

# EXHIBIT 1

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



# WARRANT OF ARREST—MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Martinsville  
CITY OR COUNTY

General District Court  Criminal  Traffic  
 Juvenile and Domestic Relations District Court

Martinsville

City  County  Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 09/21/2018 DATE did unlawfully in violation of Section

13-17/18.2-387 Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

SGT. R.D. JONES MPD, Complainant.

Execution by summons  permitted at officer's discretion.  not permitted.

09/21/2018 05:35 AM  
DATE AND TIME ISSUED

Courtney D. Reid  
 CLERK  MAGISTRATE  JUDGE  
Courtney D. Reid

VIRGINIA  
of Martinsville Circuit Court  
Clerk's Office.  
Received and Filed this the  
9th Day of January 2019  
at 12:21 P.M.  
Taxes: [Signature]

*Case  
Appealed  
Pls & Remov  
H*

None may be required

*\* DNA SAMPLE (on file)*

CR190000097 (5)

CASE NO. C18-3138

ACCUSED:  
Hill, Brian David  
LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2  
ADDRESS/LOCATION

Martinsville, VA 24112

To be completed upon service as Summons

Mailing address  Same as above

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
		MO. DAY YR.	FT. IN.			
W	M	[REDACTED] /1990	6' 00"	150	BLU	BRO

SSN [REDACTED]  
DL# [REDACTED] STATE [REDACTED]

Commercial Driver's License

**CLASS 1 MISDEMEANOR**

EXECUTED by arresting the Accused named above on this day:  
 EXECUTED by summoning the Accused named above on this day:  
 For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

9/21/18 0538  
DATE AND TIME OF SERVICE

R Jones, ARRESTING OFFICER

22 MPD 113  
BADGE NO., AGENCY AND JURISDICTION

for \_\_\_\_\_ SHERIFF

Attorney for the Accused:  
Pub. Def.

Short Offense Description (not a legal definition):  
**INDECENT EXPOSURE**

Offense Tracking Number:  
**690GM1800003560**

FOR ADMINISTRATIVE USE ONLY  
Virginia Crime Code:  
**OBS-3713-01**

Hearing Date/Time  
10-05-18 (BT)  
3:00 PM  
12-21-18  
10:45 AM

**LOCAL**

The Accused was this day:

tried in absence  present

*Hall*

PROSECUTING ATTORNEY PRESENT (NAME)

*Alkove*

DEFENDANT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY  ATTORNEY WAIVED

If convicted, no jail sentence will be imposed

INTERPRETER PRESENT

Certified pursuant to § 19.2-190.1.

Plea of Accused:

not guilty  Witnesses sworn

nolo contendere

guilty  Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

Plea and Recommendation

And was TRIED and FOUND by me:

not guilty  guilty as charged

guilty of .....  
VCC .....

facts sufficient to find guilt but defer adjudication/disposition to .....

DATE AND TIME

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

A separate order for First Offender is attached and incorporated in this order.

Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

driving a commercial motor vehicle

carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed  with prejudice

conditioned upon payment of costs and

successful completion of

traffic school

mature driver school, § 16.1-69.48:1.

accord and satisfaction, § 19.2-151.

under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

Guilty – upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

FINE  CIVIL PENALTY of \$ .....

with \$ ..... suspended

JAIL SENTENCE of *30 days* .....

imposed,  of which ..... days

mandatory minimum, with ..... suspended

for a period of ....., conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Serve jail sentence beginning .....

on weekends only

Work release  authorized if eligible  required

not authorized

Public work force  authorized  not authorized

on PROBATION for .....

VASAP  local community-based probation agency

Monitoring by GPS/other tracking device

DRIVER'S LICENSE suspended for .....

Restricted Driver's License per attached order

Ignition Interlock for .....

RESTITUTION order incorporated

Restitution payment is a condition of suspended sentence

COMMUNITY SERVICE ..... hours to be completed by .....

and supervised by .....

to be credited against fines and costs

Contact prohibited between defendant and victim/ victim's family or household members

Other: .....

.....

.....

.....

.....

Reimburse Commonwealth for investigatory medical fees

Pay \$50 to the Court for Trauma Center Fund

Bail on Appeal \$ .....

Remanded for  CCRE Report  .....

.....

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA

SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,

FORFEITURES, PENALTIES OR RESTITUTION ARE NOT

PAID. Va. Code § 46.2-395.

*12-21-2015*

DATE

JUDGE

Offense Tracking Number: 690GM1800003560

FINE

..... \$ .....

LOCALITY

COSTS

223 LIQUIDATED DAMAGES .....

461 FIXED MISD FEE ..... *61-00*

462 FIXED DRUG MISD FEE .....

001 INT CRIM CHILD FEE ..... *15-00*

113 WITNESS FEE .....

113 IGNITION INTERLOCK .....

113 DUI FEE .....

113 *DNA* ..... *38-00*

*233* ..... *15-00*

121 TRIAL IN ABSENCE FEE .....

133 BLOOD TEST FEE .....

137 TIME TO PAY ..... *10-00*

192 TRAUMA CENTER FEE .....

202 WITNESS FEE .....

217 CT. APPT. ATTY ..... *120-00*

228 COURTHOUSE CONSTRUCTION FEE .....

234 JAIL ADMISSION FEE ..... *25-00*

243 LOCAL TRAINING ACADEMY FEE .....

244 COURTHOUSE SECURITY FEE ..... *10-00*

.....

OTHER (SPECIFY): .....

*241* ..... *5.00*

.....

TOTAL \$ *299-00*

Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

*2*

CRIMINAL COMPLAINT

RULES 3A:3 AND 7C:3

Commonwealth of Virginia

General District Court

Juvenile and Domestic Relations District Court

Martinsville

CITY OR COUNTY

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

09/21/2018

in the  City  County  Town

DATE OFFENSE OCCURRED

of Martinsville

I base my belief on the following facts: (Print ALL information clearly.)

On the above date I responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St from Church St. Officers were in the area of Hooker St and had not located the male. I walked down the steps to the trail where i herd foot steps coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the Hospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick promising to view his camera. On the Camera was several photo of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent Exposure. Mr. Hill's clothing was located in his bag. All took place in the city.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.

The charge in this warrant cannot be dismissed except by the court, even at my request.

Sgt. R. Jones #220

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)  
(PRINT CLEARLY)

*[Signature]*  
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/21/2018 05:35 AM

DATE AND TIME

*Courtney D Reid*

CLERK  MAGISTRATE  JUDGE

x

Courtney D. Reid

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Hill, Brian David

LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

Martinsville, VA 24112

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		Mo.	DAY	YR.	FT.	IN			
W	M			90	6	0	150	BLU	BRN

SSN [REDACTED]-0319

Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by  
 Commonwealth's attorney  
 Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

13-17 Indecent Exposure

# EXHIBIT 2

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
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MARTINSVILLE CIRCUIT  
Commonwealth of VA

Case No.:CR19000009-00  
vs. HILL, BRIAN DAVID

CAV: 02-26-2021 07:00:37 EST

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I, Ashby R. Pritchett, Clerk of the Martinsville Circuit, certify that the contents of the record listed in the table of contents constitute the true and complete record, except for exhibits whose omission are noted in the table of contents, and are hereby transmitted to the Court of Appeals on February 25, 2021.



**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF  
MARTINSVILLE**

**COMMONWEALTH OF VIRGINIA,** )  
 )  
**v.** )  
 )  
**BRIAN DAVID HILL,** )  
**Defendant.** )

**CASE NO: C18-3138**

**ORDER**

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

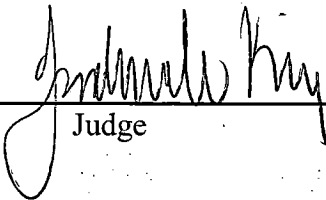
It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) 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, the existence of which is known to the attorney for the Commonwealth;
- (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

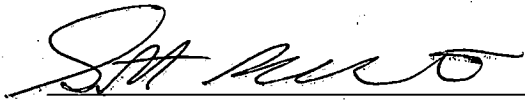
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

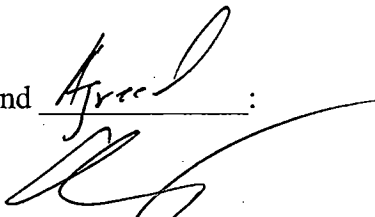
  
\_\_\_\_\_  
Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)  
Office of the Public Defender  
P.O. Drawer 31  
Martinsville, VA 24114  
T: (276) 666-2206 ext. 106  
F: (276) 666-8929  
salbrecht@mar.idc.virginia.gov  
*Counsel for Defendant*

Michael McPherson  
Retained for  
Bond Hearing  
10-12-18  
9:45a

SEEN and Agreed :  


\_\_\_\_\_  
*Attorney for the Commonwealth*  
City of Martinsville, Virginia  
P.O. Box 1311  
Martinsville, VA 24112  
T: (276) 403-5470

RECEIVED  
DATE/TIME 11-28-18 11am  
BY D. Collier D. Clark  
MARTINSVILLE GENERAL DISTRICT COURT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) 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, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6<sup>th</sup> day of February, 2019.

  
 Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
 Office of the Public Defender  
 P. O. Drawer 31  
 Martinsville, VA 24114  
 276-666-2206  
 276-666-8929 (fax)  
 salbrecht@mar.idc.virginia.gov

SEEN:

  
 Counsel for the Commonwealth

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,  
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) 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, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

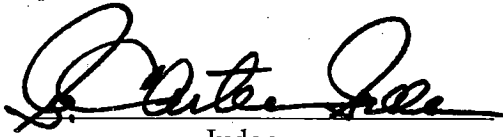
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It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

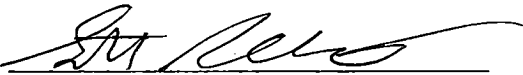
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15<sup>th</sup> day of July, 2019.

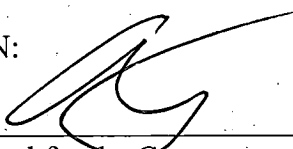
  
 Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)  
 Office of the Public Defender  
 P. O. Drawer 31  
 Martinsville, VA 24114  
 276-666-2206  
 276-666-8929 (fax)  
 salbrecht@mar.idc.virginia.gov

SEEN:

  
 Counsel for the Commonwealth



# EXHIBIT 3

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



(Revised 3/2021)

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

Brian David Hill

Plaintiff(s),

v.

United States of America

Defendant(s).

CASE NO. 1:13-cr-435-1

NOTICE OF FILING PAPER OR  
PHYSICAL MATERIALS WITH  
THE CLERK

The following is being filed in paper or physical form with the Clerk’s Office for the Middle District of North Carolina:

As part of Exhibit 3: An Audio CD disc containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived.

The item(s) will remain in the Clerk’s custody until appropriate Disposition pursuant to the Local Rules of the Middle District of North Carolina

Dated this 10th day of February, 2022 .

