VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE, PLAINTIFF,	)	
v.	)	CASE NO: CR19000009-00
BRIAN DAVID HILL, DEFENDANT.	)	

MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED

COMES NOW the Defendant, BRIAN DAVID HILL ("Defendant"), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a Writ of Actual Innocence based upon new admissible evidence which could not have been legally considered admissible in 2019 until a new law had passed in 2021; and new evidence that the Commonwealth of Virginia by and through Martinsville Police Department had violated one or multiple Court Orders on omission and destruction of discovery materials aka Brady materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and pursuant to the Court

Orders. **This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15**; Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

The request for judgment of acquittal is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS** concerning new facts of mental illness/disability/disorders which were not admissible at the time of the criminal conviction and spoliation of evidence by the Commonwealth, and that these STATEMENT OF FACTS warrant a judgment of acquittal, A Writ of Actual Innocence, or an evidentiary hearing to make a determination on the new facts and allow both sides to present evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of Actual Innocence through Legal Innocence, meaning that the law was never violated that a conviction cannot be sustained with the new evidence.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in Schlup explained that an actual innocence claim in the context of seeking to have a procedural default "forgiven" so as to have the procedurally defaulted claims reviewed on the merits is a "gateway" claim. In other words, the claim of actual innocence in the Schlup context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my**

procedural default in the State courts and **consider my procedurally defaulted claims on their merits.** Schlup, 513 U.S. at 315.")

Settles v. Brooks, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008) ("Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice**.")

This Court's criminal conviction entered on the judgment of November 18, 2019, against Brian David Hill, an innocent man, is not a final judgment as the timely direct appeal of that criminal conviction is still pending after filing a timely NOTICE OF APPEAL (CAV Appeal no. 1295-20-3) to the Supreme Court of Virginia on September 9, 2021. Still pending. Therefore the final judgment had not been entered yet and this MOTION is being filed during the appeal pending process of Direct Appeal of the criminal conviction in this case. A judgment is usually not final until a timely appeal had concluded by the highest appeal Court available. Therefore this Motion should not be barred by any time limits. Also "Actual Innocence" is not procedurally time barred and "Actual Innocence" claims cannot be time barred. "Actual Innocence" is not procedurally barred.

Before the Statement of Facts, let us examine a new law as to admissibility of evidence material and relevant to his criminal charge, previously not admissible in the year, 2019, when Defendant had withdrawn his appeal. Defendant had not plead guilty and had retained his right to prove his Actual Innocence and overturn his conviction at a later date. With the new Virginia law in 2021, today is that day.

CITATION OF § 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.

STATEMENT OF FACTS

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

1. Defendant suffers from a neurological mental condition/illness and disorder since childhood known as Autism Spectrum Disorder, this disorder is in The Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a highly diagnosed disorder on many kids with unusual behavior issues in schools and daycares, and is a known disorder. Autism follows the child into adulthood and is considered a permanent neurological disability. Defendant had suffered from such disorder before the time of the alleged incident on September 21, 2018, during the time of the alleged incident on September 21, 2018, and after the time of the alleged

incident on September 21, 2018. This new Virginia Law and the evidence presented by Defendant plays a role in proving that there was NO INTENT to violate Virginia Code, citing Mens Rea, in regards to the charge of Virginia Code § 18.2-387. Indecent exposure, on September 21, 2018. See EXHIBIT 1 (EXHIBIT PAGES 1-3), EXHIBIT 10 (EXHIBIT PAGES 131-137), EXHIBIT 11 (EXHIBIT PAGES 138-139), AND EXHIBIT 12 (EXHIBIT PAGES 140-146).

2. Defendant was diagnosed in October, 2018, as to suffer from a psychosis after making statements about a guy wearing a hoodie threatening to kill his mother if he had not gotten naked. Psychosis Disorder was given to Brian David Hill by Psychiatrist Dr. Conrad Daum, a forensic psychiatrist. Psychosis was found in relevance to and material to the alleged incident on September 21, 2018, regarding the alleged indecent exposure allegations against Brian David Hill.
3. Only in 2019, when the Jury Trial was scheduled for December 2, 2019, Defendant's only best viable option at the time was to attempt to plead not guilty by reason of INSANITY, as at the time was Defendant's only option, but that option was not available to Defendant due to lack of sufficient evidence for the Circuit Court to find Defendant not guilty by reason of insanity. Now with the Legislature's 2021 passage of Virginia Code § 19.2-271.6, **Defendant now can declare himself not guilty by evidence of his mental disorders/illnesses/disabilities and no intent by reason of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder.** In regards to INTENT, the intent element of his charge, **Brian David Hill is innocent of the intent element and the intent element by the Commonwealth is disproven by the 2021 admissible evidence which was not admissible in 2019.**
4. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; could not have been used for the Jury Trial prior to Defendant withdrawing his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-

271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. In 2019, during the pendency of his Trial De Novo, Defendant was only permitted to try for mental insanity plea but that is a very high bar with ghastly consequences of indefinite detention in a State Mental Hospital if it had succeeded. Now thanks to the new 2021 law, now the defendant has another admissible and legal defense and that is his defense of Autism, Obsessive Compulsive Disorder, and Psychosis proving that Defendant had no intent of violating Virginia Code § 18.2-387; and intent is required to be proven to convict Defendant of the charge of violating Virginia Code § 18.2-387. All elements of a criminal charge and allegations must be proven beyond a reasonable doubt to convict, otherwise the Court must acquit.

5. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; and other FACTS could not have been used in the Jury Trial scheduled for December 2, 2019, even if Defendant had not withdrawn his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. With the law in effect, Defendant can now have a defense for when he takes the matter back to Trial or request for Judgment of Acquittal to save scare judicial resources by FACTS of Innocence. A criminal case "defense" is considered actual innocence. Having a defense means that you did not break the law, and the legal defense shows that the law was not violated.
6. Now that the statute/law of Virginia Code § 19.2-271.6, had been codified as the law, it nullifies Virginia Supreme Court verdict of Stamper v. Commonwealth, 228 Va. 707 (1985). Due to that Virginia Supreme Court decision, Normally the Courts bar usage of mental disorders and mental disabilities as any defense of NO INTENT or helps prove innocence; cause of that case law authority in the year of 1985 prior to the new law in the year of 2021. However the passage of this new

LAW by the Legislature nullifies that case law, **nullifies Stamper v. Commonwealth, 228 Va. 707 (1985)** and modifies existing law to permit usage of Developmental disability, Intellectual disability, and mental illness as a legal defense to a criminal charge in regards to INTENT and that such evidence would be admissible when normally it would be barred by the Courts in Virginia. Therefore it is codified as LAW that mental disorders and mental illnesses be considered as part of the evidence, facts, and elements of a charged crime. Mental disorders can disprove one or multiple elements of a charged crime and thus a Defendant cannot be held culpable as previously held under previous law.

7. **THEREFORE, Defendant requests with the Circuit Court in this MOTION to modify and/or extend any existing or create new case law of Virginia Code § 19.2-271.6 with the nullification of Stamper v. Commonwealth, 228 Va. 707 (1985); to hold or find that Defendant Brian David Hill is entitled to a new criminal defense; and thus is either entitled to a New Trial or Judgment of Acquittal or Writ of Actual Innocence by establishing proof of his mental illnesses/disabilities/disorders and that those mental issues are material to the charge and thus prove that Defendant had no INTENT to violate any Virginia Law on the night of September 21, 2018. Defendant requests that the law in this Court must be extended or modified or newly created by the new law to extend to the criminal case of Brian David Hill, and to the wrongful conviction of Brian David Hill on November 18, 2019.**
8. Under the United States and Virginia Constitutions you must be guilty of every element of a crime to be convicted. The Government bears the burden of proving every element of your crime beyond a reasonable doubt. Like in the OJ Simpson Trial case for example, if the glove doesn't fit, the Jury must acquit.
9. Defendant Brian David Hill never plead guilty when he had filed a motion to withdraw appeal. He had a defense with proof of evidence backing such criminal

defense which had not existed (as it was inadmissible in 2019) in the year of 2019 but now existed after the year of 2021. The judge recognized that Brian David Hill never plead guilty, such notion was marked out of the record by permanent black marker pen ink. On the Judgment entered by Hon. Giles Carter Greer on November 18, 2019: he or his Law Clerk had stricken from the record any notion of such. Therefore, it is a fact that Defendant never plead guilty to this charge in any Court of Law.

10. The Virginia Code § 19.2-271.6 provides that a Defendant can file and assert evidence to support his defense now that he had "no intent" to commit any criminal act on September 21, 2018. The law says "and shall be admitted if such evidence (i) tends to show the defendant did **not have the intent required for the offense charged**" (citations omitted).

11. With the new evidence presented along with the STATEMENT OF FACTS paragraphs 1 through 10; paragraphs 18 through 23; on December 21, 2018, the General District Court erred in finding that the evidence before it was sufficient to find that Defendant violated Virginia Code § 18.2-387 because the evidence **failed to show that the Defendant acted intentionally** to make an obscene display or exposure of his person. That means the Circuit Court also erred in affirming the judgment of the General District Court on November 18, 2019.

12. That criminal law statute provides, in relevant part, that "[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor." Va. Code § 18.2-387 (emphases added).

13. "The 'obscenity' element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d

607, 608 (Va. App. 2005)(*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App. 2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, Hart, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See Price v. Commonwealth, 201 S.E.2d 798, 800 (Va. 1974) (finding that `[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene').” Romick v. Commonwealth, No. 1580-12-4, 2013 WL 6094240, at *2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted).

14. While the evidence may show that Defendant was naked in public at night, as stated in the original Criminal Complaint Affidavit filed on September 21, 2018 by Officer Robert Jones of Martinsville Police Department; nudity, without more, is not obscene under Virginia law. Rather, “[t]he word `obscene' where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, Black’s Law Dictionary defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

15. In summary, in order to show that the Defendant committed the offense of indecent exposure under Virginia law, the Commonwealth was required to prove,

among other things, that the Defendant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.[1] The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed the Defendant as someone who was running around naked between midnight and 3:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. See **EXHIBIT 4**. See EXHIBIT PAGES INDEX PAGES 45-46.

16. The General District Court on the Trial of December 21, 2018 and the Circuit Court while pending a Trial De Novo did not hear of Virginia Code § 19.2-271.6; and any evidence admissible pursuant to Virginia Code § 19.2-271.6 (2021, law) could not be admissible at the time of General District Court on the Trial of December 21, 2018; and not to be at the time of the Jury Trial set for the date of December 2, 2019, in the Circuit Court for the City of Martinsville. Now new evidence can be heard and be admitted for the Jury Trial or Judgment of Acquittal or Writ of Actual Innocence by a rational trier of fact.

17. Had the passage of Virginia Code § 19.2-271.6 been prior to the Jury Trial set for December 2, 2019, the Defendant never would have filed a motion to withdraw appeal. The passage of Virginia Code § 19.2-271.6 gives the defendant a defense which had not been allowed previously at the time of both Trials in both the General District Court and the Circuit Court. The cause and passage of Virginia

[1] For the reasons stated above, the government's burden was to prove every element of the offense, including the mens rea, beyond a reasonable doubt. However, even if, arguendo, this Court were to find that the government's burden was only a preponderance of the evidence, the government has still failed to carry its burden.

Code § 19.2-271.6 had caused the Defendant to want to pursue either a New Trial, Actual Innocence, or Judgment of Acquittal. Since evidence that Defendant could not be allowed to use in both Trials is now permissible to be used and is admissible. This gives the Defendant, a laser-focused legal defense which can be used to be found not-guilty by a jury. A laser-focused legal defense which was not afforded to him in 2019 due to the previous law or laws regarding admissibility of mental illness, mental disability, and mental disorders as evidence for his/her defense to a criminal charge.

18. The General District Court and the Circuit Court did not hear, however, any evidence of Defendant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Defendant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Defendant did not do that. Rather, he was running around between midnight and 3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Defendant made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public **while having a psychiatric episode or mental breakdown**, but **without the intent necessary to commit indecent exposure under Virginia law**. Therefore, the Circuit Court and General District Court erred, as a matter of law, when it found that Defendant had violated Virginia Code § 18.2-387. The conviction must be vacated as soon as possible.

19. There was only one Mental Evaluation ordered by the General District Court regarding the time of the alleged incident on September 21, 2018, and at the time it was only regarding Mental Insanity or Competency. That evaluation was

conducted for this case in the General District Court, before it was appealed as a Trial De Novo review. Despite it being only for "Competency to Stand Trial", that evaluation is relevant and material to what had happened on September 21, 2018. For GC18-3138. Evaluation Report is sealed so I am referring to the entire SEALED EVALUATION CASE FILES. Anyways, that evaluation was not pursuant to Virginia Code § 19.2-271.6, but nevertheless that mental evaluation by Dr. Rebecca K. Lochrer, PhD, shall constitute material evidence in support of Defendant's defense in his criminal case pursuant to Virginia Code § 19.2-271.6. Therefore Defendant did push for such mental evaluation, even though in 2018 it was only permitted to be an evaluation for competency and/or insanity. Some of the diagnoses are: "Autism Spectrum Disorder" and "Obsessive Compulsive Disorder". Both of those are evidence pursuant to Virginia Code § 19.2-271.6, and prove that Defendant had such disorders at the time of the alleged incident as charged on September 21, 2018.

20. There was an issue of non-compliance with one element of the Court Order for a Mental Evaluation where Attorney Scott Albrecht of the Public Defender Office in 2018 was supposed to provide all mental health records known to him and medical records known to him to Dr. Rebecca K. Lochrer, PhD, for the mental evaluation. Scott Albrecht did not provide a documented diagnosis from forensic psychiatrist Dr. Conrad Daum in October 24, 2018, where he had diagnosed Defendant as having "Psychosis" referring to Psychosis Disorder and "Autistic Disorder" referring to Autism Spectrum Disorder. See **Exhibit 12** (EXHIBIT PAGES 140-146) for the diagnosis on October 24, 2018. That was omitted from her PSYCHOLOGICAL EVALUATION and never introduced to Dr. Rebecca K. Lochrer, PhD, so she was in the dark in regards to the psychosis diagnosis. She, the psychological evaluator for the criminal case did not know about that past diagnosis which means her report was premature, erroneous (by lack of all

knowledge of all mental reports) and incomplete due to lack of her access to all relevant and material mental health records that Attorney Scott Albrecht may have been aware of but failed to give her a copy of as asked by the Court. See **Exhibit 13** (EXHIBIT PAGES 147-152), for the information on Dr. Conrad Daum being a "American Board of Forensic Psychiatry Certification in Forensic Psychiatry". So he is a certified forensic psychiatrist, which means his evaluations and expertise is admissible in Federal and/or State Courts. Also now admissible under Virginia Code § 19.2-271.6.

21. The evaluation referenced and cited in paragraphs 17 and 18, prove for a fact that Defendant Brian David Hill suffers from Autism Spectrum Disorder, Obsessive Compulsive disorder, and a psychosis around the time of the charge of Brian David Hill for the alleged claim that Brian David Hill committed indecent exposure and was charged with violating Virginia Code § 18.2-387.

22. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness since he was a child. See **Exhibit 1** (EXHIBIT PAGES 1-3). **Exhibit 1** is the "DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION" with a Doctor's medical certification in the year 2016 that Brian David Hill is permanently limited or impaired, because of his Autism Spectrum Disorder. See **Exhibit 10** (EXHIBIT PAGES 131-137). **Exhibit 10** is the "DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION". This proves to the Circuit Court of the City of Martinsville, that Brian David Hill's claim of being autistic is not merely some new claim and is not some new claim to attempt to make Brian appear to be Autistic, but he is autistic for many years, for decades, well since he was four years old. He is Autistic and has always been Autistic since the age of 4 as documented by the **Exhibit 10** diagnostic report.

Brian David Hill establishes a STATEMENT OF FACT that Brian David Hill has been autistic since childhood, and thus this is a real disorder and he had this disorder in the 1990s even before 2018. This makes this FACT an undeniable FACT. Prima Facie evidence.

23. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness in 2017 as well. See **Exhibit 11** (EXHIBIT PAGES 138-139), Letter from "Dr. Shyam E. Balakrishnan, MD". The DMV record referenced in paragraph 20 and the letter both demonstrate the prima facie evidence that Brian David Hill has Autism Spectrum Disorder and Obsessive Compulsive Disorder.

