

In The
Court of Appeals
Of Virginia

Brian David Hill,

Appellant,

v.

**Commonwealth of
Virginia, City of
Martinsville**

Appellee.

**ON APPEAL FROM THE CIRCUIT COURT OF
MARTINSVILLE**

**EMERGENCY MOTION FOR SUBSTITUTE COUNSEL OR IN
ALTERNATIVE THAT APPELLANT PROCEED PRO SE**

U.S.W.G.O.

Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505



Brian David Hill, (the “Appellant” or “Petitioner”) files this EMERGENCY MOTION asking the Court of Appeals of Virginia to appoint substitute Counsel for representing Appellant in his criminal case appeal or in alternative allow Appellant to proceed pro se, then the Court needs to find that Appellant’s timely filed pro se “Petition for Appeal” on March 30, 2021, to be considered timely filed, accepted by this Court in this appeal case, and ready to distribute to a Panel of Judges for consideration.

Affidavit/Declaration is attached to this Motion and notarization may be extremely difficult due to Covid-19 restrictions of the First Horizon Bank and any other Bank around the City of Martinsville. So, Affidavit/Declaration is attached in support of this EMERGENCY MOTION pursuant to Virginia Code § 8.01-4.3.

The reason why this MOTION is an EMERGENCY MOTION is because the deadline may be set for April 7, 2021. The appointed counsel John Ira Jones still has refused to communicate with Appellant even after the Clerk’s office had sent a message or messages to appointed counsel on March 31, 2021 of Appellant’s correspondence with the Clerk’s office asking for Transcripts as part of the appeal procedures required by this Court for review over any part of the Record on Appeal.

Appellant had received the March 31, 2021 printed email correspondence to appointed but ineffective and unprofessionally defective counsel John Ira Jones, IV, and had received this filing by mail on April 5, 2021.

Appellant asks that this Court not ignore the “Petition for Appeal” and consider it timely filed as the lawyer John Ira Jones had not filed any pleading with this Court and the deadline to file such Petition for Appellant is on April 7, 2021, if Appellant’s time calculation is correct in reasoning with Va. Code § 17.1-408; Rule 5A:12(a).

Instead, Appellant files this timely EMERGENCY MOTION, serves a copy with Respondent counsel by U.S. Mail, certified mail and his mother also emailed a copy to that same Respondent counsel and emailed a copy to appointed counsel John Ira Jones by email address jones@johnjoneslawplc.com. This EMERGENCY MOTION must be acted upon by any Panel or single Judge as quickly as possible as Appellant’s rights under the U.S. Constitution and Virginia Constitution are in jeopardy here. His rights under Amendment XIV, the Due Process Clause of the U.S. Constitution are in jeopardy here. His rights under Amendment VI, the right to effective assistance of counsel of the U.S. Constitution are in jeopardy here. This appeal is at risk of dismissal again due to no petition being filed by appointed counsel and already this

lawyer had failed to file pleading by the deadline and appeal was dismissed.

It is a fact before this very Court that John Ira Jones, IV, appointed counsel for appeal was given a second chance to ethically and professionally comply with this Court's order or request to timely file the "Petition for Appeal" or timely file a motion asking for an extension of time to file a "Petition for Appeal" prior to the 40-day deadline of after this Court of Appeals receiving the Record from the lower Tribunal/Court. That was why Appellant's "NOTICE OF APPEAL" asked for John Ira Jones, IV to be given a second chance, he failed again this time and should not ever be appointed again due to making the same mistake again. He should be sanctioned this time by the State Bar. He should not receive any compensation for his unprofessional errors and failure to abide by this Court's Rules and failure to abide by Virginia Code regarding proper appellate procedure. Doing so will legitimize his unprofessional errors and legitimize a lawyer not obeying any law or rules.

This is the Second Direct Appeal case due to the first Appeal cases (cases no. 0128-20-3, 0129-20-3) being dismissed at the cause of lawyer John Ira Jones, IV ("Jones"), not filing any pleading or motion by the reported deadline as set by law and as set by this Court. Motions for

delayed Appeal were filed by that lawyer for his mistakes and were granted, and the Appeals were allowed to be filed again. The appeal was timely appealed for the case no. noted above in the cover page.

Since the Counsel Jones, has failed or refused to communicate with Appellant with the deadline fast approaching, Appellant had decided to file this EMERGENCY MOTION as his timely filed Petition for Appeal on a pro se basis was not considered filed due to him being appointed counsel but the pro se Petition for Appeal must be accepted to prevent the Appeal from being dismissed again due to no filing by the deadline set by the Court. This will become the second unprofessional, incompetent, and ineffective error by this appointed counsel John Ira Jones, IV. He should receive sanctions as far as contempt of court if this Court considers this lawyer 's behavior as contemptable.

According to the Affidavit/Declaration of Appellant, Appointed Counsel John Ira Jones had still not communicated with Appellant in any way, shape, or form even on this day of April 6, 2021. This is serious misconduct of a professional nature and is a serious flagrant disregard for this Court's authority and this Court's orders or requests.

