

In The  
**Court of Appeals**  
Of Virginia

**BRIAN DAVID HILL,**

*Petitioner,*

v.

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,**

*Respondent.*

**IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A  
WRIT OF ACTUAL INNOCENCE BASED ON  
NONBIOLOGICAL EVIDENCE  
AT COURT OF APPEALS OF VIRGINIA**

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**JOINT APPENDIX  
VOLUME III OF VI  
(Pages 1 – 227)**

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**U.S.W.G.O.**

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



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**MARTINSVILLE CIRCUIT**  
**HILL, BRIAN DAVID**

Case No.:CL20000089-00  
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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-00</b>
	)	
v.	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Motion for writ of error coram vobis</b>
	)	

**Motion for writ of error coram vobis**

Pursuit to § 8.01-677 and the inherit power of a Court to correct clerical errors, errors of fact and correct any frauds upon the Court (“*These powers are governed not by rule or statute, but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.*” Link v. Wabash R. Co., 370 U.S. 626, 630-631 (1962).” Chambers v. Nasco, Inc., 501 U.S. 32, 43 (1991)), Brian David Hill (“Petitioner”) the criminal defendant in this case files this motion for writ of error coram vobis in this Circuit Court to correct the errors and frauds perpetuated on this Court and the General District Court.

This motion is to either correct the final judgment in the Circuit Court on November 15, 2019, and/or in the General District Court on December 21, 2018,

for wrongfully convicting an “actually innocent” man Brian David Hill. There is not enough evidence to have ever convicted Petitioner on December 21, 2018, of indecent exposure, and thus was a nullity from the very beginning.

Petitioner files evidence that shows that the Commonwealth of Virginia had lied about the facts of the case in regards to what they filed in the Court of Appeals of Virginia, opposition brief filed on 02-24-2020, under CAV #0128-20-3. That is a fraud upon the Court, a final judgment of presumed guilt procured by fraud. One fact was that the police were never able to locate the guy wearing the hoodie. An Exhibit will be introduced in attachment showing that the Martinsville Police Department refused to open an envelope full of evidence (See **Exhibit 1**) that would have likely changed the course of investigation with the threatening greeting card and the carbon monoxide cumulative evidence. Instead of investigating the evidence, the envelope was kept sealed and transferred to the Commonwealth’s Attorney Glen Andrew Hall and then was secretly transferred again to Matthew Scott Thomas Clark who never informed Petitioner that he received the envelope that was meant for Martinsville Police Department, that the Police Department ignored the evidence and refused to investigate any evidence. Such incompetence and dereliction of duty by a so-called professional law enforcement agency. Such malpractice and not following investigative standards of investigating potential crimes when evidence is mailed to a Police Department but never opened and



never looked at but simply disregarded while its contents never reviewed. That disproves Glen Andrew Hall's claim of the facts that the guy wearing the hoodie cannot be located by the Martinsville Police, because the Police Department is so incompetent that they refused to even open the envelope with evidence meant for Officer Robert Jones after the Police Chief was to be given the envelope and the Commonwealth's Attorney refused to open the envelope (See Exhibit 1). They charged Petitioner so quickly with indecent exposure, that it created a legal process that absolved any ability for Martinsville Police Department to even thoroughly investigate the so-called guy wearing the hoodie that Petitioner had reported to Officer Robert Jones. The legal process of the Commonwealth Attorney and the ineffective defense counsel caused the Police Department to refuse to investigate any evidence ever mailed or faxed by Brian David Hill. So if Brian ever received a death threat in the future, the Police will refuse to investigate it and give it over to his lawyer breaking the chain of custody. How incompetent for a law enforcement agency to refuse to investigate evidence. Who would have believed that the Police could not locate a guy wearing a hoodie if they won't even open an envelope full of evidence mailed to them under restricted delivery of certified mail????????????????? That is a good question that this Honorable Court needs to ask of Robert Jones the officer and Glen Andrew Hall the lawyer.

Even Scott Albrecht did not introduce any case law in the General District Court and no court appointed lawyer in the Circuit Court or General District Court had ever brought up these arguments of spoliation of evidence and lack of investigation by Martinsville Police and that new evidence, until this motion was filed by Petitioner.

Neighbors v. Commonwealth, 274 Va. 503, 505 (Va. 2007) (“10. The circuit court’s restriction of Code § 16.1-106 to only monetary cases in the case at bar was erroneous. There is no restriction to an appeal of a petition for a writ of error coram vobis from the general district court to the circuit court because it is a non-monetary civil proceeding. Accordingly, the appeal of the denial of a writ of coram vobis is within the jurisdiction of a circuit court under Code § 17.1-513 and the circuit court erred in determining it lacked jurisdiction to hear the appeal from the judgment of the general district court.”)

Neighbors v. Commonwealth, 274 Va. 503, 504 (Va. 2007) (“1. The writ of error coram vobis, or coram nobis, is an ancient writ of the common law. It was called coram nobis (before us) in King’s Bench because the king was supposed to preside in person in that court. It was called coram vobis (before you — the king’s justices) in Common Pleas, where the king was not supposed to reside. The difference related only to the form appropriate to each court and the distinction disappeared in this country when the need for it ended. 2. The principal function of

the writ is to afford to the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered, and which could not have been presented by a motion for a new trial, appeal or other existing statutory proceeding. It lies for an error of fact not apparent on the record, not attributable to the applicant's negligence, and which if known by the court would have prevented rendition of the judgment. 3. The writ of coram vobis does not lie for newly-discovered evidence or newly-arising facts, or facts adjudicated on the trial. It is not available where advantage could have been taken of the alleged error at the trial, as where the facts complained of were known before or at the trial, or where at the trial the accused or his attorney knew of the existence of such facts but failed to present them.”)

**NEW FACTS THAT WERE NOT PRESENTED BY ANY COURT  
APPOINTED COUNSEL TO THE GENERAL DISTRICT COURT**

The General District Court erred as a matter of law in finding that Petitioner was guilty of Virginia Code § 18.2-387. Indecent exposure.

The facts that were not presented at the General District Court are as follows:

1. That Petitioner was a victim of carbon monoxide gas in his Apartment. Expert witness Pete Compton made a written statement, of

ACE Chimney Sweep in Bassett, VA. That was not known at the time Petitioner was convicted for indecent exposure in General District Court on December 21, 2018. It was in 2019 that Petitioner was finally given evidence of carbon monoxide gas in his home. See **Exhibit 2**.

2. That Petitioner had mailed an envelope (See **Exhibit 1**) with evidence to the Police Chief of Martinsville where the letter inside with the evidence was meant for Officer Robert Jones as new evidence for him to investigate regarding the threatening greeting card directed at Brian's mother Roberta Hill which would add credibility to Brian's claim of taking his clothes off in public to protect his mother from being killed. The evidence also shows that cumulatively there was carbon monoxide gas in Petitioner's home before and after Petitioner was arrested, and such gas also affected Petitioner's mother as well. The Police would have had at least two witnesses not including expert witness Pete Compton. That would validate Petitioner's claims and create a good reason or excuse as to why Petitioner was naked at night on the Dick and Willie walking trail, a story that Officer Robert Jones would have accepted had Petitioner or even the Hospital had known. However the Martinsville Police Chief was incompetent as well as

Robert Jones as neither of them was ever interested in opening up the envelope to look through the evidence and contact Petitioner and his family to interview all of them to be questioned about the very evidence that Petitioner had mailed, and also allow Pete Compton to be questioned by law enforcement which would documented the evidence and would have made the Martinsville Police felt that Petitioner had NO intent to commit indecent exposure and thus was legally innocent all along under Virginia Law. No crime had been committed under actus reus unless the Petitioner has done the act without any justification, excuse, or other defense. However Virginia does not appear to have established a clean definition of criminal intent, but Black's Law Dictionary defines it as "[a]n intent to commit an actus reus without any justification, excuse, or other defense." See **Exhibit 1**.

3. At the General District Court during the bench trial on December 21, 2018, The Commonwealth did not prove intent to being obscene as required by statute. In summary, in order to show that Petitioner had violated the indecent exposure statute under Virginia law, the Commonwealth was required to prove, among other things, that Petitioner 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.<sup>1</sup> The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed Petitioner as someone who was running around naked with socks and shoes (not boots) 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. The General District Court did not hear, however, any evidence of Petitioner having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Petitioner 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. Petitioner did not do that. Rather, he was running around between midnight and

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<sup>1</sup> For the reasons stated above, the Commonwealth'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 Commonwealth's burden was only a preponderance of the evidence, the Commonwealth has still failed to carry its burden.

3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Petitioner made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public at night while having a psychiatric episode, but without the intent necessary to commit indecent exposure under Virginia law. Consequently, the General District Court erred, as a matter of law, when it found that Petitioner had committed the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387. While the evidence may show that Petitioner was naked in public, as stated above, 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). 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).

4. New Evidence that the General District Court did not see was that Sovah Hospital had laboratory tests ordered for alcohol, drug, and blood count testing which would have found any evidence of any drugs, substances, or even gases that would have explained why Petitioner was even naked in a public place at nighttime which endangered himself being naked on a hiking trail at night while wild animals including black bears and coyotes could have easily been around the area. Petitioner had a backpack but no evidence of any diabetic supplies and no glucose, which is dangerous to a Type 1 diabetic. He could have died of low blood sugar before the Police had even found him. He endangered himself not a member of the public. However they discharged Petitioner to jail and the laboratory tests were to be deleted from his medical record chart (See Pg. 19 of **Exhibit 3**), the blood vials thrown away which is spoliation of evidence when that very such evidence would have been in



Petitioner's favor in this criminal case. Permanently depriving Petitioner of a fair trial especially if it were a jury trial as all they would hear about was how he was naked which would make them feel emotionally uncomfortable over even looking at the photographs. The spoliation of evidence prevents Petitioner from ever being allowed to prove the levels of carbon monoxide poisoning that Petitioner was under while he was naked and after he was handcuffed and taken to the Hospital by ambulance. The medical records proves that Petitioner had abnormally high resting blood pulse (BP: 100+) on September 21, 2018, which is Sinus Tachycardia. Petitioner also had Sinus Tachycardia on November, 2017, when Petitioner was injured and taken to the hospital, Sinus Tachycardia and abnormally high White Blood Cell count which is common in victims of carbon monoxide gas poisoning. The levels could have been proven, the lab tests could have been disseminated to Martinsville Police Department, and Petitioner likely never would have even been charged or the charge would have been dismissed quickly not to embarrass the Commonwealth Attorney. That never happened because Scott Albrecht never faxed, never emailed, and never filed any "litigation hold" letter asking the Hospital not to throw away any blood sample

taken from Petitioner until it is thoroughly examined by a state laboratory or an independent laboratory that such accreditation is legally accepted in Virginia Courts. The Spoliation of exculpatory evidence does still prove one thing, that the Commonwealth Attorney cannot argue that there was no substances or gasses in Petitioner's body when he was found butt naked on a hiking trail at night by Officer Robert Jones of Martinsville Police Department. That right there is still a "reasonable doubt" since the levels of carbon monoxide can never be established, and thus Petitioner could have and should have been found not guilty of indecent exposure under a reasonable doubt being established. Unless Petitioner was medically cleared of any and all substances, drugs, narcotics, gases, any of them, Petitioner does have the right to raise reasonable doubt as to intent to commit indecent exposure in a public place at night. Without proving intent, the Commonwealth does not have a case for a criminal conviction and never had a case of a successfully sustainable conviction. The General District Court never should have convicted Petitioner on December 21, 2018.

Petitioner was never supposed to be convicted by the General District Court. Scott Albrecht failed to produce any of these relevant and persuasive case laws and

there was evidence that could never have been made known to him until 2019 when Pete Compton discovered the carbon monoxide gas for Petitioner's and his mother's home address. Petitioner was in jail not on bond throughout the General District Court case so he could not assist his attorney in any of the preparation for the trial on December 21, 2018, and neither could Petitioner assist his attorney in gathering any evidence since jail is oppressive and a lockdown facility, then he was transferred to the custody of the United States Marshals shortly afterwards after the General District Court decision. All Petitioner knew about was appeal the decision not knowing what the Commonwealth would do pushing for a jury trial in the Circuit Court knowing possibly that evidence of spoliated (spoliation of evidence), knowing that the cards would unfairly be stacked against Petitioner with counsel already making excuses after Scott Albrecht moved away from Martinsville and was replaced with the ineffective and defective of a lawyer Lauren McGarry and then Matthew Clark which both just wanted to make excuses to persuade Brian and his whole family for Brian to withdraw appeal. Petitioner was deprived of a fair trial throughout the state case every step of the way which is a nullity when due process is deprived to a party in a case. A null and void conviction, a null and void/voidable judgment.

It is clear that Petitioner should never have been convicted of indecent exposure and that counsel was ineffective and Petitioner was unable to properly

assist counsel due to being in Martinsville City Jail. That jail has no law library which violates the United States Supreme Court case law precedent.

"The Due Process Clause of the Fourteenth Amendment guarantees state inmates the right to 'adequate, effective, and meaningful' access to the courts." Petrick v. Maynard, 11 F.3d 991, 994 (10th Cir.1993) (quoting Bounds v. Smith, 430 U.S. 817, 822 (1977)).

The guarantee of court access is satisfied "by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." Bounds, 430 U.S. at 828.

The Due Process Clause of the Fourteenth Amendment guarantees state inmates the right to "adequate, effective, and meaningful" access to the courts. Bounds v. Smith, 430 U.S. 817, 822, 97 S.Ct. 1491, 1495, 52 L.Ed.2d 72 (1977); Green v. Johnson, 977 F.2d 1383, 1389 (10th Cir.1992). We impose "affirmative obligations" on the states to assure all inmates access to the courts and assistance in the preparation and filing of legal papers. Ramos v. Lamm, 639 F.2d 559, 583 (10th Cir.1980), cert. denied, 450 U.S. 1041, 101 S.Ct. 1759, 68 L.Ed.2d 239 (1981).

With Scott Albrecht being ineffective and the Martinsville City Jail having absolutely no law library, Petitioner could not prove his legal innocence in the

General District Court. Then when Petitioner was able to be released on bond conditions for the Circuit Court, Petitioner was further given ineffective counsel making excuses and begging Petitioner to withdraw appeal and not adopting any of his filed pro se motions that were ignored in the Circuit Court. Petitioner was never going to have a fair trial under that level of ineffectiveness. The only good thing was that since Petitioner was not in jail, he was able to fax or hand deliver pro se motions which helps to demonstrate on the record in this criminal case that counsel was ineffective, defective, and not doing anything to even create a defense which is malpractice. Scott Albrecht was the best of them all but even he was ineffective counsel as well since Scott never pushed for evidence to not be destroyed by simply mailing or faxing a litigation hold letter and never cited case law for the criteria for successful convictions and/or acquittals for indecent exposure charges.