24. There is an expert witness documented report (a whitepaper) from a Law Enforcement trainer regarding Autism Spectrum Disorder and interactions with Law Enforcement Officers. That would include interactions with people like for example: Commonwealth witness and Police Officer Robert R. Jones, who interacted with Brian David Hill on September 21, 2018, who Brian David Hill had Autism Spectrum Disorder. I submit to the Circuit Court of the City of Martinsville, a relevant and material whitepaper and expert witness testimony, 3-page report from Dennis Debbaudt. The Commonwealth of Virginia and the Circuit Court may contact this expert witness and subpoena him or depose him, expert named Dennis Debbaudt, at the address of 2338 SE Holland Street, Port St. Lucie, Florida 34953. His email is DDPI@flash.net. Phone: (772) 398-9756. The expert witness report applies to Brian David Hill on the situation with his interactions with Officer Robert Jones, the charging Officer on September 21, 2018. The report is titled: "Interview and Interrogation of people with autism (including Asperger syndrome)" This shall be a STATEMENT OF FACT regarding any oral or written statements obtained from Brian David Hill by Officer Robert Jones can be part of his Autism Spectrum Disorder. Brian David Hill warned Officer Robert Jones that he had Autism and can give misleading

statements when questioned. The officer refused to take heed of Brian's advice of his mental disability, of his communications issues, and totally treated it as if it weren't true, despite the medical records proving that Brian had Autism and has Autism. Brian didn't lie to the officer. Officer Jones did not take any of Brian's statements about Autism into account or consideration when charging the Defendant. See **Exhibit 14** (EXHIBIT PAGES 153-164).

25. According to **Exhibit 14** (EXHIBIT PAGES 153-164), a Federal Court Declaration Brian David Hill had filed notifying the U.S. District Court about the incident and his charge which had occurred on September 21, 2018. It is titled: "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018". Six (6) days after his arrest and charge. The reason it was filed on the date of October 17, 2018, was because Defendant had mailed the legal pleading to the wrong address: "324 West Market Street," "Martinsville, Virginia 24112". The mailing got returned to him (RETURN TO SENDER) for no such address and Brian David Hill later realized that he mailed the wrong city and State, and mailed it to the correct address of the Federal Courthouse at 324 West Market Street, Greensboro, North Carolina 27401. The **Exhibit 14** document is his statements about what he personally believed had happened on September 21, 2018, and what led up to it. He even said he thought he was "drugged" and yet the Commonwealth of Virginia never mandated any drug test DESPITE Defendant's claims of being "drugged", and it is their fault, it is the fault of Martinsville Police Department and Martinsville City Jail for not drug testing him when he is making statements in Federal Court, in writing, claiming that he thought he was drugged. Those written statements can be proven. I bet Defendant also told his attorney and/or the Officer and Brian's family during visitation that Defendant thought he was drugged and had blackouts. The Commonwealth never requested any drug test or Carboxyhemoglobin test because they were afraid that it would prove Brian Hill's

statements to be true, referring to any statements he made to Officer Robert Jones when being questioned about why he was naked.

26. This STATEMENT OF FACT shall present evidence that Defendant was deprived of Brady evidence material from the Commonwealth of Virginia in violation of multiple Court Orders, in violation of his Constitutional rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963). Not just deprived of evidence, but evidence was destroyed by the Commonwealth of Virginia. Evidence such as: (#1) body-camera footage recorded by Officer Robert Jones and body-camera footage of any other police officers involved on September 21, 2018, regarding the arrest and interview/interrogation of Brian David Hill on September 21, 2018. Evidence such as: (#2) Blood vials drawn from Brian David Hill's arm at the Hospital after police detained Brian David Hill and handcuffed him and taken him to the Hospital. Technically Defendant was in Law Enforcement custody, in the custody of Martinsville Police Department after he was detained, and was at the Hospital with the officers present with defendant handcuffed. They were responsible for collection of any evidence and preservation of any evidence including biological evidence, concerning a pending criminal case matter before a Court. Biological evidence including blood samples and blood drawn from Defendant after being detained at a creek and had been taken to the Hospital by Martinsville Police and being driven there in an ambulance but still was under police custody. Blood vials were destroyed and laboratory tests which were supposed to be conducted including any drug or alcohol tests were then cancelled and blood vials destroyed. Martinsville Police Department was represented by the Commonwealth of Virginia, and Martinsville Police Department had committed two acts of spoliation of evidence. Therefore, the Commonwealth of Virginia destroyed evidence in violation of Court Orders and therefore, have violated multiple Court Orders which is CONTEMPT OF COURT, multiple times. Not

only has the Commonwealth of Virginia through its counsel Glen Andrew Hall, Esquire, committed the offenses of CONTEMPT OF COURT by omission of the body-camera footage and the blood vials drawn from Brian's arm, but had destroyed evidence and the Circuit Court should sanction Glen Andrew Hall, Esquire for destruction of biological evidence and destruction of video footage by a police body-camera recorded on September 21, 2018 of Brian David Hill.

The Circuit Court should punish Glen Andrew Hall and Martinsville Police department for violating one or multiple Court Orders.

See inherit or implied power and authority of all Courts under Chambers v. Nasco, Inc. (90-256), 501 U.S. 32 (1991); Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 U.S. 238 (1944).

Spoliation of Evidence is considered a FACT, and can be part of the STATEMENT OF FACTS because any spoliation of evidence by the Plaintiff/Prosecutor of a criminal or civil case means that his/her case was a weak or unfounded one from the very beginning no matter what alleged facts are filed of his/her cause.

For purposes of this Motion, "destruction of evidence" means rendering discoverable matter permanently unavailable to the court and the opposing party. Such a broad definition is necessary because of the great many contexts in which courts and commentators have considered destruction of evidence. It has two components: destruction and evidence.

See 2 J. WIGMORE (John Henry Wigmore), EVIDENCES § 278, at 133 James Harmon Chadborn ed., Little, Brown 1979) (1940) (emphasis added). See Federal Rules of Evidence 401.; 32 C.J.S. Evidence § 535 (2008); Evidence—Admissibility of

Attempts by a Party to Suppress Evidence, 9 TEX. L. REV. 79, 100 (1930) (stating that it has “long been recognized” that a party’s misconduct in manipulating evidence is admissible as indicating a “consciousness of the weakness of his case,’” and citing cases from the 1800s that applied the inference to the fabrication, suppression, or destruction of evidence).

See United Medical Supply Company, Inc. v. U.S., No. 03-289C, 8 (Fed. Cl. Jun. 27, 2007) (“"Spoliation is the destruction or significant alteration of evidence, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." West v. Goodyear Tire Rubber Co., 167 F.3d 776, 779 (2d Cir. 1999) (citing Black's Law Dictionary 1401 (6th ed. 1990)); see also Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc., 473 F.3d 450, 457 (2d Cir. 2007). It has long been the rule that spoliators should not benefit from their wrongdoing, as illustrated by "that favourite maxim of the law, omnia presumuntur contra spoliatorem," 1 Sir T. Willes Chitty, et al., Smith's Leading Cases, 404 (13th ed. 1929). Spoliation may result in a variety of sanctions, with "the oldest and most venerable remedy" being an "adverse inference," under which the finder of fact may infer that the destroyed evidence would have been favorable to the opposing side. Jonathan Judge, "Reconsidering Spoliation: Common-Sense Alternatives to the Spoliation Tort," 2001 Wis. L.Rev. 441, 444 (2001); see also Jamie S. Gorelick, Stephen Marzen Lawrence Solum, Destruction of Evidence § 1.3 (1989) (hereinafter "Gorelick").”)

If you catch the other side engaged in falsification including destruction of evidence, you can use that to argue that the other side's entire position lacks merit. And even more fundamentally, judges and juries do not like being tricked. If a judge or jury agrees that your opponent has engaged in falsification—even falsification relating only to one of several issues in the case—it will hold this quite strongly against your opponent and will come to doubt the validity of everything your opponent says and claims.

See 501 U.S. at 56–57; see also Synanon Found., Inc. v. Bernstein, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a "pattern of fraud," and "[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case," this is enough to "completely taint [the party's] entire litigation strategy from the date on which the abuse actually began").

See Some examples are: Breezevale Ltd. v. Dickinson, 879 A.2d 957, 964 (D.C. 2005) (**affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony**); Synanon Found., Inc. v. Bernstein, 503 A.2d 1254, 1263 (D.C. 1986) (**affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court** "that no responsive documents could be found" **in order "to deceive the court, and to improperly influence the court in its decision on the defendants' motions to compel**, with the ultimate aim of **preventing the judicial process from operating in an impartial fashion**"); Cox v.

Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff 's forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); Tramel v. Bass, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (**affirming default judgment against defendant who excised damaging six-second portion of videotape** before producing it during discovery).

FACTS AND ISSUES WARRANTING JUDGMENT OF ACQUITTAL AND/OR SANCTIONS AGAINST GLEN ANDREW HALL, ESQUIRE, AND AGAINST THE COMMONWEALTH OF VIRGINIA

1. The General District Court of Martinsville had entered an Order on the date of November 28, 2018. See **EXHIBIT 5** (EXHIBIT PAGES 112-114) to this filing. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

2. This Circuit Court for the City of Martinsville and the General District Court of the City of Martinsville did not know that the Commonwealth of Virginia and the City of Martinsville, through its legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Orders of November 28, 2018; February 6, 2019; and July 15, 2019. That he did not comply with those Court Orders and fragrantly violated those Court Orders without giving a good reason to justify such action(s).

3. The Circuit Court for the City of Martinsville had entered an Order on the date of February 6, 2019. See **EXHIBIT 6** to this filing (EXHIBIT PAGES 115-118). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

4. The Circuit Court for the City of Martinsville had entered an Order on the date of July 15, 2019. See **EXHIBIT 7** to this filing (EXHIBIT PAGES 119-122). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of blood vials, aka biological evidence obtained from Brian David Hill while at Sovah Hospital on September 21, 2018, while in the custody of Martinsville Police department before being charged with indecent exposure. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

5. Evidence in the Court record attached thereto had proven that the Defendant had repeatedly asked for the police body-camera footage and made statements under Affidavit in the Federal Court and had sent written letters to Martinsville Police Department. All of those letters asked for the Police body-camera footage as was supposed to be to comply with the General District Court's order dated November 28, 2018. See **EXHIBITS 2 (EXHIBIT PAGES 4-27) AND 3 (EXHIBIT PAGES 28-29)**.

6. Scott Ablrecht was too afraid to push for a contempt proceeding against Glen Andrew Hall, Esquire, for failing and refusing to turn over a copy of the Martinsville Police body-camera footage which is relevant non-subjective evidence dated September 21, 2018, and refused or failed to allow inspection or copying of this relevant non-subjective evidence to defense attorney Scott Albrecht. Defendant kept asking for this body-camera footage over and over again. His requests went unanswered and then the body-camera footage was later destroyed as Defendant found out from Attorney Matthew Clark that Martinsville Police Department had a body-camera footage evidence retention period before destroying the evidence. It doesn't matter about the evidence retention period, because the Court Order demanded that this Brady material be turned over to the Defendant and his counsel to have it inspected and make copies for the purpose of legal defense to the criminal prosecution's charge.

7. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as its representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged

with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. When a criminal charge or any litigation is pending, evidence is supposed to be retained and safeguarded until the litigation is concluded and all appeal or appeals exhausted.

8. Martinsville Police Department did retain the body-camera footage at the beginning of when it was recorded as was outlined in a public news article printout titled: "Body Cameras Proving Useful for Martinsville Police | WSET". See **EXHIBIT 2** (EXHIBIT PAGES 4-27) AND **EXHIBIT 8** (EXHIBIT PAGES 123-126).

9. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court may or may not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order and two Circuit Court Orders with all intents and purposes described in this Motion and its attachments/Exhibits herein. This Court still has the power from its inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in **EXHIBIT 5** (EXHIBIT PAGES 112-114) and the other two Court Orders as exhibited herein in Exhibits 5, 6, and 7.

10. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered as an accomplice of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of the General District Court's ("GDC's") and this Court's Order for discovery.

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 5, EXHIBIT PAGES 112-114**):

> 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) [citation omitted]
>
> (3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.
>
> [Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 6, EXHIBIT PAGES 115-118**):

> 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

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 7, EXHIBIT PAGES 119-122**):

> 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

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

11. That order and possibly the other two Court Orders from the Circuit Court said: "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". They did knew about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant or material to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order or Court Courts. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court,

licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

12. See the one Court Order from the General District Court (**Exhibit 5**) (EXHIBIT PAGES 112-114) and the two Court Orders from the Circuit Court requesting Discovery materials from the Commonwealth of Virginia (**Exhibit 6 (EXHIBIT PAGES 115-118), Exhibit 7 (EXHIBIT PAGES 119-122)**) which the Martinsville Police Department did not comply and thus legal counsel Glen Andrew Hall, Esquire for the Commonwealth of Virginia did not comply with all three of the Court Orders.

13. It is clear that the evidence being destroyed is a fragrant non-compliance with the General District Court order dated November 28, 2018 and the Circuit Court orders dated February 6, 2019, and July 15, 2019. Refusing to comply with a Court Order when ordered to do such a thing, whatever the Order says, is usually considered "Contempt of Court" when somebody refuses to comply with such an order. It is also considered defrauding the Court when the destruction of such evidence led to the Guilty verdict against Brian David Hill. Had the evidence not been destroyed, Brian would have had a good chance at winning as evidence inside of the body-camera footage could have been used to point out various things favorable to Brian David Hill's legal innocence to his charge of Indecent Exposure under Virginia Code § 18.2-387. Legal defense to the charge, Legal Innocence, referring to the same matter.

14. All Courts and Judges have the exclusive Constitutional inherit and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue,

a quest to find out the truth on whether a person actually committed a crime or not, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence to be turned over to another party and instead that evidence is destroyed without a good reason, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything. This deteriorates justice to the extent where nobody respects the Court and nobody is respecting its authority and not respect its officers when there is no punishment or sanction against a rebellious non-complying officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys. They have ethical duties as required by the State Bar. They have a higher standard of care regarding their conduct.

15. The City of Martinsville and its Martinsville Police department had destroyed the body-camera footage which is technically termed as: Spoliation. Spoliation is defined as the destruction or a significant or meaningful alteration of evidence.

16. The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case, or acquittal of the Defendant or a favorable decision of the victim party who is a victim from such spoliation of evidence. In determining the appropriate sanction, the trial court is required to consider:

    1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;

2. Whether the prejudice can be cured;

3. The practical importance of the evidence;

4. Whether the spoliator acted in good or bad faith; and

5. The potential for abuse if the evidence was not excluded.

17. As to the first element: The opposing party Defendant Brian David Hill would suffer prejudice because the Court specifically ordered “Any relevant written or recorded statements or confessions made by the Defendant”. The Court demanded this specific evidence from the Commonwealth Attorney regarding the law enforcement officer involved with the Defendant, and they did not comply, they did not comply at all. So this satisfies the first ground. Because the evidence is destroyed and irretrievable, certain specific things in the body-camera footage can never be used to prove Brian David Hill innocent of his charge of indecent exposure. Proof such as discolored lips of suspect: Brian David Hill which would have warranted that Brian David Hill was under some kind of substance, narcotic, or gas that had affected the mental and physical well being of Brian David Hill. The body-camera footage would have contradicted the Affidavit of Sergeant Robert Jones in his original CRIMINAL COMPLAINT with his claim by the affiant that Brian was psychologically and medically cleared. The footage may also have shown Brian's behavior acting a weird or certain abnormal way under certain conditions where a behavioral or psychological expert can disagree with Brian being psychologically and medically cleared which threatens and contradicts the successful prosecution and conviction of Brian David Hill had any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of

discolored lips would be that of “CARBON MONOXIDE POISONING”. It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine

Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies "The practical importance of the evidence". It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is "The potential for abuse if the evidence was not excluded." There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary

insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a "cover up".

18. Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of "Whether the spoliator acted in good or bad faith" and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have

fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

19. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, and he is one of the worst attorneys Brian had ever been prosecuted by besides Assistant U.S. Attorney Anand Prakash Ramaswamy who also destroyed evidence in his Federal Case. This attorney does not want Brian to have any relief or remedy. Many attorneys including private attorneys are scared of Glen Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 for free consultation (as Brian could have had his family operate an online legal fund to help get him a better lawyer) and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even Attorney McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over

again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

20. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials when he was interviewed about his side of the story, that Brian Hill felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation? He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records as admitted in Federal Court Transcript under **Exhibit 4**. He was asked by a Federal licensed Attorney Renorda Pryor if Officer Robert Jones knew that

Brian was diabetic, he said “no”. He was asked Officer Robert Jones if he knew that Brian had Obsessive Compulsive Disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find or demand retention of these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in compelling Brian David Hill to pay legal fees out of his judgment proof SSI disability money, to commit an unlawful act of demanding federally protected money which is extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed. It isn’t constitutional to financially put somebody in debt over simply fighting for their Constitutional rights, it impedes a poor person’s right to fight for Constitutional rights under the Due Process Clause.

21. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the

charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

22. It is quite clear that the General District Court or the Circuit Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order and Scott Albrecht seemed like he didn't fight for retrieving the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed that would benefit the Defendant in proving his innocence. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time. Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody

could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily. CO gas can make somebody hallucinate and have a psychosis.

