Record No. 1294-20-3

# In The Court of Appeals of Virginia

BRIAN DAVID HILL,
*Petitioner/Appellant,*

vs.

*COMMONWEALTH OF VIRGINIA,*
*Appellee/Respondent.*

Petition for Appeal From the Circuit Court of the City of Martinsville

## PETITION FOR REHEARING OR REHEARING EN BANC

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## PETITION FOR REHEARING

Pursuant to Rule 5A:15 of the Court of Appeals of Virginia, Petitioner Brian David Hill ("Petitioner") respectfully petitions this Court for an order (1) granting rehearing, (2) vacating or modifying the Panel's September 2, 2021 order denying the Petition for Appeal, and (3) re-disposing of this case by granting the Petition for Appeal, allow the appeal to be set for Perfection of Appeal under Rule 5A:16.

Mr. Hill submits that the Writ Panel of Judges ("the panel") had erred in refusing/denying the "Petition for Appeal" after Petitioner's Pro Se Supplemental Petition for Appeal entered on April 15, 2021, as well as Counsel's Petition for Appeal on April 13, 2021, and upon the record in the originating case in the Circuit Court of Martinsville under case no. CR 19000009-00. Final judgment entered on November 25, 2019.

Mr. Hill's defective/ineffective counsel John Ira Jones, IV, had inappropriately invoked the case laws of Anders v. California, 386 U.S. 738 (1967); Kuzminski v. Commonwealth, 8 Va. App 106, 378 S.E.2d 632 (1989). See "MOTION TO WITHDRAW AS COUNSEL OF RECORD" filed on April 13, 2021 in this Court of Appeals.

As Petitioner's counsel did not even try to present one good potential ground for requesting relief in this appeal case including Brady Violation by prosecution's destruction of evidence, counsel's only argument he chose (*without consulting with his client about the potential grounds to argue in the Petition for Appeal, he never discussed what actions to take in the appeal case, he did not represent Petitioner*) was to make a defective argument that Petitioner had plead guilty without it being knowingly and voluntarily under Rule 3A:8(b)(2); Rule 7C:6(a). Petitioner never plead guilty according to the record under Page 431 and so the legal counsel made an entirely defective pleading on purpose after his prior work history of being the Assistant Attorney General of the Commonwealth of Virginia. He did that on purpose as the enemy lawyer to wreck Petitioner's appeal and cause the Court to demand hundreds more dollars out of Petitioner's SSI disability disbursement which is unlawful under Federal Law.

There were other grounds which he did not bring up and had ignored or overlooked. As a lawyer he should have discussed the case prior to lying to the Court. Maybe Petitioner or his legal research buddy Eric S. Clark from Kansas had some suggestions

as to the ground he could use. The attorney did not engage in conversation with his client to determine all available grounds for a non-frivolous appeal. He inappropriately and falsely portrayed this appeal as frivolous. There are constitutional issues which can be brought up. The Constitution is above statutes and is the law of the land.

Petitioner was entitled to relief as a matter of law and as a matter of right, especially when he had proven ineffective assistance of counsel on the record itself, enough in the record warranting relief. The highest Supreme Court of the United States ("SCOTUS") and any SCOTUS or Federal rulings concerning state court decisions cannot be ignored by any Judge in this Court of Appeals of Virginia, this Court has no right to ignore the U.S. Supreme Court or the Fourteenth Amendment of the Constitution. This Court also has no right to ignore Federal Laws under the Supremacy Clause of the United States Constitution, where Federal Law is Supreme Law of the Land, and any rights not retained by the Federal Law and the United States Constitution or not prohibited by the Constitution or Federal Laws is reserved to the states respectively or to the people under the Tenth Amendment of the United States Constitution. The counsel Glen Andrew Hall of the Commonwealth of

Virginia violated multiple Court Orders and Petitioner is considering asking for contempt proceedings against Glen Andrew Hall for destruction of Brady evidence.

The decision of the Writ Panel of this Court contradicts Federal Law as well as controlling and authoritative case law precedent set by the United States Supreme Court.