### **ARGUMENT**

The Commonwealth has failed to meet the burden of proof that Petitioner is guilty of Virginia Code § 18.2-387, in the General District Court. The Commonwealth does not have any absolute fact as to the levels of carbon monoxide gas poisoning due to the spoliation of evidence of the blood samples obtained at the Hospital on Sept. 21, 2018, and thus the Commonwealth cannot sustain any fact or claim that they can ever assert that they feel that Petitioner was not under any substance, narcotic, drug, or gas poisoning at the time that Petitioner

was naked on the Dick and Willie hiking trail. Thus such spoliation of evidence at fault of both the Commonwealth Attorney and Scott Albrecht by not filing any litigation hold letters with Sovah Hospital, requesting that they refrain from throwing away any blood samples obtained from Mr. Brian David Hill while he was at the Hospital on September 21, 2018, pending further investigation for the indecent exposure. Since both failed to protect exculpatory evidence, Petitioner cannot prove the levels but the Commonwealth cannot claim that Petitioner wasn't under any drug, substance, narcotic, or gas at the time he was naked on September 21, 2018, and around the time he was at the Hospital.

Judge Brinks, at the time he was judicial official, had erred as a matter of law in finding the Petitioner guilty of Virginia Code § 18.2-387.

Judge Brinks, at the time he was judicial official, had erred as a matter of law in finding the Petitioner guilty of Virginia Code § 18.2-387 beyond a reasonable doubt.

Here is the case law that no court appointed lawyer had ever presented or argued in the General District Court.

Price v. Commonwealth, 214 Va. 490, 493 (Va. 1974) ("There we held that a portrayal of nudity is not, as a matter of law, a sufficient basis for a finding that a

work is obscene. See also *Upton v. Commonwealth*, 211 Va. 445, 447, 177 S.E.2d 528, 530 (1970).”)

*Neice v. Commonwealth*, Record No. 1477-09-3, at \*4 (Va. Ct. App. June 8, 2010) (“Thus, by its terms, Code § 18.2-387 requires the Commonwealth to prove that appellant's exposure was obscene. "A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene." *Price v. Commonwealth*, 214 Va. 490, 493, 210 S.E.2d 798, 800 (1974) (citing *House v. Commonwealth*, 210 Va. 121, 127, 169 S.E.2d 572, 577 (1969)). What is "obscene" under applicable law has plagued the courts for the last fifty years. In an oft-quoted remark, Justice Potter Stewart noted, "I shall not today attempt further to define the kinds of material I understand to be [obscene] . . . and perhaps I could never succeed in intelligibly doing so. But I know it when I see it. . . ." *Jacobellis v. Ohio*, 378 U.S. 184, 197 (1964) (Stewart, J., concurring). This quote aptly summarizes the difficulty faced by the Court in obscenity cases.”)

*Romick v. Commonwealth*, Record No. 1580-12-4, at \*5 (Va. Ct. App. Nov. 19, 2013) (“Although Romick's behavior was bizarre, the evidence merely proved nudity and was insufficient to prove Romick's actions had as its dominant purpose a prurient interest in sex.”)

A.M. v. Commonwealth, Record No. 1150-12-4, at \*4-5 (Va. Ct. App. Feb. 12, 2013) (“While "private parts" can include the buttocks, Hart v. Commonwealth, 18 Va. App. 77, 79, 441 S.E.2d 706, 707 (1994), Code § 18.2-387 does not criminalize mere exposure of a naked body, see Price v. Commonwealth, 214 Va. 490, 493, 201 S.E.2d 798, 800 (1974) ("A portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene."). Instead, a conviction under Code § 18.2-387 requires proof beyond a reasonable doubt of obscenity. Code § 18.2-372 defines the word "obscene" accordingly:

The 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.

(Emphasis added). The "obscenity" element of Code § 18.2-387 may be satisfied when: (1) the accused admits to possessing such intent, Moses v. Commonwealth, 45 Va. App. 357, 359-60, 611 S.E.2d 607, 608 (2005) (en banc); (2) the defendant is visibly aroused, Morales v. Commonwealth, 31 Va. App. 541, 543, 525 S.E.2d 23, 24 (2000); (3) the defendant engages in masturbatory



behavior, *Copeland v. Commonwealth*, 31 Va. App. 512, 515, 525 S.E.2d 9, 10-11 (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. See *Jackson*, 443 U.S. at 319. Even with properly according the trial court's factfinding "with the highest degree of appellate deference," *Thomas v. Commonwealth*, 48 Va. App. 605, 608, 633 S.E.2d 229, 231 (2006), the record here does not support the conclusion that appellant's conduct was obscene, as is defined in Code § 18.2-372 and as required by Code § 18.2-387. It was repulsive, disrespectful, and inappropriate in every way - but not actually "obscene" as the General Assembly has defined the meaning of that term in Code § 18.2-372.")

The Commonwealth did not prove intent in the General District Court trial.

The General District Court erred in finding that the evidence before it was sufficient to find that Petitioner had violated Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person. That 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).

While the evidence may show that Petitioner was naked in public at night, as stated above, 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.”

In summary, in order to show that Petitioner violated the indecent exposure statute under Virginia law, the Commonwealth was required to prove, among other things, that Petitioner 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. The Commonwealth failed to do so. Rather, the Commonwealth’s evidence, presented through its own witness or witnesses, showed Petitioner 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. Then there is also evidence that was uninvestigated on the record in regards to carbon monoxide. See CORRESPONDENCE, Exhibit 1 which the page footer says "Page 295" testimony from Pete Compton, a chimney expert from Bassett, Virginia, and licensed in Virginia. The Commonwealth and the defense counsel both failed to conduct any investigation and inquiry into Pete Compton and the evidence of carbon monoxide gas found in Petitioner's apartment, the living residence of Petitioner at the time in 2018, which may help to explain his abnormal and irrational behavior.

The General District Court did not hear, however, any evidence of Petitioner having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Petitioner making any sexual remarks, being aroused, masturbating (photos of Petitioner submitted by Mr. Hall are questionable but do not show masturbation as masturbation is moving/rubbing the genital repetitively until an excretion occurs and byproducts thereof which that action did not happen), 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. Appellant 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 Petitioner made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public at nighttime while having a psychiatric episode, but without the intent necessary to commit indecent exposure under Virginia law. Consequently, the district court erred, as a matter of law, when it found that Petitioner had violated the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387. The mental evaluator in the General District Court did not know about the Piedmont Community Services diagnosis from Dr. Conrad Daum, a forensic psychiatrist diagnosing Brian with “psychosis” in October of 2018. The psychologist did not know that Petitioner had been subject to carbon monoxide gas in the home because Petitioner did not know until after his conviction but the evidence is listed in the record of the Circuit Court. For either attorney to mention nothing of it and not investigating any of it, and not showing either Court the concerning issue of carbon monoxide and how it affects the intent in regards to Petitioner and the indecent exposure law. Counsel failed to do any of it, yet Attorney Edward Kennedy from Clarksburg, West Virginia, as per Petitioner’s federal appeal on his Supervised Release Violation, that attorney actually fought for him but never Matthew Clark, and never Lauren McGarry. See Fourth Circuit,

U.S. Court of Appeals case, USCA4 Appeal: 19-4758, Doc: 21, Filed: 12/19/2019, Pg: 1-22. Even Scott Albrecht tried his best but still didn't cite the case law, didn't even attempt a motion to dismiss, didn't send any letters for "litigation hold" to ask Sovah Hospital to hold onto the blood vials and not destroy the evidence, and didn't give all of the concerning medical record materials to the psychologist who had conducted the evaluation in the General District Court. What a failure. Petitioner has more than enough evidence of ineffective assistance of counsel that was defective in both of his direct criminal appeal and throughout the criminal case.

Petitioner did not validly withdraw his appeal in the Circuit Court and was apparent on the record itself with his rantings within the very "FAX" Motion "to Withdraw Appeal" which the Circuit Court even erred on the record by ignoring what was obvious here, and therefore Petitioner entered no valid guilty plea since no papers were signed ever stating the word "guilty", no verbal plea was ever entered on the record. Petitioner was never questioned in open court about why he was withdrawing his appeal, what rights he had and the very rights that would be waived by agreeing to withdraw the appeal and accepting the decision of guilt in the General District Court.

See "MOTION- FAX TO WITHDRAW APPEAL," pg. 421 – 432. A waiver of appeal is invalid if the record shows that counsel was ineffective.

See *United States v. Kelly*, 915 F.3d 344 (5th Cir. 2019) “This court reviews de novo whether an appeal waiver bars an appeal.” *United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). “ A criminal defendant may waive his statutory right to appeal in a valid plea agreement.” *United States v. Pleitez*, 876 F.3d 150, 156 (5th Cir. 2017). When deciding “whether an appeal of a sentence is barred by an appeal waiver provision in a plea agreement, we conduct a two-step inquiry: (1) whether the waiver was knowing and voluntary and (2) whether the waiver applies to the circumstances at hand, based on the plain language of the agreement.” *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). For a waiver to be knowing and voluntary, “[a] defendant must know that he had a ‘right to appeal his sentence and that he was giving up that right.’” *United States v. Portillo*, 18 F.3d 290, 292 (5th Cir. 1994) (quoting *United States v. Melancon*, 972 F.2d 566, 568 (5th Cir. 1992)). Moreover, “[a] waiver is both knowing and voluntary if the defendant indicates that he read and understood the agreement and the agreement contains an ‘explicit, un-ambiguous waiver of appeal.’” *Keele*, 755 F.3d at 754 (quoting *United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005)). But, as acknowledged in the plea agreement, “a defendant may always avoid a waiver on the limited grounds that the waiver of appeal itself was tainted by [IAC].” *United States v. White*, 307 F.3d 336, 339 (5th Cir. 2002).

See *United States v. Moore*, No. 11-5073, at \*3-4 (4th Cir. Aug. 3, 2012) (“Cannon’s appellate waiver excepted appeals based on ineffective assistance of counsel. He therefore has not waived his right to pursue this claim on direct appeal. However, claims of ineffective assistance of counsel are not cognizable on direct appeal unless the record conclusively establishes that counsel provided ineffective assistance. *United States v. Baldovinos*, 434 F.3d 233, 239 (4th Cir. 2006); see also *United States v. King*, 119 F.3d 290, 295 (4th Cir. 1997) (“[I]t is well settled that a claim of ineffective assistance should be raised in a 28 U.S.C. § 2255 motion in the district court rather than on direct appeal, unless the record conclusively shows ineffective assistance.”) (internal quotation marks omitted). The record does not conclusively establish that Cannon’s counsel was ineffective. Thus, we affirm Cannon’s conviction and sentence to the extent that he makes this challenge.”).

*Osborne v. U.S.*, Criminal Action No. 1:07CR00057, at \*9 (W.D. Va. Jan. 19, 2010) (“ See *Harper v. United States*, \_\_\_ F.Supp.2d \_\_\_, 2009 WL 3245452, \*5 (N.D.W.Va. 2009) (“Claims for ineffective assistance of counsel, for actions taken after a defendant’s entry into a plea agreement, are not waived by a general waiver of appeal rights contained in a plea agreement.”); *Moon v. United States*, 181 F. Supp. 2d 596, 603 (E.D.Va. 2002) (“The court finds that petitioner’s ineffective assistance of counsel at sentencing [lies] outside the scope of the waiver.”); *Butler v. United States*, 173 F. Supp. 2d 489, 494 (E.D.Va. 2001) (stating that “a § 2255

waiver should not bar ineffective assistance of counsel claims . . . just as direct appeal waivers do not bar those claims").”)

As long as Petitioner can show from the record that counsel was constitutionally deficient and had caused his waiver of appeal in the Circuit Court, such as his “MOTION- FAX TO WITHDRAW APPEAL,” pg. 421 - 432, and the Court’s “ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION,” pg. 433 – 433, his withdrawal of appeal can be ruled invalid, null and void, by this Court or even the higher Court of Appeals. Null and void judgments can be challenged at any time. Judgments are void or voidable when due process was deprived or procured by fraud.

Payne v. Commonwealth, 5 Va. App. 498, 499 (Va. Ct. App. 1988) (“(5) Right to Counsel — Effective Assistance of Counsel — Standard. — Code Sec. 19.2-317.1 allows an appellate court to entertain claims of ineffective assistance of counsel on direct appeal only if all matters relating to such issue are fully contained within the record of the trial.”)

**NEW EVIDENCE SUBMITTED IN ATTACHMENT TO THIS MOTION**

Petitioner submits the following new pieces of evidence not previously known to the Martinsville General District Court and/or may not even known to the Circuit Court of Martinsville.



EXHIBITS ATTACHED TO THIS MOTION:

Exhibit No.	Description	Page range
EXHIBIT 1.	<p>Three photographs and two pages of scanned materials - 5 pages total</p> <p>CONTENTS:                      (1)Front of envelope with Binder Clip and attached fax transmitted page                      (2)Front of Envelope                      (3)Back of Envelope                      (4)Certified Mail receipt, USPS receipt, and Return Receipt(front)                      (5)Certified Mail receipt, USPS receipt, and Return Receipt(back)</p>	1-6
EXHIBIT 2.	1-page letter statement from Pete Compton, expert chimney sweeper witness. Pete Compton of ACE Chimney Sweeper, Bassett, Virginia. 2 pages of misc. exhibit page markers from federal court record.	7-10
EXHIBIT 3.	The Sovah Hospital medical record of September 21, 2018.	11-19
EXHIBIT 4.	A photocopy of the filing in Writ of Habeas Corpus showing a photocopy of the letter mailed to Martinsville Police Chief, the photocopy of the very same letter contained in the envelope photographed in <u>Exhibit 1</u> .	20-34

34 pages total including Exhibit page markers.

How Exhibit 1 arguably applies to Writ of Error Coram Vobis:

Exhibit 1 proves that Martinsville Police Officer Sergeant Robert Jones did not have all of the facts available to him at the time that Petitioner was charged with indecent exposure in the “Arrest Warrant”. In fact it shows the lack-of-

investigation and incompetence of not only Martinsville Police Department but also the incompetence of the Commonwealth Attorney of Martinsville. The envelope was never opened by the Commonwealth Attorney and neither of the Police Department and neither of Matthew Clark. Petitioner is willing to present this envelope as physical piece of evidence if requested by this Court and allow the other party to conduct discovery examination, for the Commonwealth Attorney to examine the envelope and take photographs of the envelope, as well as any other applicable action under the Rules of Discovery. See **Exhibit 4** for copy of letter.

What was contained in the envelope? A letter to the Police Chief of Martinsville (**Exhibit 4**) with evidence attached to the letter. A copy of that letter was filed in the Writ of Habeas Corpus petition under case no. CL19000331-00. A photocopy of all of the contents of what was in the sealed envelope was also filed with the U.S. District Court. That envelope was originally mailed to Martinsville Police Department Chief G. E. Cassady, then was transferred to the Commonwealth Attorney, then to Attorney Matthew Scott Thomas Clark, then it ended up in Petitioner's hands.

See DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents # 156, # 157, # 158, # 159, and # 160 " filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 0, # 2

Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Envelope - Front and Back) (Garland, Leah) (Entered: 07/22/2019). All within Document #181, U.S. District Court for the Middle District of North Carolina federal court record.

How Exhibit 2 arguably applies to Writ of Error Coram Vobis:

That a chimney sweeping expert Pete Compton acknowledged to finding evidence of carbon monoxide gas in Petitioner's apartment in 2019. Because the gas was never discovered, Petitioner and his mother Roberta Hill had suffered months and months of carbon monoxide gas without even knowing it. Carbon monoxide gas can cause weird and abnormal behaviors, even inappropriate behaviors. Carbon monoxide gas affects the mental state of its victim. It can even cause psychosis, hallucinations, and even death. It is known as the silent killer.

How Exhibit 3 arguably applies to Writ of Error Coram Vobis:

That Sovah Hospital prematurely released Petitioner to Martinsville City Jail, while he had exhibited evidence of Sinus Tachycardia, the laboratory tests were ordered but then later deleted from the chart (See Pg. 19 of **Exhibit 3**). This proves spoliation of evidence since the blood vials aka the blood drawn from Brian David Hill were thrown away and the laboratory tests would have found the levels of carbon monoxide gas poisoning. The lab tests were canceled without

explanation. The Hospital never tested the blood sugar of Brian David Hill. Petitioner had cuts/abrasions all over his body. Petitioner should have been committed to the hospital until the laboratory tests were completed and to investigate why Petitioner had Sinus Tachycardia type readings for his resting blood pulse being over 100 which is not normal for a healthy person. The Hospital medically neglected him and then covered up the blood drawn evidence which is spoliation of evidence. Once Petitioner was charged with a crime, that created a litigation for the Commonwealth of Virginia to prosecute him, and thus Scott Albrecht should have quickly filed a "litigation hold" letter as well as the Commonwealth Attorney and that would have been the end of Petitioner facing a trial for indecent exposure once the levels were made known by lab tests. Both lawyers failed justice and failed the Court. The Court has erred to even have acknowledged that Petitioner was medically cleared and then arrested by Martinsville Police. It is medical neglect that caused the wrongful conviction of Petitioner and destroyed exculpatory evidence of blood samples obtained at Sovah Hospital of Martinsville. What a terrible hospital, they need to be SUED for Petitioner's suffering and criminal case legal drama. Those same Hospital records were likely reviewed by the psychologist who had evaluated Petitioner in November, 2018 for the General District Court over competency.

How Exhibit 4 arguably applies to Writ of Error Coram Vobis:

The Exhibit 4 filing shows a photocopy of the very letter that was mailed in the envelope that was photographed and marked as **Exhibit 1** in attachment to this Motion. Also the exhibit marker shows that the very same letter was also filed in the Writ of Habeas Corpus case by Petitioner.

Neighbors v. Commonwealth, 274 Va. 503, 508 (Va. 2007) (“The principal function of the writ is to afford to the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered, and which could not have been presented by a motion for a new trial, appeal or other existing statutory proceeding. Black's Law Diet., 3 ed., p. 1861; 24 C.J.S., Criminal Law, § 1606 b., p. 145; Ford v. Commonwealth, 312 Ky. 718, 229 S.W.2d 470. It lies for an error of fact not apparent on the record, not attributable to the applicant's negligence, and which if known by the court would have prevented rendition of the judgment. It does not lie for newly-discovered evidence or newly-arising facts, or facts adjudicated on the trial. It is not available where advantage could have been taken of the alleged error at the trial, as where the facts complained of were known before or at the trial, or where at the trial the accused or his attorney knew of the existence of such facts but failed to present them. 24 C.J.S., Criminal Law, § 1606 at p. 148; 49 C.J.S., Judgments, § 312 c, pp. 563, 567.”)

There were a lot of errors of fact. Petitioner was not obscene and was under a substance, gas, narcotic, or drug which would explain his naked behavior at night. The spoliation of evidence should have been noted in the General District Court. The carbon monoxide evidence should have been made known in the General District Court. The very substance or gas that affected his behavior but was not made known to the General District Court. The Police failed to conduct a real and thorough investigation, they just wanted a quick criminal conviction systematically like with all of the other people they had charged, let the legal process to have dealt with it.

### **CONCLUSION**

For the foregoing reasons, Petitioner asks this Court to open up the General District Court case and conviction of indecent exposure on December 21, 2018, and open up the reaffirmation of conviction on November 15, 2019, for investigation and inquiry, to correct the errors of fact and errors of law, and to acquit Petitioner of indecent exposure as he is legally innocent. Petitioner may have no other means to legally challenge his conviction as Habeas Corpus is limited to state custody requirement, and Direct Appeal may not be available since Petitioner had withdrawn his appeal. This Writ may be Petitioner's last resort to correct a miscarriage of justice, wrongfully convicting an innocent man which was not as a matter of law. As a matter of law, Petitioner is actually innocent.

Petitioner asks this Honorable Court to correct the errors of facts, errors of law, and give Petitioner an opportunity to challenge and overturn his wrongful conviction on December 21, 2018, and November 15, 2019 of withdrawing appeal back to the General District Court. Petitioner asks for permanent acquittal and vacatur of the criminal conviction once and for all. Petitioner asks for any other relief that may be appropriate for the interests of justice. Thank You!

Respectfully filed with this Court, this the 16th Day of March, 2020.

**BRIAN DAVID HILL**

*Brian D. Hill*  
*Signed*

---

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



**U.S.W.G.O.**

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 16th day of March, 2020, I caused this “Motion for writ of error coram vobis” to be hand delivered to the

Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville and will attach proof of service (*proof of receipt obtained from the Commonwealth Attorney's Office*) which shall satisfy proof of service on the following parties:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470

*Counsel for the Commonwealth*

Brian D. Hill  
*Signed*

**U.S.W.G.O.**

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

*Pro Se*





RECEIVED A DOCUMENT FROM BRIAN HILL:

A. Smith

NAME

03/16/20

DATE

Commonwealth v. BRIAN HILL

lao

# Exhibit 1

USWGO  
ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, CASE NO.  
CR19000009-00

Exhibit in attachment to "Motion for writ of error coram vobis"

MARTINSVILLE  
 1123 SPRUCE ST  
 MARTINSVILLE, VA 24112-0098  
 518657-0967  
 (800) 275-8777  
 07/19/2019 09:12 AM

Product	Qty	Unit Price	Price
RM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight: 0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (95590540295271275749741)			\$2.80
Cert Mail RestrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>
Cash		\$20.00	
Change		(\$1.05)	

Includes up to \$50 insurance

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Return Receipt (hardcopy)	\$3.80
Signature Required	\$0.00
Adult Signature Restricted Delivery	\$0.00
Postage	\$7.35
<b>Total Package and Postage</b>	<b>\$13.95</b>

0242  
 13  
 edev  
 Postmark  
 JUL 19 2019  
 07/19/2019  
 STANLEY

To: **ATTN: Chief G. E. Cassidy**  
**Martinsville Police Department**  
**55 West Church St.**  
**Martinsville, VA 24112**

Very Important Evidence.  
 Please sign for it Chief G. E. Cassidy.

I am sorry that it is restricted delivery but I wanted to make sure that the evidence was picked up by somebody in your Department.

Medical records/reports, statement from expert witness Pete Compton a chimney expert. Evidence of threatening greeting card that was received by a citizen of Martinsville.

A lot of important evidence that needs to be picked up and reviewed by the Police Chief and given to Officer R. D. Jones. Please sign for it. Thank you for your time and attention to this matter. Thank you for your service. God Bless. USPS rather it be picked up than redelivered. - Brian

For Fax: 276.403.5306





**U.S.W.G.O.**

Brian D. Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

*Brian D. Hill  
Signed*



7017 2680 0000 5750 9322



U.S. POSTAGE PAID  
VA 24112  
MARTINSVILLE VA  
24112  
AMOUNT  
**\$18.95**  
R2304N117827-13

**RESTRICTED DELIVERY**

**RESTRICTED DELIVERY**

*Turned over to CA 8/7/2019 1455 hrs. N.L 7-22-19 won't be back till 8-1-19*

**PRIORITY MAIL**  
**TRACKED INSURED**  
UNITED STATES POSTAL SERVICE  
For Domestic and International Use  
Label 107FL, May 2014

**ATTN: Police Chief G. E. Cassady  
Martinsville Police Department  
55 West Church St.  
Martinsville, VA 24112**



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**RESTRICTED  
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[Redacted]



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<input type="checkbox"/> Return Receipt (hardcopy)	\$8.80
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.35



Total Postage and Fees \$18.95

Sent To

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City, State, ZIP

PS Form 380

**ATTN: Chief G. E. Cassady**  
**Martinsville Police Department**  
**55 West Church St.**  
**Martinsville, VA 24112**

7017 2680 0000 5750 9122

MARTINSVILLE  
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Product	Qty	Unit Price	Price
PM 1-Day (Domestic) (MARTINSVILLE, VA 24112) (Weight:0 Lb 13.30 Oz) (Expected Delivery Day) (Saturday 07/20/2019)	1	\$7.35	\$7.35
Return Receipt (USPS Return Receipt #) (9590940235277275749741)			\$2.80
Cert Mail RstrDel (Recipient name) (G E CASSADY) (USPS Certified Mail #) (70172680000057509122)			\$8.80
<b>Total:</b>			<b>\$18.95</b>

Cash \$20.00  
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A. Signature  Agent   
 B. Received by (Printed Name)  Addressee  
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 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**ATTN: Chief G. E. Cassady**  
**Martinsville Police Department**  
**55 West Church St.**  
**Martinsville, VA 24112**



9590 9402 3527 7275 7497 41

2. Article Number (Transfer from service label)

7017 2680 0000 5750 9122

PS Form 3811, July 2015 PSN 7530-02-000-9053

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.35
<b>Total Postage and Fees</b>	<b>\$18.95</b>



2216 0525 0000 0992 2702

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<b>Total:</b>			<b>\$18.95</b>
Cash Change		\$20.00 (\$1.05)	

ATTN: Chief G. E. Cassady  
 Martinsville Police Department  
 55 West Church St.  
 Martinsville, VA 24112

United States Postal Service

9590 9402 3527 7275 7497 41

USPS TRACKING# 9509 9402 3527 7275 7497 41

USPS TRACKING# 9509 9402 3527 7275 7497 41

First-Class Mail Postage & Fees Paid USPS Permit No. G-10

Sender: Please print your name, address, and ZIP+4® in this box.

**U.S.W.G.O.**  
 Brian D. Hill  
 310 Forest Street, Apt. 1  
 Martinsville, VA 24112

*Brian D. Hill*  
 Signed

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# Exhibit 2

USWGO  
ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, CASE NO.  
CR19000009-00

Exhibit in attachment to “Motion for writ of error coram vobis”



# Exhibit 15

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 1

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

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

To Whom This May Concern:

On January 30, 2019 I went to the house at 310 Forest St., Martinsville, Va 24112 to measure and give a price for a Chimney cover. Roberta Hill and her parents: Ken & Stella Forinash escorted me to Apt 1 to show me the fireplace which had a small amount of white residue inside, no damage to the ceiling and wall around the fireplace. They then escorted me downstairs to Apt 2 where parts of the ceiling above the fireplace had fallen and there was a lot of damage in the remaining ceiling below the hearth of the fireplace in apt 1 located above apt 2 and a lot of damage along the wall in apt 2 above and on both sides of the fireplace as well as a lot of white residue inside of the fireplace. After this, we went down another flight of stairs to the basement where the gas boiler heater and the gas hot water heater were located to show me that there would be 3 holes in the chimney.

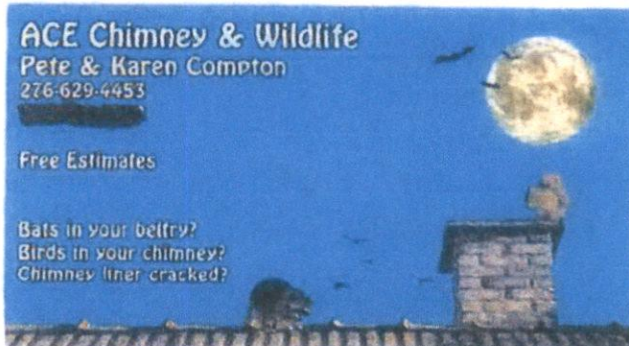
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer go through the house. Ms Hill had informed me that she had called a chimney sweep in Rocky Mount, VA in October, 2017 to clean the chimney and to put screen on all holes after the family spotted birds going into their fireplace the year before. In my 25 years of doing this type of work, this was the first time I have ever seen tin covering holes where it is important to vent gas heaters. I showed the family the tin I had just removed and had them to climb my ladder to look at the chimney. We then went back in the house, and I informed them that the white residue inside both fireplaces was from the gas that had no other place to escape and informed them that they had been exposed to carbon monoxide poisoning, but now that the tin had been removed, there should no longer be any problems. I returned to the house on February 4, 2019 and installed a stainless steel multifaceted chimney cap vented with screen on all 4 sides.

Signed as a witness on this date: Kenneth R. Lounsbury 6-13-19

Pete Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



# Exhibit 3

USWGO  
ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, CASE NO.  
CR19000009-00

Exhibit in attachment to “Motion for writ of error coram vobis”



# Exhibit 10

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN



MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

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

Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

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### Sovah Health Martinsville

320 Hospital Drive  
Martinsville, VA 24112  
276-686-7237

7806761243

Emergency Department  
Instructions for:

Hill, Brian D

Arrival Date:

Friday, September 21, 2018

Thank you for choosing Sovah Health Martinsville for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO

Diagnosis: Abrasion, right knee; Abrasion of unspecified front wall of thorax

<b>DISCHARGE INSTRUCTIONS</b>	<b>FORMS</b>
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
<b>FOLLOW UP INSTRUCTIONS</b>	<b>PRESCRIPTIONS</b>
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care Emergency Department When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
<b>SPECIAL NOTES</b>	
None	

National Hopeline Network: 1-800-784-2433

If you received a narcotic or sedative medication during your Emergency Department stay you should not drive, drink alcohol or operate heavy machinery for the next 8 hours as this medication can cause drowsiness, dizziness, and decrease your response time to events.

I hereby acknowledge that I have received a copy of my transition care record and understand the above instructions and prescriptions.