EXHIBITS LIST

EXHIBIT #	PAGE #	DESCRIPTION
EXHIBIT 1	1-3	DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION
EXHIBIT 2	4-27	Copy of pro se motion for discovery with proof that Police Chief G. E. Cassady was mailed letters requesting police body-camera footage
EXHIBIT 3	28-29	One page excerpt of Document #163, Filed 12/12/18, Page 4 of 6, one page of Federal Court Affidavit/Declaration or written filing, Document #163. Case #1:13-cr-435-1.
EXHIBIT 4	30-111	FEDERAL COURT TRANSCRIPT of Supervised Release Violating hearing regarding the criminal charge of September 21, 2018, in General District Court. Officer Robert Jones of Martinsville Police Department had testified and thus is relevant to this MOTION.
EXHIBIT 5	112-114	COURT ORDER – GENERAL DISTRICT COURT

EXHIBIT 6	115-118	COURT ORDER – CIRCUIT COURT
EXHIBIT 7	119-122	COURT ORDER – CIRCUIT COURT
EXHIBIT 8	123-126	Article: Body Cameras Proving Useful for Martinsville Police; Wednesday, May 1st 2013; WSET/ABC13 NEWS
EXHIBIT 9	127-130	Interview and Interrogation of people with autism (including Asperger syndrome) By Dennis Debbaudt - EXPERT WITNESS
EXHIBIT 10	131-137	"DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION"
EXHIBIT 11	138-139	Letter from "Dr. Shyam E. Balakrishnan, MD".
EXHIBIT 12	140-146	PSYCHIATRIC EVALUATION from Dr. Conrad Daum in October, 2018
EXHIBIT 13	147-152	Information about Dr. Conrad Daum being a certified Forensic Psychiatrist
EXHIBIT 14	153-164	Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Pages 1 through 11; DECLARATION/AFFIDAVIT OF BRIAN DAVID HILL regarding what happened on September 21, 2018

It is clear that Glen Andrew Hall did not comply and former Attorney Scott Albrecht did not attempt to enforce the (#1) General District Court Order on November 28, 2018; (#2) Circuit Court Order on February 6, 2019, and (#3) Circuit Court Order on July 15, 2019. Glen Andrew Hall and Martinsville Police Department (client of the Commonwealth of Virginia who represents the Local Law Enforcement) did not comply with the **EXHIBIT 5 (EXHIBIT PAGES 112-114), EXHIBIT 6 (EXHIBIT PAGES 115-118), AND EXHIBIT 7 (EXHIBIT PAGES 119-122)** Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019. Defendant requests that this Court hold Glen Andrew Hall, Esquire in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against him for spoliation of evidence requested from the Orders for Discovery Materials and allow further evidence to be shown and developed regarding such spoliation. Defendant is ready for showing the evidence of written correspondence and certified mail ever mailed, it is long overdue. Defendant is ready to demonstrate that Glen Andrew Hall should be held in contempt of court and recommendations to the Virginia State Bar for him to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he was completely responsible for not enforcing those Court Orders ordered by the Court, and thus he is also presumed to be an accomplice to this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be possibly sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS proving that Brian David Hill had Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive disorder at the time or around the time of his arrest on

September 21, 2018, and is relevant and/or material to the criminal charge against the Defendant.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS showing that there was spoliation of evidence in violation of three Court Orders. One from the General District Court and the other two by the Circuit Court. Spoliation of evidence is proof that the case in chief by the Commonwealth of Virginia is a weak or unfounded one, that to his consciousness he rather win his case by any means necessary rather than play by the rules. He rather win than play fair. He should lose his case in chief for the destruction of evidence. Defendant has been up front and even if sometimes ranting or giving his opinion to the Commonwealth Attorney, he was upfront and honest about what had happened on September 21, 2018. He did the best he could to try to get the truth to be in the light in his criminal case. The Commonwealth Attorney Glen Andrew Hall made grave errors in the General District Court and Circuit Court. Spoliation of evidence including blood vials which is biological human evidence, it should be favorable to Brian David Hill the Defendant in this case, as further FACT of his ACTUAL INNOCENCE. Innocent men and women don't destroy evidence. That is a fact. Glen Andrew Hall and Martinsville Police Department both ignored Brian's letters asking Police Chief G. E. Cassady for the body-camera footage. It doesn't matter that they can ignore his pro se letters because Brian had an appointed lawyer. It doesn't matter because the COURT ORDERED the evidence and things like the body-camera footage or videos to be disclosed to the defense counsel. So they have violated the Court Orders, they cannot make the excuse that ignoring Brian Hill's letters to the Police Chief asking for the body-camera footage was rightful due to him having a lawyer when the Courts have ordered such evidence be retained or turned over to the defense lawyer or defense team. Therefore, Glen Andrew Hall has knowingly destroyed evidence and refused to turn over the body-camera footage as requested in Brian's letters to the Police Chief and as asked by Court Orders. Again, See **Exhibits 2 and 3**.

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding (after an evidentiary hearing) that Glen Andrew Hall, Esquire were in Contempt of Court for spoliation of evidence and refusal to turn over evidence to Defendant or his Legal Counsel as to the Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019;
2. That the Circuit Court consider a sanction or sanctions against Glen Andrew Hall by entering Judgment of Acquittal and acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the multiple Court Orders destroying evidence which would have led to the automatic acquittal of Brian David Hill whether in Martinsville's General District Court or in Trial De Novo in the Circuit Court for the City of Martinsville;
3. That the Circuit Court consider vacatur of the wrongful conviction dated November 18, 2019, and consider dismissing this case against Brian David Hill with prejudice as the damage of spoliation can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the Circuit Court consider the newly admissible evidence of Brian David Hill's diagnoses of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder in regards to the INTENT element of the charge against Defendant to further consider that Brian David Hill is innocent of his charge which was filed on September 21, 2018;
5. That the Circuit Court consider filing a declaration or judgment of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whichever is proper;

6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This the 20th day of January, 2022.

Brian D. Hill
Signed
Brian D. Hill

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

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 20th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: apritchett@vacourts.gov

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

Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill
Signed
Brian D. Hill

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

EXHIBIT 1
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

www.dmvNow.com
Virginia Department of Motor Vehicles
Post Office Box 27412
Richmond, Virginia 23269-0001

MED 10 (02/17/2011)

DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

Purpose: Use this form to apply for a disabled parking placard or disabled parking license plates.

Instructions: Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a $5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY
(Disabled parking placard hangs from the rearview mirror.)

CHECK ONE

PERMANENT (5 years)	PERMANENT REPLACEMENT (5 years)	TEMPORARY (up to 6 months)	TEMPORARY REPLACEMENT
☑ Original (medical professional certification required)	☐ Lost ☐ Stolen	☐ Original	☐ Lost ☐ Stolen
☐ Renewal (No medical professional certification required.)	☐ Destroyed ☐ Mutilated		☐ Destroyed ☐ Mutilated
	☐ Reissue		☐ Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY

ORIGINAL PLATES	DUPLICATE	REISSUE	
☐ Complete and submit form VSA 10	☐ Lost ☐ Destroyed	☐ Unreadable (License plate letters or numbers unclear) ☐ Never received license plates	☐ Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.

VEHICLE IDENTIFICATION NUMBER (VIN) | TITLE NUMBER

☐ I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.

APPLICANT INFORMATION

FULL LEGAL NAME (last)	(first)	(middle)	(suffix)	DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER
HILL	BRIAN	David		[redacted]

CURRENT RESIDENCE ADDRESS	☑ Check here if this is a new address.	CITY	STATE	ZIP CODE
310 Forest St., Apt. 2		Martinsville	VA	24112

CITY OR COUNTY OF RESIDENCE	DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER
Martinsville	(276) 790-3505

MAILING ADDRESS (if different from above)	CITY	STATE	ZIP CODE

BIRTH DATE (mm/dd/yyyy)	GENDER	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	☐ MALE ☐ FEMALE			FT IN	LBS

APPLICANT CERTIFICATION

I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to $1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): ☐ Temporary ☑ Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.

I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.

I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

APPLICANT SIGNATURE	DATE (mm/dd/yyyy)
Brian D. Hill Signed	08/18/2016

MED 10 (02/17/2011)
page 2

LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION

(This section does not have to be completed to renew permanent placards.)

☒ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

☐ Cannot walk 200 feet without stopping to rest.

☐ Uses portable oxygen.

☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.

☐ Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

☐ Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

☐ Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.

☒ Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.

☐ Has been diagnosed with Alzheimer's disease or another form of dementia.

☐ Is legally blind or deaf.

☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME	OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
SHYAM BALAKRISHNAN	(276) 670 3300	(276) 634-0362

LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)
MD	[redacted]	VA	[redacted]

MEDICAL PROFESSIONAL SIGNATURE	DATE (mm/dd/yyyy)
[redacted]	8/3/16

LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION

(This section does not have to be completed to renew permanent placards.)

☐ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

☐ Cannot walk 200 feet without stopping to rest.

☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.

☐ Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.

☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME	OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
	( )	( )

LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

MEDICAL PROFESSIONAL SIGNATURE	DATE (mm/dd/yyyy)

DMV USE ONLY

PLATE/PLACARD NUMBER	PLACARD EXPIRATION DATE (mm/dd/yyyy)	EMPLOYEE STAMP

CUSTOMER CREDIT CARD NUMBER	CREDIT CARD EXPIRATION DATE (mm/yy)	FEE COLLECTED

EXHIBIT 2
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

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 for Discovery

Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of Brady v. Maryland, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill ("Brian", "Hill") would like to request that the Commonwealth Attorney ("CA") be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of "indecent exposure" as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department ("CC: Commonwealth Attorney") through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1) 2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2) Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3) 1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. **Total of 3-pages.**

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.

ANALYSIS:

From the Virginia Supreme Court rules document:

"*The parties have a duty to seasonably supplement and amend discovery responses*

pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel."

Since Defendant has sent two letters with "CC: Commonwealth Attorney, Case no. C18-3138," and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and "CC: Commonwealth Attorney".

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to DefensE Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26th day of July, 2019.

Signed, Brian D. Hill
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com
Qanon
Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com
Qanon
Brian D. Hill asks President Donald John Trump and QANON for help.

Exhibit 1

USWGO
QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN

Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Mailing Log 2019 U.S.W.G.O.

Brian David Hill
#29947-057

Federal Correctional Institution 1, Butner, N.C.
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

#1	4pg	Jason McMurray, Western Dist. of Virginia, U.S. Probation Office, 210 Franklin RD SW, Roanoke, VA 24011 01/25/2019
#2	4pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/28/2019
#3	10pg	Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206, US 01/28/2019
#4	2pg	Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019
#5	5pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/31/2019
#6	1pg	Law Office of Marcia G. Shein (Attorney), Marcia G Shein, 2392 N Decatur RD, Decatur, GA 30033 US 02/01/2019
#7	1pg	Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016 US 02/04/2019
#8	4pg	ATTN: National Security Council, The White House, Exe. Office of President, 1600 Pennsylvania Ave, NW, National Security Council, Washington, DC 20005 US 02/04/2019 Letter Feb. 3 2019.
#9	3pg	Clerk Of The Court, 210 Franklin RD SW, U.S. District Court, Roanoke, VA 24011, US 02/06/2019
#10	1pg	Office Of The Clerk, Middle Dist Northcarolina, 324 W Market St, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US 02/07/2019
#11	5pg	ATTN: National Security Council. Same mailing address as #8 02/14/2019

#1. 2-page letter to U.S. Probation Officer Jason McMurray. Copy of 1-page letter to Chief of Police dated January 19th, 2019 and Copy of 1-page letter to Chief of Police dated January 20th, 2019.
#2. 4-page letter to Alexandria Veletsis dated January 26, 2019.

#3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019
#4. Copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
#5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maldoff delivered 5:35PM January 30, 2019
Certified mail tracking number: 7018 1130 0000 8936 6290
#6. 1-page letter to Attorney Marcia G Shein dated February 1, 2019.
#7. 1-page letter to Attorney Alan Ellis dated February 1, 2019
#8. 4-page letter to the National Security Council dated February 3 2019.
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
#9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6 2019.
#10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
#11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

Exhibit 2

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Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,
CC: Commonwealth Attorney, Case no. C18-3138,
55 West Church Street,
Municipal Building,
Martinsville, VA 24112, Martinsville Circuit Court case
Discovery Request

Under Virginia Code in regards to discovery requirements for misdameanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S, Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September [redacted] 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill
Signed

Dated January 19, 2019.

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records.

Brian David Hill #29947-057
Federal Correctional Institution 1
Old NC Hwy 75; P.O. Box 1000
Butner, N.C. 27509
JusticeForUSWGO.wordpress.com
U.S.W.G.O.

Brian David Hill #29947-057

Name: Number:
Federal Correctional Institution 1
P.O. Box 1000
Butner, NC 27509

Chief of Police

⇔29947-057⇔
Police Of Martinsville
Martinsville VA Police
55 W Church ST
Municipal Building
Martinsville, VA 24112
United States

USA FOREVER

LEGAL MAIL

Exhibit 3

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Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

FCI 1, Butner, N.C,
Brian David Hill #29947-057

Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057
Federal Correctional Institution 1, Butner, N.C.

#1	1pg	↔29947-057↔ Federal Building, 324 W Market ST Suite 1, Greensboro, NC 27401-2513 US ~~01/11/2019~~ Clerk of the Court ~~01-26-2019~~ 01-14-2019
#2	2pg	Hon Ashby Pritchett, Clerk of the Court PO Box 1206, Martinsville Circuit CRT, Martinsville, VA 1206, US 01/14/2019
#3	2pg	Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US - ~~01/15/2019~~ 01/18/2019
#4	2±pg	Clerk of the Court, U.S. District Court, Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/18/2019
#5	2pg	Office of VA Attorney General, 202 N 9TH ST Virginia Attorney General, Richmond, VA 23219 US 01/17/2019-7018-1130-0000-8936-6214 Certified
#6	2pg	Administra Office Of Us Courts, Admin. Office of US Courts, 1 Columbus CIR NE Probation Oversight Branch, Washington, DC 20002, US [Urgent] 01/17/2019
#7	4pg	Clerk of the Court, 210 Franklin Rd SW, U.S. District Court, Roanoke, VA 24011, US 01/18/2019
#8	4pg	Chief of Police, Police of Martinsville, 55 W Church ST, Municipal Building, Martinsville, VA 24112, US 01/22/2019
#9	4pg	Us Federal Courthouse, Hon. Judge Joe Webster, Magistrate, 323 E Chapel Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019
#10	4pg	Anand P Ramaswamy, AUSA, United States Attorney, 101 S Edgeworth ST 4th Floor, Greensboro, NC 27401 US 01/24/2019
#11	2pg	Attorney, Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114, US 01/24/2019

Exhibit 4

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509
JusticeForUSWGO,wordpress.com USWGO

(Letter 1)

January 20, 2019 **(Typed letter March 13, 2019)**

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:
276-790-3505, 276-224-7373
Kenneth Forinash, U.S.A.F:
276-632-2599, 276-224-4527

Brian David Hill #29947-057
Federal Correctional Institution
Old NC Hwy 75; PO Box 1000
Butner, NC 27509

Copy of note mailed with letter dated January 19, 2019

Chief of Police and Commonwealth Attorney in Martinsville, VA,

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.

Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.

Brian, We are also sending a copy of the 3 page disabled parking placard with your disability (autism) & your name & address with this letter to Chief of Police

Exhibit 5

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Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

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Search Site

Tip: To quickly find your search term on this page, press **Ctrl+F** or ⌘-F (Mac) and use the find bar.

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

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

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin
~~CLERK~~ DEPUTY CLERK

EXHIBIT 3
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism. I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R.D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth. When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(2.) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

4

EXHIBIT 4
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	CASE NO. 1:13CR435-1
)	
vs.)	
)	Winston-Salem, North Carolina
BRIAN DAVID HILL)	September 12, 2019
_____	3:37 p.m.

TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**
BEFORE THE HONORABLE THOMAS D. SCHROEDER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ANAND RAMASWAMY, AUSA
Office of the U.S. Attorney
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401

For the Defendant: RENORDA E. PRYOR, ESQ
Herring Law Center
1821 Hillandale Road, Suite 1B-220
Durham, North Carolina

Court Reporter: BRIANA L. BELL, RPR
Official Court Reporter
P.O. Box 20991
Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.
Transcript produced by computer-aided transcription.G1

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EXHIBITS

P R O C E E D I N G S

(The Defendant was present.)

THE COURT: All right. Mr. Ramaswamy, good afternoon, sir.

MR. RAMASWAMY: Good afternoon, Your Honor. The Government calls for hearing on a supervised release violation United States versus Brian David Hill in 1:13CR435-1, represented by Ms. Pryor.

MS. PRYOR: Good afternoon, Your Honor.

THE COURT: Good afternoon, Ms. Pryor. How are you?

MS. PRYOR: I'm wonderful, Your Honor. Thank you.

THE COURT: Mr. Hill, good afternoon to you.

Mr. Alligood and Mr. McMurray are here from the Western District of Virginia, welcome, here on behalf of Probation.