**Brian D. Hill - Ally of Q**

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

Name, Address, and Phone Number of Counsel or Pro Se

# EXHIBIT 4

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
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JUSTICEFORUSWGO.WORDPRESS.COM



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Venta Fax & Voice (http://www.ventafax.com)
Transmission ticket for Fax ID: 276-790-3505

Date: 11/11/2019

Time: 7:58:49 PM

Number of pages: 11

Session duration: 8:53

Attn.: Commonwealth Attorney

To: Commonwealth Attorney

Recipient's number: T1-276-403-5478

Message type: Fax

Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Brian's motion to withdraw

Error Correction: Yes

File description: Brian's motion to withdraw appeal(4)Signed.pdf

Resolution: 200\*200 dpi

Recipient's Fax ID: 12764035478

Record number: 7994

Rate: 14400 bps

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
MARTINSVILLE CIRCUIT COURT

DATE: 11/12/2019 09:12:29

TESTE: [Signature]
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,
Plaintiff,
v.
Brian David Hill,
Defendant,
Criminal Action No. CR19000009-00
Motion to Withdraw Appeal

MOTION TO WITHDRAW APPEAL

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. 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.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

<b>Commonwealth of Virginia,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>Brian David Hill,</b>	)	<b>Motion to Withdraw Appeal</b>
	)	
<b>Defendant,</b>	)	

**MOTION TO WITHDRAW APPEAL**

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during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his



charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence

will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. 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, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which





would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of

Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth



Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of *Chambers v. Nasco, Inc.* and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com). So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to

find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com) back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,

by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th 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  
JusticeForUSWGO.wordpress.com  
Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,

Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

*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

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# EXHIBIT 5

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
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by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING

COMPLETE DATA BELOW IF KNOWN

MARTINSVILLE CIRCUIT COURT Circuit Court
MARTINSVILLE

Table with columns: RACE, SEX, MO., BORN DAY, YR., FT., HT. IN., WGT., EYES, HAIR. Values: W, M, [redacted], [redacted], 1990, 6, 00, 150, BL, BR. Includes SSN: [redacted]-0319

v. BRIAN DAVID HILL
310 FOREST ST, APT 1
MARTINSVILLE, VA. 24112

SEPTEMBER 21, 2018 OFFENSE DATE

NOVEMBER 15, 2019 TRIAL DATE

The Defendant was this day [ ] tried in absence [x] present

Attorney: CLARK, MATT [x] Appointed [ ] Retained

Original Charge: INDECENT EXPOSURE

Code Section: 18.2-387 [ ] State Code [x] Local Ordinance

Virginia Crime Code: OBS-3713-01 Offense Tracking Number: 690GM180003560

Plea:

- [x] Not Guilty [ ] Consent by Defendant to Waiver of Jury
[ ] Guilty as Charged [ ] Concurrence of Court and Commonwealth's Attorney
[ ] Guilty to Amended Charge [ ] Plea voluntarily and intelligently entered after defendant was apprised of his right against compulsory self-incrimination, right to confront the witnesses against him, and right to a jury trial.
[ ] Nolo Contendere

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 Virginia Crime Code: OBS-3713-01

Finding:

- [ ] Not Guilty [ ] Guilty of
[ ] Guilty as Charged [ ] Plea Agreement Accepted [x] Appeal/Withdraw/Affirm [ ] Appeal not timely filed
[ ] Facts sufficient to find guilt but defer adjudication/disposition to

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 Virginia Crime Code: OBS-3713-01

Order:

- [ ] Nolle Prosequi [ ] Dismissed [ ] Dismissed with Prejudice [ ] Continued to [x] COSTS imposed
[ ] FINE [ ] CIVIL PENALTY of \$ with \$ suspended
[x] JAIL SENTENCE of 30 DAYS imposed, [ ] of which days mandatory minimum, with suspended for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and for paying fines and costs.
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.
[ ] Serve jail sentence beginning [ ] on weekends only
[ ] Work release [ ] authorized if eligible [ ] required [ ] Public work force [ ] authorized [ ] not authorized
[ ] on PROBATION for [ ] VASAP [ ] local community-based probation agency
[ ] DRIVER'S LICENSE suspended for
[ ] Restricted Driver's License per attached order [ ] Ignition Interlock for
[ ] Attached ORDER FOR RESTITUTION incorporated.
[ ] COMMUNITY SERVICE hours to be completed by and supervised by [ ] to be credited against fines and costs
[ ] Contact prohibited between defendant and victim/victim's family or household members
[ ] Reimburse Commonwealth for investigatory medical fees [ ] Pay \$50 fee to the Court for Trauma Center Fund
[ ] Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.
[ ] Remanded for [ ] CCRE Report [ ]
[ ] Bail on Appeal \$
[x] Other: DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED JUDGE GDC, PAY COURT COSTS.

11/18/19 DATE

[Signature] JUDGE

DISPOSITION NOTICE  
Commonwealth of Virginia

DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:  
Confine the person named in this notice in your facility in accordance with the order(s) below.  
**HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

MARTINSVILLE

CITY OR COUNTY

General District Court  Traffic  Criminal  Civil Division  
 Juvenile and Domestic Relations District Court  Circuit Court

05/26/1990

HILL, BRIAN DAVID

DATE OF BIRTH

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

Male  Female  Adult  Juvenile  DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. CR19000009-00 Offense Date 09/21/2018 Original Charge INDECENT EXPOSURE  
 Not guilty  Nolle prosequi  Dismissed  Felony  Misdemeanor  
 Convicted of INDECENT EXPOSURE  
 State Code §  Local Ordinance 18.2-387  
VCC OBS-3713-O1 OTN 690GM1800003560  
 Appeal noted  Certified to Grand Jury  FINE/COST  OTHER  
 Jail sentence of 30 DAYS imposed with suspended.  
 mos. 30 days hours to be served in jail  of which days mandatory minimum confinement.  
 Committed to the Department of Corrections for  
 Committed to the Department of Juvenile Justice for  
 Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at .  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

2. Case No. Offense Date Original Charge  
 Not guilty  Nolle prosequi  Dismissed  Felony  Misdemeanor  
 Convicted of  
 State Code §  Local Ordinance  
VCC OTN  
 Appeal noted  Certified to Grand Jury  FINE/COST  OTHER  
 Jail sentence of imposed with suspended.  
 mos. days hours to be served in jail  of which days mandatory minimum confinement.  
 Committed to the Department of Corrections for  
 Committed to the Department of Juvenile Justice for  
 Extradition waived, and Form DC-375 WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on , at .  
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Civil Contempt  To be served in jail  Released upon payment of \$ support arrearages  
to: PAYEE  
 Restitution ordered: \$  
 Other

SPECIAL CONDITIONS:  Weekend  Delayed confinement to begin on DATE at TIME  
 Work release  Work release (if eligible)  Home-electronic incarceration  Drug testing ordered  
 Public Workforce Authorized

BAIL AMOUNT: \$  If transferred or certified to Circuit Court  If appealed  
 Secured  Unsecured  Recognizance  Held without bail  No change in existing bail amount  
 No change in existing bail conditions Circuit Court date and time:  
ADDITIONAL BAIL CONDITIONS: Accused  may  may not depart the Commonwealth of Virginia.  
 Future Support Bond \$  Support Arrearage Bond \$ ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460)

10/15/2019

DATE

CLERK  JUDGE

# EXHIBIT 6

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



Stanley Bolten <stanleybolten@protonmail.com>

12/26/2021 3:04 PM

## Fw: Brian's text message to you, URGENT time running out for Petition for Review

To rbhill67@yahoo.com <rbhill67@yahoo.com> • rbhill67@comcast.net <rbhill67@comcast.net> • kenstella@comcast.net <kenstella@comcast.net>

Sent from ProtonMail mobile

----- Original Message -----

On Dec 26, 2021, 10:41 AM, Lin Wood <lwood@fightback.law> wrote:

Stanley,

Please let Brian know that I do not receive faxes any longer. Also, I do not have any videos. I was only sent what was represented to be a password to the file which allegedly contained the videos.

I am not taking on new legal matters at this time as I continue to be forced to defend my law license in frivolous disciplinary actions.

God bless you.

Lin

**L. Lin Wood**  
**Chairman of the Board & CEO**  
**Address** Dallas, TX  
**Mobile** (404) 983-3284  
**Email** [lwood@fightback.law](mailto:lwood@fightback.law)  
**Website** [www.fightback.law](http://www.fightback.law)

On Dec 25, 2021, at 11:42 PM, Stanley Bolten <StanleyBolten@protonmail.com> wrote:

You said on Twitter earlier this year:

<https://web.archive.org/web/20210104073840/https://twitter.com/LLinWood/status/1345997966650335232>

*I decided to post this truth on Twitter & Parler as wall exists around @realDonaldTrump that may have prevented me from getting this evidence to him. Kappy tried to deliver info to President but was then murdered. I do not know who Kappy gave it to for delivery to the President.*

<https://web.archive.org/web/20210104065050/https://twitter.com/LLinWood/status/1345985961080061952>

*As background to tweets I am about to post, you should read this article carefully. I ask that you read each of my tweets carefully & decide if the information conveyed demands that **Patriots rise up so that every lie will be revealed.** @realDonaldTrump*

You wanted patriots to stand up against the Pedophile Rings which control various powerful positions of our Government. Were you lying to Brian D. Hill and everyone else??? Is there even blackmail tapes at all or was it all just a warped fantasy and delusion??? I need to know as this all seems fake and there is no blackmail videos at all??? I need to know before the next article is written about the update in regards to Brian's Judicial Complaint referencing your statements as evidence which needed to be investigated to find out how many Federal Judges are simply blackmailed and compromised instead of making rulings based on the morals of the facts and the law and what is right.

Brian is taking action because who is taking action???? He is pushing to uncover the identities of the blackmail tapes because that is Brian's only option. Brian keeps losing in the corrupt U.S. Supreme Court. He has nobody left to appeal to. He has nobody left. All Brian has left is to pursue proving blackmail, bribery, or behind the scenes pressure. Brian has hardly any options left. Brian was deprived of all Constitutional rights under the color of law. Effective counsel, deprived. Right to face his accusers, deprived. Right to defend himself to the charge, deprived. Right to not be forced to falsely plead guilty under the Fifth Amendment, deprived. Right to prove actual innocence to avoid facing cruel and unusual punishments inflicted, deprived. Right to discovery evidence materials prior to a jury trial or guilty plea, deprived. Right to have an independent computer forensic expert prove Brian's innocence, deprived. Right to have a mental examination to examine Brian's false confession caused by coercion and Brian's Autism Spectrum Disorder, deprived. Brian's uncontested motions proving factual innocence to child porn and proving fraud on the court, deprived. ALL of Brian's rights and privileges, deprived.

Was the blackmail tapes tweets all bravado from you on Twitter??????

Was Brian just following a pipe dream and will never be allowed to prove his innocence to his criminal charge. Was it all just a pipe dream??????

Was everything you ever claimed on Twitter just a lie and a pipe dream, a fantasy, a delusion????????? You have the tapes but don't even somehow prove the identities and the identities tied to the corrupt judicial and government decisions???