Brian D. Hill  
Brian Hill

Jenica Tate, RN, BSN  
ED Physician or Nurse  
09/21/2018 04:52

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EMERGENCY DEPARTMENT RECORD

Physician Documentation  
Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh  
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;
- PMHx: autism; Diabetes - IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.
- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.
- Family history:: No immediate family members are acutely ill.
- Sepsis Screening:: Sepsis screening negative at this time.
- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.
- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.
- Tuberculosis screening:: No symptoms or risk factors identified.
- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

ROS:

09/21

04:49 All other systems are negative, except as documented below. bdh

Constitutional: Negative for chills, fever. Respiratory: Negative for



Brian Hill  
MRN: MM00370912  
ACCT: MM7806761243

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**FOLLOW UP INSTRUCTIONS**

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**Private Physician**

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

**Emergency Department**

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

7806761243



Baton Hill  
MRN: MM00370912  
ACCT: MM7806761243

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MRN # MM00370912

**X-RAYS and LAB TESTS:**

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

**MEDICATIONS:**

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

**TESTS AND PROCEDURES**

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Labs

None

Rad

None

Procedures

None

Other

Call ERT, IV saline lock

Chart Copy

7806761234

cough, dyspnea on exertion, shortness of breath. MS/extremity: Positive for pain, Negative for decreased range of motion, paresthesias, swelling, tenderness, tingling. Skin: Positive for abrasion(s), Negative for rash, swelling.

Exam:

09/21

04:49 Constitutional: This is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress. Head/Face: Normocephalic, atraumatic. Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits. Periorbital areas with no swelling, redness, or edema. ENT: Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist. No meningismus. Neck: Supple, full range of motion without nuchal rigidity, or vertebral point tenderness. No Meningismus. No JVD Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. No JVD. No pulse deficits. Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No pulsatile mass. Back: No spinal tenderness. No costovertebral tenderness. Full range of motion. Skin: Multiple superficial abrasions to the groin and abdomen without fluctuance or tenderness. MS/ Extremity: Pulses equal, no cyanosis. Neurovascular intact. Full, normal range of motion. No peripheral edema, tenderness. Abrasion to right knee but nontender, no deformity or swelling. Ambulating without difficulty. Neuro: Awake and alert, GCS 15, oriented to person, place, time, and situation. Cranial nerves II-XII grossly intact. Psych: Awake, alert, with orientation to person, place and time. Behavior, mood, and affect are within normal limits.

Vital Signs:

09/21

04:09 BP 124 / 86; Pulse 119; Resp 19; Temp 98; Pulse Ox 98% ; Weight 99.79 jt kg; Height 6 ft. 0 in. (182.88 cm); Pain 0/10;

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt

09/21

04:09 Body Mass Index 29.84 (99.79 kg, 182.88 cm) jt

MDM:

09/21

04:04 MSE Initiated by Provider. bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh ED course: Cleared from a psychiatric standpoint by Behavioral Health. Patient will be discharged to jail. No new complaints.. Data reviewed: vital signs, nurses notes. Counseling: I had a detailed

discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the

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discharge/admit diagnosis, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home.

09/21  
04:16 Order name: Call ERT; Complete Time: 04:25 bdh  
09/21  
04:16 Order name: IV saline lock; Complete Time: 04:36 bdh  
09/21  
04:29 Order name: Other: NO suicidal homicidal risk; Complete Time: 05:03 bdh

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once  
09/21  
04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml (Manufacturer: Grifols Therapeutics. Exp: 09/27/2020. Lot #: A112A. ) Route: IM; Site: right deltoid; 1b1  
09/21  
05:04 Follow up: Response: No adverse reaction 1b1  
09/21  
04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; 1b1  
Delivery: Primary tubing;  
09/21  
05:11 Follow up: IV Status: Completed infusion dr

Disposition:

09/21  
04:52 Electronically signed by Hinchman, Brant, DO at 04:52 on 09/21/2018. bdh  
Chart complete.

Disposition:

09/21/18 04:52 Discharged to Jail/Police. Impression: Abrasion, right knee, Abrasion of unspecified front wall of thorax.  
- Condition is Stable.  
- Discharge Instructions: VIS, Tetanus, Diphtheria (Td) - CDC, Abrasion, Easy-to-Read, Knee Pain, Easy-to-Read.  
  
- Medication Reconciliation form.  
- Follow up: Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care. Follow up: Emergency Department; When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition.  
- Problem is new.  
- Symptoms have improved.

Order Results:

There are currently no results for this order.

Signatures:

Dispatcher MedHost		EDMS
Tate, Jessica, RN	RN	jt
Hinchman, Brant, DO	DO	bdh



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Ramey, Nicole  
Bouldin, Lauren, RN  
Reynolds, Daniel R

nmr  
RN lbi  
RN dr

Corrections: (The following items were deleted from the chart)

09/21  
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS EDMS  
09/21  
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS EDMS  
09/21  
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS EDMS  
09/21  
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS EDMS  
09/21  
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression: bdh  
Abrasion, right knee; Abrasion of unspecified front wall of thorax.  
Condition is Stable. Discharge Instructions: Medication  
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:  
Further diagnostic work-up, Recheck today's complaints, Continuance  
of care. Follow up: Emergency Department; When: As needed; Reason:  
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is  
new. Symptoms have improved. bdh  
09/21  
04:54 09/21 04:16 URINALYSIS W/REFLEX TO CULTURE+LAB ordered. EDMS EDMS

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# Exhibit 4

USWGO  
ALLY OF QANON // DRAIN THE SWAMP

**U.S.W.G.O.**



CIRCUIT COURT OF MARTINSVILLE, CASE NO.  
CR19000009-00

Exhibit in attachment to "Motion for writ of error coram vobis"

# Exhibit 16

USWGO  
QANON // DRAIN THE SWAMP



PETITION FOR WRIT OF HABEAS CORPUS  
MARTINSVILLE GENERAL DISTRICT COURT CASE NO. C18-3138  
MARTINSVILLE CIRCUIT COURT CASE NO. CR19000009-00

Exhibit in attachment to "BRIEF AND EXHIBITS IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS"

# Exhibit 0

USWGO  
QANON // DRAIN THE SWAMP  
MAKE AMERICA GREAT AGAIN

**U.S.W.G.O.**

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

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



**Evidence to Martinsville Police explaining why indecent exposure**

**Finalized: Thursday, July 18, 2019 - 11:14 PM**

**ATTN: Police Chief G. E. Cassady – Carbon Copy should be made for: Sgt. R. D. Jones**  
Martinsville Police Department  
55 West Church St. Martinsville, VA 24112  
Phone #: 276-638-8751  
Fax #: 276-403-5306  
Certified Mail tracking no.: 7017-2680-0000-5750-9122  
Return receipt tracking no.: 9590-9402-3527-7275-7497-41

ATTN: Police Chief G. E. Cassady; CC: Sgt. R. D. Jones

Dear Hon. Police Chief of Martinsville, Virginia,

I would like to respectfully reach out to your Police Department to bring evidence to your attention which will explain a lot of things and resolve the issue of indecent exposure which your officer Sgt. R. D. Jones had arrested me for on September 21, 2018, General District Court case no. C18-3138, and Circuit Court case no. CR19000009-00. This case has also been the cause of many pleadings being filed on and after Documents #152 on federal court case no. 1:13-cr-435-1, Middle District of North Carolina, concerning the indecent exposure charge.

I also apologize for saying a few cuss words to Sgt. R. D. Jones last year. I have had the diagnosis of Autism Spectrum Disorder (a neurological and mental disorder) for a long time and even have a handicap placard in the Virginia DMV system in Martinsville, as proof of my Autism. However my letter isn't to only inform you of proof concerning my Autism in the Virginia DMV records, but that I wish to present evidence of carbon monoxide gas poisoning which affected me and Roberta Hill (my mother) prior to me being arrested on September 21, 2018. The evidence comes from different sources. Whether the man in the hoodie had existed or whether it was an hallucination caused by the Carbon Monoxide ("CO") gas poisoning, it would give your police department better clarification on why Brian David Hill had made contradictory and/or confusing statements back on September 21, 2018.

Sgt. R. D. Jones was right when he told me that there was more to the story. The proof is now in your hands, that I was a victim of CO gas poisoning since November, 2017. The time of the toxin accumulating in the bloodstream can cause real brain damage, and can lead to inappropriate behaviors, hallucinations, psychosis (*that the person makes a claim that cannot be based on reality*), mental confusion, Sinus Tachycardia, abnormally high

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White Blood Cell (“WBC”) count, abnormally high Mean Platelet Volume (“MPV”), and can cause erratic or abnormal type behaviors and/or even changes in behavior.

I would also like to thank your police department, even though they didn't understand why I was naked due to lack of evidence giving a clear proven explanation for why I was out naked, for arresting me and here is why. Had I not been taken out of my apartment and thrown in jail, I would have still suffered more of the carbon monoxide gas and either would have died or suffered enough brain damage to become mentally retarded. I never would be able to live life outside of a hospital or medical facility again had I remained in carbon monoxide poisoning. Luckily, after I was arrested, my mother [who was my caregiver through the Medicaid medical waiver] was forced to work a regular warehouse job where she wasn't home most of the day, each day. So she wasn't around the carbon monoxide gas 24/7 but she still had exposure to such gas in the upper apartment.

The carbon monoxide would explain the weird behavior on September 21, 2018. It doesn't make sense for somebody to be walking out butt naked on a hiking trail at night when wild animals including bears and coyotes were out and can kill an unarmed civilian, especially a naked unarmed civilian. I have type 1 brittle diabetes. I could have died of diabetic low blood sugar which could cause a seizure. I was alone on the hiking trail (*except for what I presumed to be a man wearing a hoodie, he may be real, he may be a hallucination which I had perceived was real*), with brittle Type 1 diabetes, I make statements on federal court record to having blackouts of my memory, stating that I thought I was drugged around the time I met the man wearing the dark hoodie, I was making contradictory statements towards Sgt. R. D. Jones of law enforcement causing him to personally feel that I was some kind of liar, when in reality carbon monoxide poisoning can have you feeling like you're being watched when you're not or having you see things that other people do not see.

I list all proofs in the following Order of Exhibits:

Exhibit 1) 1-Page typed letter statement from chimney expert witness Pete Compton – Explains that on the date of January 30, 2019, he found evidence of carbon monoxide gas exposure in Apartment 2 and Apartment 1 of 310 Forest Street, Martinsville Virginia, and removed the source of the carbon monoxide gas. The source was metal tin blocking the chimney flues, causing the natural gas appliances (*gas water heater and gas boiler/furnace*) to exhaust gas into both apartments rather than up the chimney. Causing real damage to the home, and

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possibly causing bodily damage and/or brain problems to Brian David Hill and Roberta Hill. **Total of 1-page.**

**Exhibit 2)** Two pages of laboratory results from Sovah Hospital Martinsville medical records from November 19, 2017. One page of ECG reading showing evidence of Sinus Tachycardia (“HILL, BRIAN ID: 000370912 19-Nov-2017 10:06:44 Memorial Hospital of Martinsville”). The other page was Lab Data Results (“MM00370912 MM7805836274 SOVAH Health - Martinsville”, “Lab Data Results - Page 1/3 Job 12468 (07/02/2019 14:03) - Page 28 Doc# 9”). Showed abnormally high WBC and MPV levels, as well as abnormal high blood pulse of 105 Beats Per Minute. Usually heart rate goes up when your out jogging, but Brian wasn't jogging because Brian fell and hit his head on the desk in his office after he fell unconscious. Then Brian was able to get up while unconscious, with blood dripping down from his head with an open wound, blood dripped all over the floor and blood was all over his bedroom pillow. Brian's mother found him in his bed, with blood on the pillow with low blood sugar and had called 911. Brian took 4 hours to complete his Obsessive Compulsive Disorder (“OCD”) hand washing routine and body washing routine before he was able to get to the Emergency Room at the hospital. The hospital prematurely released him that day without informing Brian of the laboratory results and without informing Brian of the Sinus Tachycardia. Doctor was not informed either, so the abnormal readings were sitting in the medical records until June, 2019. 1-page discharge instructions also included (“MM00370912 MM7805836274 SOVAH Health – Martinsville”, ”Discharge Instructions - Scanned - Page 1/3 Job 12468 (07/02/2019 14:03) - Page 13 Doc# 6”, “MM00370912 MM7805836274 SOVAH Health – Martinsville”, ”Discharge Instructions - Scanned - Page 2/3 Job 12468 (07/02/2019 14:03) - Page 14 Doc# 6”). **Note for police:** Sinus Tachycardia type abnormal blood pulse was discovered in the “vital signs”, around 9:08AM the blood pulse reading for a resting blood pulse was “118” (page not included to condense different proofs without too many pages, if any police officer would like the entire medical record, they may contact Brian D. Hill or Sovah Hospital of Martinsville, Virginia). **Total of 4-pages.**

**Exhibit 3)** 5 pages from a “Carbon monoxide poisoning (acute)” research study from the National Institute of Health which is a federal government organization. Mentions symptoms of carbon monoxide (BMJ Clin Evid. 2008; 2008: 2103. Published online 2008 Jul 23. PMCID: PMC2907971. PMID: 19445736). **Total of 5-pages.**

**Exhibit 4)** 2 page excerpt from “TRANSIENT CARDIAC DYSFUNCTION IN

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**ACUTE CARBON MONOXIDE POISONING” a medical research study in regards to a victim of carbon monoxide poisoning. Total of 2-pages.**

**Exhibit 5) 4-page “Detection of neutrophil–lymphocyte ratio as a serum marker associated with inflammations by acute carbon monoxide poisoning” backed by 5 research studies including a state hospital (Mustafa Karabacak, Kenan Ahmet Turkdogan, Abuzer Coskun, Orhan Akpınar, Ali Duman, Mucahit Kapci2, Sevki Hakan Eren, Pınar Karabacak). Journal of Acute Disease 2015; 4(4): 305–308. Total of 4-pages.**

**Exhibit 6) 2-page report from the Centers for Disease Control and Prevention (“CDC”) titled the “CDC - NIOSH Publications and Products - Controlling Carbon Monoxide Hazard in Aircraft Refueling Operations (84-106)”. Relevant to carbon monoxide as it mentions the generalized symptoms of carbon monoxide (“CO”) gas poisoning. Total of 2-pages.**

**Exhibit 7) Three anonymous greeting cards (possibly with an intent to annoy, harass, or intimidate) and one anonymous threatening greeting card from an unknown assailant or assailants who sent the four mailings from Tennessee with no return address. Total of 20-pages.**

**Exhibit 8) 4 Pages of evidence in regards to proof of mental confusion while in Martinsville City Jail. Two envelopes meant to be sent to a Greensboro, NC federal building, was instead sent to the Greensboro federal building in Martinsville, VA, when Martinsville has no federal buildings. The other mailing was sent to the city farm instead of “55 West Church Street”. All three mailings were returned to sender because the addresses didn't make any sense. Total of 4-pages.**

**Exhibit 9) 6 pages from Piedmont Community Services, a month after Brian David Hill was jailed in Martinsville City Jail for the charge of indecent exposure, Brian was diagnosed by forensic psychiatrist Dr. Conrad Daum as to having exhibited psychosis and delusions. Psychosis (as shown in Exhibit 3), is a symptom of carbon monoxide gas poisoning. Total of 6-pages.**

**Exhibit 10) Proof of medical neglect from Sovah Hospital in Martinsville (formerly Martinsville Memorial Hospital). They drawn blood and was going to do a “blood count” test which would have again possibly shown an abnormally high White Blood Cell count and high MPV levels, had the test been conducted. Instead the blood was wasted and the ordered tests were to be deleted from the**

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chart. Then the hospital released patient Brian David Hill way too early to the custody of Martinsville Police, leading to the wrongful imprisonment of Brian David Hill and led to the carbon monoxide levels never being found out. 7 pages of Hospital record, dated September 21, 2018 (MRN: MM00370912, Account#: MM7806761243). **Note for police: Sinus Tachycardia ("MM00370912 MM7806761243 SOVAH Health - Martinsville", "ED Physician Record - Electronic - Page 2/4 Job 23328 (05/17/2019 13:34)- Page 5 Doc# 2") type abnormal blood pulse was discovered in the "vital signs" The first blood pulse reading around 4:09AM was "119" for a resting pulse, then around 5:01AM the last resting blood pulse reading was "106". Any blood pulses above 100 beats per minute is "sinus tachycardia". Sinus Tachycarda means that there is a medical problem in the body, and doesn't necessarily mean a heart problem but can increase the risk of a heart attack or stroke. I was released to Martinsville City Jail while medical records admitted that I had sinus tachycardia before I was arrested after being transported to the Hospital after police handcuffed me. Total of 7- pages.**

Total of 55 pages for all Exhibits. The Exhibit with the most pages is the greeting cards evidence because the writer of those greeting cards who threatened to commit a "controlled action" against Brian D. Hill's mother Roberta Hill sounds like some kind of religious psychopath who wants Roberta to stop the YouTube videos and books. A threat is a threat and threatening to do something to somebody to stop their freedom of speech is against the law.