It is a serious unprofessional error and attorney misconduct for John Ira Jones to not even communicate with his client Brian David Hill after he was appointed for this appeal, on December 14, 2020. Not once

has this lawyer communicated with Brian David Hill for this appeal. He did communicate with Appellant last year for Appeal cases no. 0128-20-3, 0129-20-3, and did file the Motions for Delayed Appeal which were accepted by this Court. This lawyer did give Appellant the draft notices of appeal and a photocopy of his filed Motions for Delayed Appeal. The Notices of Appeal were worked on from that template, filed timely. That was the last thing this lawyer did. When this lawyer was appointed again for the delayed appeals, he did not communicate with Appellant at all, not with his mother, not responding to Appellant's text messages when this lawyer had responded before last year. So, it clearly is a deliberate ignoring of Appellant. Serious professional misconduct worthy of being sanctioned by the State Bar of Virginia.

The Affidavit speaks for itself and shall constitute a severe and necessary need for newly appointed counsel for this appeal case as noted above, or in alternative that this Court allow Appellant to proceed pro se in this Appeal and consider his timely filed pro se "Petition for Appeal" as timely filed as of March 30, 2021.

CONCLUSION

To preserve Appellant's Constitutional rights including Due Process and his Sixth Amendment right to effective assistance of counsel, for the foregoing reasons as stated above, Appellant asks this

Court to Grant this Motion asking for the following relief:

1. That Appellant be appointed new counsel by this Court as soon as possible and be given more time for new counsel to file a Petition for Appeal in this case; or
2. That Appellant be allowed to proceed pro se in this case by this Court and allow his pro se Petition for Appeal to be considered timely filed as of March 30, 2021, the day it was originally accepted by the Clerk.

Appeal prays for relief from this Court, so help me God, so help me Jesus.

REQUEST FOR ORAL ARGUMENT

As this appeal raises important constitutional and evidence issues which counsel John Ira Jones may need to be questioned by this Court as to why he is engaging in such egregious misconduct, therefore Appellant requests or suggests oral argument to question this counsel prior to making a final decision on this Motion if this Court finds it necessary.

Respectfully Filed/Submitted on April
6, 2021,

BRIAN DAVID HILL
Pro Se


Signed

Brian D. Hill

Brian David Hill – Ally of Qanon
Founder of USWGO Alternative
News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505
Pro Se Appellant





CERTIFICATE OF COMPLIANCE

1. This motion complies with type-volume limits (word limit 12,300), excluding the parts of the document exempted by Rule 5A:12(e) (cover page, table of contents, table of authorities, and certificate):

[X] this brief contains [1,326] words.

[] this brief uses a monospaced type and contains [*state the number of*] lines of text.

2. This brief complies with the typeface and type style requirements because:

[X] this brief has been prepared in a proportionally spaced typeface using [*Microsoft Word 2013*] in [*14pt Times New Roman or New Century Schoolbook*]; or

[] this brief has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].



Signed

Brian D. Hill

Dated: April 6, 2021



Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2 Martinsville,
Virginia 24112
(276) 790-3505

Pro Se Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 6th day of April, 2021, I caused this “EMERGENCY MOTION FOR SUBSTITUTE COUNSEL OR IN ALTERNATIVE THAT APPELLANT PROCEED PRO SE” to be printed then mailed by Certified Mail to the Commonwealth of Virginia and City of Martinsville through the Commonwealth Attorney’s Office of Martinsville City and the original was filed with the Clerk of the Court of Appeals of Virginia by Virginia Court eFiling system (VACES) through Assistant/Filing-Representative Roberta Hill which shall satisfy proof of service as required by Rule 5A:12(b) stating that “a copy of the petition must be mailed or delivered to the Commonwealth’s attorney or the city, or county, or town attorney, as the case may be.” And the proof that such pleading was delivered will be attached to this “Petition for Appeal” shall satisfy the proof of service was required by Rule 5A:12(b):

Glen Andrew Hall, Esq.
55 West Church Street, P.O. Box 1311
Martinsville, Virginia 24112 or 24114 (for P.O. Box)
Telephone: 276-403-5470
Fax: 276-403-5478
Email: ahall@ci.martinsville.va.us

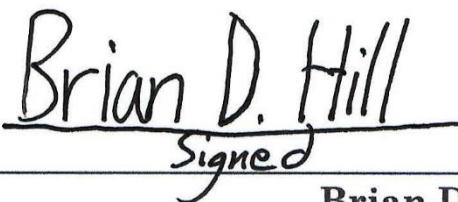
Counsel for Appellee

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 Roberta Hill to file the pleading.

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.

Also this EMERGENCY MOTION has been emailed to this Attorney through use of Roberta Hill emailing through her email address rbhill67@comcast.net since this is an EMERGENCY MOTION in need of quick relief.


Signed

Brian D. Hill

U.S.W.G.O.



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Pro Se Appellant

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Brian David Hill,

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**Commonwealth of
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Appellee.

**ON APPEAL FROM THE CIRCUIT COURT OF
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DECLARATION OF BRIAN DAVID HILL

U.S.W.G.O.