Petitioner seeks rehearing on the important Constitutional, material fact, and Legal issues raised in his Petition for Appeal, the Commonwealth's opposition response, the legal counsel's Petition for Appeal which was defective on purpose when that counsel is the former Assistant Attorney General, as well as within the record itself. The Record on Appeal contradicts the Panel's opinion and it is erroneous in their facts or arguments. The record of the criminal case had already demonstrated many important issues such as officers of the court committing contempt behavior, Constitutional rights violated, Due Process deprived, and Federal Laws violated by the Courts.

Unless Petitioner is granted relief by this Court, then (#1) the Court of Appeals of Virginia, (#2) the Commonwealth of Virginia, (#3) the Circuit Court of Martinsville will be acting in direct violation of Title 42 U.S. Code § 407(a).

Unless Petitioner is granted relief by this Court, then Petitioner suffers under permanent irreputable damage and constitution violations which was caused by lawyers in both the defense and prosecution in General District Court and Circuit Court committing contempt actions by covering up evidence after multiple orders which includes the Police body-camera footage. Ineffective assistance of counsel in the Circuit Court and General District Court phases, but also in the Court of Appeals of Virginia, all plays a role in defrauding the court and destroying integrity and people don't trust the Courts anymore. Counsel John Ira Jones, IV was defective in failing to bring up the proof of fraud by an officer of the court who committed multiple contempt of courts which is a very strong ground for reversing a final judgment. Withdrawing of the appeal in the Circuit Court was directly caused by destruction of evidence and fraud on the court as well as corrupt ineffective counsel which is illegitimate when records of the case demonstrate that Petitioner did have evidence which would have cleared his name but was destroyed by the Commonwealth of Virginia and thus Petitioner's appeal was not frivolous. Having at least one good strong ground which has a legal bearing of reversing the final judgment contradicts the legal counsel's assertation of Anders v. California, 386

U.S. 738 (1967); Kuzminski v. Commonwealth, 8 Va. App 106, 378 S.E.2d 632 (1989).

Petitioner shall state the appropriate grounds for relief as to why the Panel of this Court made a bad decision, an erroneous decision contrary to law and contrary to material evidence and Due Process clause as well as to the United States Constitution.

**GROUNDS FOR RELIEF**

As grounds for this petition for rehearing, petitioner states the following:

1. Petitioner filed the (1) Pro Se Supplemental Petition for Appeal on March 29, 2021, but was reentered on April 15, 2021, and Petitioner's counsel filed his Petition for Appeal on April 13, 2021. The Commonwealth Attorney filed an opposition brief on May 6, 2021, but Petitioner never reviewed over that opposition brief as legal counsel John Ira Jones, IV the former Assistant Attorney General for the Commonwealth of Virginia never emailed or mailed a copy of the opposition brief to the client or client's mother Roberta Hill. That itself is ineffective, defective, and unethical counsel. Counsel appointed in this appeal and for this appeal had failed to discuss the Opposition Brief by the Commonwealth

of Virginia and City of Martinsville, and never gave a copy of that opposition brief to Petitioner. The ineffective assistance of counsel isn't just in the Circuit Court, the General District Court, but such ineffective assistance of counsel was also in this direct criminal case appeal.

2. John Ira Jones, IV never should have been appointed as representative counsel for Petitioner's appeals. In 2019, according to GovSalaries, John Ira Jones, IV in 2019 was employed with the Commonwealth of Virginia, in the Office of the Attorney General of Virginia, with an annual salary of $54,699. That is a conflict of interest. Such conflicts of interest are unethical and violates the very sanctity of Due Process, and a criminal defendant's access to the adversarial system. See all of the opinion of Strickland v. Washington, 466 U.S. 668 (1984). Petitioner was not being represented by John Ira Jones, IV, because he will not admit that the Commonwealth of Virginia is wrong because he had worked for the Commonwealth of Virginia in 2019 and 2018 when Petitioner was charged and going through the Criminal Trial processes, not long before supposedly representing Brian David Hill. See https://govsalaries.com/jones-iv-john-ira-100016866 or http://web.archive.org/web/20210906022417/https://govsalaries.com/jon

es-iv-john-ira-100016866 Disclaimer: Link researched and produced by Roberta Hill. Text of link given to Petitioner.