It should also be noted that evidence had been mailed to the Martinsville Circuit Court in regards to both federal court affidavits (declarations) in regards to the story about the man wearing the hoodie and carbon monoxide poisoning.

Document Seq. 4, 01/23/2019, MOTION TO ADMIT EVIDENCE

Document Seq. 7, 04/08/2019, MOTION TO FILE EVIDENCE BEFORE TRIAL

Document #153 in case no. 1:13-cr-435-1, Middle District of North Carolina, contained statements of Brian David Hill in 2018 having memories blacked out, feeling of being drugged, feeling afraid to sleep in his bed but yet kept his doors unlocked as if needing to escape the house out of fear that something wasn't right. If you have access to a copy of this federal filing which should have been filed with the Circuit Court earlier this year, you will notice that the hand writing was very sloppy compared to other pro se filings.

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The truth must be brought out to your Police Department before it is too late. It is morally and ethically wrong to force a trial by jury for a charge of indecent exposure when there is enough cumulative evidence showing different symptoms of CO gas poisoning, evidence of CO residue in and around the chimney of 310 Forest Street Apartments found by material expert witness Pete Compton. This is enough evidence for any reasonable juror to want to throw the charge out.

Your police department isn't at fault for the medical neglect, but that it was Sovah Hospital in Martinsville, Virginia, that discharged me to police custody way too early and caused me to appear to look like a liar, I misunderstood as I didn't understand that I had carbon monoxide poisoning with sinus tachycardia, so I had wrongfully cussed out Sgt. R. D. Jones on September 21, 2018. I am sorry about that, the Hospital staff were the ones in the wrong for releasing me when they saw that I had a blood pulse rate of over 100 which is sinus tachycardia but released me to jail without further testing, and the hospital's failure on November 19, 2017, is the sole cause for what led up to my indecent exposure behavior because they knew that I had exhibited 3 different problems (abnormal WBC, abnormal MPV, Sinus Tachycardia, didn't even let my Medical Doctor know) and failed or refused to keep me confined to the hospital bed until further lab tests were done to determine as to why I had abnormal blood cell counts and Sinus Tachycardia which can all be caused together by carbon monoxide gas poisoning exposure.

On September 21, 2018, the hospital was going to order different lab results after blood was drawn, but they refused the responsibility of conducting the lab work for the blood drawn into vials, and forced the Police Department to have the burden of testing me for possible drugs, alcohol, and abnormal blood cell count. The Police Department has no laboratory results from what I understand when I had asked my former attorney Scott Albrecht to find the laboratory results, so the hospital failed and refused (by their excuses) to do a thorough lab-work and examination to determine medical-wise as to why I was found butt naked on the Dick and Willie hiking trail during the night and had sinus tachycardia level readings.

I do not blame anybody in Martinsville Police Department for refusing to hear my story or misunderstood and thought I was a liar due to me making contradictory statements while I was interviewed as to why I was butt naked on the Dick and Willie hiking trail on September 21, 2018. I do not blame your Police Department for assuming that I was lying and didn't want to believe my story, because I myself did not know that I was under carbon monoxide poisoning. I said the F-word out of frustration to Sgt. R. D. Jones for not believing my story, not understanding why exactly I was sounding contradictory. Now that I know it was carbon monoxide poisoning, it explains my

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behavior and a lot of things.

As far as all your officers were aware, I was dazed and/or confused while naked, I had cuts and abrasions all over my body, I had sinus tachycardia with a resting blood pulse reading of "119" on the day that I was jailed, I was prematurely released from the hospital without conducting the proper laboratory work to determine why I was butt naked on a hiking trail at night, and making contradictory statements because I had mental confusion. The man in the hoodie may have been a hallucination, it may not be, but the fact that I was making confusing statements to Sgt. R. D. Jones and then cussing him out when I haven't ever cussed out law enforcement before, shows behavioral abnormality. When I was given the mental evaluation ordered by the General District Court in November, 2018, the carbon monoxide would have been out of my body/system around that time, so the psychologist that evaluated me would never have seen any of the symptoms of carbon monoxide unlike the diagnosis of "psychosis" by Dr. Daum of Piedmont Community Services, as he had evaluated me and diagnosed me with "psychosis" closer to the time that I was arrested. So for the psychologist in November to say that I was competent to stand trial and was competent at the time of the offense, did not take any of the issues I had raised into account. Therefore that mental evaluation of November 2018 is no longer valid and a new evaluation should be conducted by the Circuit Court if the Commonwealth Attorney wishes to continue the jury trial. That 2018 evaluation had not known about the sinus tachycardia, and all other cumulative evidence which altogether paints a pretty convincing picture of carbon monoxide poisoning, did not know about the mental confusion where three letters were sent to the wrong addresses and were returned to sender before Brian David Hill was given a diagnosis of "psychosis" and delusions.

These are the carbon monoxide symptoms I had exhibited while I had been exposed to Carbon Monoxide gas in my apartment: (1) Sinus Tachycardia; (2) abnormally high White Blood Cell count; (3) abnormally high Mean Platelet Volume level; (4) abnormal high heart rate of 105 Beats Per Minute for a resting heart pulse rate; (5) Psychosis; (6) possible hallucinations; (7) mental confusion; (8) impulsive or inappropriate behavior (personality changes) which was not normally exhibited; and (9) loss of consciousness on November 19, 2017. I also remember that there were times when I may have had "Urinary incontinence" because when I was coughing or sneezing some urine went into my underwear even though at the time I did not have to run to the bathroom. I never thought that was also another symptom of CO gas poisoning, I assumed that it was high blood sugar. Exhibit 3 mentions "incontinence".

Also note to Police: Witness Stella Forinash and Kenneth Forinash had witnessed my mother Roberta Hill's head was shaking a lot, which looks like she had Parkinson's

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disease. So my mother had exhibited the symptom of "Parkinsonism" as documented in Exhibit 3.

So I have up to at least 8 or more symptoms of carbon monoxide, and that doesn't include the testimony from Pete Compton. He is willing to be questioned by your Police Department and Commonwealth Attorney in regards to my home being exposed to possibly up to dangerous amounts of CO gas. When exposure is for many months, it can deteriorate someones health and mental state.

The attached evidence and explanation in this letter shall be more evident, clear, and believable compared to my September 21, 2018 statements about a man wearing a hoodie. There may still be a man wearing a dark hoodie, as Exhibit 7 showed that my mother had received a threatening greeting card where a "controlled action" would be conducted against her if she had not cease her writings and YouTube videos. Whatever the case may be, there is more to the story, and I didn't even know on September 21, 2018, that I was under carbon monoxide poisoning. My apologies to officer R. D. Jones.

Had I known about the carbon monoxide poisoning in November 2017 when I had abnormal lab results, I would have taken steps to evacuate my home until the Henry County Fire Marshal and inspectors and the Fire Department would have been notified, investigated the carbon monoxide, and would have rid the home of the poison/toxin before I would move back into my apartment. That would have prevented me from engaging in the act of being naked on the Dick and Willie hiking trail on September 21, 2018, and thus the charge of indecent exposure never would have been filed against me. The hospital of Sovah Hospital in Martinsville is to blame for not preventing what led up to my abnormal behavior on September 21, 2018, for failing and refusing to thoroughly conduct further laboratory tests which would have led to the discovery of carbon monoxide levels in my body. Because the hospital failed to investigate why I had dangerously high white blood cell count in November 2017 after my severe fall in November (*could have been cancer, an infection, etc etc*) and Sinus Tachycardia, they failed to find the levels of carbon monoxide and thus put me wrongfully under criminal liability of indecent exposure on September 21, 2018. Sovah Hospital is responsible for all of my suffering that was caused by me being under carbon monoxide poisoning. I shouldn't be imprisoned as a result of this wrongful charge of indecent exposure which would be an insult to justice.

Therefore I present this evidence, all attached evidence, to your Police Department pursuant to the criminal investigation and charge of indecent exposure on September 21, 2018. This evidence will also be forwarded to the L. Richardson Preyer Federal Building and United States Courthouse to file as evidence pertinent to the

9590-9402-3527-7275-7497-41 – Pages 8 of 9 – 7017-2680-0000-5750-9122

Supervised Release Violation charge, and may also be filed as evidence in the Circuit Court in a new pro se motion to Admit Evidence for the Jury Trial.

I am sorry I didn't notify you about this issue earlier, but I wanted to gather as much proof as humanly possible before mailing it all to you. I am retaining a copy of this evidence for the record and will be filed with the Federal Court as well. I hope that you can reopen the investigation into the indecent exposure and place this evidence in your investigative file for that case.

Thank You, God Bless America

Signed, Brian D. Hill  
*Signed*

Brian D. Hill

Former U.S.W.G.O. Alternative News reporter

Phone #: 276-790-3505

Mailing Address: 310 Forest Street, Apartment 1, Martinsville, Virginia 24112

**U.S.W.G.O.**

QANON – DRAIN THE SWAMP

Amazon: The Frame Up of Journalist Brian D. Hill

Stanley's 2255 blog: [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

Brian D. Hill asks President Donald John Trump and QANON for help

– Exhibits Attached Hereto –

9590-9402-3527-7275-7497-41 – Pages 9 of 9 – 7017-2680-0000-5750-9122



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 55 West Church St.  
 Martinsville, VA 24112



9590 9402 3527 7275 7497 41

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Brian D. Hill

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PS Form 3800

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\_\_\_\_\_  
COMMONWEALTH OF VIRGINIA,  
Plaintiff,  
  
v.  
  
BRIAN DAVID HILL,  
Defendant,  
  
\_\_\_\_\_

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)  
) **Civil Action No. CL20000089-00**  
) **Criminal Action No. CR19000009-00**  
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) **Affidavit/Declaration in support of Brian**  
) **David Hill's "Motion for writ of error coram**  
) **vobis"**

**Affidavit/Declaration in support of**  
**Brian David Hill's "Motion for writ of error coram vobis"**

I, (Stella B. Forinash and Kenneth R. Forinash), file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

We feel like it is time we come forth explaining more about Brian David Hill. We are Brian's grandparents, friends and emergency care givers as he is on a special Virginia Medical Medicaid waiver due to his requiring 24 hour medical care and has been on this since 2012. I (Stella) had known Brian for over 28 years in September, 2018. I (Ken) had known Brian for about 18 years in September, 2018. The actions Brian showed that night is not the Brian we know. Due to Brian's brittle diabetes with seizures and autism, he never goes anywhere without his mom, grandparents or another caregiver with him day or night. He has never driven a car due to his disabilities, but we made sure he had a permanent disability placard which stays in his mom's car at all times with "autism" marked. We have never seen Brian use a pink camera. We have gone on many trips together for many years, and for the past few years, Brian has a large black camera he uses, and he takes his large camera bag with him with the camera inside when we go on trips. We have never seen Brian take "selfie" photos of himself as we have seen many younger people doing.

After Brian left the jail, we and Brian's mom picked up the small backpack he was using that night. Brian's mom told us she had never seen that backpack. We looked inside and saw his clothes in the backpack, 2 flashlights and an old fashioned watch. We did not see the things in that backpack that Brian always takes with him when he leaves his house: No insulin pen or needle, no glucose monitor, no germ x hand sanitizer, no cell phone, no glucose tabs, no food snacks and no drinks (bottled water or sugar free drink when his glucose is way up – sugar coke or juice when he is walking a lot, and his glucose goes way down).

Due to Brian having seizures, his mom makes sure that she wakes up at 4 every morning to check his blood glucose to try to prevent seizures and give him some glucose and other food when it is low. At about that time she called us to tell us that a police officer came to her door and told her Brian was in the hospital. We told her we would be there in a few minutes to pick her up. When we arrived to the hospital emergency room, Brian was in the hospital bed, and there were 2 young policemen with him. I (Stella) asked how his blood glucose was, and one of the police told us it was fine. (Later in Brian's hearing in Winston-Salem, NC his attorney asked the police who arrested Brian if Brian told him he had diabetes. The policeman answered "No". Did Brian tell you he had OCD? Answer "No". Did Brian tell you he had autism? Answer "Yes"). One of the police at the hospital told us that they found Brian in the nude on the walking trail, and he had taken photos of himself, and he was under arrest. Brian told us he met a man wearing a hoodie on the trail who told him to take his clothes off and take photos of himself, or his family would be killed. We were all in shock.