We're here today because the petition and the supplemental report allege that Mr. Hill violated the terms of supervision.

Did you receive a copy of the petition and the supplement?

MS. PRYOR: We did, Your Honor.

THE COURT: Have you reviewed those with your client?

MS. PRYOR: I have, Your Honor. And Mr. Hill is actually requesting a continuance of this matter today, Your Honor. I believe it was -- I won't said filed because we don't

have an actual clerk's office here, but I think he did provide it on I believe the 8th floor, Your Honor, and because of the time that he drafted it, it seems like last night, he didn't have an opportunity to file it. So he did provide it to me, a copy, today.

He's asking for a continuance because his matter in state court was actually -- his appeal hearing was continued to December 2. It was in order -- the first hearing that he had, I believe he -- his attorney was released from that. He has a new attorney in state court, and so they continued it out to December 2.

And so Mr. Hill is asking, based on his rights here, that he would like for his hearing to be heard -- in Martinsville, Virginia, to be heard before this hearing today.

THE COURT: So explain to me exactly what is set for hearing in Virginia.

MS. PRYOR: So, Your Honor, he was found guilty of indecent exposure in Martinsville, Virginia. He appealed that matter. That matter was scheduled for --

THE COURT: Let me stop you.

MS. PRYOR: I apologize, yes.

THE COURT: So he's found guilty in the trial court?

MS. PRYOR: He was found guilty at trial, yes, Your Honor.

THE COURT: So he's appealed it to whom?

MS. PRYOR: He's appealed it to their -- which would be their next level, which would be their superior court. In that case, when he went to court on -- I think that was two weeks ago, they continued that matter to December 2 to be heard at that time, and he now has a new attorney.

THE COURT: And what's the nature of that appeal?

MS. PRYOR: It is the underlining matters that are here on this case.

THE COURT: I understand. Is it a de novo review, or is it an appeal?

MS. PRYOR: It would be a de novo review, Your Honor.

THE COURT: All right. What was he found guilty of?

MS. PRYOR: He was found guilty of the charges that he's here for today, Your Honor, which was in violation of indecent exposure. I think it's 137 -- I think it's 20-137, which is indecent exposure. It is a misdemeanor, Your Honor.

THE COURT: According to the petition, it's Virginia Code 18.2-387.

MS. PRYOR: I apologize, Your Honor. That's correct.

THE COURT: All right. Okay. Anything else on that?

MS. PRYOR: That's it, Your Honor. And then, of course, you know, Your Honor, if you would not continue it, we're prepared to proceed.

THE COURT: Well, I've also reviewed apparently today a pro se emergency notice of interlocutory appeal. Are you

aware of that?

MS. PRYOR: That's what I actually have, Your Honor, and I was referencing it as a continuance. Your Honor, I did receive that. I believe it might be couched in the wrong -- in what he's requesting. So, Your Honor --

THE COURT: This one says he's appealing to the Fourth Circuit; is that not right?

MS. PRYOR: That is correct, Your Honor.

THE COURT: What he's appealing?

MS. PRYOR: Your Honor, he is appealing --

THE COURT: I haven't ruled yet.

MS. PRYOR: I know, Your Honor.

THE COURT: Okay. All right.

Mr. Ramaswamy?

MR. RAMASWAMY: As to this -- addressing this motion --

THE COURT: Which "this"?

MR. RAMASWAMY: I'm sorry. There's no file number on it, but the petition for notice of interlocutory appeal, it would appear to the Government he's appealing Document 183, that's in the second paragraph, which is the Court's order on the motion to continue. That was a motion to continue by the defense, which the Court granted and the Government didn't oppose. So it would appear Mr. Hill's attempting pro se to appeal an order that was in the Defendant's favor.

THE COURT: Hold on just a minute.

(Pause in the proceedings.)

THE COURT: Okay. What's your position on the other motion? They want to continue this because he's appealing Virginia -- the court's -- the trial court's determination.

MR. RAMASWAMY: I don't believe there is a motion -- unless it's one made orally, there is a motion to continue.

THE COURT: Do I have a written one?

MS. PRYOR: You do not have a written one, Your Honor. That was an oral motion just now, Your Honor. That's correct.

THE COURT: What's your view on that?

MR. RAMASWAMY: We would oppose, Your Honor. The officer is here under subpoena. The Defendant is here. The supervising officer is also here from Martinsville, Virginia.

THE COURT: Let me ask a question. When did the court in Virginia rule?

MS. PRYOR: Your Honor, do you mind if I get a second just to ask that question?

THE COURT: That's fine. I am going to want to know when he took the appeal, too.

MS. PRYOR: Okay. Yes, Your Honor.

(Ms. Pryor conferred with the Defendant.)

MS. PRYOR: I apologize. Thank you, Your Honor.

Your Honor, he actually was found guilty on

December 21 of 2019. He filed a pro se appeal on December 21, but it was mailed, so they did not have it couched as a pro se appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I apologize.

THE COURT: Okay. And then when was that scheduled for hearing?

MS. PRYOR: Well, Your Honor, when he did have the first hearing, they then -- he, of course --

THE COURT: When was the appeal scheduled to be heard, the original?

MS. PRYOR: Oh, the original, it was not scheduled until May and then -- that's only because he went off -- and I know that's probably longer than what you are asking me for, but they sent him to Butner for competency. He came back in May. They did couch the first hearing for May, and then they continued that one because he released that attorney. And then in July, he had a hearing, which is the one that you gave us permission to continue to this date for that hearing, but then that hearing was then rescheduled. He has another attorney who is going to be handling that hearing on December 2.

THE COURT: Okay. Well, the motion is denned. The standard before this Court on a potential revocation of a petition is a preponderance standard, which is a different standard. So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not

necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof. So it is also a late-blooming motion, so on timeliness grounds as well, I am going to deny the motion.

MS. PRYOR: Thank you, Your Honor.

THE COURT: All right. I read this emergency petitioner's notice of interlocutory appeal. To the extent that's even pending before me, it's not an impediment to my moving forward. He's purporting to appeal an order that, as the Government says, was one I granted in his favor, extending him more time to proceed. So he's not been harmed by that order, but, in any event, it's interlocutory.

So are you prepared to proceed?

MS. PRYOR: Yes, sir.

THE COURT: Did you say you reviewed the petition and the supplement with your client?

MS. PRYOR: I did review it with him, yes, Your Honor.

THE COURT: Do you have access to his original presentence report?

MS. PRYOR: I do, Your Honor.

THE COURT: And are you confident that he understands the charges pending against him?

MS. PRYOR: I am confident that he understands the charges that are here today.

THE COURT: All right. Mr. Hill, I need to speak with you for a moment, if you would stand, please, sir.

How are you this afternoon?

THE DEFENDANT: I'm all right.

THE COURT: Good. Did you receive a copy of the petition and supplement?

THE DEFENDANT: I did.

THE COURT: Did you review those with Ms. Pryor?

THE DEFENDANT: Yes.

THE COURT: Do you understand the charge against you?

THE DEFENDANT: I am.

THE COURT: You may have a seat, sir.

The allegation in the petition is that Mr. Hill was arrested by the Martinsville, Virginia Police Department for a misdemeanor indecent exposure on September 21, 2018. He reportedly was running around a public park nude at the time.

Does the Defendant admit or deny this allegation?

MS. PRYOR: He denies, Your Honor.

THE COURT: All right. Is the Government prepared to proceed?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: All right. You may call your witnesses.

MR. RAMASWAMY: Thank you. The Government would call Robert Jones.

SERGEANT ROBERT JONES, GOVERNMENT'S WITNESS, being first duly

sworn, testified as follows at 3:48 p.m.:

THE COURT: Before you begin, give me a chance to look at one thing.

MS. PRYOR: Your Honor, may I have just one moment with my client?

THE COURT: Yes, you may.

(Ms. Pryor conferred with the Defendant.)

THE COURT: Okay. I was just confirming that it's Docket Entry 176, that the U.S. Court for the Western District of Virginia in Roanoke did, in fact, find Mr. Hill to be competent. That appears to be the case.

MS. PRYOR: That is correct, Your Honor.

THE COURT: Thank you. All right.

Mr. Ramaswamy, you may proceed, sir.

DIRECT EXAMINATION

BY MR. RAMASWAMY

Q Would you state your name and occupation for the record, please.

A Robert Jones, patrol sergeant in the Martinsville City Police Department.

Q How long have you been with the Martinsville PD?

A Just over 17 and a half years.

Q And were you on duty on September 21st of last year?

A I was.

Q And what were your duties on that date?

A I was the supervisor for the patrol shift that evening.
Q Did you receive a call from dispatch that evening?
A We did.
Q What was that call in reference to?
A Radio traffic came across as a male subject with no clothes on running down the side of the street at Hooker Street near the Henry County Public Safety building.
Q And what did you do in response to that call?
A Several of the officers that work for me went to that area and were trying to locate that individual. I came from another part of the town. As I came across, they were not having any luck locating him. I went to an area of Pine Street. At the dead end section of that, there is a set of steps that go onto the walking trail that connects where the individual was first seen to where I was coming from.
Q You mentioned Hooker Street was the original place of the report; correct?
A Correct. It's Hooker Street and Church Street there at Burger King. It's an intersection right there at that area.
Q You mentioned the walking trail. What's the name of that trail?
A It is the Dick and Willie Trail.
Q And do you know approximately how long that trail is?
A It's several miles long.
Q And in reference to Martinsville, where does it go in

reference -- is it remote or is it residential or a mixture?
A A mixture.
Q I believe you said you went to a set of steps near Pine Street; is that correct?
A Yes, sir.
Q Would you tell the Court what happened next?
A I went down the steps around the edge of the intersection there where the trail splits off back towards the direction where the individual had been seen. As I was coming up the trail, I could hear footsteps coming towards me; at which point, I stopped to see if the individual would come closer to me before I made contact.
Q On that trail, is that trail open at night?
A It is.
Q Is it a park?
A It's a walking trail that goes from the county through the city back out into the county.
Q And you said you heard the footsteps before you saw someone?
A Correct.
Q Did you eventually see someone?
A I did.
Q Did you see him -- did you have a flashlight?
A I did.
Q Did you see him by your flashlight or by other light?

A By my flashlight.
Q And do you see the person that you saw that night?
A I do.
Q And is he in the courtroom?
A He is. It's the Defendant sitting at the table with his attorney.
Q Mr. Hill?
A Correct.
Q Describe Mr. Hill when you saw him.
A When I shined my light on Mr. Hill, he was completely naked other than a backpack, his tennis shoes and socks, and a stocking cap.
Q How far away was he when you first saw him?
A About the length of the courtroom.
Q And when you -- after you saw him, what did you do?
A I yelled at him to stop. When I shined my flashlight on him, he took off, which would have been where I was facing to my left into the wood line and down the hill into the creek.
Q Did you see him holding anything?
A He did. He had a yellow flashlight in his hand and then also another black object, which was later found to be another flashlight in his other hand.
Q I'm sorry. After he ran down the hill and into the wooded area, did you pursue?
A I did.

Q Describe that for the Court, please.
A We run through the brush, through the thicket down into the creek; at which point, he jumped over a log into the creek.
Q Was he still holding the objects?
A One of the objects had fell. The small black flashlight had fallen. That was picked up by one of the other officers that came to assist me.
Q And what did you do next?
A He was handcuffed at that point and was walked out of the wooded area back to the patrol cars that met us at -- off of Hooker Street on one of the side streets.
Q You mentioned two flashlights in a backpack. Did he have anything else with him?
A Yes, there was -- in his backpack was located a camera.
Q Did Mr. Hill make any statements to you at that time?
A He was complaining of knee pain; at which point, we transported him to the hospital to get him checked out to make sure he was okay. While there, he proceeded to explain to me that the reason he was out there like that was because a male subject -- a black male in a hoodie had threatened him and forced him to take pictures of himself.
Q What -- did he gave any more detail than that, a black male in a hoodie forced him to take photos?
A He did. He said that the male subject threatened him and his family and told him that he needed to take these photos of

himself naked; otherwise, they were going to hurt his family.
Q Did he make any statement as to whether or not this person knew his family?
A When questioning him if the male subject was with him when he took the photos and stuff that were on the camera, he stated he was not with him. And when questioned about that and why he didn't come to see us and asked him -- he proceeded to explain to us that this subject was working for law enforcement and other individuals in reference to his prior charges.
Q So it was a story that his original child pornography charge -- that this unknown person was somehow affiliated with that charge?
A Correct.
Q What did he say about the camera itself?
A He said that the -- originally said that the male subject had given him the camera to go take the photos. I had seized the camera during this time. A search warrant was issued for it, and on the camera card -- on the SD card inside the camera was a Word document that belonged to Mr. Hill.
Q Were there other things on the camera card?
A Photos from that evening.
Q Did he say what he was supposed to do with the camera after he took these pictures?
A He did. He was supposed to leave it on one of the benches on the walking trail.

Q Now, did you obtain a search warrant for the contents of the camera?
A I did.
Q And did you later find the photographs and document you mentioned on the camera?
A Correct.
MR. RAMASWAMY: May I approach?
THE COURT: Yes.
BY MR. RAMASWAMY
Q Officer Jones, I'm going to show what's marked as Government's Exhibit 1, which is a two-page exhibit, a contact sheet. Do you recognize what's on Government's Exhibit 1?
A Yes. These are thumbnails of the photos that were found on that card.
Q I'm going to ask you to look at Government's Exhibit 1, and on the photographs themselves, does there appear to be a time/date stamp?
A It is.
Q Is that time/date stamp consistent with the day that the incident occurred?
A It is.
Q And also below each photograph is some text that begins with the word "Sanyo," and the first one at the top left of Government's Exhibit 1 says sanyo001.jpg. Do you know what that is?

A That's the -- normally, that's the stamp that the camera puts onto the card for the photo that's stored on it.
Q So that's the file name for each of the photographic files on the camera?
A Correct.
Q Is what's shown in Government's Exhibit 1 all of the photographs found on Mr. Hill's camera?
A Yes.
Q And I know there are --

MR. RAMASWAMY: I would ask that Government's Exhibit 1 be admitted, Your Honor.

MS. PRYOR: Your Honor, we have no objection. Just ask that it be sealed because of the nature of it.

THE COURT: All right. It's admitted.

BY MR. RAMASWAMY

Q I'm going to ask you about Government's Exhibit 1 in relation to this trail, the Dick and Willie Passage. In your further investigation or knowledge, were you able to determine whether these photographs were taken in reference to that trail?
A Further investigation from the initial incident, it looks like all of these were taking place at the Greene Company right behind the Mexican restaurant right in that area, Virginia Avenue, Memorial Boulevard, and Commonwealth Boulevard.
Q What type of area is that?

A It's the Wal-Mart -- it's our Wal-Mart intersection. There's several restaurants, a gas station right here in this little area, along with a hotel there as well.
Q In terms of Martinsville, or Henry County, is it -- how would you describe it in terms of car traffic? Foot traffic?
A Heavy traffic.
THE COURT: Any objection to sealing these, given the nature of them?
MR. RAMASWAMY: I don't have any objection.
MS. PRYOR: Thank you.
THE COURT: I'll order that they be sealed, that is, Government's Exhibit 1.
BY MR. RAMASWAMY
Q It's Detective Jones; correct?
A Sergeant Jones.
Q I'm sorry.
A No problem.
Q Sergeant Jones, I'm going to show what's marked as Government's Exhibit 2. Do you recognize Government's Exhibit 2?
A Yes, sir.
Q In Government's Exhibit 2 is a map, arrows, and some text. Have you previously reviewed this in relation to the photographs and file names?
A Yes, sir.

Q And as it describes in numbered sequence one through five, does that accurately show, as to the files in Government's Exhibit 1, the locations where those photographs were taken?
A Yes, sir. These are consistent with the photographs.
Q Those photographs I mentioned before have a time stamp; correct?
A Correct.
Q And for the record, on Government's Exhibit 2, on the first number there, under No. 1, when do the photographs begin, as far as the time stamp?
A At 12:29 a.m.
Q Sergeant Jones, I'm showing you what's marked as Government's Exhibit 3, and I want you in reference to -- what does Government's Exhibit 3 show?
A This is photographs of the Greene Company from Virginia Avenue over the bridge, along with the beginning of the walking trail there for parking, the bike rack, and the little bulletin board there at the beginning of the trail.
Q You mentioned that bike rack and bulletin board. That's approximately in the center of the large photograph; correct?
A Correct.
Q And the bike rack is that the green --
A Just the little -- right beside the green trash can and bulletin board.
Q Do you see those same -- that bulletin board and bike rack

and trash can in Government's Exhibit 1, in those photographs?
A Yes.
Q And I'll show you what's marked Government's Exhibit 4. Again, another large photograph in the daytime -- taken in the daytime. Do you recognize that?
A Yes, sir. That is the backside of the Greene Company and their parking lot, along with the Taco Bell old truck -- transfer truck that they have there.
Q That says Taco Bell?
A Minus a few letters.
Q Okay. On the second page of Government's Exhibit 1, is there are also a Taco Bell truck with the B and final L missing from Bell?
A Correct.
Q Is that what you were able to determine was the location of the photographs shown on the back -- the second page of Government's Exhibit 1?
A Yes, sir.
Q I'll show you what's marked Government's Exhibit 4 -- Government's Exhibit 5. Would you tell us what's shown in that photograph?
A That is the intersection for the Commonwealth, Virginia Avenue, Memorial Boulevard intersection.
Q And that's a photograph taken in the daytime; correct?
A Correct.