3. John Ira Jones had a history of failing to file Petitions as directed and had committed sanctionable conduct by not even filing the first Petitions for Appeals in cases no. 0128-20-3 and 0129-20-3. Petitioner allowed counsel to represent him again in this appeal case and asked the Court to give him a second chance. A big mistake. Now Petitioner is being punished again with financial sanction or penalty for what this worthless legal counsel had done against Petitioner. This attorney was never going to represent Petitioner, only help the enemy win by filing potentially defective pleadings and branding his appeals as meritless or frivolous or both, and John Ira Jones did achieve the objective favorable to the enemy which he did do the damage successfully against Petitioner's 14th Amendment Due Process protections with the Panel's decision.
4. The basis for requesting relief by granting the Petition for Appeal is partially based upon ineffective assistance of counsel. Even the Supreme Court of Virginia must respect the decisions of SCOTUS, the highest Supreme Court of the United States ("SCOTUS") as the main legal authority for controlling case law involving all Courts of the United States of America over all matters concerning the U.S. Constitution by

the Fourteenth Amendment of the U.S. Constitution pertaining to Federal Supremacy and requirement of Due Process for all State Courts, requirement of Equal Protection under the Laws. Even the Supreme Court of Virginia had referenced the SCOTUS cases including Strickland v. Washington, 466 U.S. 668 (1984). The decision by the Writ Panel on September 2, 2021 to deny the Petition for Appeal without first addressing the ineffective counsel John Ira Jones in this direct appeal case contradicts the Supreme Court. This deprived Petitioner of due process of law and have caused aggravated injury of a Constitutional nature, defamation of character, and had caused irreputable harm to Petitioner including the attempts to rob Petitioner of his SSI disability.

5. The Panel's decision that Petitioner will pay $300 to such defective counsel who didn't even discuss the appeal and never discussed the Petition for Appeal over with his own client, referring to John Ira Jones, IV had illegally created an attempt to legitimize attorney malpractice and potential ethics violations by John Ira Jones, IV. Counsel who does not professionally engage all duties and responsibilities including informing his/her client upon each decision by the Court is negligence and has wrecked Petitioner's appeal and had caused irreputable damage/harm of both a Constitutional nature and a financial nature.

6. The Panel argued in their reasoning under Pg. 5 and 6 of their decision that "*The trial court shall allow John I. Jones, IV, Esquire, the fee set forth below and also counsel 's necessary direct out-of-pocket expenses. The Commonwealth shall recover of the appellant the costs in this Court and in the trial court. Costs due the Commonwealth by appellant in Court of Appeals of Virginia: Attorney's fee $300.00 plus costs and expenses*." The Panel's decision that Petitioner will pay $300 to such defective counsel who didn't even discuss the Petition for Appeal and hardly ever talked about the appeal case over with his own client, referring to John Ira Jones, IV, had violated the Federal Law protecting Petitioner from being compelled to pay back legal costs when Petitioner's only documented source of income was his Supplemental Security Income, SSI disability, as reported in the Affidavit to this Court for this case in petitioning the Court not to require prepayment of filing fee prior to initiating the appeal. The Financial Affidavit filed with the Clerk's Office proves that Petitioner is only under SSI disability income. By this Court ordering or compelling any amount of legal payment is unlawful under 42 U.S. Code § 407 - Assignment of benefits. See People v Lampart, __ Mich App __ (#315333, 7/31/2014) the Court of Appeals held that, to the extent the trial court's consideration of SSDI benefits results in an

order of restitution that could only be satisfied from those benefits, the use of the court's contempt powers then would violate 42 USC 407(a). Philpott, 409 US at 415-417; State Treasurer, 468 Mich at 155;Whitwood, 265 Mich App at 654. See also United States v Smith, 47 F3d 681, 684 (CA 4, 1995) (holding, under a federal statute employing similar language to 42 USC 407(a), that a court could not order restitution against benefits after they were received because "[t]he government should not be allowed to do indirectly what it cannot do directly[,]" meaning that it could not require the defendant "to turn over his benefits as they are paid to him."). 42 USC 407(a) represents a clear choice by Congress to exempt all social security benefits, whether from SSDI or SSI, from any legal process, save for a few enumerated exceptions not at issue in this case. Bennett v Arkansas, 485 US 395, 397; 108 S Ct 1204; 99 L Ed 2d 455 (1988). Trial courts must be careful to avoid any order that in fact would compel one to satisfy a restitution obligation from the proceeds of one's SSDI benefits. There is no restitution ordered in the criminal case that is appealed herein. It is only technical legal fees. Those Panel judges are directly conflicting with the Canons of Judicial Conduct where Judges cannot violate Federal or State