It is true that Brian had received threats by email in 2013 by whoever set him up in 2012 by hacking in his computer and put illegal files in his computer causing his arrest in December, 2013, jail time and court cases in federal court. They admitted in one email they were the one/ones who put it there. We were not aware at that time that people with autism would give false guilty confessions, and it has taken years for Brian to send letters to the federal court with proof of his innocence. We have helped him with this as well, but without paying over \$100,000 for a federal attorney that none of us can afford, we are getting nowhere. The proof of his innocence along with these threat emails & texts are on federal court records. When he tried to appeal it in 2015 after we all first saw the discovery materials for the first time which further proved he was innocent, he received threats on his cell phone, and some of his friends had received these threats in their emails for him to stop the appeal, or something bad would happen to him. He submitted his 2255 in November, 2017 to the federal court with more proof of his innocence, and we helped him with that. In December 2017 his mom received her first greeting card mailed to her home in Martinsville, VA post marked from Nashville, TN with no

return address or name. She started receiving these for the next few months with insults and talking about how it is no fun being sick, then in June, 2018 she received a threat that if she didn't stop writing books and doing YouTube videos something bad would happen to her by year's end. She took the cards and letter and did a YouTube video about these threats. After this, she didn't receive any more cards or letters.

One night in November, 2017 Brian fell in his apartment, blood was everywhere. His mom called 9-1-1, but Brian refused to go to the hospital until he finished his OCD hand washing routine which had gotten worse at this time and took 4 hours before we could get him to the hospital emergency room. We noticed that Brian had a water leak above his fireplace in his living room in his apartment, which started after the first snow in December, 2017 or January, 2018, but there was no noticeable damage in his mom's apartment which is above Brian's apartment. The leak kept getting worse affecting the walls all around Brian's fireplace. We took photos. In Martinsville, it takes a long time to find and get carpenters to come to your house. We moved to Martinsville in 2007, and Brian and his mom moved here in 2012.

Brian and his mom, Roberta were not feeling well during the 2018 year. They both were complaining about being really tired, and Brian complained that he was having memory problems and problems thinking straight. Brian's mom's head was shaking a lot like someone with Parkinson disease. Brian had 2 seizures one night.

The only reason we could think about why Brian would leave his house that night was that his autism was getting worse, and we knew we could no longer deal with it, and it was time for the Piedmont Community Center to find a home for him with more people to handle his medical needs especially with autism getting worse. His mom needed to get some sleep every night, so she could not provide the 24 hour care he needed. We are disabled and in our 70's and could not do it. The piedmont was working on getting him on the Developmental disability waiver which paid for more services than the medical Medicaid waiver he had been on for 6 years. Brian was diagnosed with insulin dependent diabetes when he was 18 months old. He started having severe seizures soon after from the insulin before he was 2 years old. When he was 2 he was diagnosed with developmental problems which became the diagnosis of autism when he was 4. Later he was diagnosed with anxiety and OCD along with brittle diabetes and other diagnosis.

He started a new medicine for his anxiety in October, 2018 while in the Martinsville, VA jail, and we saw an improvement in him while talking to him on the phone. After Brian had been arrested and scheduled before his arrest, someone

came to the house to check the water damage in Brian's apartment to see if it was a foundation problem because the water had caused some of his ceiling to fall to the floor, and there was now a big hole in the ceiling above his fireplace. This gentleman informed us that it was not a foundation problem. We called a roofing company who did some roof work around the fireplace. The problem got worse after that, and now more damage was in Brian's mom's fireplace above his. In January we called a chimney expert to check everything. We showed him Brian's mom's fireplace with damage inside the fireplace; Brian's fire place with the damage in the ceiling, the walls around and inside his fireplace, then we showed him the gas water heater and the gas boiler furnace in the basement which requires water to keep it running. He got his ladder out of his truck, climbed to the top of the chimney. He then told us that all 3 holes in the chimney had tin above them with no release for the gas water heater and furnace gas and water to escape. He quickly removed the tin. Brian's mom had called a chimney company in October, 2017 to clean the fireplaces and to put screen wire over all 3 holes to keep birds out. Instead of screen, there was solid tin. He then took us back in the house and pointed out the white residue in both fireplaces and told us that was carbon monoxide gas. The water damage and hole in Brian's ceiling above his fireplace came from his mom's fireplace hearth as the gas & water had nowhere else to escape. It (natural gas (CO2) and water) was escaping through the two fireplaces into both of their apartments.

When Brian got back home in May, 2019 he and his mom went to the hospital in Martinsville and got copies from his 2 visits to the hospital emergency room in November, 2017 and September, 2018. In November there were blood test results as well as his glucose listed. In September, there were no blood test results, not even glucose even though both hospital records show that he has type 1, insulin dependent diabetes, autism and OCD. Brian was a patient in that hospital in 2013. Not knowing what Brian's diabetic blood glucose was, not having blood records showing if drugs were in his system or the carbon monoxide gas which we now knew for a fact he and his mom had been exposed to every day and night for months. We don't have these numbers and information and neither does the prosecution.

We would love to ask a medical expert in autism why after Brian was told by the guy in the hoodie (And he still tells us there was a guy in a black hoodie who sounded like a white guy who told him to take his clothes off, take photos of himself, leave the card on a park bench at a certain location or his family (mom) would be killed). Our questions would be, why didn't Brian put his clothes back on after he took those photos? Why was Brian walking around the trail for hours? In fact, we heard the policeman's testimony when he said that the person who



called 9-1-1 saw Brian running along the trail hours after he took the photos (not walking). The policeman who arrested Brian also said that Brian had taken those photos in one location near a closed factory at about midnight about 2 ½ hours before someone called 9-1-1. They called the police who had Brian in handcuffs within 10 minutes after that phone call. Why didn't Brian come back home? Why did he leave his home in the first place? He had never done that before.

The questions we would like to ask a medical expert in diabetes are: How could someone who has been having severe insulin reactions and the type of seizures where he falls to the ground unconscious with his whole body shaking for over 25 years be out by himself walking and running for miles for hours survive on his own without a severe insulin reaction or seizure? Why would an emergency hospital doctor not do any blood test on a diabetic when it is documented in hospital records that this patient is a type one insulin dependent diabetic with autism and OCD and had been running around on walking trails all night in the nude? Wouldn't it be important to find out if his blood glucose was high, low or in the normal range? Why did the hospital let him go to jail without doing more tests as he had also fallen and had cuts on his body? Why wouldn't a hospital admit this patient for more tests and observation? Why would an emergency hospital doctor give instructions to see his own doctor the next day for more tests knowing he is going to jail? Brian has been on SSI disability since 1992 due to the combination of his many disabilities. He had been receiving SSI disability money for 26 years at this time, and had Virginia Medicaid insurance to cover the hospital cost.

We have been witnesses a few times to his seizures both at home and on some walking trails, etc. When he has a seizure, he falls to the floor or ground unconscious, entire body shaking. His mom force feeds him a sugar drink or juice, cake icing, honey, etc then as he gains consciousness, she gives him some glucose tabs and perhaps peanut butter or cheese crackers. When he is having a severe insulin reaction (and we have witnessed these a few times after walking a half mile). His whole body stiffens, and we all 3 have to help him lie down on the sidewalk or grass near the sidewalk. His whole body is stiff so he can't sit, then his mom proceeds with the same routine. Even though Brian carries his own emergency supplies, he can't administer them to himself during a severe insulin reaction or seizure. He uses these the times that he himself feels his blood glucose dropping. Being brittle, he doesn't always feel it as it starts going low.

It's all in the perspective: The Martinsville police looked at Brian being nude on this walking trail at night as a crime, and no one from the police department ever questioned Brian's family about Brian, the threatening letters Brian's mom had received or about the carbon monoxide gas that Brian & his mom had been

exposed to for almost a year at the time of Brian's arrest. None of us were aware of this because none of us smelled any gas; just saw the damage around the fireplaces. 4 months after Brian was arrested we found out they had been exposed to CO2 (Carbon monoxide gas). After Brian was aware about being exposed to this natural gas (CO2) for almost a year constantly day and night and was back home again, he wrote a letter and had us to read it and sent this to the Martinsville police chief who apparently ignored this Martinsville citizen's letter and did not investigate, did not check out the damage that was still inside both fireplaces nor question any of Brian's family about it.

The perspective of Brian's family is that this was all a medical emergency, and a miracle he survived with autism causing Brian to leave his home at night with many dangers while we were all three sleeping, not being able to care for Brian's medical needs anymore, wondering how Brian survived walking for miles by himself without any medical supplies and trying to get him in a better home or medical facility with more helpers and 24 hour care to prevent another episode like this. It was a miracle he survived and was a very dangerous situation: not a criminal situation: one where he needed medical help and diagnoses, and not punishment, jail and being treated like a criminal. After carbon monoxide gas was found in his and his mom's apartments, and the house was now vented so the water & gas from the hot water heater and the furnace would no longer hurt them: Brian's mom started feeling better and stronger too. Brian had improved with this new medicine and being away from the carbon monoxide gas for months. Brian has been home for almost a year with no more problems like that so this was in fact the first and last time Brian had been out of the house for hours by himself in 30 years. Thank you for taking time to read this and learning the true facts surrounding this September 21, 2018 event involving Brian Hill. We do have proof of things written here.

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

Executed on March 19, 2020.

Signed,

*Stella B. Forinash*

Stella B. Forinash

*Kenneth R. Forinash*

Kenneth R. Forinash

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of March, 2020, I caused this "Affidavit/Declaration in support of Brian David Hill's "Motion for writ of error coram vobis" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470

*Counsel for Plaintiff*

**Signed,**

*Kenneth R. Loring*

Kenneth R. Forinash Stella B. Forinash	Phone 276-632-2599 Street Address 201 Greyson St., Martinsville, VA 24112
-------------------------------------------	---------------------------------------------------------------------------------

**FAX - CONFIDENTIAL**

**To:** Circuit Court Clerk  
Hon. Ashby R Pritchett, Clerk.

**From:** Kenneth and Stella Forinash

**Fax:** 276-403-5232

**Pages:** 9 With Cover Sheet

**Phone:** 276-403-5106

**Date:** March 19, 2020

**Re:** Brian David Hill

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Kenneth R. Forinash  
Stella B. Forinash  
Phone 276-632-2599  
Street Address 201 Grayson St.,  
Martinsville, VA 24112

**FAX - CONFIDENTIAL**

To: Glen Andrew Hall, Esq. From: Kenneth and Stella Forinash  
Fax: 276-403-5478 Pages: 8 With Cover Sheet  
Phone: 276-403-5470 Date: March 19, 2020  
Re: Brian David Hill

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-</b>
	)	<b>00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Affidavit/Declaration by Brian</b>
	)	<b>Hill in support of Brian David</b>
	)	<b>Hill's "Motion for writ of error</b>
	)	<b>coram vobis"</b>

**Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"**

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and



return receipt tracking number: 9590-9402-3527-7275-7497-41. It was signed for by Police Chief G. E. Cassady on August 7, 2019 2:52 pm, the date and time sourced from the U.S. Postal Service database which can be found out by having somebody check that information at the USPS website or even by me phone calling the USPS customer care number to track a package. I have the return receipt and have verified that it was G. E. Cassady due to the signature and what was written on the return receipt, and the envelope was restricted delivery.

After November 15, 2019, when the Circuit Court withdrawn my appeal in the Circuit Court, I asked Matthew Scott Thomas Clark—my Attorney to give me a copy of the case files of my state case as I was going to use those case files to fight my own case in a Writ of Habeas Corpus petition and any other means to try to overturn my wrongful state conviction since I knew that counsel was ineffective.

Then I received a lot of papers as well as the original envelope of what was mailed to Martinsville Police Chief G. E. Cassady, yes that same envelope under certified mail tracking number: 7017-2680-0000-5750-9122 and return receipt tracking number 9590-9402-3527-7275-7497-41, it was never opened up and never investigated by anybody. I was shocked that Attorney Matthew Clark had my envelope that was supposed to be disseminated to the Martinsville Police Department full of evidence including the threatening greeting card that my mother received, and cumulative evidence of carbon monoxide. I was shocked that the Police Department did not ever open the envelope to investigate any of the evidence. I was angry at Martinsville Police Department, felt like filing a complaint against them but all I can do is expose to the Martinsville Circuit Court, as well as to the Federal Court if necessary that Martinsville Police Department refused to investigate any evidence including the threatening greeting card that my mother received from Nashville, Tennessee in 2018.

I took photos of that envelope to submit to the Court as evidence for the Writ of Error Coram Vobis (Nobis). I never opened the envelope as I already had a photocopy of the entire contents of the envelope. I am keeping it sealed and in a box as evidence for use in the Writ of Error Coram Vobis (Nobis), that evidence was never investigated by Officer Robert Jones, that Martinsville Police Department was incompetent and did not do their job to protect me from criminals including those sending my mother a threatening greeting card. I was



even willing to be questioned by Martinsville Police without a lawyer to let them know about the threatening greeting card and the carbon monoxide but they didn't care.

When I was at the Federal Correctional Institution 1 at Butner, North Carolina inside of the Federal Correctional Complex during the court ordered mental evaluation from January to I believe around April of 2019, during one of the visitation times when my family visited me, my family told me around I believe in February or March, I am not sure as I am not sure if I noted the exact date of when my family told me. They told me about the carbon monoxide and I told my family that I think it had something to do with what had happened and asked them to look into it. Then they mailed me as well as stuff to forensic psychologist Dr. Dawn Graney, about the carbon monoxide damage in Apartment 2 which was my Apartment around the time that I went out to the Dick and Willie hiking trail on December 21, 2018. It talked about hallucinations as one of the symptoms of carbon monoxide exposure. The reason my family was agreeing to the bond conditions for my Federal Supervised Release Violation on May, 2019, was because they realized that it was the carbon monoxide that had caused me to do that weird stuff on September 21, 2018, from what my mother, grandma, and grandpa had told me verbally. The reason my family didn't agree with Scott Albrecht with wanting to have me out on bond in 2018 and released to my residence was because my family didn't know about the carbon monoxide and didn't understand why I was out there naked and wandering off by myself. My family was angry at me, they thought I would repeat that wandering outside behavior and didn't want me wandering out at night again. After they found out about the carbon monoxide in January 2019 as I was told, and I never repeated that behavior again, and never wandered outside at night again. I feel nothing compelling me to walk outside at night even though on September 20, 2018, late at night, something did compel me to walk outside at night wandering around and then the guy in the hoodie and that weird stuff. I felt that I absolutely had to, that strongly I felt the need to walk around outside at night, and didn't understand why I felt such a huge need to do so. I thought I was directed to do so, I thought it had something to do with the guy wearing the hoodie, I was telling the truth because at the time that was all I had to go by. That was all I could think of as reason why I was out on September 21, 2018.



