 40 day deadline. It is clear that the pro se supplemental petitions have good arguments and one appeal has better merit even if John Ira Jones was correct in his arguments as to the merit. Anybody can challenge a fraud on the court and it is not barred by withdrawing appeal, as appeal just reviews over the record in the usual cases. **If evidence later surfaces showing a fraud on the court, how can that be barred by a past withdrawal of appeal?????** John Ira Jones, IV as well as many lawyers are incompetent in regards to the issues of fighting frauds on the court in accordance with "Chambers v. NASCO, Inc." a ruling of the U.S. Supreme Court as well as Virginia Supreme Court rulings in regards to a right to collaterally attack one or multiple frauds on the court. Even a guilty plea can be attacked if later the entire case was fueled by prosecutorial fraud.

It all boils down to the fact that Appellant never had a discussion with John Ira Jones, IV, about his both appeals not having good enough merit for representation in accordance with Anders v. California, 386 U.S. 738 (1967). Anders is not a Virginia case but is being used by the Virginia Courts. What about Chambers v. NASCO, Inc.,

Chambers v. Nasco, Inc., 501 U.S. 32 (1991) in SCOTUS and other Virginia Supreme Court rulings about challenging frauds on the court to overturn a conviction or judgment when it was based upon fraud by the prosecutor and the charging officer. Fraud such as not being medically cleared which is perjury in the CRIMINAL COMPLAINT based upon the pro se CORRESPONDENCE by Brian David Hill the Appellant. What John Ira Jones is arguing is wrong to a certain degree. Fraud is fraud, and withdrawing appeal under something as sample as an Alford Plea does not preclude the right to overturn a criminal conviction based upon Fraud. An appeal cannot uncover fraud or prove fraud. Withdrawing an appeal but later proving or uncovering fraud does entitle an aggrieved party to request relief from a Court that was a victim of fraud. A Court has to maintain its own integrity and that includes the right to sanction a party for proven fraud.

Appellant asks for forgiveness from the Clerk's office for filing this letter but feels it is a must to challenge what John Ira Jones, IV had filed on April 13, 2021, and asks that his two petitions for appeal be considered as it contains more accurate and honest information based upon what was reviewed from the Record on Appeal.

Respectfully filed with the Court,
This the 15th day of April, 2021.

Brian D. Hill
Signed
Brian D. Hill

Brian D. Hill
Appellant
Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505
JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE

On April 15, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that

a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address rbhill67@comcast.net with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net, on April 15, 2021.	

The reason why Brian David Hill must use such a representative/Assistant to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at rbhill67@comcast.net and request that she forward the message and any

documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Appellant
Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505

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