laws in their professional conduct. They cannot make decisions contrary to law, contrary to SCOTUS.

7. The Panel erred by lying or making a false material statement not on the record. More like they were adding words to the original order as if it were the trial judge who said those words. The order did not, this is misleading and false. The panel had misled in their own opinion. The panel argued that "***The order does not state that the trial court found it lacked the authority*** *to grant relief;* ***rather****,* ***it denied the motion on the merits****. As noted above, there was no fraud on the court and therefore, the trial court's ruling was not in error*." However, the order mentioned nothing about the merits. See page 460: "ORDER - VACATE FRAUD JUDG-DENIED". I copied and pasted from the actual order cited by the Panel. It has only one or two sentences, no opinion, no explanation for its reasoning for its decision. It only said "UPON CONSIDERATION of the defendant's Motion to Vacate Fraudulent Begotten Judgment, it is, ORDERED that said motion is hereby DENIED." So, the Panel was caught lying about their explanation of the appealed order entered on "This 25th day of November, 2019."
8. The Panel argued that "*Even assuming that appellant was not "medically cleared" or that the Commonwealth's evidence was not*

*sufficient to prove appellant's intent—notwithstanding the district court's contrary conclusion—those circumstances did "not constitute misconduct that tampered with the judiciary's machinery and subverted the integrity of the court itself." State Farm Mutual Auto. Ins. Co. v. Remley, 270 Va. 209, 218 (2005).*" **Yes, it does subvert the integrity of the court itself.** That is why ineffective assistance of counsel also plays an important role in the perpetuation of Fraud on the court. Courts are not supposed to allow lies and are not supposed to tell lies. Officers of the Court under State Bar Rule 4.1 have to tell the truth and cannot submit lies to the Court even under the guise of prosecuting a charged crime. See State Bar Rule 4.1[1] "[1] **A lawyer is required to be truthful when dealing with others on a client's behalf**, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur **if the lawyer incorporates or affirms a statement** of another person **that the lawyer knows is false**. Misrepresentations can also occur by **failure to act or by knowingly failing to correct false statements** made by the lawyer's client or someone acting on behalf of the client." Glen Andrew Hall had perpetuated lies and refused to investigate evidence turned over to his office. That was later put in the record under appeal case no. 0242-21-3, and that evidence would have been introduced had

there been an evidentiary hearing. The court should have done its duty and held an evidentiary hearing where the sealed envelope with restricted delivery to Martinsville Police Department could have been presented as evidence supporting the fraud claims. That envelope is in Petitioner's custody because Martinsville Police Department refused to open the envelope with the evidence. It could have been anything, maybe photos of a scene of a crime being reported and the Police refused to even look at the evidence let alone even open the mailed envelope. The panel is wrong, if they had reviewed over the record in appeal case no. 0242-21-3, then they know that an evidentiary hearing is necessary to investigate the fraud. Even without that, there was plenty of evidence that Brian David Hill was not medically and psychologically cleared. That is the sole basis for Brian being charged, had Petitioner Brian been committed on the day he was Hospitalized temporarily on September 21, 2018, (See pages (#1) 189-194, (#2) 196-202, (#3) 246-261) then the charge would have came later unless they had discovered the Carbon Monoxide poisoning with the laboratory tests which should have been conducted. Also, there was a forensic psychiatrist from Piedmont Community services named Dr. Conrad Daum who said that Brian suffered from "psychosis" and that diagnosis was made before the mental