<https://web.archive.org/web/20210104074021/https://twitter.com/LLinWood>

Was all this just a lie and Brian was misled into thinking that you had some kind of evidence??????

**I'm sorry Lin Wood but the time for lies and delusions is over. Brian wants the truth, we fought so hard, Brian fought so hard, my blog fought so hard. We all fought so hard for justice. Was justice all a lie too??????**

Can I really even trust in man anymore or is all men a bunch of snakes and liars and Brian is just living in some purgatory as punishment from God in some rundown world run by Satan and Lucifer and this world is just a bunch of lies and Bullshit run by mad men and mad women. Is this world all just a lie and illusion???

We have all of this great technology but it is only being used to enslave people and force people to follow Satan and not follow God anymore. The vaccines are taking away people's faith in God as there is a vaccine meant to destroy the "God" part of the brain to take away spiritual brain patterns and Bill Gates was probably part of this heinous act of defying God at the U.S. Pentagon DOD video talking about wiping away people's faith in God under the guise of stopping radical religion. Yet they are destroying the faith in God of millions upon millions of people worldwide by force or jail.

Is this all a ruse???? Was there never a plan to fix our Government and never a plan to save our country

from it's destruction???

God bless you,  
Stanley Bolten  
Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Saturday, December 25th, 2021 at 11:22 PM, Stanley Bolten <[StanleyBolten@protonmail.com](mailto:StanleyBolten@protonmail.com)> wrote:

Lin Wood,

Brian had taken a screenshot of his text message to you, texted it to me and I am emailing you his text message to you in case you didn't get it. Brian only has a certain deadline to try to revive the dismissal of his judicial complaint. <https://www.scribd.com/document/535383096/Complaint-of-Judicial-Misconduct-or-Disability-Uswgo-Brian-d-Hill-W-exhibits-statement-facts> or <https://justiceforuswgo.wordpress.com/2021/10/26/brian-d-hill-of-uswgo-alt-news-files-judicial-complaint-against-judges-for-discrimination-again-asserts-possibly-blackmail-complaint-against-judge-thomas-david-sschroeder-and-william-lindsey-osteen/>

Here is his message to you.  
<02f1d8a99914fd88776ed6a34064ac7f5716e4a4-1.jpg>

They have no Constitutional right to deprive an innocent man of proving his factual innocence. The Supreme Court said so but they are ignoring those rights in the Middle District of North Carolina and in the Fourth Circuit.

Regardless of whether those judges raped children, they are raping Brian's rights and raping Brian's reputation, raping Brian's liberty and freedom, and raping the facts from Brian's current Probation Officer. The govt is raping Brian symbolically. Brian is a virgin so he is no danger to anybody.

God bless you and Merry Christmas Lin Wood,  
Stanley Bolten

Sent with [ProtonMail](#) Secure Email.

# EXHIBIT 7

## for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
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Stanley Bolten <stanleybolten@protonmail.com>

12/27/2021 9:20 AM

## Fw: Brian's text message to you, URGENT time running out for Petition for Review

To rbhill67@comcast.net <rbhill67@comcast.net> • rbhill67@yahoo.com <rbhill67@yahoo.com> •  
kenstella@comcast.net <kenstella@comcast.net>

Sent from ProtonMail mobile

----- Original Message -----

On Dec 26, 2021, 11:25 PM, Lin Wood <lwood@linwoodlaw.com> wrote:

Stanley,

I have heard (not confirmed) that the CIA has a program called Sunset which surveilled emails and texts (all electronic communications) of members of the judiciary. If true, that could explain some of the leverage over or blackmail of so many members of the judiciary.

Time will tell.

Keep Fighting.

Lin

L. Lin Wood  
L. Lin Wood, P.C.  
P.O. Box 52584  
Atlanta, GA 30355-0584  
Telephone: (404) 891-1402  
Direct Dial: (404) 891-1406  
E-Mail: [lwood@linwoodlaw.com](mailto:lwood@linwoodlaw.com)

On Dec 26, 2021, at 8:07 PM, Stanley Bolten <StanleyBolten@protonmail.com> wrote:

Lin Wood,

Thanks for your clarification on your tweets and the actual blackmail videos being somewhere else and you and others just having the encryption key.

The reason I and Brian have focused on your tweets was because Brian had suspected for a few years that the Chief Judge and the former Chief Judge almost entirely involved in Brian's criminal case and the Appellate judges, Brian suspected that they were bribed, threatened, blackmailed, or told to do the things they are doing. I will give you some names in this email, so if they are ever in any of the blackmail videos by whoever stores them, whoever has the original videos for the encrypted videos, and if you ever find out about it then telling me and Brian would be of great benefit to clearing Brian's name and getting him out of the New World Order sanctioned pit Brian's been stuck in for almost ten years.



It isn't one or two bad legal decisions, it has been over 10-20 adverse decisions by Federal Judges against Brian. This all started after Brian started fighting the New World Order when he started USWGO Alternative News in 2009. The last was when he started going after NC State Senator and President Pro Tempore, Philip Edward Berger Senior. he always gets reelected and always has the highest position of the North Carolina Senate. Was also campaign funded by Pfizer, one of the eugenics pharmaceutical companies trying to permanently change DNA of humans. When Brian went after Phil Berger, it was within months that he was set up with child porn and his mother threatened with arrest if Brian didn't "fess up". Then later it comes out the evidence was questionable to fraudulent.

There are names of which Brian is suspecting could have been blackmailed and here is why.

Philip Edward Berger Senior or Phil Berger Junior - The Berger family is pretty powerful and involved in politics in North Carolina. They are very difficult to remove from office. Bobby Cofer warned Brian Hill in 2012, that the Bergers have access to the State Board of Elections. So the Berger family has a lot of power and access to the State Elections people.

William Lindsey Osteen Junior, former Chief Judge, Middle District of North Carolina. The original sentencing judge and trial judge for Brian Hill's case. Pretty much denied all of Brian's pro se motions, kept defending Eric David Placke to the bitter end. Allowed a fraudulent case against Brian Hill because Brian fought the New World Order. Brian suspects they blackmailed the right judges and made sure Brian would be in front of those exact judges. Brian suspected Osteen was targeted for blackmail because he received a threatening tormal message either him or Attorney Susan Basko. One threatening email regarding the frame up of Brian Hill said they know Osteen and would make sure that Brian would fail under this Federal Judge. So the threatening email also shines light that this exact Judge may be a blackmail target.

Thomas David Schroeder, Chief Judge, Middle District of North Carolina. This judge was far worse than Osteen. This judge ignores evidence, denies every motion, dismissed the 2255 and consistently lies about Brian in his "memorandum opinions" or "orders", So the suspicion of blackmail is higher for Schroeder.

I don't feel like obtaining all of the names of the judges of the Fourth Circuit, U.S. Court of Appeals. They may be blackmailed because of their behavior and blatant disregard for the law. They all disregard every Supreme Court case standard. They blatantly ignore evidence and denied ten or more of Brian's federal appeals. One such notion was that under Local Rule 7.3, Brian was entitled to his child porn conviction being overturned because his claims of fraud were undisputed. The Judge ignored the uncontested motions for about a year, when Brian kept pushing over and over again, the Judge finally denied them all claiming they were all meritless and frivolous after ignoring them for about a year after they were filed with making fictitious claims of the uncontested motions being construed as 2255 motions when they were filed in the 2255 case.

This judge has always protected the Government, looked out for the Government, and refuses to order the response to any of Brian's motions or claims except the 2255 and that was it. They essentially protected the Government and allowed laws to be broken and rights to being deprived.

There is no logical explanation for any of this with exception that the entire Federal Judicial System is just corrupt and the Judges are all corrupt and tyrannical, OR that you brought those claims of blackmail, and that would make sense. Your claims in January on Twitter made sense to all of us, to Brian, to his family. They all made sense. We been waiting for an explanation or investigation into the Federal Judges to determine why Judges openly disregard the law, disregard the evidence, disregard an innocent man. It is you, Lin Wood, who gave Brian's family hope that the blackmail scheme makes perfect logical sense for why this has all happened. Brian feels your blackmail scheme claims fills in a gaping hole of impossible judicial nightmare that never ends. Being held hostage to corrupt Federal Judges. It would have to be blackmail, that is the only logical explanation there is to all of this madness.

If you ever find out about blackmail, child rape and murder, or pedophilia surrounding the Phil Berger Family, Thomas David Schroeder, William Lindsey Osteen Junior, any judge of the Fourth Circuit for the last decade or two decades. Phil Berger also asked Donald Trump for ventilators when those have been used to kill countless millions or hundreds of thousands after being given Fauci medication Rendeziveir. So Berger seems to be okay with the genocide by the Government. All those who push the vaccines are likely

blackmailed or bribed or in with Big Pharma.

Then there is also the small fish like Reidsville Detective Robert Bridge and Assistant District Attorney Melanie Bridge who worked for Phil Berger Junior, Christopher Todd Brim, and Police Chief Charles J. Caruso of Mayodan, North Carolina. They are small fish, so I doubt they would be in the blackmail videos unless the blackmail videos are that extensive to which local officials are involved, if that is so then that would explain the whole child porn set up operation back in 2012. Nevertheless I believe it would be more up to more powerful people like the Berger political lawyer family. Of course there was SBI Agent Rodney V. White, but that one admitted that it was downloading for eleven months when Brian didn't have his computer. Rodney White had his reservations as to whether Brian was really guilty or not, so they kept Rodney White out of all Federal hearings. Brian witnessed that at every Federal court hearing, Rodney White was nowhere to be found. So Rodney White may not wanted to go along with the fraudulent guilt narrative.

You have the names. Whoever has the blackmail videos would be able to find this out.

Please let me know if Phil Berger or Osteen Junior or Thomas David Schroeder is found in any blackmail or pedophilia scheme stuff. This could really cause the acquittal of Brian Hill.

I understand you are limited in the information. However, the "blackmail" evidence is all Brian has left. Brian has no other option. No pardon, nothing. So Brian has no choice but to continue pursuing the pedophilia blackmail evidence to prove Brian's claims of judicial partiality and bias. They will not let Brian do anything to clear his name, nothing. So all Brian has left is those videos. Those videos can be used to force the corrupt blackmailed Judges out of the Appeals Court and out of the District Court and cause Brian's case to be nullified and voided. That is all the relief Brian can get at this point, null and void judgments, must be voided.

Brian has no choice but to prove the people who framed Brian or took part in it were all involved in the Jeffrey Epstein stuff or other forms of blackmail. Brian has no recourse at all because the Judge tosses every little thing. The judges all work together and protect each other like corrupt little gang members. They don't care about the law anymore, only blackmail makes logical sense as to why judges are acting this way.

God Bless You,  
Stanley Bolten  
Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

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Lin

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**Chairman of the Board & CEO**  
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*I decided to post this truth on Twitter & Parler as wall exists around **@realDonaldTrump** that may have prevented me from getting this evidence to him. Kappy tried to deliver info to President but was then murdered. I do not know who Kappy gave it to for delivery to the President.*

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Was the blackmail tapes tweets all bravado from you on Twitter???????