Q Now, in relation to Martinsville, Henry County -- well, strike that.

Is that the same intersection that has the Wal-Mart on the one side and other businesses on the other?

A Correct.

Q In relation to Martinsville and Henry County, how busy of an intersection is that? Is it a -- it's in the top?

A It's one of our busiest intersections for that area.

Q I am going to show you a photograph marked Government's Exhibit 6.

MR. RAMASWAMY: And I have no objection if counsel moves to seal this one as well, Your Honor.

MS. PRYOR: That would be my request, Your Honor.

THE COURT: All right. It's granted.

BY MR. RAMASWAMY

Q I have some questions related to Government's Exhibit 6. What is shown in that exhibit?

A This is the grassy section just up from the intersection behind the gas station. The Wal-Mart intersection is here with the stoplights. The signs for all the stores down there in the strip mall just below Wal-Mart is here in the smaller, lower right-hand corner.

Q And you're pointing to the lower right-hand corner of Government's Exhibit 6. Is there also a yellow sign with a semicircular top about in the center near the bottom?

A Yes, sir.
Q What business is that?
A That's one of the businesses right here on the main strip. I think it's a Midas or Monro, something to that effect, and then Hill Chiropractic is right there as well.
Q Is that a tire store?
A Correct.
Q And is that visible? Is this intersection visible in Government's Exhibit 5?
A Yes, sir. It's right here.
Q And you're pointing to -- in Government's Exhibit 5, on the right, you're pointing to where there's a Lowe's sign, in between the Lowe's and the Wal-Mart?
A Right. The Hill Chiropractic sign is here just at the stoplight, the Monro Muffler shop is here, and the Wal-Mart intersection is all right there together.

MS. PRYOR: Your Honor, do you mind if I move closer just so I can see where they're pointing? I am unable to see it from here.

THE COURT: Why don't you hold it up so counsel can see it.

THE WITNESS: The Wal-Mart intersection is here where the blue sign is. We've got the yellow building, which is the muffler shop, tire shop there, and then just past that one with this other brick building behind it is the Hill Chiropractic

building.

BY MR. RAMASWAMY

Q I have a couple more.

Directly -- is Mr. Hill shown in this Government's Exhibit 6?

A He is.

Q In the space between his arm, is there a sign visible?

A It is.

Q Do you see that same sign in Government's Exhibit 5?

A Yes, sir.

Q What sign is that in Government's Exhibit 5?

A It's the Mexican restaurant sign, the El Parral.

Q And do you also see behind Mr. Hill in Government's Exhibit 6 what appears to be a yellow curb?

A I do.

Q Do you see that yellow curb in Government's Exhibit 5?

A I do. That is actually the Stultz Road intersection.

Q Can you tell on Government's Exhibit 5 the vantage point from which Government's Exhibit 6 was taken?

A That appears to be the grassy section behind the gas station, which is Fast Fuels.

Q I'm going to give you a pen. If you would mark on there, if you're able.

A Fast Fuels would be up here just out of camera view, and it would be down here in this corner in Photo 6.

Q So you placed a small dot on each photograph, which is the apparent vantage point on Government's Exhibit 5 from which this photo was taken; correct?
A Correct.
Q Do you see anything other than the store lights in Government's Exhibit 6?
A Yes, sir. There appears to be taillights from a vehicle passing at the intersection.
Q And that is on the photograph just to the right of the Defendant's leg with the black sock?
A Correct, which would be roughly two-thirds down the page, middle of the page.
Q In relation to this trail, do you -- strike that.
Let me show what's marked as Government's Exhibit 7, and I ask you to take a moment and look at that.
Have you seen that exhibit before?
A I have.
Q Would you describe what's in the exhibit?
A It's a roadmap of the city and locations of where the photos were originally started and a location of the time of the original call that we received from dispatch and approximate arrest location.
Q So there's four annotations on here. This 310 Forest Street, do you know what that is?
A That's down where the suspect lived, Mr. Hill.

Q And everything -- as far as the photographs, were those taken where it says photos taken here, 12:29 to 1:20 a.m.?
A Correct.
Q And I may not have asked you the time that the call came in to the police, but do you know what time that call came in?
A It was 3:12 in the morning.
Q And is this -- can you review the place where it says "arrest"? Is that accurate as to the place to which the Defendant was arrested?
A Yes, sir.
Q The distance between where the photographs were taken and where it shows the 911 call location was made, can you tell even approximately what distance was that?
A It's a couple of miles.

MR. RAMASWAMY: One moment, please.

THE COURT: Sure. While you're going through that, just so counsel has an idea, I can go until about 5:15 today. So if you think you need to go beyond that, we'll have to make arrangements.

MR. RAMASWAMY: I don't anticipate -- thank you, Your Honor. I am sorry to interrupt. I don't anticipate more than two other exhibits, and my evidence will be all through this witness.

THE COURT: All right.

BY MR. RAMASWAMY

Q I'm going to show you a four-page exhibit marked as Government's Exhibit 8, and I ask that you take a moment and look at that, please.

Sergeant Hill [sic], can you tell -- have you seen Government's Exhibit 8 before?

A I have.

Q What is it?

A 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 I will show what's been marked as Government's Exhibit 9. I'll ask that you take a look at that.

In your examination of the contents of the camera card, did you observe the properties for that four-page document I just showed you?

A I did.

Q And is this a screenshot of the properties?

A It is.

Q And under the author, what does it say?

A Brian D. Hill.

Q Did you ever see anyone else on the trail that night besides Mr. Hill?

A No, that's the only person that I came into contact with.
Q Other than September 21, were you -- of last year, were you aware of other calls in reference to a naked person on that trail or in that area?
A We have had other calls in the city in reference to a white male running naked with a stocking cap on, which was consistent with Mr. Hill.
Q Did you get similar calls after Mr. Hill was arrested in this case?
A We've had, I know, two other calls for indecent exposure incidents, but they were both identified as not being Mr. Hill.
Q And you mentioned he was -- he was charged with indecent exposure; correct?
A Correct.
Q Are you familiar with the Virginia statute?
A Yes, sir.
Q I will show you what's been marked as Government's Exhibit 10, and ask that you take a look at that and see if you recognize that.
A Yes, sir.
Q What is Government's Exhibit 10?
A That is a printout of our state statute for indecent exposure.
Q And that's under your Virginia Code Section 18.2-387; correct?

A Correct.
Q That's what Mr. Hill was charged with?
A He was charged under our local statute, which mimics this just for funding purposes.
Q There was mention before about a trial. Was that a bench trial?
A Yes, sir.
Q So the current matter on appeal was on appeal for jury trial; correct?
A It was slated for a jury trial, yes, sir, it was.
Q Do you know when that was set for trial?
A It was a couple of weeks ago. It was continued. I'm not sure of the exact date. I don't have my calendar.

MR. RAMASWAMY: I have no other questions.

THE COURT: All right. Are you moving any of these in?

MR. RAMASWAMY: I'm sorry. I believe I moved for Government's Exhibit 1. For the remainder of the exhibits, we'd asked that they be admitted, and I believe two of them are under seal, Your Honor.

THE COURT: Any objection?

MS. PRYOR: No objections, Your Honor.

THE COURT: They are admitted, and Exhibit 1 and Exhibit 5 are under seal.

Ms. Pryor, any questions?

MS. PRYOR: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. PRYOR

Q Can you tell us -- I believe you stated that the call came in around what time?

A Around 3:12 in the morning.

Q And was that the only call that you received?

A It was.

Q Okay. And at 3:12 in the morning, are any of the places that's on the map, I believe Taco Bell, the Mexican restaurants -- are those places open at that time?

A The Greene Company that has the Taco Bell delivery truck is not open at that point. The Wal-Mart at that intersection is still open. Other than -- as far as the Mexican restaurant and the other restaurant right on the corner, they are not.

Q I believe there is a Roses as well on that corner as well?

A Correct.

Q And Lowe's as well?

A Yes.

Q And are those open at that time in the morning?

A No, ma'am.

Q And when you did proceed to arrest my client at that time, how many people were around at that time?

A It was me and him when he was placed in handcuffs in the woods. Another officer was coming down to us but had not made

it to us at that point.
Q Was there anyone on the trail at that time?
A I did not make any contact with anybody else at that time.
Q And you said what when you approached him? He was -- that he did -- he did lead you on a pursuit?
A Correct.
Q Do you recall about how long that pursuit was?
A It wasn't far. He made it to the bottom of the hill through the vines and brush and, like I said, jumped over a log into the creek out of my sight, which I was trying to give him commands to show me his hands at that point.
Q And you didn't see anyone when you were on that pursuit?
A No.
Q At the time -- these photos are clearly taken during the daytime with many cars, of course, on this, but at 3:12 a.m. when you were traveling, based on that call, did you see -- about approximately how many cars was on the road at that time?
A This was not at -- when he was taken into custody, it was not at that intersection. It was farther up the trail towards the other side of the city.
Q Okay. So farther up the trail -- are there any restaurants farther up that trail?
A That actually comes out to another intersection where there's restaurants, some other businesses, and stuff like that. Those were not open during this particular time. It

proceeds up past the access for the hospital and continues on out to the Public Safety building, which is -- somebody's staffing that 24 hours a day.

Q Okay. And you said that the caller, based on the diagram on -- I believe that's Government's Exhibit No. 7. The caller that called in at 3:12 a.m., that was near I believe -- that looks like a Burger King; is that correct?

A Correct. Right there at that intersection for the Burger King is a 24-hour laundromat and just around -- if you take a right from there, you are in sight of the CVS that's open 24 hours a day.

Q And that's not pictured here on Exhibit No. 5; correct?

A No.

Q And when you approached -- or when you did ask him to stop, did you have on your uniform at the time?

A I did.

Q And did you tell him that you were police at the time?

A I do not recall if I actually said I was police or not when I told him to stop; at which point, he went straight into the woods, and I began chasing him.

Q And once you did arrest him, you said that he had a flashlight and a book bag, and I believe you said one other item?

A There was a backpack on him. He had a large flashlight, like a square battery one, in his hand, and he also dropped a

small black flashlight while running.
Q And you were able to recover all of those things?
A We did.
Q Did he voluntarily provide you with his camera as well?
A He did. When he was explaining the situation, his first story as to what had -- the reason why he was out there that late, he gave us permission to look at -- one of the officers to look at the photos, and that's how we came about those.
Q Okay. And one of the things that he said at the time is that there was a male that was in a hoodie, that he was told that he had to take those pictures?
A Correct.
Q And did he tell you any other information about the male in the hoodie?
A He proceeded to explain to me that during this time frame, during questioning him and trying to get some more information about that -- he provided more information as to that male subject with the hoodie was working for the people that were -- that had originally been in his original charges.
Q Okay. And did you investigate whether he -- whether there was some threat to his family or anything?
A Talking with him, the time frame didn't really add up to me at that point. We made contact with his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall.

Q Okay. But as part of your investigation, have you been able to find out whether there were some threatening matters that was sent to him or his family?
A I have not heard anything of that, no.
Q But do you -- but you didn't do the investigation?
A No.
Q Did Mr. Hill -- when you approached him, did he tell you that he had autism?
A He did.
Q And do you guys -- does your -- I would say does your -- does the department train you on how to approach someone with autism?
A We deal with some academy-wise and not much follow-up after that.
Q Did he also tell you that he was a diabetic as well?
A I do not recall him telling me that, no.
Q Did he tell you that he was also OCD?
A Not that I recall.
Q And when you took him to the hospital, did they admit him into the hospital that night?
A No, they cleared him medically and psychologically and released him to us.
Q Okay. Did you get those reports from -- the medical reports?
A No, I did not do a subpoena for his hospital records.

Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night?
A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.
Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?
A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there. Once they do that, they do lab work and other stuff. I didn't ask about his medical history.
Q Was there any tests dealing with his blood alcohol content or anything of that nature?
A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

MS. PRYOR: No further questions, Your Honor.

THE COURT: Any redirect?

MR. RAMASWAMY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. RAMASWAMY

Q Counsel asked you about certain businesses and whether or not they were open in this time frame. Are there residences along this trail?
A It is.
Q Were there residences close to the trail?

A There are.
Q Are there residences where there's no obstruction between the residence and the trail?
A Yes, sir.
Q And this did, in fact, come in on a call of a report of a naked man; correct?
A Correct.

MR. RAMASWAMY: No other questions.

MS. PRYOR: I just have a follow-up on that.

THE COURT: All right.

RECROSS-EXAMINATION

BY MS. PRYOR

Q Were any pictures taken in front of any houses?
A Not on the camera that I saw, no.
Q And the residences that he mentioned, are those residences behind trees on the trail?
A There's some that back up to it that you can see the trail from, along with -- the original call that came in, the trail actually runs right up the side of the road where the original call came in.
Q And did that call come in from a resident?
A No, it was a passerby in a car.

MS. PRYOR: Thank you. No further question.

THE COURT: What time did you say you were on the scene there the first time?

THE WITNESS: The original call came in at 3:15, and I had Mr. Hill in custody at 3:22.

THE COURT: Any further questions from counsel?

MS. PRYOR: No, Your Honor.

THE COURT: Thank you. You may step down.

(At 4:26 p.m. witness excused.)

THE COURT: Any other evidence?

MR. RAMASWAMY: Not from the Government, Your Honor.

THE COURT: Any evidence from the Defendant?

MS. PRYOR: Yes, Your Honor. I would like to call Officer Jason McMurray, Your Honor.

JASON MCMURRAY, DEFENDANT'S WITNESS, being first duly sworn, testified as follows at 4:26 p.m.:

DIRECT EXAMINATION

BY MS. PRYOR

Q Could you state your full name for the Court.

A Yes. Jason McMurray.

Q And where do you work?

A I'm a United States probation officer employed in the Western District of Virginia in the Roanoke Division.

Q How long have you been with the police -- I mean the probation office?

A Over 10 years.

Q Okay. And did you have the occasion to supervise Mr. Brian Hill?

A Yes, sir, I have supervised him Mr. Hill since about July 1, 2015.
Q Okay. And as long as you have been supervising Mr. Hill, has he had any infractions besides the one that we are presently here for today?
A The only one was when shortly after he was released from a prior revocation hearing, for which he was not revoked, he was referred to sex offender specific treatment. After a short time of enrollment, the counselor advised that he was not amenable to treatment and recommended that he be terminated. I advised the probation office in this district, who had, in turn, advised the Court, and the determination was made that if he was otherwise stable with no other concerns or issues, we could just continue with supervision.
Q Okay. And so he continued on supervision.
Did he have the occasion to attend any mental health treatment?
A He saw a private counselor named Preston Page that was paid for by his Medicaid, I do believe. He maintained contact with Mr. Page, and I would check with Mr. Page occasionally to see how things are going.
Q Are you aware that Mr. Hill is diagnosed with autism?
A I am aware, yes.
Q And with your reaction and your interaction with him, have you found -- have you found to determine that you do see some

level of weaknesses when it comes to -- when it comes to your communication with him?
A Sometimes it can be difficult to communicate with Mr. Hill. So I have on many occasions -- he resides with his mother, and I have spoken with Roberta, is his mother's name, to see how things are going. And Mr. Hill has always been respectful. It is hard to communicate with him on -- sometimes, but I will speak with his mother, and I have spoken with his grandparents on occasion as well.
Q Okay. And when you've talked to Mr. Hill, I think you stated it, has he been respectful with you?
A He has.
Q And did Mr. Hill tell you -- did you get an opportunity to speak to him about this particular violation hearing?
A In what regard?
Q Just has he talked to you about what happened or anything, that he spoke to the police officers and that nature?
A When he was incarcerated, he had submitted some letters. We have not spoken face to face or on the telephone regarding a violation.
Q And other than this violation that we're here today, Mr. Hill, to your recollection, has been in compliance with all of the conditions of his release?
A He's been in compliance since I have supervised him until his arrest.

Q Okay. Did you --

MS. PRYOR: Can I have one moment, Your Honor?

THE COURT: Yes.

(Pause in the proceedings.)

BY MS. PRYOR

Q Do you recall what date he was arrested for these matters?

A September 21, 2018.

Q Okay. And do you recall what date the federal -- that the federal Government -- or, let me say, the probation office filed their violation?

A I'm not aware of the exact date that the petition in North Carolina -- this district was filed, but I notified the probation office, and they proceeded to request the violation warrant. I'm not exactly sure of the date.