Now that I am aware of the carbon monoxide evidence, the white residue in my fireplace and what was in my mother's fireplace, now I understand why I did what I did on September 21, 2018. I am not expecting the Commonwealth Attorney and the Police to ever believe me, but the more proof I can get it gives me clarity to understand that it was not my fault why I ended up naked on the Dick and Willie hiking trail on September 21, 2018. I apologize for it, I will never do it again, but I did not break the law and I believe what Scott Albrecht had originally told me was correct, that I was technically legally innocent of indecent exposure because of not being obscene and not having the intent to do such. Anytime I tell an average person about my story about the carbon monoxide and what happened on the Dick and Willie trail, they understand and knowing that at night nobody of the public in their right mind is going to be out walking the trail and no children walks that trail at night, at least the night that I was on that trail to my knowledge nobody in their right mind will walk that trail all alone, they feel that I didn't try to do something with criminal intent when they hear of my story. The average person understands that people who get drunk on alcohol, drugs, or is on a substance or gas, might do something crazy and unexpected. That person might run around naked like somebody being addicted to Bath Salts. Yeah I have read articles in the past of people that taken bath salts running around naked and eating the flesh of somebody when on Bath Salts. However I was never on any of that, I was never taking Bath Salts and never tried that. Just saying an example here. There are examples of those who were caught naked in public while on a drug, alcohol, substance, or even a gas that can mentally drive somebody crazy. I told my family in 2018 that I thought I was drugged from that night on September 21, 2018, I had black outs, when I was first arrested in Martinsville City Jail I kept just wanting to sleep and had pain. It was painful even getting up. I wasn't thinking straight and at times I had acted crazy like during one time screaming in the cell and at other times cussing out the jail guards and cussing out Martinsville Police. I had never acted like that in my life. When I had operated USWGO Alternative News I was polite to the police and was doing my job as an investigative journalist for alternative media but that was such a long time ago, from 2009 to 2012 that I had operated USWGO Alternative News. It was like I threw caution to the wind and did not care about consequences. Carbon monoxide, who knows what kind of damage it was doing to me. It can cause brain damage too. My mother had told me verbally that she worries that she may have



brain damage from the carbon monoxide. She didn't use to need reading glasses until after being exposed to carbon monoxide, her eyes have gotten worse and mine has as well. The carbon monoxide does something to the brain and possibly the nerves.

I did also try to fax information about my situation to the Fire Marshal's Office and they did not ever respond to my fax. I feel like nobody wants to investigate this and that nobody cares to even do so.

So if Glen Andrew Hall, the Commonwealth Attorney of Martinsville, Virginia, argues that the police never found a guy wearing a hoodie, they wouldn't even question my mother about the threatening greeting card and never asked for my mother to turn it over to them. I am aware of this because my mother still has the original anonymous threatening greeting card and the other anonymous greeting cards from Nashville, Tennessee. Anybody sending threats anonymously through the Postal Service is likely committing a federal or state crime. For the Martinsville Police refusing to ever question me and to ever question my family, and just have the court appoint me lawyers that were all ineffective, I felt abandoned by our justice system, **I felt abandoned by our Police Department.** As a citizen of Martinsville, it is my right and duty to report crimes and mail evidence to the Police, but they have failed me and my family. What a tragedy!

**I will NEVER trust Martinsville Police Department ever again, I will no longer call them again for anything important as that they are incompetent, ineffective, and don't investigate any crimes I may report to them.** They won't listen to me so why should I waste my time calling them during an emergency. Instead I will call the FBI as they might do something more about me reporting the crime than Martinsville Police Department. **I don't trust them, they betrayed me and my family, and they ignored evidence, and allowed me and my mother to be a victim of a threatening greeting card and never asking to see the cards.**

I was shocked that the envelope to the Police Chief was in the possession of Attorney Matthew Clark who kept begging me and my family to withdraw my appeal without telling me of the consequences I faced and the rights I would lose by doing such. Matthew Clark is unconstitutionally ineffective. Matthew Clark betrayed me and family too. The deputy Clerk at the Martinsville Circuit Court told me in regards to the attorney fees on November 15, 2019, that it doesn't





include the fees that Matthew Clark may charge me for withdrawing my appeal and accepting the decision of the General District Court. That is cold and cruel, and nasty for Matthew Clark to beg me to withdraw my appeal knowing that my Social Security Disability SSI disbursement would be garnished to not just pay the Commonwealth but also to the very Attorneys that told me to give up and withdraw my appeal. That was a traitorous and scummy thing to do. Matthew Clark made me so angry that I am going to have to pay his attorney fees for doing absolutely nothing to put himself on the line to actually defend me, I felt like cussing him out over the phone but refrained from doing so. I have also thought about suing him and filing a BAR complaint as well as asking my mother to write bad reviews on him for other people to see. I was so angry that Matthew Clark would sell me out and then can extort money off of that from me. It is extortion when somebody illegally demands money from you. It is unlawful to garnish SSI disability disbursements. It seems like extortion to me. I feel it is extortion and Matthew Clark didn't do anything to fight and attempt to get the case dismissed, he didn't even try to submit any evidence, didn't find any expert witness to testify. He just totally sold me out. He didn't even ask the Police Chief to accept my envelope. He didn't even try to ask the Police or Commonwealth Attorney to simply review over the evidence of threatening greeting card and carbon monoxide proof inside of the envelope. That is warped and a miscarriage of justice.

Again, I was shocked that he had the envelope and didn't even try to give it back to Martinsville Police, never told me anything about him taking possession of the envelope after it was transferred to the Commonwealth Attorney. He didn't do anything to show that I was innocent of indecent exposure, he didn't even try to establish any reasonable doubts. Reasonable doubts can be raised at a jury trial or bench trial. Carbon monoxide was a reasonable doubt. The Hospital of Sovah in Martinsville, also known as Martinsville Memorial Hospital deleted the entries from the chart and didn't do anything with the blood vials of what was drawn from my arm at the Hospital on September 21, 2018, that was not professional. That would be a reasonable doubt that laboratory tests were canceled/deleted from chart without my knowledge.



If the General District Court or any other Court was told that I was medically cleared when I was charged with indecent exposure, which is a lie and is not a fact. That is a lie, that is not a fact, that is a lie, that is lie. I cannot stand for this.

How could I be medically cleared when I had two abnormally high blood pulse readings which is Sinus Tachycardia when it is over 100 for resting blood pulse? My blood sugar appeared to have never been tested when I reviewed over my medical record for September 21, 2018. So the Hospital screwed up big time and I can prove this to the Court. They knew I had sinus tachycardia and cuts/abrasions all on my body and yet released me to jail shortly afterwards which caused me to have possibly scars and having open abrasions/cuts in Jail which of course is the worst place to have cuts and wounds. Jails have a lot of diseases and the Hospital knew I was going to jail. Then they put in the medical report for me to see my doctor the next day. They knew discharging me to Jail would prevent that from happening. How careless of Sovah Hospital!!!!!! They lied, this was medical neglect at best, who knows at worst.

It says from the medical report "Private Physician; When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care" However how could I see my private physician the next day when I was in jail? So this proves that I was not medically cleared because Sovah Hospital was incompetent and I believe had medically neglected me. The Hospital released me with Sinus Tachycardia readings, refused to complete the Laboratory tests that were ordered after drawing my blood, and they didn't even check my diabetic blood sugar even though they said I was diabetic on the medical record of the Hospital on September 21, 2018. It says from the medical record and I quote that "04:48 28-year-old male with diabetes and autism presents for evaluation..." The Hospital had medically neglected me and should not have cleared me for release. I plan on suing Sovah Hospital and Martinsville City Jail for medical neglect, malpractice, and medical indifference before September 21, 2018, if that is what it takes. I will sue Sovah Hospital for damages of medical neglect and such neglect causing my wrongful conviction to pay for the legal fees that Martinsville Circuit Court demands that I pay over the criminal case. They allowed my bloodwork for the Laboratory testing to be destroyed which could have exonerated me and would have been more provable than me talking about some guy wearing a hoodie. The General District Court Judge would have believed carbon monoxide



had the exculpatory evidence been preserved. The Police failed me, the Attorneys failed me. I will never trust Martinsville Police again, I will never trust a court appointed lawyer ever again, I will never trust a lawyer paid for by the Government ever again, EVER.

If Martinsville General District Court knew any of this, would they have convicted me????????????? There were Courts that were not told by the Commonwealth Attorney and not be Scott Albrecht, not told by Lauren McGarry, and not even by Matthew Scott Thomas Clark. If the truth can come out, it will be embarrassing to Martinsville Police Department, they rather the truth be buried and convict me like everyone else, like all the other poor slaves working for change each hour. It is systematic slavery by the State.

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

Executed on March 25, 2020.

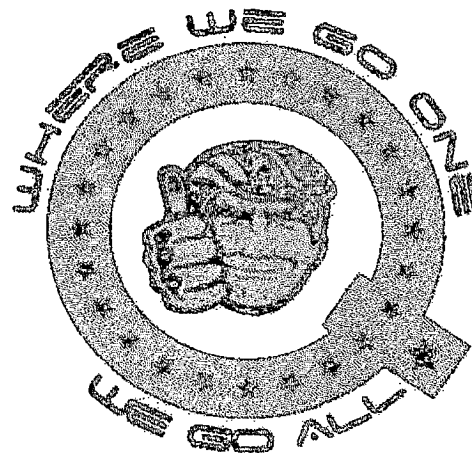
Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*





Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>th</sup> day of March, 2020.

Signed,

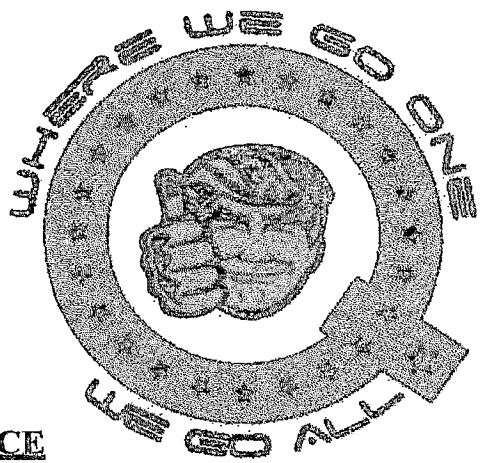
Brian D. Hill  
*Signed*

**U.S.W.G.O.**

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



*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Affidavit/Declaration of Brian Hill in support of Brian David Hill’s “Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s



Office of Martinsville (Fax #276-403-5478) and will attach proof of service  
(*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of  
service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*signed*



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

*Pro Se Appellant*







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

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

Date: 3/25/2020 Time: 1:04:28 AM
Number of pages: 10 Session duration: 13:57
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
Recipient's number: T1-276-403-5478 Message type: Fax
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File description: Declaration of Brian Hill for Coram Vobis Virginia Court (3)Sig Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8119
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Civil Action No. CL20000089-00 Criminal Action No. CR19000009-00 Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Vertical stamp: VIRGINIA In-City of Martinsville Circuit Court Clerk's Office. Received and Filed this the 25th Day of March 2020 at 9:50 A.M. by fax. Testa: Ashby R. Pritchett Clerk

Affidavit/Declaration by Brian Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

I, Brian D. Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

I did tell Martinsville Police Officer Robert Jones the truth on September 21, 2018, about what I believed had happened at the time was a guy wearing a hoodie who had said that my mother Roberta Hill would be killed if I didn't get naked and take photos of myself. At a later time I had discovered new information that had changed my suspicions and now it is clear, that carbon monoxide is what I believe had caused me to do what had happened on September 21, 2018. It would explain why I thought I was drugged. It would explain why I behaved in an unexpected and an abnormal way.

I had mailed evidence on July 20, 2019, to the Martinsville Police Department in the envelope with certified mail tracking number 7017-2680-0000-5750-9122 and

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b>Criminal Action No. CR19000009-</b>
	)	<b>00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>Affidavit/Declaration by Roberta</b>
	)	<b>Hill in support of Brian David</b>
	)	<b>Hill's "Motion for writ of error</b>
	)	<b>coram vobis"</b>

**Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"**

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



if he had an insulin reaction, but now I believe that he was exposed to a lot of carbon monoxide that night.

In December 2017, I started receiving cards in the mail by an anonymous person or people from Nashville, TN. This person sent a card with a threat in May 2018. No police officer ever asked about these cards, despite the fact that Brian told the police officers that we had received a threat in the mail.

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

Executed on March 24, 2020.

Signed,

*Roberta Hill*

Roberta Hill  
310 Forest Street, Apt. 1  
Martinsville, Virginia 24112

Filed with the Honorable Circuit Court of Martinsville, this the 24<sup>th</sup> day of March, 2020.

Signed,

*Brian D. Hill*  
*Signed*

Brian D. Hill (Pro Se)  
310 Forest Street, Apt. 2  
Martinsville, Virginia 24112

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March, 2020, I caused this "Affidavit/Declaration of Roberta Hill in support of Brian David Hill's



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

“Motion for writ of error coram vobis” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
Signed



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



*Pro Se Appellant*





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

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

Date: 3/24/2020
Number of pages: 3
Attn.: Glen Andrew Hill, Esq.
Recipient's number: T1-276-403-5478
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Declaration of Roberta Hill for Coram Vobis Virginia Court (2)Si
File description: Declaration of Roberta Hill for Coram Vobis Virginia Court (2)Si
Recipient's Fax ID: 12764035478
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Resolution: 200\*200 dpi
Record number: 8116

VIRGINIA
In City of Martinsville Circuit Court
Clerk's Office.

Received and Filed this the
25th Day of March, 2020
at 9:50 AM by fax
Testa: Ash R Pritchett - Clerk

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,
v.
BRIAN DAVID HILL,
Defendant,
Civil Action No. CL20000089-00
Criminal Action No. CR19000009-00
Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

Affidavit/Declaration by Roberta Hill in support of Brian David Hill's "Motion for writ of error coram vobis"

I, Roberta Hill, file this affidavit, pursuant to Virginia Code § 8.01-4.3. "Unsworn declarations under penalty of perjury; penalty", subject to the penalties of perjury thereof therefore state the following facts:

My son, Brian Hill, and I were exposed to carbon monoxide for about a year in 2018-2019. A fireplace company came out to our home in January 2019 and found that the chimney was completely covered up with tin. He said that carbon monoxide was flowing into both of our apartments. My son started to talk about how he had trouble thinking. I began to feel tired all the time and I was having trouble thinking, as well. After the tin was taken off of our chimney, we began to start feeling better and after about a year we recovered from the symptoms of carbon monoxide exposure.

Brian told me that he doesn't remember all that happen on the early morning of September 21, and he told me that he blacked out. At the time, I was wondering



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

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>Letter to Clerk</b>
	)	
_____	)	

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of “Commonwealth of Virginia v. Brian David Hill” is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

**Writ of Habeas Corpus – Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending**

**Writ of Error Coram Vobis/Nobis – Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court**



I want to make sure that the Court of Appeals and the record of the criminal case is made aware that there are two pending civil cases asking for relief against the final judgment in this criminal case. With the coronavirus COVID-19, it may be more difficult to notify the Clerk’s office in the Court of Appeals since it is in Richmond, Virginia, and uncertainty that the letter would even be delivered during these times of lockdown. However since any new pleadings cause an addendum to the Court of Appeals, this short letter should be notice to both Courts that two civil cases connected to this criminal case are pending either by timely direct appeal or still pending in the Circuit Court.