evaluation from the General District Court (pg. 14-15). That diagnosis was never turned over by the Commonwealth Attorney and neither of the court appointed attorney Scott Albrecht to the mental evaluation (pages 61-67) as there was no mention of the diagnosis of psychosis (pg. 189-194). That was the attorney's job to do so according to the Court Order. Quoting from page 15 of the General District Court Order: "The **defendant's attorney must provide any available psychiatric records and other information that are deemed relevant** within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C)." So, the Defendant's attorney didn't submit the record of Dr. Daum's diagnosis (pg. 189-194) which was a month after Brian was arrested, and exhibiting making statements of a psychosis and that matches a symptom of CARBON MONOXIDE POISONING, CARBON MONOXIDE POISONING (pg. 139). In fact, one document in record had shown that it can lead to a loss in consciousness (pg. 149-150). It said: "*However, there is general agreement that outcome and prognosis are related to the level of carbon monoxide that a person is exposed to, the duration of exposure, and the presence of underlying risk factors. A poor outcome is predicted by lengthy carbon monoxide exposure, loss of consciousness, and advancing age*". Page 92 had shown the Petitioner from a copy of a Federal Court

document filed on October 17, 2018, less than a month after he was charged said that "At one point, I felt like I might collapse so I may have been drugged. I had to keep sitting on benches". WHY WAS BRIAN NOT DRUG TESTED HUH??????? That didn't sound like somebody who had been medically and psychologically cleared. If he had been subject to Carbon Monoxide poisoning that would have been reasonable to deduce that was why Brian was naked and making statements that the Police could not believe if they felt that it made no sense. It even says in page 149-150 of the record that "Therefore, in addition to the acute neurological sequelae leading to loss of consciousness, coma, and death, neurological sequelae, such as poor concentration and memory problems". Memory problems and the Martinsville Police had questioned this man while he was still under the effects of Carbon Monoxide Poisoning. He even admitted in writing to showing symptoms of it by making statements that couldn't be verified. The Police are not medical experts, they just assumed Petitioner was lying or made no sense. They charged him without drug testing him or checking him for anything. That is FRAUD ON THE COURT. All of this is in the record in appeal, ALL OF THIS ON THE RECORD ON APPEAL. You would think this this much evidence just laying around would constitute a need for an

evidentiary hearing. The lawyers disobeyed Court orders too, prior to Petitioner withdrawing his appeal. All of this is fraud, fraud, and more fraud. It is fraud when attorneys collude together and violate Court orders and then force the Petitioner to withdraw his appeal or else lose the trial with no real representation. That is what it looks like on the record. Wanna hear it and see the proof from the record that The Panel missed???? Pages 28-31 which had shown a General District Court order for discovery and pages 243-245 also show a Discovery Order from the Circuit Court. That discovery order demanded from the Commonwealth "…Any relevant written or **recorded statements or confessions made by the Defendant**, or **copies thereof**, or the **substance of any oral statements or confessions made by the Defendant to any law enforcement officer…**" and Page 28-31 says the same thing basically, quoting: "…*any relevant (i) written or recorded statements or confessions made by the accused, or copies thereof, or the substance of any oral statements or confessions made by the accused to any law enforcement officer…*". Petitioner's lawyer colluded with the Commonwealth Attorney not to ever turn over that evidence such as the police body-camera footage because that body-camera footage wouldn't have just shown Brian naked and making statements to law enforcement, but his lips would have been a certain

color/discolored which would only happened to those on extreme narcotics or CARBON MONOXIDE POISONING which would have been relevant to any jury trial or bench trial. **That body-camera footage had been destroyed which violated two Court orders: General District Court and Circuit Court orders were violated by both the defense lawyer Scott Albrecht and Glen Andrew Hall. They should both be found in CONTEMPT OF COURTS.** That proof is on the record as there is a retention period as part of Martinsville Police Department policy, that policy is part of law and should be accessible by the Court of Appeals of Virginia. It is in the record that Petitioner said under oath to the Federal Court and copies made to the Clerk, that there was the existence of the body-camera footage and that was never turned over to either Court, that is obstruction of justice and CONTEMPT OF COURT, in both Courts. The record said: "…*I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could…"* Page 115 of CORRESPONDENCE. It is in the record that Court Orders were not followed by the Commonwealth Attorney and neither of the Defense Attorney. Court orders were violated. There is tangible evidence of fraud on the court in the record. Even in the Motion to Withdraw Appeal, it even said that "*His **former lawyer Scott Albrecht***