Q Okay. And do you recall whether Mr. Hill, once he was -- once he was found guilty in Martinsville, did the Federal Government have a hold on his -- on his detainer?

A That is correct, because he was brought into magistrate court in Roanoke for his initial appearance on the violation proceedings.

Q Okay. And can you tell the Court what happened at the particular proceeding? Did you attend that proceeding?

A Yes, ma'am, I did.

Q First, did you attend that proceeding?

A Yes, ma'am, I was there.

Q And can you tell the Court what the judge recommended based on that proceeding that day?
A This took place on December 26, 2018. Magistrate Judge Ballou ordered that he be sent to Butner for a psychological evaluation.
Q And how many days was he supposed to be at that -- or go through that process?
A He was not returned to court until May 14th of this year, 2019.
Q Okay. After he returned May 14th of this year, was he released at that time?
A Yes, ma'am, he was.
Q Okay. And he was released back home?
A Yes, to the home that he shares with his mother.
Q And did that Court find that he was not a flight risk at the time?
A Yes.
Q And since he's been home, I believe you said May 14, 2019, has he been in violation of that particular conditions of that release?
A No, ma'am.
Q Okay. And based on that release, that was -- based on that release on May 14, 2001 [sic], have you had a chance to visit him at home?
A Yes, monthly.

MS. PRYOR: No further questions, Your Honor.

THE COURT: Any cross?

CROSS-EXAMINATION

BY MR. RAMASWAMY

Q You mentioned previously that Mr. Hill's sex offender treatment or counseling was terminated because he was found not to be amenable to treatment; correct?

A Yes, sir.

Q Do you know what the nature of that was?

A Yes, I do. Dr. Keith Fender of Radford Counseling advised that in group treatment Mr. Hill was not accepting responsibility for his underlining charge -- or conviction, rather, and that that would be a detriment to the group, and they determined that he should be removed from group, because part of that is that you accept responsibility and you work through what they call a workbook, which is a quite lengthy piece of material. So it was determined to remove Mr. Hill from the group.

Q And counsel asked you if you had spoke to Mr. Hill about this incident. Did Mr. Hill admit the conduct in this violation, the conduct of this hearing?

A We did not -- we have not spoken face to face. I have not asked him whether he committed the offense. He had written letters when he was in prison discussing the story that we heard previously about the individual asking him to take the

pictures.
Q Let me ask you -- I believe it's Government's Exhibit 8 was the monthly supervision report for the month of August 2018.
A Yes, sir.
Q Have you -- did you previously see that exhibit?
A Yes, I have previously seen the exhibit.
Q Had you seen it before today?
A It is a copy of our monthly supervision report, which we receive timely every month from Mr. Hill, and it was representative of one that he sends me every month.
Q As far as being a registered sex offender and the conditions of his supervision, would that prevent him from going to parks and places where children congregate?
A I would have to review his conditions of supervision, but our standing order in the Western District of Virginia would require permission for someone to go to places that are primarily used by children.
Q Did Mr. Hill ever seek such permission in relation to the Dick and Willie Passage?
A In the past, he has asked for permission during the daytime hours to go on the trail to take pictures of wildlife and nature.
Q Now, the probation office's recommendation in this case is revocation; correct?

A That's correct.
Q Has that changed, to your knowledge, since the time the report has come up?
A To my knowledge, it has not.
MR. RAMASWAMY: No other questions.
THE COURT: Any redirect?
MS. PRYOR: Yes, just one.

REDIRECT EXAMINATION

BY MS. PRYOR

Q Did -- we've mentioned about the sexual offense program. Was there a workbook that was provided to Mr. Hill?
A To my knowledge, there was, and he completed it very quickly, which the workbook, as it's been explained to me, it takes quite some time to complete. There are numerous phases that you must go through, and it's not something that can be completed without presenting the material to the group and receiving feedback. It's not something that can be completed in a couple of weeks or even a month.
Q Okay. And every time that Mr. Hill has went out, Mr. Hill does inform you that he is traveling, or any of that nature; correct?
A Yes, ma'am.
MS. PRYOR: Thank you. No further questions, Your Honor.
THE COURT: You may step down, sir.

(At 4:37 p.m., witness excused.)

THE COURT: Any other evidence for the Defendant?

MS. PRYOR: Yes, Your Honor.

THE COURT: All right.

MS. PRYOR: I call Ms. Roberta Hill, Your Honor.

ROBERTA HILL, DEFENDANT'S WITNESS, being first duly sworn, testified as follows at 4:37 p.m.:

DIRECT EXAMINATION

BY MS. PRYOR

Q Can you tell us your name for the record.

A Roberta Ruth Hill.

Q And what is your relationship with Mr. Brian Hill?

A I'm his mother.

Q Okay. And where does Mr. Hill stay in comparison to where you stay?

A In the apartment below my apartment at 310 Forest Street, Apartment 2.

Q And so is this a type of duplex type of home?

A Yeah, it is.

Q Okay. And so do you work during the daytime?

A No. I'm at home, and I can check on him any time during the day and night.

Q Okay. And so at one time, you guys were having some issues in the same home that Mr. Hill lives in dealing with the chimney; correct?

A Yes. There was damage in his apartment with water damage on his wall and ceiling in his living room.
Q Did you call someone to get that fixed?
A Yeah, I did.
Q Do you recall what the name of that company was that you called to get that fixed?
A No, I can't recall the name of the company.
Q Do you recall how much you paid for getting it fixed, getting the chimney fixed?
A They put -- he found out that it had been -- are you talking about the first time before --
Q Yes, I'm talking about the first time that you got your home --
A Yeah, that was $300 to get it fixed. I was trying to keep birds from going into the chimney.
Q Okay. And so you had a professional come out to get that fixed?
A Yes.
Q And was there an occasion that you had that same professional come back out to review it because of some issues that you stated?
A Yeah, there was another fireplace company that came out to take a look at it in January 30 of 2019.
Q Okay. And when they came out to fix it, did they tell you of anything that might have been happening in the home at the

time?
A Yeah, he said that he found out that all three flues of the chimney had been completely sealed off, and that means that my furnace and hot water heater was venting out through our apartments into -- he said that we would have had carbon monoxide coming into our apartments.
Q Okay. And do you recall what date that you had that particular professional come out and say that?
A January 30, 2019.
Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill was arrested for indecent exposure in Martinsville, Virginia?
A Yes.
Q Okay. And do you recall what that date was?
A September 21, 2018.
Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a trial in Martinsville, Virginia?
A Uh-huh.
Q And were you present for that trial?
A Not the first trial. I was present for the trial in December, December 21, I think.
Q Okay. Did he get a chance to come home?
A No, he did not.
Q Okay. And do you recall the first time that Mr. Hill got a chance to come home after that particular -- after the first time he was arrested?

A He came home on May 14, 2019.
Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went to the doctor any time in between that time?
A Yeah, he fell down one night. I guess he passed out and hit his head on a desk in his office and managed to somehow get back to his bedroom and fall asleep and whenever -- I set my alarm at 4:30 in the morning to check on him, check his blood sugar. I went down there. I saw all the blood on the pillow and realized something had happened, checked his blood sugar, treated an insulin reaction, and then I called 911 because I didn't know what had happened to him, and I saw that there was a gash above his eye. So the paramedics came out. They recommended for him to go to the hospital. He refused to go in the ambulance. So it took four hours for him to go through his OCD routines before I could get him to the emergency room.
Q Do you recall when that occurred, about the date when that occurred?
A That was during the winter, right after I first got the chimney fixed to keep birds from going into the chimney. It happened right after that.
Q Okay. And you stated that it took about four hours for you to get him to the hospital. I believe you mentioned OCD?
A Yeah, he has obsessive-compulsive disorder, and he does lengthy hand-washing routines and shower routines.
Q Okay. And how long has he been doing that?

A He's been doing that since he was in 6th grade.
Q Okay. And is Mr. -- has Mr. Hill been diagnosed with autism?
A Yes.
Q When was he diagnosed with autism?
A When he was four years old, he was diagnosed by Teacch in Greensboro.
Q And does he have -- and based on him being diagnosed with autism, do you have difficulty communicating with him?
A Yeah.
Q And what do you -- tell the -- can you tell the Court what that means for you and your family?
A Yeah, communication problems. Sometimes when I try to explain something to him, he doesn't quite understand what I'm saying, or he's unable to see my perspective, and sometimes he will get a little upset about it, which isn't unusual for people with autism. So I have to further explain things, or I have to be quiet and let him cool down --
Q Okay.
A -- before I can talk to him.
Q Does he get treatment for autism?
A No. There really -- when he was a kid, he was put on two or three different medications that never really helped him. So we had -- Teacch was coming out to help a little bit with the school, but other than that --

Q Does he get any treatment now for any mental health or autism now?
A No, not for the autism. He is going to a counselor.
Q Okay. And what does he go to the counselor for?
A He goes to Piedmont Counseling a couple times a month because that's what they wanted -- a condition of his bond.
Q And does he -- is he taking any medication at this time?
A Yeah, he's taking a medication to help with the OCD and anxiety. I think it's called Zoloft. I'm not sure.
Q Okay. That's okay.

And as far as -- you mentioned carbon monoxide. Is he taking any -- do you recall if he took any medication for the carbon monoxide treatment?
A No, no, he didn't. We didn't know until four months after he was arrested that we had carbon monoxide in our home.
Q Okay. And once you found out that you had carbon monoxide in your home, have that been treated in your home at this time?
A Yeah, we got it fixed. He unplugged the flue that went to the heater and the hot water heater, and he put a chimney cap on the top. So we don't have any more problems with that. And, plus, we got two carbon monoxide detectors in my apartment and in his apartment.
Q Okay.

MS. PRYOR: I have no further questions, Your Honor.

THE COURT: Any examination from the Government?

MR. RAMASWAMY: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. RAMASWAMY

Q Ms. Hill, you're pretty familiar with your son's case; correct?

A Yes.

Q He files things pretty frequently with the court?

A Yes.

Q Do you assist him with that?

A No. That's his -- I'm not even into legal stuff. He's the one that works the legal information, other than I might look up information for him.

Q You're saying you don't read what he files?

A Sometimes, not all the time because sometimes he's impulsive, and he does it in the middle of night when I'm sleeping, so, no.

Q Well, if he's filing things in the middle of the night, does he have Internet access?

A No, he does not. He faxes.

Q He faxes them?

A Uh-huh.

Q Some of these things are -- they're filed online, though, aren't they?

A No.

Q Are you familiar with his story that someone forced him to

take these pictures?
A Yes, I am.
Q That's a story that he repeated for some time, wasn't it?
A Yes.
Q And it's also in documents that he filed with the court, isn't it?
A Yes.
Q And at some other time, we have his story that carbon monoxide was to blame; correct?
A Right.
Q Does that coincide about when Mr. Hill found out there was a probation report on the same memory card?
A I don't know.
Q You live in the same house with Mr. Hill; correct?
A I'm in the apartment above his apartment.
Q It's a house?
A Yes, connected.
Q Yes. You live in the same house with Mr. Hill; correct?
A Yes.
Q And you claim -- or you're stating there was some type of carbon monoxide problem for which you're trying to relate Mr. Hill's conduct on September 21, 2018; right?
A Right. I saw some things with his behavior prior to that time, that I didn't know what was going on, but I thought that he was acting oddly. But, also, I was being exposed, too, and

I had some problems that I was dealing with, and I didn't understand what was going on.

Q So this wasn't fixed until, I believe you said, January 30, 2019; correct?

A That's whenever it was inspected and we found out about the problem, and he removed the tin, yes.

Q So from September 21, 2018, to January 30, 2019, if you had such a problem, nothing was done to fix it; right?

A Right.

MR. RAMASWAMY: No other questions.

MS. PRYOR: Just a follow-up.

REDIRECT EXAMINATION

BY MS. PRYOR

Q So from September of 21, 2019 -- I mean, 2018, to, I believe you said, January of 30 of 2019, did you see some problems in your home that was happening?

A Yeah. The water damage in my son's apartment got increasingly worse. The ceiling started falling down. I didn't know what was going on because my apartment is right above his, and I wasn't getting any water damage. So I thought initially it has to be the foundation. So I called the foundation place, and they could only come three months later. So I waited for that, and they said it's not the foundation. They thought maybe it's the chimney or the roof. I got a roofing company in. They recommended putting a chimney cricket

in front of the chimney. They thought that would stop it. So I got that done. That didn't stop it. So then I called a fireplace expert out to take a look at it, and he found out that it had been sealed up.

Q And also -- you mentioned that there was also some things that were affecting Mr. Hill during that time that you couldn't figure out. Can you describe some of those things for the Court?

A He was saying that he couldn't think, he couldn't focus, and he was extremely tired. I also was extremely tired, and I didn't know why. I was complaining to my parents. So both of us were complaining about things like not being able to think clearly.

Q Okay.

MS. PRYOR: No further questions, Your Honor.

MR. RAMASWAMY: One follow-up.

RECROSS-EXAMINATION

BY MR. RAMASWAMY

Q Would those things happen more often when you were inside the home with the carbon monoxide?

A Yes.

Q You've heard the testimony about the conduct; correct?

A Yes.

Q That happened outside, didn't it?

A Yes, but, I mean, I was always tired for that period of

time. So, I mean -- and my son was constantly complaining about not being able to think. I can't really say that that was inside the house or outside the house. It was just continually during that time span that we were having problems.

Q As a matter of fact, the testimony showed, based on the camera card time, he was outside for several hours on September 21, doesn't it?

A Yeah.

Q That's not consistent with inhaling carbon monoxide, is it?

A Well, from what I've read online, it can cause a lot of different problems. That can -- it could affect your neurological system. I also was having a lot of head shaking going on. My parents noticed that. So it can affect neurological problems in the body.

MR. RAMASWAMY: No other questions.

THE COURT: All right. You may step down.

(At 4:51 p.m., witness excused.)

MS. PRYOR: No further evidence, Your Honor.

THE COURT: Since the Government's got the burden here, I would be happy to hear from the Government.

MR. RAMASWAMY: Your Honor, in this case, the violation is the Defendant committed the criminal violation of the Virginia Code for indecent exposure. I have given the Court the statute, but, here, if it had only been the phone

call and the arrest, that's one thing, but we have a series of photographs which are just plainly inexplicable.

As to the violation itself --

THE COURT: Let me ask a question about the photographs. They are taken from a distance. How does somebody take a photograph from a distance like that?

MR. RAMASWAMY: I would ask the Court to note a couple of things. One is the officer's testimony about flashlights. He had two flashlights. And, second, in the vantage point of the photographs themselves, note the proximity of the ground, and it would be our contention the camera is simply set on the ground and a timer is used. As a matter of fact, some of them appear to be retakes. Where Government's Exhibit 1, for instance, the top right photo, sanyo096, is too dark, the next photograph in sequence sanyo097 is well lit. In effect, it supports the inference that he repositioned the lights in order to more clearly take the photographs.

There's no one else depicted in these photographs. In every one of them, they appear to be taken with the camera set on the ground.

THE COURT: All right.

MR. RAMASWAMY: In this case, as to the conduct itself -- I'm not at this point addressing anything else -- two things. His initial story is clearly impossible, that someone gave him a camera and told him to take these pictures under

threat of his family, the fact that his violation -- his report to his probation officer is found on the same memory card with him being shown as the author, the conduct for a registered sex offender convicted of child pornography offenses to be naked, not just exposing himself -- this would be a different matter if Mr. Hill had simply been walking and chose to relieve himself and could have technically violated the statute, but Mr. Hill was wearing socks, sandals, and a hat, and that's all.

As shown on Government's Exhibit 7, the map with the annotations, the photographs are taken some distance away, not only from his residence, but where he was observed and reported to the police naked and where he's arrested, that the duration of the conduct, the nature of the conduct, photographing the conduct for whatever reason all support the violation. We would ask that he be found in violation.

THE COURT: All right.

Ms. Pryor?

MS. PRYOR: Thank you, Your Honor.

Your Honor, we, of course, would ask that he does not be found in violation, Your Honor. As you've had the opportunity to hear, Your Honor, the statute does indeed state that every person who intentionally makes an obscene display or exposure of his person shall be found guilty of a Class 1 misdemeanor.

Your Honor, I believe that we presented evidence here

today that would discredit the intent of the party, or the intent of Mr. Hill. One of the elements that we are faced here with is the intent element here. Your Honor, I believe that the Government, one, has not provided the intent and, two, that this Court has the opportunity to determine the facts that were presented today to determine whether the intention of the party was to make an obscene display or expose himself -- exposure of himself.

Your Honor, you had the opportunity to hear from his mother, who stated that at the time of this incident that there has been evidence that there was some carbon monoxide that had been displayed in their home, and based on that, Your Honor, she went further to state that in her research, Your Honor, when it comes to carbon monoxide, that based on that research, that it does causes some level of delusion, some level of -- they even talked about -- she even discussed possibly that they were beginning to have some headaches, that there were some things that --

THE COURT: How do I rely on that in this hearing? That's hearsay, and it's --

MS. PRYOR: It is hearsay.