Was Brian just following a pipe dream and will never be allowed to prove his innocence to his criminal charge. Was it all just a pipe dream???????

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Was all this just a lie and Brian was misled into thinking that you had some kind of evidence???????

I'm sorry Lin Wood but the time for lies and delusions is over. **Brian wants the truth, we fought so hard, Brian fought so hard, my blog fought so hard. We all fought so hard for justice. Was justice all a lie too??????**

Can I really even trust in man anymore or is all men a bunch of snakes and liars and Brian is just living in some purgatory as punishment from God in some rundown world run by Satan and Lucifer and this world is just a bunch of lies and Bullshit run by mad men and mad women. Is this world all just a lie and illusion???

We have all of this great technology but it is only being used to enslave people and force people to follow Satan and not follow God anymore. The vaccines are taking away people's faith in God as there is a vaccine meant to destroy the "God" part of the brain to take away spiritual brain patterns and Bill Gates was probably part of this heinous act of defying God at the U.S. Pentagon DOD video talking about wiping away people's faith in God under the guise of stopping radical religion. Yet they are destroying the faith in God of millions upon millions of people worldwide by force or jail.

Is this all a ruse???? Was there never a plan to fix our Government and never a plan to save our country from it's destruction???

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Stanley Bolten  
Sent with [ProtonMail](#) Secure Email.

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On Saturday, December 25th, 2021 at 11:22 PM, Stanley Bolten <[StanleyBolten@protonmail.com](mailto:StanleyBolten@protonmail.com)> wrote:

Lin Wood,

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Here is his message to you.

<02f1d8a99914fd88776ed6a34064ac7f5716e4a4-1.jpg>

They have no Constitutional right to deprive an innocent man of proving his factual innocence. The Supreme Court said so but they are ignoring those rights in the Middle District of North Carolina and in the Fourth Circuit.

Regardless of whether those judges raped children, they are raping Brian's rights and raping Brian's reputation, raping Brian's liberty and freedom, and raping the facts from Brian's current Probation Officer. The govt is raping Brian symbolically. Brian is a virgin so he is no danger to anybody.

God bless you and Merry Christmas Lin Wood,  
Stanley Bolten

Sent with [ProtonMail](#) Secure Email.

# EXHIBIT 8

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





**Lin Wood**

@LLinWood

Follow

Jeffrey Epstein used this same blackmail scheme of child rape & child murder to either further his own interests or those of any intelligence agency with whom he worked.

ALL who flew on his private jet or visited his island must be IMMEDIATELY interrogated & brought to justice.

11:31 PM - 3 Jan 2021

679 Retweets 1,413 Likes



# EXHIBIT 9

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
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[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)







**Lin Wood**

@LLinWood

Follow

I believe Chief Justice John Roberts & a multitude of powerful individuals worldwide are being blackmailed in a horrendous scheme involving rape & murder of children captured on videotape.

I have the key to the files containing the videos. I have also shared this information.

11:11 PM - 3 Jan 2021

3,169 Retweets 6,758 Likes



# EXHIBIT 10

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
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by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



15 captures

3 Jan 2021 - 17 Dec 2021



2020



Lin Wood

@LLinWood

Follow

Our country must face truth about its so-called leaders. The good, bad & ugly truth. We must expose swamp inhabitants to disinfectant of sunshine.

No more dirty little "inside Beltway" secrets. We need truth. These two men do not even tell us truth about their adopted children.



Lin Wood, P.C. Speak Truth.  
S. #FightBack for Freedom  
w #WorldOfTheBlocked.

# EXHIBIT 11

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
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by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





16 captures

4 Jan 2021 - 1 Dec 2021

2020



**Lin Wood**

@LLinWood

Follow

After Kappy received the hacked files from member of Lizard Squad, he gave files to one friend and the encryption key to another friend. He provided this information to his friends shortly before he was murdered in May 13, 2019. Members of Lizard Squad were jailed for hacking.

11:28 PM - 3 Jan 2021

713 Retweets 1,331 Likes



# EXHIBIT 12

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
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[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



[18 captures](#)

04 Jan 2021 - 10 Sep 2021

2020



**Lin Wood**

@LLinWood

Follow

The blackmail targets are approached with a gun, a child, & a camera. The target is ordered to rape the child on video. The target is then ordered to shoot the child on video. The target is then owned & controlled by the blackmailers until blackmail evidence loses its value.

11:22 PM - 3 Jan 2021



# EXHIBIT 13

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
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9 captures

4 Jan 2021 - 16 Mar 2021

Startseite Über uns



Lin Wood

@LLinWood

Folgen

I have shared with several individuals the TRUTH I will be speaking to you. Killing me will NOT prevent the TRUTH from being revealed - it will only trigger its release by many others.

I ask [@realDonaldTrump](#) to immediately appoint an honest special prosecutor to pursue justice.

23:05 - 3. Jan. 2021

# EXHIBIT 14

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
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[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



16 captures

4 Jan 2021 - 14 Sep 2021



**Lin Wood**

@LLinWood

Follow

This blackmail scheme is conducted by members of 10 of world's most well-known & "elite" intelligence agencies.

One of those groups was hacked by a group known as Lizard Squad. The blackmail files of rape & murder were obtained by this group & copy was provided to Isaac Kappy.

**Lin Wood** @LLinWood

I believe Chief Justice John Roberts & a multitude of powerful individuals worldwide are being blackmailed in a horrendous scheme involving rape & murder of children captured on videotape....

11:17 PM - 3 Jan 2021

# EXHIBIT 15

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
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(Revised 3/2021)

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

Brian David Hill

Plaintiff(s),

v.

United States of America

Defendant(s).

CASE NO. 1:13-cr-435-1

NOTICE OF FILING PAPER OR  
PHYSICAL MATERIALS WITH  
THE CLERK

The following is being filed in paper or physical form with the Clerk’s Office for the  
Middle District of North Carolina:

As part of Exhibit 15: A DVD Video disc 480P and AVC-HD 1080-Pixels High  
Definition DVD disc (can be played in Blu-Ray players) containing a 30 Minutes, 13  
Seconds Declaration testimony and physical evidence presentation by Brian David  
Hill. Recorded/produced on January 5, 2022. Both discs are of the same video.

The item(s) will remain in the Clerk’s custody until appropriate Disposition pursuant to  
the Local Rules of the Middle District of North Carolina

Dated this 10th day of February, 2022 .

**Brian D. Hill - Ally of Q**

310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

Name, Address, and Phone Number of Counsel or Pro Se



# EXHIBIT 16

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



**BRIAN DAVID HILL - Just found out more about Brian to share with you. This has to do with carbon monoxide poisoning**

rbhill67@yahoo.../Inbox



**Ken & Stella** <kenstella2007@yahoo.com>

To: jason\_mcmurray@vawp.uscourts.gov <jason\_mcmurray@vawp.uscourts.gov>

Cc: Roberta Hill <rbhill67@yahoo.com>

Mar 10, 2019 at 4:44 PM

Hi Jason,

We (Brian's mom & grandparents) have been wanting to thank you for all of your support for Brian since 2015. He is blessed to have you in his life, knows all you have done to help him all of these years and appreciates it and you. He was impressed that you stood up for him in court and has told us all about it more than once. Right now he seems to be getting along well in Butner, meeting new friends and is impressed with all of the prison guards and employees there and was in the Roanoke and Martinsville jails as well. We think for the first time, Dr. Grainey also knows that he is innocent of the initial charge of knowingly downloading child porn. When one knows all the facts, he is innocent. The facts are in the court, all of the proof of his innocence. It will be interesting to see her report. I am sending this email to Brian's mom, Roberta. We saw Brian yesterday, and he is well looking forward to being released.

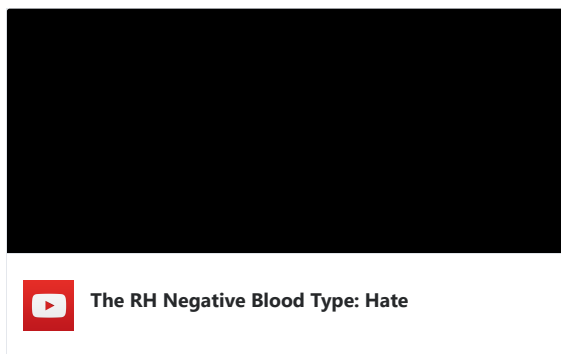
We have new information to share with you and will take a copy of this new information to his attorney in Martinsville, VA tomorrow and might need to send a copy to his federal attorney in Roanoke as well. Jason, we know that you are very busy but would appreciate a reply that you did get this email. We are enclosing a copy of the letter Brian's mom, Roberta wrote to Brian that we will send to him in the mail tomorrow to show to Dr. Grainey. We're also sending a copy of a 6 page document we wrote to Brian in the mail to show Dr. Grainey and 2 receipts of proof.

I think you might know a little if you remember the leak in Brian's fireplace in his apartment as well as the damage along the wall and ceiling near his fireplace. It was all a mystery because his mom's fireplace, wall and ceiling above his did not have any damage. Anyway, we discovered what the problem was on January 30th this year and are now aware that this all can explain why Brian left the house the night of Sept. 21st and was walking all around Martinsville miles from home confused. We were in shock when we found out, and I'm sure that you and Preston were too. This was not anything Brian had ever done before, but the 9 pages attachment helps us understand what was going on with him. After we all 4 (Brian, his mom, and we, (grandparents) talked about this at Butner yesterday, Brian asked us to write him about it and to send the proof. He wanted to know if that could have caused his confusion and memory loss so his mom told him we would check into it when we get home and let him know.

We have also sent the proof to his attorney (Martinsville & Roanoke) about the threats he had received (as well as the emails where this person sending these threats to Brian, Sue Basko (attorney) and others admitted to setting Brian up with CP (child porn) and admitted putting it on his computer. When Brian was trying to appeal his case in January, 2015 they were sending more emails to Sue Basko who had informed the court in Sept 2014 that Brian was innocent threatening Brian's life if he didn't stop the appeals, threatening him, his family, his attorneys, Sue and

his friends. We still have copies of these in our emails and sent copies. Someone has been sending hate greeting cards to his mom from Dec. 2017 to May 2018 postmarked from Nashville, TN with no return address. It looks like they are criticizing her YouTube videos and the books she writes, but then they are also criticizing her family from WV when they told her to leave out the walnuts from WV. We all wrote affidavits in Brian's 2255 in the federal courts in Nov, 2017, so if they look up our names on google, they would find her address from the affidavits we sent to the court, her Amazon author page and her YouTube page, and would find out if they look up Brian's grandparents' names from the affidavits that we are both from WV and have written books about the roots of a hillbilly family from WV. After Roberta put the following video on YouTube in May, 2018, they didn't send anymore cards, but other things have happened since May, 2018 that could explain that all Brian went through could have been real threats that night. We sent all of this to both of his attorneys and to Dr. Grainey and others. This is Roberta's video about the greeting cards and hate mail (Brian wanted us to show you). Roberta still has the cards if anyone wants to see them.