*had* ***never asked for the police body-camera footage while it was retained by Martinsville Police Department last year*** *(****Brian also filed a motion for discovery*** *for that body-camera footage but that was also ignored because it was filed pro se), and* ***Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over*** *to his lawyer* ***doesn't matter…***" (pg. 215, MOTION - FAX TO WITHDRAW APPEAL). **Yeah, it does matter. There was a reason why the body-camera footage was destroyed and why Court orders were ignored. Those are contempt actions by both Glen Andrew Hall, Esq., and Martinsville Police Department. THEY VIOLATED COURT ORDERS. When they violated Court Orders and the court appointed lawyer ignored all of that when that is clearly evidence of CONTEMPT OF COURT and that plays a role in FRAUD ON THE COURT.** Destruction of evidence covers up anything that could have been favorable to the Defendant. The jury trial would not have known about the evidence being covered up. Even that was mentioned in the Motion to Withdraw Appeal. **Even though that was COURT ORDERED and the COURT ORDERS WERE VIOLATED by the Commonwealth Attorney Glen Andrew Hall, Esquire. Glen Andrew Hall should lose his law license and should never practice law again**, Petitioner has the evidence this

despicable lawyer is crooked and corrupt. **He defrauded the Court. He violated multiple Court Orders and got away with it because Scott Albrecht was too CHICKEN-NECKED, too scared to push for a contempt charge against Glen Andrew Hall.** Now is the time for the Court of Appeals to rectify all of this. **The Panel HAD LIED. There is evidence of fraud on the court. It is fraud, court orders were violated and not being followed by the Commonwealth Attorney. Police arresting anybody can use the body-camera footage.** Petitioner said in writing that he acknowledged that he was recorded by the Police while making statements to them, that evidence was never turned over to the defense and instead was destroyed forever, in violation of GDC and Circuit-Court orders. It isn't Petitioner's fault that there was no push for a contempt charge or charges. It was up to Petitioner's lawyer and he colluded with the Commonwealth Attorney in letting Brady Evidence be destroyed in violation of the Court Orders. The Panel argued in Page 5 that "*Thus, there was no fraud on the trial court and no need for an evidentiary hearing*." The panel lied again like they lied in appeal case no. 1295-20-3 outlined in that Petition for Rehearing. There was fraud on the court. When evidence is destroyed after a Court Order or multiple Court Orders, evidence that is reasonably described in those Court Orders,

then that is fraud on the court as it is covering up evidence pursuant to a criminal case prosecution, evidence which may be favorable to the defense, and is truthful, non-subjective evidence. It is what it is. Just like the disappearing blood vials drawn on September 21, 2018, biological evidence of blood drawn from Brian Hill at the Hospital. The body-camera footage would have shown the discolored lips on Brian while talking to police butt naked on the body-camera footage on September 21, 2018, and that would further demonstrate the need for drug testing, carbon monoxide testing, any kind of biological-testing. The fact that evidence had been destroyed by Glen Andrew Hall or who he represents, the Martinsville Police Department, is clear fraud on the court and warrants an evidentiary hearing. When the general public, especially at blogs like JusticeForUSWGO.wordpress.com, other blogs that covers the case of Brian David Hill, they see what the Panel had done and what the Commonwealth Attorney had done, lawyers being Court Ordered to not just preserve evidence but to turn copies of evidence over or allow copying of evidence to the defense counsel. When the general public hears in the media or online by Petitioner's friends and family that Glen Andrew Hall destroyed or knowingly caused the destruction of police body-camera footage on the night of September 21, 2018, statements made by Brian