THE COURT: I mean, it's not -- it's scientific evidence, and there's no indication she's qualified to -- I don't even know what her source was, whether it was Wikipedia or what have you. So I am concerned about whether there's

enough scientific foundation for any conclusions about the effect of carbon monoxide.

MS. PRYOR: Your Honor, we do understand that, Your Honor, but the factual part of what she did state was the things that affected her, Your Honor, and the things that she did, who has been his caretaker -- the things she saw affect him.

So, Your Honor, we would state that there was some level of affect that was going on that can be determined just to Mr. Hill presently, Your Honor, that would show some level, and then to actually have the evidence that there was some carbon monoxide and to begin to start the process of fixing it.

So, Your Honor, we would state that Mr. Hill, based even on this -- based on this statute, that the intent factor has not been met here today, Your Honor, and that he should not be found in violation of his release conditions, Your Honor.

THE COURT: Okay. I am going to find that the preponderance of the evidence demonstrates that Mr. Hill did violate the condition of release by violating the Virginia Code 18.2-387. As the officer testified, it's actually the local version, but it's apparently the same statute, and that's what he's charged with in that he did intentionally expose himself and make an intentional either obscene display and actually exposure -- intentional exposure of his person. The photographs are evidence of that.

He's also seen, by the officer's independent testimony, to have been naked at the time and was running around the neighborhood. So I credit the testimony of Sergeant Jones and find him to be credible and that about September 21, 2018, that the Defendant was naked and running around Martinsville, Virginia, taking pictures, which are indicated in the Government's exhibits.

As to the testimony about intent -- or the argument about intent, the evidence on a preponderance basis demonstrates that Mr. Hill intended to do this. The story about him being forced to do this by another individual finds no support in the record. It's also inconsistent with some of the information that's testified to by Sergeant Jones, who -- I went back and was just checking his testimony, who did say that the other individual, the male, asked him to -- or demanded he take pictures. There's no testimony by anybody that there was any kind of threat like that made, and the camera that allegedly was given to Mr. Hill to take these photos, it strikes me as virtually impossible that it would contain a copy of the Defendant's own court records. So that's inconsistent with that story as well.

So I'm going to find the preponderance of the evidence demonstrates the Defendant violated Virginia law by indecently exposing himself at the time alleged. So I'm going to find as well that the violation was willful and without

lawful excuse.

He originally was convicted of a Class C felony. He's a Criminal History Category I. This is a Class C violation. The guidelines provide a 3- to 9-month advisory imprisonment range. The most that can be imposed on him is 24 months.

As to supervised release, the original term of supervised release available under the statute is, I believe, 5 years to life. He had had 10 years of supervised release imposed by Judge Osteen, but the term that's available could be 5 years to life under the statute.

I will say it would be my intention to work off the 10 years and work -- and consider nothing more than the 10 years that Judge Osteen -- that's the maximum that I would consider for supervision. Does that make that clear?

MS. PRYOR: Thank you, Your Honor.

THE COURT: That would be my intention, but I would be glad to hear from you all as to that.

So do you agree or disagree that those are the proper guidelines?

MS. PRYOR: That was the proper guidelines, Your Honor.

THE COURT: Mr. Ramaswamy?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: So I've got about 10 minutes, and we can

continue this, if we need to, in the morning or on another date. I would be happy to hear from you as to an appropriate disposition in this case.

MS. PRYOR: Thank you so much, Your Honor.

Your Honor, today we are asking Your Honor -- I would note, and I think you heard on testimony as well, that Mr. Hill was on a federal detainer. I believe it began on December -- we tried to come to a date about, but I believe it was around December 21 of 2018, and he was held into custody until May 14 of '19. So, Your Honor, that's give or take about 6 months already.

This violation, as you note from the guidelines, Your Honor, is a -- falls within that period of time, Your Honor. I believe 6 months is, I believe, in the revocation that they were asking for. It was around the middle, which would put us right at that 6-month period.

Your Honor, we would ask that you would give him credit for time served for that particular time, to continue him on supervised probation that you've -- I mean, I'm sorry, supervised release, Your Honor, pending that, but, Your Honor, I do believe that he has served and he was -- as we can recall, he was on that detainer, Your Honor. He could not leave, of course, or if he even -- with the bond. So we can conclude that he definitely was on a federal detainer at that time. He did get released on conditions from the Virginia -- from

Virginia, and so that would also conclude that he did have that time and it was through the Federal Government.

THE COURT: Will the Bureau of Prisons give him credit for the time that he was sent to Butner as time-served credit or not?

MS. PRYOR: I'm not sure, Your Honor. I actually called the Bureau of Prisons before so I could know that answer. That was actually my question as well. Your Honor, I'm not sure how that process works, and I was waiting on someone to call me back from the Bureau of Prisons. And I believe the attorney was supposed to call me back in order to conclude that or give us an estimation of whether the Bureau does consider time when you're determining competency, whether that time is conclusive or does it even give them credit for that when it comes to a sentencing term.

So, Your Honor, I don't have that answer. I would like to, of course, get that answer, Your Honor, because as I'm standing here asking for you to use it as credit, I can't factually or be able to --

THE COURT: I understand.

MS. PRYOR: Okay. Thank you.

THE COURT: Anything further?

MS. PRYOR: So, Your Honor, I would ask -- of course, that is the sentence that they have requested, but, Your Honor, we would ask the Court for the bottom of the guidelines, Your

Honor.

I would remind the Court that he does have autism. I remind the Court that he has OCD. I remind the Court that he does have some debilitating health issues that he does have that deals with his diabetes.

Your Honor, Mr. Hill in custody or in prison is very destruction to him as a person, who does see things and perceive things, of course, differently than we do as being on the autism spectrum.

THE COURT: Is he still in custody now?

MS. PRYOR: He is not in custody now.

THE COURT: He was released May 14?

MS. PRYOR: He was, Your Honor.

THE COURT: From Butner?

MS. PRYOR: No, he was released from court, Your Honor. He actually got out of Butner I believe it was around February, and then he was -- then he went back to court, and then he was released on conditions.

THE COURT: So he was released from Butner in February?

MS. PRYOR: He was released from Butner in February. They sent him to another custody situation, I guess, just in the process, and some things -- and this is why I bring this up, too. Because of his autism, he has some issues in the jail with one of the wards, and they were supposed to send him back

directly after, but they put him in some level of solitary in another jail.

All in all, he didn't get back, of course, until May 14, and so that's why I stand here and ask for the credit, because I would hope that the Court would -- and I say that because we do understand that you've made that he has violated this, and based on that, there is a punishment that must go with it; but, Your Honor, I would state because of his condition and because of OCD and because of autism, the courts and BOP, having to learn to deal with someone with autism, I don't believe that they are there yet, which makes it difficult on the person. And because of -- you know, because of that, Your Honor, I would ask that if you do find that you want to sentence him, there are some other alternative ways of sentencing him. He's been successful, as you heard from his probation officer, being at home, home detention where he cannot leave --

THE COURT: Before you go on further, let me just see what the Government's position is, but I don't know if they're opposing. He's essentially been incarcerated now for close to 6 months, in some form or another.

Are you opposing some kind of sentence that would be in effect a time-served sentence?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: Okay.

MS. PRYOR: And so, Your Honor, there are some other alternative ways of doing prison -- or doing punishment. As you heard, Mr. Hill has been successful with being at home. He can be placed on home detention. He can have an electronic monitor. He can be placed on home detention for up to 6 months, even up to a year, if Your Honor so requires.

Him being at home, he has the opportunity to -- I mean, he won't have the opportunity to leave. His family does travel, and they do enjoy traveling. He won't have the opportunity to travel, some of the things that he takes -- some of the things that he enjoys doing.

Your Honor can also make it any other conditions that, of course, Your Honor would provide, but, Your Honor, I would ask because of what he -- because he's been successful through his probation of showing that he is consistent about sending his report, he's consistent about contacting them, he's consistent about making sure that they know where he is at all times, he's consistent about being respectful to the officer, so I would state that having him at home with his family and even if -- like I say, even if it's more closed in where he cannot leave the home I think would still satisfy the punishment that is here.

As you heard, he does -- I believe they stated that he walks that trail even during the daytime. So he does enjoy going outdoors. So having the -- where the Court would tell

him he could not go outdoors anymore is a punishment as well.

So, Your Honor, I do believe that you can satisfy the factors here of the condition of him being at home on detention. Whether 6 months to a year, you can satisfy the condition of whether it would be a deterrence because, as you note, Mr. Hill does like to travel with his family. So that is the deterrence, that he won't be able to travel.

And being with his autism, his mindset and what he thinks is differently than what it is for us or any other prisoner that we could sentence to custody. His punishment is just the violation, being sentenced to -- him being violated. That's the difference of the sentence that he gets here today.

So, Your Honor, I would just ask that you would consider those other alternative ways of punishment today and that you would sentence him within the guidelines but through alternatives ways of doing it.

THE COURT: All right.

MS. PRYOR: Thank you.

THE COURT: All right. Mr. Ramaswamy?

MR. RAMASWAMY: Your Honor, I don't wish to prolong -- I don't wish to speak so long that the Court is going to miss any deadlines.

THE COURT: Well, how long do you want to speak? What is it the Government's arguing for?

MR. RAMASWAMY: I would first say that the Defendant

is a registered sex offender who spent at least three hours out that night naked, photographing himself for some unknown reason. And the Court has also heard testimony that there were other reports of a naked man in a stocking cap, and he's shown wearing a stocking cap prior to this, and that there were no such reports after Mr. Hill's arrest.

This is not Mr. Hill's first violation. He was not revoked last time, and I'm not saying that would have been appropriate; but on these facts, it is completely appropriate. The probation officer is recommending the high end here. Under the Chapter 7 limits and not going into Protect Act, I would concur with that. I would ask the Court to sentence him to the 9 months. I don't know if whatever time he spent in the evaluation counts. I can't say.

THE COURT: Should I take that into account? I mean, he was essentially locked up for 6 months.

MR. RAMASWAMY: Yes. I'm not saying it's not appropriate that the Court take it into account, but I don't think simply telling Mr. Hill to stay at home and make him wear a monitor -- he's proven he can't self-regulate. He's consistently denied the offense conduct of the original offense, of the other violation. It's always some nefarious, outside force that makes Mr. Hill do things, now from someone handing him a camera until, here, carbon monoxide. Mr. Hill has consistently shown he doesn't take responsibility for what

he does, and he's inappropriate to trust in the form of self-regulation.

THE COURT: What role does his autism play in all of this?

MR. RAMASWAMY: I think we're all familiar with what's in the reports as to his mental state. More than the autism, there is the diagnosis of delusional disorder. That is in his prior records. I think the Court has dealt with persons with autism before, and that's a larger topic to get into than here. I think we've all been considerate. The Government, the Court, the Court in the original case, counsel has been considerate of the Defendant's mental condition, but on this conduct, there is an overriding concern of public safety.

Even at the high end of what's recommended, it's likely lower than someone without Mr. Hill's condition would have gotten on these facts.

THE COURT: So what's the punishment for this in Virginia? He's been convicted. What has he been sentenced to? Do you know?

MR. RAMASWAMY: I don't know what the original sentence was.

THE COURT: Ms. Pryor probably knows. What was his sentence?

MS. PRYOR: Your Honor, he was given credit for time -- he was given credit for time served. I believe it was

a 60-day sentence, Your Honor, because it's less than a year.

THE COURT: Okay. Was that in addition to the 6 months he was in federal custody?

MS. PRYOR: No, that was not, Your Honor.

THE COURT: All right.

MR. RAMASWAMY: Thank you, Your Honor.

THE COURT: Mr. Hill, is there anything you would like to say on your own behalf before I make a decision as to a disposition of your case? Let me say to you that you have no obligation to speak. You enjoy the right to remain silent under our Constitution. If you wish to remain silent, I will not hold that against you. On the other hand, if you would like to say anything before I make a decision, this would be the right time.

THE DEFENDANT: Respectfully, yes, I do, Your Honor. I would like to bring up that I have been involved in a 2255 motion since 2017. If I have to admit guilt to something I did not do, I would be committing over five acts of perjury. So am I going to be required by the probation office to commits acts of perjury, because I kept saying under penalty of perjury, I'm innocent? I filed something that the guilty plea cannot be valid if I withdrawed it. The 2255 is still pending before this Court, and to force me to admit guilt to something I did not do is detrimental and puts me at risk of multiple perjury charges.

And the carbon monoxide -- I have a lot of proof, Your Honor. I've got sinus tachycardia. I've got abnormal red blood cell count, abnormal white blood cell count. All these are in medical records, and the National Institute of Health -- my mom has documents from the National Institute of Health and government agencies saying that carbon monoxide can be linked to all kinds of problems that I had had last year, like psychosis and hallucinations. And I have credible government documents that all backs up everything I'm saying. That's why I sent a letter to Martinsville Police Department on the conduct, apologizing and saying that, look, carbon monoxide caused this.

There might be a guy in a hoodie. There was a threatening greeting card that my mother did receive that said they will do a controlled action against my mother if she doesn't stop putting stuff on YouTube. If she doesn't stop what she's doing, they're going to commit a controlled action against her. That was July 2018.

Your Honor, there's a lot more evidence that couldn't be presented at this hearing. We needed more time. That's why I filed the notice of interlocutory appeal. We would have had witnesses to come and testify. We need more time, and I need to go through the state appeal because I am actually innocent. According to my lawyer, Scott Albrecht, the public defender of Martinsville, he said, you are innocent because you did not

engage in obscene-type conduct. And that means, you know, I never masturbated. I never did anything sexual. I was just naked. So he said that I am legally innocent under the Commonwealth of Virginia. That's why I'm appealing it so that I could be found actually innocent, and I plan to file a motion for the writ of actual innocence in Virginia. Even though it's normally sent to -- you know, felonies, I'm going to try to push for it, and I'm going to ask the Attorney General to have me found actually innocent because I am actually innocent.

THE COURT: All right, sir.

Can I speak to the probation officers briefly, please?

(Off-the-record discussion.)

THE COURT: All right. I've already found by the preponderance of the evidence that the Defendant violated the valid conditions of his supervised release, and the violation was willful and without lawful excuse. I'm going to order that the supervised release term be revoked.

I've considered the factors under 3553(a) that apply under 3583(e) in this case, and one of the factors is the nature and circumstances of the offense. Here, the Defendant was exposing himself throughout the city of Martinsville, and the photos are part of the record in this case, which indicate how he exposed himself, which is proof of the exposure, which I found to be a violation of the indecent exposure law in

Virginia.

Another factor is the history and characteristics of the Defendant. I've considered the multiple factors here indicated, including the Defendant's autism and his OCD, the diabetes, his age.

And I'm concerned about deterrence because this is the second hearing we've had on revocation. The exposure in this case was intentional and purposeful. There's really no way to explain otherwise. He's running around naked, taking pictures of himself and posing for the pictures of his genitals, and he's doing it in the open in the public. How he would have thought he'd never have been caught by this is kind of hard to fathom, but maybe because it's 3:00 in the morning.

I'm trying to take into account and give heavy deference to the fact that I know he has autism. On the other hand, he's extremely articulate in his various filings with the court and his allocution. Mr. Hill is very capable of explaining things. It may not always be rational, but he's capable of explaining things. So I am trying to distance all of that.

In this case, I'm taking into account the fact that he's been in federal custody since December 21st.

MS. PRYOR: Yes, Your Honor.

THE COURT: I'm going to impose the 9 months. That's within the guideline range that the probation office has

recommended. That is the high end of the guidelines.

As a practical matter, that's, I think, 3 months from now, roughly 3 months from now, because I am anticipating that he should be getting credit for all of his time since December 21st because he's been in federal custody. Whether he's been at Butner being evaluated or wherever he was, he was in still in federal custody.

So my sentence of 9 months is under the understanding that he's getting credit for his time since December 21. It's also acknowledging that he's been in state custody before that and was punished in state custody, but the violations of supervised release, generally speaking, run consecutive to state punishment. And in this case, I think that's an appropriate punishment.

The willfulness of this violation is what still strikes me. Even though I know he's autistic and he has issues, it's hard to deny the willful, intentional conduct here.

So I'm going to order that Mr. Hill be committed to the custody of the United States Bureau of Prisons for 9 months. As I've said, that's with the intention that that would essentially be running from December 21, 2018, to the present because he would be getting federal credit for that time.

I am going to reimpose 9 years of supervision in this

case under the same terms and conditions already disclosed in this case.

All right?

MS. PRYOR: Your Honor, I do have a question. If the attorney or -- once they do return my call, if they do not give him credit for that 5 months that he was in custody, is that still Your Honor's position?

THE COURT: No. My belief is he should get that credit. So my sentence is based on the understanding that he will be getting credit since then. What I guess I would tell you is it will take me a few days to get the judgment prepared.