### [The RH Negative Blood Type: Hate](#)



Jason, again thank you for all of the help and understanding you have given to Brian. Here is the 2 page letter from Roberta to Brian, the 6 page history with proof from Brian's grandparents called "Carbon monoxide poisoning", and 2 other pages: work proposal Jan 30, 2019 and Receipt from February 4, 2019. If you need copies, Roberta can also take photos of the fireplace, damaged walls around it and the hole in the ceiling where that part of the ceiling fell to send to you.

Sincerely,  
Brian David Hill's grandparents, Stella & Ken Forinash

4 Files | 1.9MB

-  Brian-Letter-March-2019.pdf  
331kB
-  Carbon Monoxide Poisoning.pdf  
860kB
-  receipt 2-04-2019.jpg  
392kB
-  work proposal dated Jan 30, 2019.jpg  
337kB



# EXHIBIT 17

## for


For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



**Brian David Hill asked us to take photos of ceiling & walls above his fireplace from carbon dioxide to send to you**

rbhill67@yahoo.../Inbox

 **Stella Burnette Forinash** <kenstella@comcast.net>  
To: jason\_mcmurray@vawp.uscourts.gov

Mar 21, 2019 at 8:58 AM

Hi Jason.

Before we send a copy of the letter. We understand that you can't legally help Brian, but you are a witness during 2018 of the damage in Brian's apartment around the fireplace just like we are. Brian admires, respects and trust you. He knows that you are his probation officer but considers you as a friend too, and after having a horrible probation officer we are all thankful that you were sent to Brian and know that you have been understanding of all of Brian's health problems, respectful and still doing the job you were sent to do.

We got a letter from Brian yesterday, and he asked us to send photos of the damage on the ceiling and walls around his fireplace in the living room of the apartment where he has been living since May, 2016. There was also white residual inside of his fireplace. The chimney expert who found the carbon monoxide damage said that this could be cleaned with detergent & water so Brian's mom has already cleaned that. It needed months to dry before repairs. There is a carpenter lined up to repair it around April 20<sup>th</sup>. It was the young son of the owner of the chimney company in Rocky Mount, VA who was sent to clean the fireplace (chimney sweep) and to put screen on all 3 holes to keep birds out of the fireplace; instead he put tin over all 3 holes including the hole for the natural gas heater and the gas water heater in the basement leaving no where for the gas and water steam to escape in October, 2017. None of us were aware that there was tin there and thought it was screen. This took care of the bird problem.

In December, 2017 or January, 2018 there was a snow storm, and that was when we noticed the damage in the ceiling of Brian's apartment but no damage in his mom's ceiling above her apartment. We thought it was odd that there was no problems until the chimney people were called. It continued getting worse through the winter, so in the spring Roberta cocked the foundation around her porch because we thought it looked like a foundation problem, not a roof problem because there was no water damage on Roberta's ceiling. Brian's ceiling was below his mom's apartment. After this the problem got worse. Brian's OCD was getting worse too. He was having a diarrhea problem and was using the hot water 6 to 8 hours a day. This is a gas hot water heater with nowhere for the gas & steam to escape. It was escaping apparently through both fireplaces leaving damage in the ceiling in Brian's apartment below the brick on the floor in front of Roberta's apartment and all along the walls below Roberta's fireplace into the walls beside of Brian's fireplace (both sides).

Both Roberta & Brian were complaining about not feeling well, being weak and very tired. We (Brian's grandparents) were moving from one house to another in Martinsville, VA during this time, and Roberta couldn't understand where we got our energy in our 70's when she & Brian were so tired. Roberta tried to help us from time to time with the move, but she couldn't hold out like we could. Both of us are disabled and elderly and are slow and took months for this move. She was always before this stronger than we were. Her head was shaking a lot. We thought it was stress from taking care of Brian and not being able to get much sleep or rest. Brian kept complaining that he couldn't think straight. The cats' personalities had changed, but yet none of us even thought that all of the moisture damage around the fireplace was damage from the moisture & natural gas required to run the natural gas boiler furnace downstairs and the natural gas hot water heater. Now that we know the facts, we all feel bad and guilty for what all has happened to Brian. It takes a long time in Martinsville, VA to locate carpenters and wait for prices and for them to do any work on homes. We also are glad that Brian no longer came back to his

house in September, 2018 due to the fact that the carbon monoxide poisoning with the use of the heater through the winter and from the hot water heater was not discovered until January, 2019.

There were many threats due to Brian's fighting to get off from false federal charges. He was set-up with child porn on his computer in 2012, and he and his family have been putting proof in the court with his 2255 since November, 2017 of his innocence, and there have been strange things happening after this date, but then along with the threats (including death threats and threats of putting more child porn in Brian's email after he is released to keep him on the sex registry, sending threats in emails to Brian's family & attorneys and actually sending and bragging about it to Brian and other alternative news people and to Brian's friends after Brian appealed his case in 2015 and the hate cards and letter sent from Nashville, TN with no return address to Brian's mom after we filed the 2255 in Nov. 2017 from Dec. 2017 till May, 2018 and the fake 911 calls in July, 2018 & police coming to the house about the calls that they didn't make.

We wanted to include more information to go along with the photos. We have had natural gas heaters and don't know much about natural gas boiler heaters. Found some photos on the internet to show here of similar in their house. (included as photo attachments in this email - gas Broiler furnace & gas hot water heater).

You can now see what is on top of the chimney. The tin has been removed from the hole above the gas hot water boiler (furnace) and the gas hot water heater. The chimney guy from Basset, VA who has done this type of work for 25 years who took the tin off in Jan. 2019 and put the new top on the chimney in Feb. 2019 had us to climb on the ladder and showed us what he saw. This is now what you can see from the road, and we now know that it is vented – not even screen on the top of the furnace & water heater. (Similar top photo from the Internet included as an attachment)

We are including 7 photos Brian's mom, Roberta took last night of the ceiling & walls showing damage around Brian's fireplace in his living room in his apartment.

Brian's grandparents,

Stella & Ken Forinash

11 Files | 2MB

 1.jpg  
173kB

 2.jpg  
176kB


 3.jpg  
238kB


 4.jpg  
196kB


 5.jpg  
225kB

 6.jpg  
174kB

 7.jpg  
185kB

 chimney top.JPG  
79kB

 Hot Water Broiler.JPG  
26kB

 hot water heater.JPG  
31kB

 March 21.pdf  
536kB

# EXHIBIT 18

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



**RE: carbon monoxide exposure from fireplace**

rbhill67@yahoo.../Inbox



**Lisa Garrett** <l Garrett@co.henry.va.us>  
To: Roberta Hill <rbhill67@yahoo.com>, Kiah Cooper <kcooper@co.henry.va.us>

Jul 16, 2019 at 8:16 AM

I am not aware of any test that can be done on that.... Carbon monoxide alarms should be used anytime there is a pilot light or flame present to detect CO levels and alert residents..... there may be private laboratory's that could help you with this question but I do not know of any test at this time....

Lisa Garrett  
Fire Marshal  
Division Chief of Fire Prevention  
Henry County Department of Public Safety  
276-634-4668  
[#HenryCountyIsHome](#)

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**From:** Roberta Hill [mailto:rbhill67@yahoo.com]  
**Sent:** Monday, July 15, 2019 3:36 PM  
**To:** Lisa Garrett <l Garrett@co.henry.va.us>; Kiah Cooper <kcooper@co.henry.va.us>  
**Subject:** carbon monoxide exposure from fireplace

Hey,

I have a question. Is there anyway to test the white residue or rust residue in a fireplace for the carbon monoxide level? We need to know the carbon monoxide levels for a legal defense for my son.

1. The Martinsville police found Brian Hill naked and confused at around 3 am in the morning about 2 miles from home.
2. The police took him to the hospital. The emergency room drew blood and ordered lab tests. The lab tests were never done, and he was taken to jail.
3. Brian was diagnosed with psychosis and delusions by a psychiatrist about a week after he was in Martinsville jail.
4. Four months after Brian was arrested his family learned from a fireplace expert that the fireplace had been sealed up and carbon monoxide was flowing into the house.

Thanks,  
Roberta Hill

# EXHIBIT 19

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



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

	)	
<b>Brian David Hill,</b>	)	
<b>Petitioner/Defendant</b>	)	
	)	<b>Criminal Action No. 1:13-CR-435-1</b>
<b>v.</b>	)	
	)	<b>Civil Action No. _____</b>
<b>United States of America,</b>	)	
<b>Respondent/Plaintiff</b>	)	
	)	
	)	

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF THE  
PETITIONER’S MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL CUSTODY. MOTION UNDER  
28 U.S.C. § 2255 FILED BY BRIAN DAVID HILL**

I, Brian David Hill, being first duly sworn upon oath, do hereby depose and state:

1. I am the criminal defendant in Criminal case No. 1:13-CR-435-1 in the Middle District of North Carolina, and am also the Petitioner in the new foregoing 2255 Motion case and Brief / Memorandum of Law not yet given a civil case number.
2. I am also a criminal defendant in Virginia State case no. C18-3138 when I was arrested by Officer Robert Jones an officer with Martinsville Police Department in the State/Commonwealth of Virginia. I heard that he was an investigator there much like a detective but haven’t confirmed that. His badge number may be #220.
3. Virginia is a Commonwealth but also called a State in the Federal Court records. Both refer to the same entity of “Virginia”. However the State of Virginia is known as a “Commonwealth” to my knowledge.



4. I was arrested on the date of September 21, 2018. Case no. C18-3138 was in the General District Court in the City of Martinsville.
5. I had been in the courtroom for the General District Court in the City of Martinsville multiple times. I only seen one judge in that courtroom each time I was in there for a hearing. I believe that Judge was named the Hon. Marcus A. Brinks, Chief Judge. I can't be certain but that name came up as the Judge in 2018 in the General District Court, so I assume it is him.
6. I am aware that the General District Court does not conduct jury trials. All cases in this court are heard by a judge. Jury trials are held only in circuit court, as provided by the Constitution of Virginia. The General District Court does not have transcripts of its bench trials that I am aware of. I understand that it is not a State Court of record.
7. On December 21, 2018, I was on trial in the General District Court. Court appointed attorney Scott Albrecht, Assistant Public Defender in the City of Martinsville, was present at the Trial. He argued at the Trial that I was not obscene and had typed up a Virginia Code on his phone and read it to the Judge. I believe he read out Virginia Code § 18.2-372.
8. During the Trial on December 21, 2018, after Attorney Scott Albrecht read that Brian David Hill never masturbated, never ran up to somebody physically and that person scream "Oh my God!". He argued that I was not being obscene. Then the Commonwealth Attorney Glen Andrew Hall argued "Brian was never charged with obscenity". I can't remember the entire hearing but I am recalling what I can remember since there are no Transcript services in the General District Court in Martinsville.
9. During the Trial on December 21, 2018, I remember Officer Robert Jones testifying on the stand in the General District Court. Scott Albrecht had asked that Officer if I had ever masturbated, and he said no. He asked if I was being obscene and the officer said I wasn't. He asked him if he was aware of Brian David Hill approaching anybody and them screaming oh my god. He asked Robert Jones if he thought I was aroused and he said no if I am remembering correctly. He attempted to ask enough questions. My memory of the Trial isn't as good as then and of course the Carbon

Monoxide may play a role in me not remembering everything very well. He was asking the Officer questions to prove to the Judge that I was not obscene. I never saw any regular person testifying about the September 21, 2018 incident, that day. Just Officer Robert Jones and I both testified that day.