D. Hill to police, court orders that in their order, in the text of that order, **that order wasn't followed**. That is contempt of court two times over, in two different courts as part of the same criminal case against Brian David Hill. If the general public hears about the cover up of the police body-camera footage, by Martinsville Police Department and Glen Andrew Hall. If the general public hears about the cover up of the blood vials drawn from Brian Hill's arm, by Martinsville Police Department, Sovah Hospital, and Glen Andrew Hall, both are contemptable offenses. It will cause the general public to not feel confident in our State Courts anymore. They will not feel confident knowing that they protected an officer of the court who defrauded the court and destroyed evidence that was demanded pursuant to Court orders for Discovery. That does demolish integrity in our Courts, it does show a lack of integrity and devastation of the Judicial machinery. It is considered fraud by other courts when evidence is destroyed by the prosecutor to protect their prosecution from later being overturned on the ground of Actual Innocence meaning Factual Innocence. Covering up of evidence, the very evidence ordered by the GDC Judge and Circuit-Court Judge had never been turned over to Defendant and his counsel, was destroyed months after the Court even ordered it. All of that violates multiple Court orders

and DOES DEFRAUD THE COURT, it destroys integrity, there is no integrity after all of this comes out at JusticeForUSWGO.wordpress.com. Any media can cover this who has access to the Court documents of this case and the other criminal case appeal files. They will not trust your Court anymore if you let the Commonwealth Attorney defraud the Court, they will not trust the Martinsville Circuit Court or Marttinsville General District Court anymore, they won't trust your courts anymore. Anyone who reads these court papers will not trust your courts anymore. What the Panel said will devastate trust and integrity of our Courts. That is all I have to say.

9. The compelling issues brought up in paragraphs 1-9 constitutes "intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented" sufficient to warrant rehearing of the order denying/refusing Petitioner's Petition for Appeal. It argues the potential civil or criminal liability issues of the officers of the Court violating the Law and violating Court Orders. The Constitutional/legal issues and contradictions arising out of what the Panel of this Court had done by making that decision. Going against the law is a sheer violation of the Canons of Judicial Conduct. A Court of Law is supposed to be exactly that, a Court of the Law.

10. There are other legal issues which can be brought up further justifying relief but would surpass the word count limit.

11. The granting of the petition in this case means that this Court can preserve the Due Process and Equal Protection under the Laws, as well as the integrity of the Courts, punish the officers in contempt. There is clear evidence of fraud and contempt by officers of the court. Counsel John Jones was wrong to assert Anders v. California, 386 U.S. 738 (1967) as it is clear that Petitioner was entitled to relief.

## CONCLUSION

For the foregoing reasons, petitioner Brian David Hill prays that this Court (1) grant rehearing of the order denying and refusing his Petition for Appeal in this case, (2) vacate or modify the Panel's/Court's September 2, 2021 order denying/refusing Petition for Appeal, (3) grant the Petition for Appeal, and allow perfecting the Appeal, (4) consider whether the Petition for Appeal should have been denied or granted in part or if at all, and (5) any other relief that is necessary for

justice and complying with Federal Law and any other Supreme Laws of the land.

Respectfully filed with the Court, this the 9th day of September, 2021.

Dated:

September 9, 2021

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill

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## CERTIFICATE OF TRANSMISSION AND SERVICE

Pursuant to Rule 5A:15(b), On September 9, 2021, Due to the conditions of Brian David Hill's Supervised Release not allowing me to access the internet, I filed this Petition with the Court by having my Mother and Assistant Roberta Hill through rbhill67@comcast.net, filed the original pleading through Virginia Appellate Courts Electronic System (VACES) as well as emailing a PDF file copy of this Petition to cavbriefs@vacourts.gov. Also, on September 9, 2021 a copy of the Petition through my Assistant Roberta Hill had been transmitted/served on the following, via email (by Roberta Hill) and by fax (by Brian D. Hill), at the email address indicated:

Glen Andrew Hall, Esq.

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Dated:

September 9, 2021

Respectfully submitted,

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Signed
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## CERTIFICATE OF COMPLIANCE
## WITH WORD OR PAGE COUNT LIMIT

I certify that this Petition, excluding the cover page, table of contents, table of authorities and certificates, contains 5,295 words according to the word count feature of Microsoft Word 2016. This is pursuant to Rule 5A:15(b), that a "petition for rehearing may not exceed 5,300 words in length", are of 14-size font, New Century Schoolbook.

Dated:

September 9, 2021

Respectfully submitted,


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