MS. PRYOR: Yes, Your Honor.

THE COURT: I would encourage you to check with the Bureau of Prisons and be sure about that. If that's a problem, let me know, and under Rule 35, I think it is, I will regard that to be a mistake in fact.

MS. PRYOR: That's correct.

THE COURT: Unless there is an objection by the parties, I would consider making that change to reflect that.

MS. PRYOR: Thank you, sir.

THE COURT: Anything else? Have you had an opportunity speak -- oh, is he in custody now?

MS. PRYOR: He is not in custody, Your Honor.

THE COURT: He's been out of custody at the present time. Is this a case where he can self-report, and is there

any objection?

MS. PRYOR: Your Honor, that would be my request, Your Honor. His family did come all the way from Martinsville, Virginia, and the probation officer and him have a great, great relationship.

THE COURT: Let me ask: Is there any objection to self-reporting?

MR. RAMASWAMY: For the Government, I do oppose it, Your Honor. I understand Probation's position, if I'm not mistaken, is he be allowed to self-report.

THE COURT: What is the Probation's view?

THE PROBATION OFFICER: Your Honor, he's followed instructions thus far. I don't see why he wouldn't now.

THE COURT: Is he on location monitoring?

THE PROBATION OFFICER: No, sir, not at the present time.

MS. PRYOR: Your Honor, we have no objection to him being on location monitoring, but I would ask that he does self-report. He's never had an issue with Probation.

THE COURT: I'm -- given the myriad of factors in this case -- he's still living with his mother; right?

MS. PRYOR: He does.

THE COURT: I'm going to find he's not likely to flee or pose a danger to the community under circumstances where he's on GPS monitoring. So I'm going to add a condition to his

supervision that he be given GPS location monitoring, and he can self-report then.

Do I have a date, Ms. Engle?

MS. PRYOR: Your Honor, this might be a stretch to ask, but I believe his next court date is December 3. I was wondering, Your Honor -- it's really important to him that he be able to attend that hearing -- if it could be a date after December 3 to report.

THE COURT: Any objection?

MR. RAMASWAMY: Your Honor --

THE COURT: It's going to take Bureau of Prisons 6 or 8 weeks at a minimum.

MS. PRYOR: It does, Your Honor.

THE COURT: So we'll be into November.

MR. RAMASWAMY: Given the conduct, the Government does not consent to that.

THE COURT: Okay.

THE PROBATION OFFICER: Your Honor, just as a matter of logistics, if he were to be released to location monitoring technology, that technology should be installed immediately. We would request a -- that the Court agree to a short delay of the installation of that, just given the logistics of him traveling back to the Western District of Virginia and the Western District of Virginia installing their equipment.

THE COURT: How many days would you like before?

THE PROBATION OFFICER: Your Honor, I think we can take care of that Monday.

THE COURT: So you can add that to the condition, that within 7 days that it be placed at the discretion of Probation. How about that? Does that work?

THE PROBATION OFFICER: Thank you, Your Honor.

THE COURT: All right. So as long as he's on location monitoring, I'll set it for Friday, December 6, noon, report to the U.S. Marshal in Greensboro, if he hasn't received a designation.

THE PROBATION OFFICER: I apologize, Your Honor. Just for further clarification, is that a home incarceration or a curfew? He would need to be placed under one of the three programs as well.

THE COURT: Is there a recommendation?

THE CLERK: Is it a revision? An order of release or a condition of his supervision?

THE COURT: Well, I don't know -- we'll figure out that in a minute.

THE PROBATION OFFICER: I would simply recommend at least a curfew. With GPS, you can order a curfew that's restrictive enough to monitor his whereabouts throughout the day.

THE COURT: Okay. That's a -- the case manager raised a good question. This is actually not a condition of

supervision. I think this is going to be a release condition so he can remain on his own. So the magistrate judge's order on release will be modified to add a condition for location monitoring. You think home -- a curfew is sufficient?

THE PROBATION OFFICER: Your Honor, I believe a curfew that's at the discretion of the probation officer would be --

THE COURT: I will add a curfew at the discretion of Probation. Probation is doing an excellent job of working with Mr. Hill. I just want to make sure that he's in at night.

MS. PRYOR: Yes, Your Honor.

THE COURT: All right. I don't want him running around naked anymore anywhere.

MS. PRYOR: Yes, Your Honor.

THE COURT: Does that address all those issues?

MS. PRYOR: It does, Your Honor.

THE COURT: Ms. Pryor, let me know right away if you hear otherwise.

MS. PRYOR: I will, yes, sir.

THE COURT: Because the judgment will be issued here shortly.

Have you had an opportunity to speak with Mr. Hill about any appellate rights he may have?

MS. PRYOR: I have, Your Honor. He would like to file his notice of appeal.

THE COURT: For the record, just so that I've advised him, make sure he's aware, if he does want to file a notice of appeal, he must do so in writing within 14 days of the entry of the Court's judgment. If he cannot afford the cost of his appeal, he can ask the Fourth Circuit to waive the cost.

If you want to file the notice of appeal -- I haven't entered a written judgment yet, but it only has to be entered within 14 days of the written judgment.

MS. PRYOR: I understand. Thank you, Your Honor.

THE COURT: Ms. Hill, please keep an eye on your son. I hope there won't be any problems between now and whenever he gets a reporting date so that we don't have any further issues. Okay.

MS. PRYOR: Thank you so much, Your Honor.

THE COURT: Good luck. I know it's a challenge.

All right. Anything further?

MR. RAMASWAMY: No, Your Honor.

THE COURT: All right. Please adjourn Court.

(END OF PROCEEDINGS AT 5:35 P.M.)

******

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF NORTH CAROLINA

CERTIFICATE OF REPORTER

I, Briana L. Bell, Official Court Reporter, certify that the foregoing transcript is a true and correct transcript of the proceedings in the above-entitled matter.

Dated this 4th day of November 2019.

Briana L. Bell

Briana L. Bell, RPR
Official Court Reporter

EXHIBIT 5
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

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

COMMONWEALTH OF VIRGINIA,	)	
	)	
v.	)	**CASE NO: C18-3138**
	)	
BRIAN DAVID HILL,	)	
Defendant.	)	

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
Returned 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 11a
BY D. Collins D. Clerk
MARTINSVILLE GENERAL DISTRICT COURT

EXHIBIT 6
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

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 feeblemindedness, 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 6th 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

EXHIBIT 7
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

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.

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 feeblemindedness, 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 15th 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 8
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

Body Cameras Proving Useful for Martinsville Police

by
Wednesday, May 1st 2013

Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven

Even on a very routine call, every word spoken and every movement taken will be captured

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassady says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassady.
Captain Cassady says they have used the video as evidence in many cases throughout the year. So, they say it has really done it's job.

MORE TO EXPLORE

5 symptoms that may mean you were infected with COVID-19 omicron variant

d in their home

38° 38° 25°

6 people wanted by Bedford County Sheriff's Office

EXHIBIT 9
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

JUSTICEFORUSWGO.WORDPRESS.COM

Interview and Interrogation of people with autism (including Asperger syndrome)

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

Misleading indications of guilt

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities. They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide. They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

Possible traps when interrogating a person with autism

Techniques used during interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

Memory Skills

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

The Interrogator as Authority Figure

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

Friendly-Unfriendly

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

Concrete Thinkers

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

Poor Liars

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of , No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

Tips for the interviewer/interrogator

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
- To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions.
- Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
- Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
- Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

EXHIBIT 10
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill
Chart #: 60373 D.O.B. 5-26-90
Center: High Point, NC
Date: 10-19-94

Staff: Marquita Fair, Child Therapist
Allison Butwinski, Parent Consultant
Dr. Roger D. Cox, Licensed Practicing Psychologist and Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill
Age: 4 years 5 months
Address: 133 Mike Lane, Reidsville, NC 27320
Parents: Roberta Hill
Current Status: Lives at home with mother and is being served in a preschool developmental delayed classroom at Bethany
Referral Source: Sheila Shelton
Reason for Referral: Clarification of diagnosis and educational planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

BEHAVIORAL OBSERVATIONS DURING TESTING:

Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brain showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow"?, "can I do bell again"?, and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

Function Area	Age Level
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects.
He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.

2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.

3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket" This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.

4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

Marquita Fair

Marquita Fair, Child Therapist

Allison Butwinski

Allison Butwinski, Parent Consultant

Roger D. Cox, Ph.D.

Roger D. Cox, Ph.D.
Licensed Practicing Psychologist

EXHIBIT 11
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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CARILION CLINIC

CARILION CLINIC, FAMILY AND INTERNAL MEDICINE
1107a Brookdale Street
Martinsville VA 24112
Phone: 276-670-3300
Fax: 276-634-0379

5/16/2017

RE:
Brian Hill
310 Forest St Apt 2
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

Shyam E Balakrishnan, MD

EXHIBIT 12
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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BRIAN HILL (174826) [DOB: 5/26/1990]

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		

Piedmont Community Services

13 MOSS ST SOUTH
MARTINSVILLE, VA 24112

Client Name:	**BRIAN HILL**	SSN/Acct #	[redacted]0319 / 174826
Address:	**310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939**	Date/Time:	**10/24/2018 9:51 AM to 10:23 AM**
Insurance:		Employee Name:	**CONRAD DAUM / MD**
Diagnosis:		Visit Type/CPT	**Med Note [Jail] / Nonbill**
DOB	**5/26/1990**		
Notes:	**Non-Face-to-Face Service**		

HISTORY

Chief Complaint: Notes:
"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

History of Present Illness (HPI): Notes:
local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ills see med hx.

Past Medical / Family Medical / Social Hx: .
LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

Review of Symptons (ROS)

Constitutional: Notes:
sleeping ok

Eyes: Notes:
see ok

Ears, Nose, Mouth, Throat: Notes:
hear ok

Cardiovascular: Notes:
no chest pain

Respiratory: Notes:
breathing ok

Musculoskeletal: Notes:
no LBP

Integumentary (skin and/or breast): Notes:
no tattoos

Neurological: Notes:
seizure hx and diabetic foot neuropathy

Endocrine: Notes:
diabetes

Hematologic/Lymphatic: Notes:
no nodes

Allergic/Immunologic: Notes:
allergy see list

Genitourinary: Notes:
bladder frequency

Gastrointestinal: Notes:
GERD SX, episodic diarrhea

EXAM

Constitutional Vital Signs:

Musculoskeletal

Muscle strength and tone: Notes
ok

Gait and station: Notes
ok

Behavior
Appearance: Well-groomed
Activity: Normal
Attitude: Cooperative
Articulation (Speech): Normal Rate, Rhythm, Volume
Sensorium
Consciousness: Alert
Orientation: Full
Memory: Intact
Attention/Concentration: Adequate
Emotion
Affect: Comfortable and Reactive
Mood: Euthymic
Congruency: Congruent
Suicidal Ideation: None
Homicidal Ideation: None
Thought
Thought Process: Goal-directed
Thought Content: Delusional
Intelligence: Average
(based upon fund of knowledge, comprehension, and vocabulary)
Insight: Full
Judgement: Intact
Perception: Normal
Impression
Brief summary of present status of case: Notes
aims=0

DIAGNOSES

Current Diagnoses:
Effective Date : 10/24/2018
1 (F42.9) Obsessive-compulsive disorder, unspecified
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:
Date Updated: 03/21/2017
SNOMED: -

2 (F84.0) Autistic disorder
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:
Date Updated: 03/02/2016
SNOMED: -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:

Date Updated: 10/24/2018
SNOMED: -

4 (F41.1) Generalized anxiety disorder
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes: BRITTLE DIABETES
Date Updated: 10/24/2018
SNOMED: -

WHODAS 2.0 General Disability **Assessment Date:**
Raw Score: **Avg Score:**
Cognition:
Mobility:
Self-care:
Getting along:
Life activities:
Participation:

Psych Diagnoses & Status

Diagnosis: all

Status: Stable

Medical Diagnoses & Status

COLUMBIA ASSESSMENT

1) Wished to be Dead:
Have you wished you were dead or wished you could go to sleep and not wake up?: No

2) Suicidal Thoughts:
Have you actually had any thoughts of killing yourself?: No

6) Suicidal Behavior Question:
Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

SUMMARY

Service Modality: Non-Face-to-Face Service

Current Medications:
Medication:insulin aspart U-100 100 unit/mL subcutaneous solution
Start Date:10/24/2018
Dosage:
Frequency:

Medication:olanzapine 2.5 mg tablet
Start Date:10/24/2018
Sig: Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet
Start Date:10/24/2018
Sig: Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan

Medication Changes: .

Next Appointment: Date
prn

E/M Level: 5

E/M Score: 5

Employee Signature

C Daum MD

10/24/18 2:51 PM
CONRAD DAUM - MD
MD

C Daum MD

Supervisor's Signature
Approved by CDAUM on 10/24/18
CONRAD DAUM, MD, MD

EXHIBIT 13
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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Condition, procedure, doctor name...

location

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insurance

insurance carrier and plan

close

Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

Other highly-rated Psychiatrists nearby

Dr. Marwa Ghabra, MD

Psychiatrist

★★★★★ (26)

VIDEO VISIT

View profile

Psychiatrist

View profile

Dr. Sahar Zaidi, MD

VIDEO VISIT

Psychiatrist

★★★★★ (8)

View profile

See more Psychiatrists nearby

Conrad Daum, MD

Are you Conrad Daum, MD? Claim your profile

Education and background

Specialties

Psychiatrist

Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

Education and training

University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)

NPI number ⓘ

Conrad Daum's office location

401 W Main St
Radford, VA 24141

Find an in-network doctor and book online

Conrad Daum does not participate in Zocdoc to offer online booking at this time. Choose from thousands of doctors on Zocdoc and book an appointment online for free.

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Zocdoc › Psychiatrists › Conrad Daum, MD

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Prepare for your appointment, add it to your calendar, reschedule or look up directions.

Be well
Keep up with your preventive care with personalized reminders.

Get care any time, anywhere
Book appointments and see doctors from home with a video visit, or in-person.

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Metlife
Multiplan PHCS
UnitedHealthcare
UnitedHealthcare Dental
UnitedHealthcare Oxford
1199SEIU
View all

Pediatrician
Optometrist
Eye Doctor
Therapist
Counselor
Physical Therapist
Psychologist
View all

EXHIBIT 14
for

EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division

Brian David Hill,
Petitioner
v.
United States of America,
Respondent

Case # 1:13-CR-435-1
1:17-CV-1036

STATUS REPORT
OF PETITIONER
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner"), in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I Brian D. Hill produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

(2.) ON SEPTEMBER 18th 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~wait~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a Tuesday. Likely surveiling me.

(3.) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~Have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4.) On September 20, 2018 Thursday, some of my memories may have been blacked out. I was under an extreme account of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something weird/bad happen to me.

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I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13, 2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white, told me "You had better take your clothes off in public and take pictures of yourself and place the SD card around the bench after the bridge..." "or they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

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I didn't Know what to do. I Kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be Killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from tormail.org messages which were successfully carried out. I Knew I couldn't mess with these people with a threat that serious. Out of fear and desperation I walked where vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench as how would they Know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a truck with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red lazer beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't Know who he was. I was scared it was them going to Kill me for not exactly following the hoodie guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body until I fell in the ~~river~~ bed creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have, Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism." maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism" I responded with "Dennis Debbaut a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building." after or before my answer to his "how do I know you even have Autism" was "it was in federal court records." He gave me that look where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report". I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't accept what I had told him. I then told him "You don't understand Autism. You are violating Title II of the Americans with Disabilities Act."

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I was being charged with "indescent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial, and sue him for violating the ADA. Argument escalated to me saying to him "Fu*k You". At one point things coled down and I was in front of the TV with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 Probation Violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of ~~"actual innocence"~~ "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash ~~Ramaswamy~~ Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, Case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you aren't doing anything about the drug dealers in my (or our) neighborhood" that the FBI aren't doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

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I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received tormail.org message said that I was set up with child porn, that Alex Jones... (e) and others were next. my friends

(e) Some information omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then told him a told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from tormail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 tormail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case, since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 a case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Courts rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules case law, and statutes while incarcerated; or may

(3) While incarcerated I ~~will~~ not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under Oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy [redacted] incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a [redacted] Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this $2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27th day of September, 2018. Brian D. Hill signed

CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27th 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~a~~ letter certifying receipt of this pleading.

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Brian D. Hill
Signed

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

Clerk: Please send letter confirming receipt.

Declaration and reCertificate of service

Brian David Hill v. United States October 10, 2018

I Brian David Hill had mailed the wrong address and is refiling the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1 Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowging receipt of this pleading and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255. I ask that I be appointed a lawyer for my 2255.

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

Executed on October 10, 2018.

Brian D. Hill
Signed

U.S.W.G.O,

Brian David Hill
Martinsville City Jail (MCJ)
P.O. Box 1326, Martinsville, VA
24112