10. During the Trial on December 21, 2018, Attorney Scott Albrecht had me testify on the stand under oath. I spoke about the guy in the hoodie threatening me to get naked and take photos of myself or my mother Roberta Hill would be murdered. The Commonwealth Attorney Glen Andrew Hall had me to explain the description of the guy in the hoodie. I said at another part of my testimony under oath, I assumed it was under oath, that I didn't want my mom shot full of holes and said it emotionally. The photos of me nude were presented to the Judge and to my attorney. My attorney did not argue any case law. It was pretty much that Scott Albrecht argued that I was not obscene, and the Commonwealth Attorney said I was not charged with obscenity. The judge saw the photos. I stepped down from the stand. The judge said he finds me guilty of indecent exposure. I asked Scott Albrecht to appeal it so that my Supervised Release would not be revoked. Scott Albrecht whispered in my ear: "Your probation is already revoked". I was angry after that and proceeded to file a pro se Notice of Appeal since Scott Albrecht did not discuss plans to file such. I suspected that the reason I was found guilty was because he didn't bring up the case laws where intent and obscenity must be proven to convict somebody of § 18.2-387. Indecent exposure. Then the Commonwealth Attorney arguing that I was not charged with obscenity, basically acknowledging that I was not obscene but argued strict liability even though those three or more case laws regarding the obscenity requirement could have had me found not guilty in General District Court. It just never worked out the way I had hoped it would have.
11. I do not believe that the Federal Court should consider the original conviction on December 21, 2018 in the General District Court as my final conviction at the time that it had happened since it isn't a Constitutional Court of record. My friend Eric S. Clark had called the General District Court a "police court" and does not consider that as a Constitutional State Court of Record. Eric S. Clark was a friend who helped me with legal pleadings years ago like in 2018, 2019, and even before 2018.

12. I found out in the Federal Courthouse in Roanoke, Virginia, in front of Magistrate Judge Robert S. Ballou that my Appeal had succeeded and that it was called a Trial De Novo. It was appealed to the Circuit Court of the City of Martinsville, and that is a State Court of Record. However not all hearings are under Transcription from a Court Reporter. Only the main Trial or Jury Trial appears to have the statutory requirement for a Transcript of the proceeding.
13. In 2019, after I was released on Federal Bond and later on had to turn myself in to later be released on State Bond, so I was under both State and Federal Bond conditions which I complied with both of them until I was no longer required to do so by both the State and Federal Courts.
14. After my release, I was appointed a new lawyer named Lauren McGarry after Scott Albrecht left the Public Defender office and he no longer worked there anymore.
15. On July 15, 2019, Lauren McGarry met with me and my family as I was to appear before the hearing which would have been set for jury trial on August 30, 2019 but was later continued until December 2, 2019.
16. Anyways, On July 15, 2019, I remember talking to her and my family about the Carbon Monoxide Gas exposure and I believe other issues, and she refused to defend me believing that I had no case. My mother Roberta Hill asked her "What about reasonable doubt?" and she acted as though there was no such thing. She had a hostile attitude in me having any legal defense.
17. On July 19, 2019, I started filing pro se motions again as I felt that Lauren McGarry was acting hostile towards me having any criminal legal defense for my charge. I felt that she was dangerous to me being acquitted of my Supervised Release Violation so I started filing pro se motions on my own again in the Circuit Court of Martinsville.
18. On July 19, 2019, I had filed the Motion to Request Substitute Counsel. I presented facts and one such fact was that in 2014, she was an "intern for the Commonwealth Attorney's Office of Martinsville. I also stated in that

motion: **“Brian no longer wishes to stay in communication with his lawyer which causes a problem for Brian's Circuit Court case. He feels angry about her, and doesn't want to talk to her anymore because she is rude to Brian's family, complains that nothing can be brought up as evidence and not even medical records from the Hospital, and then she said that she cannot bring up Pete Compton as a witness for the trial. She ignored the case law which means, if there is a guilty verdict by a jury and the case is appealed up further, Lauren will not bring up the three different case laws regarding acquittals of indecent exposure for not meeting the bar of the obscenity clause. Lawyer Scott Albrecht told Brian and his family in 2018 that Brian was innocent of indecent exposure because Brian wasn't sexually aroused when he was naked, he was just naked, that was it.”** I also discovered that Lauren McGarry had worked as an intern for the Commonwealth Attorney’s Office for the City of Martinsville as an intern but she attempted to cover that up on her LinkedIn page because Roberta Hill researched it and shown me her LinkedIn profile, printed it out for me. Then she showed me that Lauren McGarry was an intern at the Martinsville Commonwealth Attorney’s Office as an intern but it struck me as odd that she wasn’t honest about her past legal work as it may create issues as a court appointed lawyer. I brought up those issues in my Motion for Substitute counsel and I had typed in my filed motion in one paragraph: **“Roberta Hill had discovered that Lauren's LinkedIn profile had omitted the fact that in 2014, she was an intern for the Commonwealth Attorney's Office of Martinsville. Brian's family found at least 2-3 articles showing that Lauren McGarry had worked for the Martinsville Commonwealth Attorney Office as an intern back in 2014. Explains why she doesn't want any witnesses to testify and doesn't want any evidence to be presented to the court for admissibility for the jury trial either. A potential conflict of interest. All of her refusals to do any defense work is beneficial to the other side, to the Commonwealth Attorney.”**

19. All of my pro se motions seemed to have been ignored by the Circuit Court Judge Hon. Giles Carter Greer except only the Motion to Withdraw Appeal. However, the Motion to Request Substitute Counsel was ignored, but then Lauren McGarry knew I made valid points in my pro se motions and admittedly in her filed motion that “An actual conflict of interest exists

concerning matters of zealous representation of clients, diligence and the relationship between counsel and the Defendant. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987).” After that she was removed as my attorney of record and I was then appointed Matthew Scott Thomas Clark. He has an attorney office in Martinsville, Virginia at the time I was his client.

20. Attorney Matthew Scott Thomas Clark did make sure to push for the Circuit Court to modify my bond conditions to allow me to travel to the Federal Courthouse in Winston-Salem, North Carolina on September 12, 2019, to appear there for the Supervised Release Violation Trial.
21. After the Revocation Judgment rendered by Chief Judge Thomas David Schroeder on September 12, 2019, at a later day I was to set up an appointment to speak with Matthew Scott Thomas Clark. An appointment was set up for September 24, 2019. Instead of an actual visit, it was a teleconference phone call with Matthew S.T. Clark which gave me the opportunity to record the phone call in case the Attorney ever betrayed me or went sideways which he did, just like Lauren McGarry. I recorded the **Exhibit 3**, audio file converted to a physical Audio CD-ROM by usage of a Disc burning software. That audio CD which contains a “21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived.” Yes, I waive the attorney/client privilege for only the audio recorded in **Exhibit 3**. I am releasing this audio to the Court for the purpose of exposing him and exposing the interference I had witnessed where the quick Revocation decision on September 12, 2019, by Chief Judge Schroeder had screwed up my State Case and had caused my lawyer to start pushing me over and over again repeatedly to have me withdraw my appeal and accept the guilty verdict in the General District Court.
22. The next appointment I had with Matthew Scott Thomas Clark, it was the same thing, he acted like he couldn’t find any experts which would agree to testify in a “criminal case” but would testify in only civil cases about Carbon

Monoxide poisoning and how it causes weird or abnormal behaviors. I was dissatisfied that he didn't find a single expert agreeing to review over the evidence. He explained again, just like in the phone conversation I had recorded, that I would go in front of Christian Bible Belt jurors who would wonder why I was out there naked. He insinuated that they would find me guilty outright even with the case law requiring obscenity and intent to convict. He kept saying multiple times that we need a laser focus defense argument. He acted like he couldn't find any.

23. At the time I spoke with him, I did not know that Matthew Scott Thomas Clark had in his possession, the envelope full of evidence I had mailed to Police Chief G. E. Cassady, Certified Mail, Return Receipt, and restricted delivery. I had shown the original evidence of the envelope in **Exhibit 15** filing in this 2255 case, of a video recording by myself containing: "30 Minutes, 13 Seconds Declaration testimony and physical evidence presentation by Brian David Hill. Recorded/produced on January 5, 2022." I had shown the envelope and proven in the video that it was still sealed and never opened by anybody after I had originally sealed it and mailed it to Police Chief G. E. Cassady on July 19, 2019 at the U.S. Post Office.
24. I am aware that on August 7, 2019, that Police Chief G. E. Cassady had personally signed the return receipt for the restricted delivery of envelope to the Chief of Police of Martinsville Police department. See the Federal Court records in the Western District of Virginia, Case # 4:20-cv-00017-JLK, Document 2-2, Filed 03/27/20, Page 42 of 72, Pageid#: 73; Page 41 of 72 Pageid#: 72; Page 40 of 72 Pageid#: 71; Page 39 of 72 Pageid#: 70. The envelope was also shown in the **Exhibit 15** video which I had recorded and made such statements under Declaration and under penalty of perjury. I hold this envelope as evidence and it is in my possession.
25. After I had filed my Motion to Withdraw Appeal, I made sure to not give Matthew Clark his way and I filed it in a way to ensure that I did not plead guilty and it is on the Record on Appeal in the case that I did not plead guilty but only withdrawn my appeal so that Matthew Clark would be happy and I can try to challenge the conviction by other means. Like for example, the Petition for the Writ of Actual Innocence. I had initially filed a Petition for the Writ of Habeas Corpus on the ground of Actual Innocence, ineffective

counsel, and other grounds but my Petition for the Writ of Habeas Corpus was dismissed not due to merits but was dismissed because I was not in State custody at the time I had filed my Petition for the Writ of Habeas Corpus (“WHC”). So that is why it failed in the Commonwealth of Virginia and in the Circuit Court. It failed on direct appeal because I was not in State custody at the time my WHC was filed. WHC was filed in case no. CL19000331-00, filed November 18, 2019.