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Pro Se Appellant

– JusticeForUSWGO.wordpress.com

Brian David Hill, (the “Appellant” or “Petitioner”) files this Affidavit/Declaration in support of his EMERGENCY MOTION asking the Court of Appeals of Virginia to appoint substitute Counsel for representing Appellant in his criminal case appeal or in alternative allow Appellant to proceed pro se, then the Court needs to find that Appellant’s timely filed pro se “Petition for Appeal” on March 30, 2021, to be considered timely filed, accepted by this Court in this appeal case, and ready to distribute to a Panel of Judges for consideration. This is pursuant to Virginia Code § 8.01-4.3.

Brian David Hill submits the following statement of facts to this Court of Appeals of Virginia are as follows:

1. I am Brian David Hill, the appellant in case no. 1294-20-3.
2. Appellant was appointed counsel named John Ira Jones, IV, on December 14, 2020, pursuant to Court order.
3. Since the Court order of December 14, 2020, appointing this lawyer a second time for the direct criminal case appeals concerning Appellant, this lawyer had not done anything to get in contact with Appellant, even after the Record was Received on February 26, 2021.
4. Counsel John Ira Jones have been emailed multiple times by his mother Roberta Hill through email: rbhill67@comcast.net at the

direction of Brian David Hill.

5. Roberta Hill was directed to send email entitled Subject: “Fwd: Letter re: Transcript, case no. 1294-20-3, 1295-20-3, Court of Appeals of Virginia” to John Ira Jones through his email address jones@johnjoneslawplc.com, on March 19, 2021 and he had not sent any response to that email as of April 6, 2021. That email was also sent to another such as APritchett@vacourts.gov.
6. Roberta Hill was directed to send email entitled Subject: “Brian Hill's appeals” to John Ira Jones through his email address jones@johnjoneslawplc.com, on March 13, 2021, and he had not sent any response to that email as of April 6, 2021.
7. Roberta Hill was directed to send email entitled Subject: “Re: Court of Appeals of Virginia, Letter requesting ROA, no. 1294-20-3, 1295-20-3” to John Ira Jones through his email address jones@johnjoneslawplc.com, on March 16, 2021, and he had not sent any response to that email as of April 6, 2021. That email was also sent to others such as cavbriefs@vacourts.gov, ahall@ci.martinsville.va.us, and mherring@oag.state.va.us.
8. Brian David Hill had text messaged him multiple times and on multiple days and was not responded to by this lawyer. However, Appellant did text message that lawyer John Ira Jones, IV last year in 2020 and those text messages were responded to, so this

is not mistake, he may be deliberately ignoring Brian's text messages to this court appointed lawyer. This is to the best of Brian's belief. This was outlined in his letter to this Court and was filed on March 15, 2021, entitled "REQUEST FOR RECORD ON APPEAL OR POSSIBLY NEW COUNSEL; LETTER TO COURT OF APPEALS OF VIRGINIA; IN THE CITY OF RICHMOND".

9. Last year, John Ira Jones did send an email to Roberta Hill at rbhill67@comcast.net with file attachments. Some of those were a photocopy of the Motions for Delayed Appeal (I believe those cases numbers were 0128-20-3, 0129-20-3) which were filed with the Court of Appeals last year and were granted.
10. Despite multiple emails to this lawyer, this lawyer has still failed and refused to respond to Brian David Hill by any means. Any means including email through Brian's mother Roberta Hill, mailing, text message, phone call, voicemail. This lawyer has not done any of that as of December 14, 2020, and as of April 6, 2021. The day before the deadline. This lawyer doesn't show Brian David Hill that he has any plan to file any Petition for Appeal or Motion to extend the time to file such Petition for Appeal.
11. It is a fact before this very Court that John Ira Jones, IV, appointed counsel for appeal was given a second chance to

ethically and professionally comply with this Court's order or request to timely file the "Petition for Appeal" or timely file a motion asking for an extension of time to file a "Petition for Appeal" prior to the 40-day deadline of after this Court of Appeals receiving the Record from the lower Tribunal/Court.

12. I believe this lawyer isn't just ineffective assistance of counsel, he isn't contacting me at all and isn't notifying me out of any possible preparation of filing any petition or motion with the Court of Appeals of Virginia. It is my belief that this lawyer will fail to file any pleading by the deadline in this appeal.

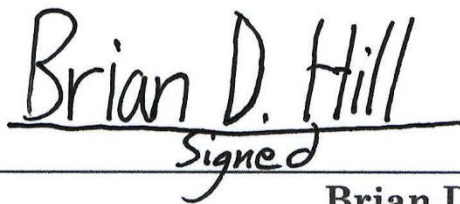
Since the Counsel Jones, has failed or refused to communicate with Appellant Brian David Hill with the deadline fast approaching and literally within a day or days, Appellant Brian David Hill had decided to file an EMERGENCY MOTION.

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

Executed on April 6, 2021.

Respectfully Filed/Submitted on April 6, 2021,

BRIAN DAVID HILL
Pro Se


Signed

Brian D. Hill



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