26. In my Motion to Withdraw Appeal in the Circuit Court, I had preserved certain grounds such as “Actual Innocence. It said on record that “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.” This was put in under Exhibit 4, a true and correct copy from the Appeal Record where Roberta Hill received Portable Document Files (“PDF”) files containing the entire Record on Appeal and was emailed to Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net), by a deputy Clerk at the Court of Appeals of Virginia. So it is a true and correct copy of my filed MOTION TO WITHDRAW APPEAL in the Circuit Court of Martinsville, and was faxed to the Clerk’s Office on November 11, 2019. It was dated as to being filed on November 12, 2019 by the Deputy Clerk or Clerk or both.
27. I am not admitting guilt when I had withdrawn appeal. Whenever I had read the Record on Appeal in February or March, 2021, I don’t have the exact day in my head as to whenever I had started reading the Record on Appeal file, but I had learned that I had never plead guilty and that the Judge or his Law clerk or whoever had marked out any notion that I ever changed my plea. I am making sure to file **Exhibit 5**, supporting my claim made under oath in this Declaration that I did not ever plead guilty. In fact it says in that conviction order that “~~DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED~~ JUDG GDC, PAY COURT COSTS”. The words about “CHANGED HIS PLEA TO GUILTY AND” were stricken from the record by what appears to be a black permanent marker pen ink. This proves to the Federal courts that I did not permanently give up the fight to be found Innocent of Virginia Code § 18.2-387. Indecent exposure. I preserved my Innocence and the Circuit Court had accepted that I had initially preserved my “innocence”. So it is essentially almost like an Alford Plea. I let them

convict me but I did not plead guilty and I had maintained my innocence. So it could be construed legally as an Alford Plea.

28. I am aware of the definition Alford Plea, meaning “An Alford plea, 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.” Although that definition does not match that I entered no guilty plea at all. It was mainly withdrawing my appeal from the Circuit Court and that entered my final conviction. I had timely appealed that decision in attempting to overturn the final conviction. It seems to be still pending and I have yet to be ordered by the Supreme Court of Virginia to file any brief or Petition for Appeal. So it is still pending, the direct appeal. My conviction may not be final.
29. I had asserted in my Motion to Withdraw Appeal that “Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction.” So the Federal Conviction in November 12, 2014, had played a role in what led up to the Motion to Withdraw Appeal, where the State Court could use my wrongful conviction of child porn against me while my 2255 Motion for that conviction was still pending. I was told by multiple private lawyers that I could not bring up about my 2255 Motion attempting to challenge my wrongful conviction at the time, all they would hear is “Brian was convicted of possession of child pornography.” I knew it would create artificial stigmatization. The entire jury would feel that I was a pervert and they would refuse that I was not obscene and refuse that I had no intent to run around naked. They would refuse to accept my explanation about Carbon Monoxide, once they hear the words “child porn, child porn, child porn, child porn, child porn” that will be all they would think about. I would be convicted no matter what when they simply hear the words “child porn” and “federal case” in the “Middle district of North Carolina” referring to 1:13-cr-435-1. So I didn’t withdraw my appeal because of any guilt. I wasn’t going to receive a fair trial because of my Federal case, my wrongful conviction, and why I am under Supervised Release to begin with.
30. After I had withdrawn appeal, I had at some point in 2019 or 2020, I had filed an application for an Absolute Pardon with the office of the secretary of




the Commonwealth. From what I understand it is: “An absolute pardon may be granted when the Governor is convinced that the petitioner is innocent of the charge for which he or she was convicted. An individual is eligible to petition for an absolute pardon ONLY if he/she pled Not Guilty throughout the judicial process and exhausted all forms of judicial appeals and other remedies. An absolute pardon is rarely granted.” I have not exhausted my Petition for a Writ of Actual Innocence. I plan on filing it after my 2255 Motion was filed. I plan on notifying the U.S. District Court and/or Federal Prosecutor after it is successfully filed and entered on the record in the Court of Appeals of Virginia. I did not give up on proving my innocence to my indecent exposure charge. I was forced by circumstances and Judge Schroeder’s interference with the State Trial De Novo to withdraw my appeal. My Federal Case was going to be used against me and cause the Jury to feel angry and hateful towards me once they hear the Federal conviction of “possession of child pornography”. I would not get impartial justice from a tainted jury. Once they hear my conviction in 2014 as the Middle district of North Carolina is aware of and the entire case is about, any chance of me being found not guilty by a jury probably reaches zero in my opinion. I cannot feel confident when the labels Federal conviction of “child porn” are used for at a Jury Trial for my charge of indecent exposure. My federal case does not have any fact as to the indecent exposure, but that would be a way to impeach or attempt to throw out my testimony if I choose to testify on the stand. It would not be a good position. It would not be a fair trial. That was one of different reasons why I had filed my Motion to Withdraw Appeal in the Circuit Court. I am not admitting to any violation of Supervised Release. I am not pleading guilty to the charging documents under #157, #156, and #158. All I did was withdraw my appeal and give myself a chance to be acquitted of both my State conviction on November 18, 2019 and Federal conviction on September 12, 2019.

That is the facts I wish to present from my personal knowledge and testimony under oath in this 2255 case.

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

Executed on January 17, 2022.

<p>Date of signing:</p> <p><b>January 17, 2022</b></p> <hr/>	<p>Respectfully submitted,</p> <p> <u>Brian D. Hill</u> Signed</p> <p>Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p> <p>I stand with QANON – Drain the Swamp I ask Qanon for Assistance (S.O.S.) Make America Great Again</p>
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Friend's justice site: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)  
[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL)



# EXHIBIT 20

## for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



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

**Brian David Hill,  
Petitioner/Defendant**

v.

**United States of America,  
Respondent/Plaintiff**

)  
)  
)  
) **Criminal Action No. 1:13-CR-435-1**  
)  
) **Civil Action No. \_\_\_\_\_**  
)  
)  
)  
)

**DECLARATION OF ROBERTA HILL IN SUPPORT OF THE  
PETITIONER’S MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL CUSTODY. MOTION UNDER  
28 U.S.C. § 2255 FILED BY BRIAN DAVID HILL**

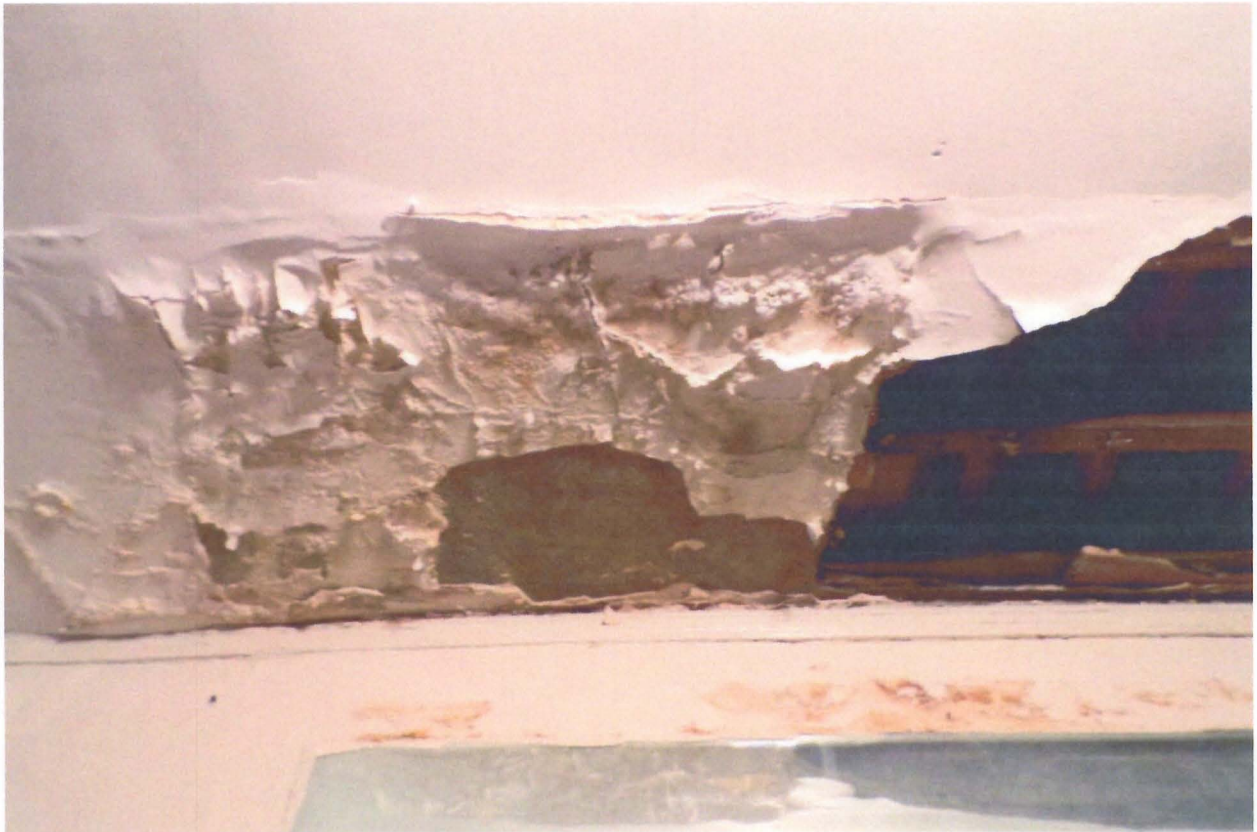
I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On September 21, 2018, I woke up around 4 am hearing a knock at the door. A police officer informed me that they had found my son 2 miles away from home on a walking trail. He said that they took him to the hospital. He asked me if my son was autistic, and I answered “yes”.

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son’s apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son’s apartment.

Photos I had taken are below.









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

Executed this 9<sup>th</sup> day of January, 2022.

*Roberta Hill*

Signed

Roberta Hill  
310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
(276) 790-3505

# EXHIBIT 21

**for**

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: “Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you’re considering an autistic who runs away regularly, they’re either running away from something that they are over stimulated, afraid or angry about, or they’re running towards something attractive. Many of us autistics will run to green spaces, or run to water. There’s a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what’s going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

<https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/>

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn’t work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian’s arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian’s probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with “intent to commit a crime” but was a medical emergency. On days when Brian is more autistic, we can’t get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is “intent”. Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to “mens rea”. <https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/> Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian’s court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian’s court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian’s medical diagnosis, you might not understand Brian’s complicated medical history, and why we say “There is no way that police report is correct unless Brian has been cured which he has not”. The next 4 pages will explain Brian’s medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is [kenstella@comcast.net](mailto:kenstella@comcast.net).

Sincerely,

Stella B. Forinash

Brian Hill’s grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don’t know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don’t know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**

fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is **brittle diabetes**? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is **HYPOGLYCEMIA**? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is **HYPERGLYCEMIA**? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. **Autism**, or autism spectrum disorder (**ASD**), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. **Autism** is a complex, lifelong **developmental disability (PDD)** that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.

What is **OCD**? For those who don't know. **Obsessive fear of germs or dirt and the compulsion to wash the hands over and over** is one of the most common manifestations of obsessive-compulsive disorder (**OCD**). For people who suffer from **OCD**, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "**Anxiety**".

What is **SSI**? **SSI** stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: Virginia's Medicaid Waivers pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.

What is **carbon monoxide exposure**? For those who don't know.

**Overview.** Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure. Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.



There is a lot more information about it on this USA government site:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

## Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia

Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. <https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

<https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/>

### § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § [37.2-100](#).

"Intellectual disability" means the same as that term is defined in § [37.2-100](#).

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. <https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/>

**Autism Society article and what it says: “USE LOCKS AND ALARMS WHERE APPROPRIATE**

For individuals who run away or leave the home without supervision (also referred to as “elopement” or “wandering”), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. <https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/> NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the “wandering & more descriptions.



# EXHIBIT 22

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)



Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). <https://www.youtube.com/watch?v=wnZ02EzbIMM>

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the "Sex register" and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn't have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn't interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here's our proof: Isn't it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian's computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said "Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family's proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian's fireplace and caused both of them to be really sick for over a year. It doesn't make sense to us that a Chimney company would do this and are aware that when the family wasn't home, it is a possibility that someone else could have come & replaced the screen with tin. We can't prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name

while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this “setup” on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to “sex charges”. They don’t know of any other reason, **could it be a “setup”** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 “It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it’s a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian’s mom to Salem, VA to pick up Brian’s backpack. Right away Brian’s mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian’s camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at <https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf>. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn’t identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn’t identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

<https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

**Date Filed:** April 25, 2017

**Date Terminated:** Feb. 6, 2018

**Date of Last Known Filing:** Oct. 9, 2018

**Cause:** [05:552 Freedom of Information Act](#)

**Nature of Suit:** [895 Freedom of Information Act](#)

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.



Now let's read the threats he & others received which is on court records, and you can read these here: <https://www.courtlistener.com/docket/4304407/united-states-v-hill/>

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

**Last Updated:** Jan. 23, 2022, 6:34 a.m. EST

**Assigned To:** [Thomas D. Schroeder](#)

**Date Filed:** Nov. 25, 2013

**Date Terminated:** Nov. 12, 2014

**Date of Last Known Filing:** Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brian & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

<https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/>

**Sep 30, 2014 # 46** DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes.  
(Attachments: # (1) [Main Document](#) Declaration



If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A** where Brian reported these to the FBI in 2015.

**Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2** (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying “We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko’s house and plant child porn in her hard drive hahahahaha”. There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

<https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/>

**Exhibit A Page 5** This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says “Brian Stop Appeal” (title) “Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian’s attorneys). Tell Brian to cut his appeal or I will set him up to cut him”.

**Exhibit A Page 6.** This is another email Susan Basko emailed to us (Brian’s grandparents) on 2/6/2015 that she had received: It says basically “I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn’t already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian’s email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up”

**Exhibit B — Document #71, Attachment #2**

<https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/>

**Page 21-22** is an email Susan Basko sent to Brian’s attorney, Jones and a copy to Brian’s mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian’s appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian’s computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian’s severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.

**Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015**

<https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/>

**Brian's 2255 submitted on Nov 14, 2017 Document #128**

<https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/>

**Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.**

Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88

<https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/>

**Exhibit — Document #134**

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

**Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71**

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded until **July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house)**. Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20.

**On Page 54 above. Page 55 below**

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

**Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75**

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

**Brian's mom, Roberta Hill is testifying for Brian: Page 76-87**

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

**Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.**

**Brian downloads proof of his autism: Pages 88-99**

**<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>**

**Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.**

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

**Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022**

# EXHIBIT 23

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)







Code of Virginia  
Title 19.2. Criminal Procedure  
Chapter 16. Evidence and Witnesses

## § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

If a defendant intends to introduce evidence pursuant to this section, he, or his counsel, shall give notice in writing to the attorney for the Commonwealth, at least 60 days prior to his trial in circuit court, or at least 21 days prior to trial in general district court or juvenile and domestic relations district court, or at least 14 days if the trial date is set within 21 days of last court appearance, of his intention to present such evidence. In the event that such notice is not given, and the person proffers such evidence at his trial as a defense, then the court may in its discretion either allow the Commonwealth a continuance or, under appropriate circumstances, bar the defendant from presenting such evidence. The period of any such continuance shall not be counted for speedy trial purposes under § 19.2-243.

If a defendant intends to introduce expert testimony pursuant to this section, the defendant shall provide the Commonwealth with (a) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and bases and reasons for those opinions, and (b) the witness's qualifications and contact information.

C. The defendant, when introducing evidence pursuant to this section, shall permit the Commonwealth to inspect, copy, or photograph any written reports of any physical or mental examination of the accused made in connection with the case, provided that no statement made by the accused in the course of such an examination disclosed pursuant to this subsection shall be used by the Commonwealth in its case in chief, whether the examination was conducted with or without the consent of the accused.

D. Nothing in this section shall prevent the Commonwealth from introducing relevant, admissible evidence, including expert testimony, in rebuttal to evidence introduced by the defendant pursuant to this section.

E. Nothing in this section shall be construed as limiting the authority of the court from entering an emergency custody order pursuant to subsection A of § 37.2-808.

F. Nothing in this section shall be construed to affect the requirements for a defense of insanity pursuant to Chapter 11 (§ 19.2-16' et seq.).


G. Nothing in this section shall be construed as permitting the introduction of evidence of voluntary intoxication.


2021, Sp. Sess. I, cc. 523, 540.


The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

1/24/202




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# EXHIBIT 24

for

For Federal Criminal/Civil case -- BRIEF /  
MEMORANDUM OF LAW AND ATTACHED  
EXHIBITS IN SUPPORT OF THE PETITIONER'S  
MOTION TO VACATE, SET ASIDE, OR CORRECT A  
SENTENCE BY A PERSON IN FEDERAL  
CUSTODY. MOTION UNDER 28 U.S.C. § 2255  
by Brian David Hill

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)





Fw: BRIAN DAVID HILL EMERGENCY

From: Ken & Stella (kenstella2007@yahoo.com)  
To: kristy\_burton@vawp.uscourts.gov  
Cc: rbhill67@yahoo.com  
Date: Tuesday, February 17, 2015, 08:46 AM EST

Good Morning Kristy,

We received this email from Sue Basko today. She has sent it to Brian's attorney, and plans on notifying the FBI about it. She called last night and said there was a picture file in the email with some of the same names Brian said he saw in the hard drive we destroyed on Saturday. She is going to inform the FBI about all of this also.

Thanks,

Ken & Stella Forinash (Brian's Grandparents)

----- Forwarded Message -----

**From:** Sue Basko <suebasko@gmail.com>  
**To:** mjones@belldavisritt.com; Roberta Hill <rbhill67@yahoo.com>; Ken & Stella <kenstella2007@yahoo.com>  
**Sent:** Monday, February 16, 2015 10:19 PM  
**Subject:** RE: BRIAN DAVID HILL EMERGENCY

DEAR MR JONES:

I wrote to you before regarding this situation with Brian David Hill. You are handling his appeal. I am copying his mother and grandparents on this email.

Brian is the guy who was set up with child porn via email and then convicted. Someone KEEPS sending me (and others) emails regarding Brian and the threat to set him up with child porn. Tonight I got an email that also contains a jpg with a bunch of pictures on it that look like they might be porn or child porn - -these are tiny pics on one jpg and I cannot really see them and of course, will not click on them to preview or download.

I am copying and pasting the email below. Each set of emails is getting nastier and more threatening and the person is getting more desperate.

YOU NEED TO TALK WITH BRIAN AND HIS FAMILY RIGHT AWAY and I need to make a report to the FBI.

THIS IS WHAT THE EMAIL TONIGHT SAYS - IT APPEARS TO COME FROM ME. of course, it is not from me. Each email set has used a different email address.

Susan Basko <[BudaBuddy@mail2tor.com](mailto:BudaBuddy@mail2tor.com)>

2:57 AM (2 hours ago)



to me

WE.....PLACED.....CHILD.....PORN.....THE.....HARD.....DRIVE.....  
.....WHICH.....WAS.....GIVEN.....TO.....BRIAN.....DAVID.....HILL.....  
.....SO.....WE.....HAVE.....BRIAN.....ON.....POSSESSION.....AGAIN.....AN  
D.....HIS.....FUCKASS.....ATTORNEY.....ON.....DISTRIBUTION.....BRIAN.....

...WILL...GO...DOWN...HE...WILL...BE...IN...PRISON...FOR...  
...LIFE...ALONG...WITH...HIS...APPEAL...ATTORNEY...SO...  
...YOU...HAVE...TWO...OPTIONS

OPTION...ONE...YOU...TELL...BRIAN...HE...BETTER...D  
ROP...HIS...APPEAL...OTHERWISE...WE...CALL...THE...FB  
I...AND...TELL...THEM...WHAT...CJHILD...PORN...WAS...  
...ON...THE...HARD...DRIVE...HE...RECEIVED...

OOOR...OPTION...TWO...BRIAN...WRITES...A...INCRIMINATING...  
.LETTER...ABOUT...HOW...HE...DOES...HAVE...AN...ADDICTION...  
...TO...CHILD...PORN...AND...HAS...A...FETISH...WITH...  
...STICKING...COCKS...IN...LITTLE...GIRLZ...NASTY...BUTTS...  
...THEN...HE...ENDS...HIS...APPEAL...HE...NEEDS...  
...HELP...AFTER...ALL...YOU...NEED...HELP...TOO...SUS  
AN...MAYBE...A...GOOD...MENTAL...HOSPITAL  
...FOR...YOU...WE...HAVE...ACCESS...TO...HIS...PROPER  
TY...AND...CAN...PLANT...CHILD...PORN...ON...ANY...OF...  
...EM

REPORT...THIS...TO...FBI...AND...WE...WILL...REPORT...  
...YOU...BRIAN...HIS...ATTORNEY...AND...HIS...FA  
MILY...AND...TELL...THE...FBI...THEY...LIKE...TO...MASTURB  
ATE...AS...A...FAMILY...TO...CHILD...PORN...FLICKS...  
...WE...HAVE...EVIDENCE...TO...GET...ANOTHER...CONVICTION...O  
N...BRIAN...HILL...YOU...CANT...PROVE...ANYTHING...W  
ITH...EMAILS...WHICH...CAN...DISAPPEAR...  
...AFTER...YOU...READ...EM...OR...WE...NOBODY...WILL...EVE  
R...BELIEVE...YOU...BITCH...WE...KNOW...CHILD...PORN...  
...GOT...INTO...BRIANS...POSSESSION...LAST...WEEK...WE...  
...WILL...SEND...MORE...THEN...HE...WILL...TECHNICALLY...  
...BE...GUILTY...AGAIN...JUDGE...OSTEEN...WILL...CONVICT...  
...HIM...AGAIN...AS...WE...WILL...MAKE...SURE...OSTEEN...  
...IS...PROCIDING...JUDGE...OVER...BRIANS...N  
EW...INDICTMENT.

MORE...CHILD...PORN...IS...COMING...THEN...MORE...CHARG  
ES...WILL...BE...BROUGHT...BITCH

**Susan Basko, Esq.**

California and Illinois

EMAIL: [suebasko@gmail.com](mailto:suebasko@gmail.com)

phone: 310-770-7413

<http://suebasko.blogspot.com>

<http://suebaskolaw.blogspot.com>

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