Filed with the Honorable Circuit Court of Martinsville, this the 25<sup>h</sup> day of March, 2020.

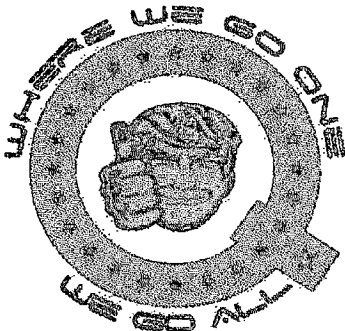
Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-



403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*





**Martinsville Circuit - Civil Division**  
**Pleadings/Orders Detail**

**Case Number:** CL19000331-00

Filed	Type	Party	Judge	Book	Page	Remarks
11/18/19	Writ Of Habeas	PLT				WHC:
11/20/19	Final Order	ERH	GCG			ORDER TO DISMISS
11/20/19	Appeal Notice	ERH				NOTICE OF APPEAL
11/25/19	Motion					MOT TO RECONSIDER
11/25/19	Order	ERH	GCG			DENYING MOT TO RECONSIDER
01/14/20	Appeal Submitted/Received Confirmation	ERH				
01/14/20	Other	ERH				APPEAL TABLE OF CONTENTS
01/14/20	Appeal Submitted/Received Confirmation	ERH				EMAIL CONFIRMATION
02/18/20	Transfer Jurisdiction/Venue	ARP				TRANSFER TO SUPREME COURT
03/06/20	Response	ERH				B. HILL TO LET. FROM SCV
03/09/20	Letter	ERH				PSYCHOLOGICAL EVALUATION

Build #: 3.8.1.1



**Martinsville Circuit - Civil Division**  
**Case Details**

<b>Case Number:</b> CL20000089-00	<b>Filed:</b> 03/16/20
<b>Filing Type:</b> Petition	
<b>Number of Plaintiffs:</b> 0001	<b>Number of Defendants:</b> 0001
<b>Commenced By:</b> Initial Filing	
<b>Bond:</b>	<b>Complex Case:</b>

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

**Plaintiffs**

Plaintiff: **COMMONWEALTH OF VIRGINIA**  
 Trading as:  
 Attorney:

**Defendants**

Defendant: **HILL, BRIAN DAVID**  
 Trading as:  
 Attorney:

**Hearings**

#	Date	Time	Type	Room	Duration	Jury	Result
---	------	------	------	------	----------	------	--------

**Date Ordered To Mediation:**

**Final Disposition**



- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

<a href="#">Name List</a>	<a href="#">Pleadings/Orders</a>	<a href="#">Services</a>	<a href="#">Main Menu</a>	<a href="#">Logoff</a>
---------------------------	----------------------------------	--------------------------	---------------------------	------------------------

Build #: 3.8.1.1





[Return to Case](#) [Main Menu](#) [Logoff](#)

Martinsville Circuit - Civil Division  
 Pleadings/Orders Detail

**Case Number:** CL20000089-00

Filed	Type	Party	Judge	Book	Page	Remarks
03/16/20	Initial Filing	PLT				WCN:
03/19/20	Other	ERH				ENDORSEMENT OF FILING
03/19/20	Affidavit	ERH				DECLARATION IN SUPPORT

[Return to Case](#) [Main Menu](#) [Logoff](#)

Build #: 3.8.1.1



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**Martinsville Circuit - Civil Division**  
**Service Details**

**Case Number: CL20000089-00**

Name	Number	Type	Hear Date	Date Served	How Served
HALL, GLEN ANDREW; ESQ	1	Petition		03/19/20	In Person/Notified In Court

[Return to Case](#) [Main Menu](#) [Logoff](#)

Build #: 3.8.1.1



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

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

Date: 3/25/2020 Time: 12:57:26 AM
Number of pages: 8 Session duration: 7:04
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
Recipient's number: T1-276-403-5478 Message type: Fax
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Letter to Clerk by Brian Error Correction: No pending civil cases (2) Signed (2020-03-25).tif
File description: Letter to Clerk by Brian D. Hill documenting pending civil case Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8118
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Criminal Action No. CR19000009-00. Letter to Clerk

Letter to Clerk

Hon. Ashby R. Pritchett, Clerk
Phone: 276-403-5106
Fax: 276-403-5232
55 West Church Street, Room 205
P.O. Box 1206
Martinsville, VA 24114

VIRGINIA
In City of Martinsville Circuit Court
Clerk's Office.
Received and Filed this the
25th Day of March, 2020
at 9:50 AM by fax
Testa: [Signature] Clerk

I, Brian D. Hill, file this short letter notifying the Clerk and the Court of Appeals of Virginia that the criminal case of "Commonwealth of Virginia v. Brian David Hill" is being challenged on two different civil cases with evidence attached to both petitions in those civil cases. Since it is under direct appeal, the Court of Appeals should be informed that there are two civil cases that are challenging the final judgment on November 15, 2019 in the Circuit Court and/or the final judgment on December 21, 2018, in the Martinsville General District Court.

Writ of Habeas Corpus - Filed: 11/18/19, Case no. CL19000331-00, Appealed on 11/20/19 to Court of Appeals of Virginia but was transferred to Supreme Court of Virginia, Appeal still pending

Writ of Error Coram Vobis/Nobis - Filed: 03/16/20, Case no. CL20000089-00, Case active and pending in Circuit Court



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

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No.</b>
<b>Plaintiff,</b>	)	<b>CR19000009-00</b>
	)	
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	
_____	)	<b>NOTICE OF LAWSUIT</b>
	)	

**NOTICE OF LAWSUIT**

Hon. Ashby R. Pritchett, Clerk  
Phone: 276-403-5106  
Fax: 276-403-5232  
55 West Church Street, Room 205  
P.O. Box 1206  
Martinsville, VA 24114

I, Brian D. Hill, file this NOTICE OF LAWSUIT that is to be docketed in case no. CR19000009-00, and the lawsuit is being filed against the Hon. Judge Giles Carter Greer as well as Glen Andrew Hall, Esq., Matthew Scott Thomas Clark, and Lauren McGarry. The lawsuit is being filed under 42 U.S. Code § 407 of the Social Security Act. An injunction is the intent of this lawsuit. To block this Court from demanding legal fees on November 15, 2019, to Brian David Hill. The lawsuit has been mailed out by the time you even read this letter. Brian may also file an emergency temporary injunction motion to block the legal fees demands during case pendency.

I have kindly asked the Judge to waive Legal fees or Not enforce Them under my filing MOTION TO "WAIVING LEGAL FEES", dated March 16, 2020. The Judge seems to be ignoring it as well as the motion to proceed pro se. I will not



tolerate legal-extortion against myself by Matthew Clark, Glen Andrew Hall, Lauren McGarry of the Public Defender Office, and by the order of this Court. A lawsuit is being filed and soon the Federal Court will start ordering all parties for answers to the summons including Judge Greer.

I wish I didn't have to take the time and energy to file this lawsuit against Judge Greer of this Circuit Court, but this Court has given me no other choice.

I pay \$500 rent, my SSI cannot be garnished. I am having to pay legal fees over maintaining over 5-6 federal appeals over what corrupt Judge Thomas David Schroeder is doing in North Carolina under his judicial coup d'etat in the Middle District of North Carolina. Now I have three state cases I am a party to. I am having to get other people involved to assist me in suing everybody who has done me wrong in Virginia.

Now I guess I will add federal lawsuits to my list of cases I am forced to file to protect my SSI disability. If I manage to find an attorney pro bono, then my attorney will be conducting contact with your court and other defendants' in the lawsuit your Judge will be a party to.

I am not playing around. When I make legal threats of filing lawsuits in my letters, I stand by them and show that they are well grounded in law. I am sick and tired of being a victim of judicial corruption, police corruption, prosecutorial corruption, and political corruption. I am sick of this corrupt legal system that keeps increasing my legal fees when I cannot afford to pay them. How ironic that Qanon will have to get involved with the Virginia corruption as well with the sealed indictments against all corrupt politicians. People protect their own in the corrupt system. Not a surprise to me. I have dealt with this type of corruption in the Town of Mayodan, North Carolina in 2012 when I had operated USWGO Alternative News from 2009 to 2012, now I am a victim of political/judicial corruption in Martinsville, Virginia not limited to Eric Monday and other corrupt lawyers. I am tired of this garbage. Lawsuits will commence until justice comes True Justice, not false justice.

I just want justice, I just want my life back but the prosecution will fight tooth and nail to make sure that it won't happen.

I won't let COVID-19 CoronaVirus be used as an excuse to buy the State Courts time to take away my constitutional rights then twist around to incarcerate me if I don't pay the stupid legal fees.

I am not a number, I am not an inmate either, and I am an American citizen.



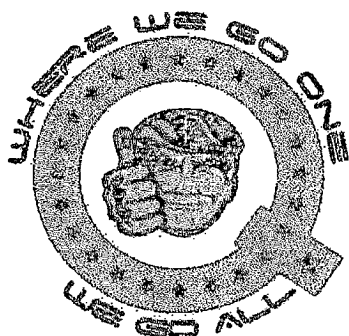
Filed with the Honorable Circuit Court of Martinsville, this the 26th day of March, 2020.

Signed,

*Brian D. Hill*  
*Signed*



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



**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of March, 2020, I caused this “Letter to Clerk” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*





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

Signed,

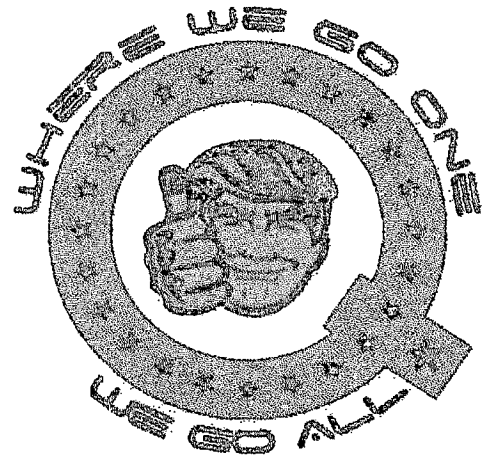
*Brian D. Hill*  
*Signed*

**U.S.W.G.O.**



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

*Pro Se Appellant*



**LAWSUIT ATTACHED**



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

# UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Roanoke Division

Case No. \_\_\_\_\_

*(to be filled in by the Clerk's Office)*

Brian David Hill

*Plaintiff(s)*

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-v-

Glen Andrew Hall, et al.

*Defendant(s)*

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

## COMPLAINT AND REQUEST FOR INJUNCTION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Brian David Hill (nicknamed as "USWGO")</u>
Street Address	<u>310 Forest Street, Apartment 2</u>
City and County	<u>Martinsville/Henry-County</u>
State and Zip Code	<u>Virginia 24112</u>
Telephone Number	<u>276-790-3505</u>
E-mail Address	<u>No Email Address</u>



Brian D. Hill - Ally of QANON  
WWG1WGA - Q-Intel - Drain the Swamp MAGA  
JusticeForUSWGO.wordpress.com - INVESTIGATE!



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Glen Andrew Hall, Esq., in his official capacity
Job or Title ( <i>if known</i> )	Commonwealth Attorney of Martinsville, Virginia
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia
Telephone Number	Telephone: 276-403-5470
E-mail Address ( <i>if known</i> )	ahall@ci.martinsville.va.us

Defendant No. 2

Name	Giles Carter Greer, Esq.
Job or Title ( <i>if known</i> )	Judge of Martinsville Circuit Court, in his official capacity
Street Address	55 West Church Street
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: 276-403-5106 (Not direct phone number but no. of Clerk)
E-mail Address ( <i>if known</i> )	cgreer@ci.martinsville.va.us

Defendant No. 3

Name	Matthew Scott Thomas Clark, Esq.
Job or Title ( <i>if known</i> )	Attorney, in his official capacity
Street Address	711B Starling Ave
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	(276) 634-4000
E-mail Address ( <i>if known</i> )	matthewstclarklaw@gmail.com

Defendant No. 4

Name	Lauren McGarry, Esq.
Job or Title ( <i>if known</i> )	Martinsville Public Defender Office, in her official capacity
Street Address	10 E Main St,
City and County	Martinsville
State and Zip Code	Virginia 24112
Telephone Number	Phone: (276) 666-2206



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address (if known) lmcgarry@mar.idc.virginia.gov

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S. Code § 407. Assignment of benefits, Eighth Amendment under the United States Constitution

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Brian David Hill, is a citizen of the State of (name) Virginia.

b. If the plaintiff is a corporation

The plaintiff, (name) N/A, is incorporated under the laws of the State of (name) N/A, and has its principal place of business in the State of (name) N/A.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual – Names: Giles Carter Greer, Lauren McGarry

The defendant, (name) Glen Andrew Hall, Matthew S.T. Clark, is a citizen of



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

the State of (name) Virginia . Or is a citizen of (foreign nation)

b. If the defendant is a corporation

The defendant, (name) N/A , is incorporated under the laws of the State of (name) N/A , and has its principal place of business in the State of (name) N/A . Or is incorporated under the laws of (foreign nation) N/A , and has its principal place of business in (name) N/A .

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The defendants' don't owe money but are attempting to unlawfully garnish the Social Security SSI benefits of Plaintiff, therefore it is a controversy of law and equity. It is a controversy involving unlawful garnishment of SSI by the defendants'.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

On or about November 15, 2019, the Circuit Court of Martinsville, Virginia, under the order of the Hon. Judge Giles Carter Greer (Def. #2) has unlawfully ordered garnishment of Brian David Hill's social security disability disbursement income under the Supplemental Security Income, the amount totalling \$1,124.00 and possibly more as Brian David Hill continues fighting his state case under Case #: CR19000009-00, Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus). Direct Appeal had also been timely filed in the state case but may fail under a legal technacaility. So legal fees are going to be enforced which is garnishment.

B. What date and approximate time did the events giving rise to your claim(s) occur?



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

November 15, 2019. See Exhibit 1.

See details in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

All Defendants are involved in the use of the legal process of the Circuit Court to copnduct the garnishment of Brian David Hill's SSI disability income disbursement.

See the facts described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

**IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

No monetary damages are being sought. The purpose of this complaint is to prevent the unlawful garnishment of Brian David Hill's SSI money. However if an attorney from Legal Aid or any lawyer wishes to assist and represent Brian David Hill in this case on a pro bono basis, then the lawyer may request attorney fees as a sanction for any wrongdoing.

Injury described in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. The relief specified is also in "BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION".





Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Temporary injunction on the Commonwealth's garnishment of Brian David Hill's SSI money during the pendency of this case. Permanent injunction on the Commonwealth of Virginia's defendants Glen Andrew Hall, Esq., the Hon. Judge Giles Carter Greer, Matthew Scott Thomas Clark, Esq., and Lauren McGarry, Esq., barring them from attempting any garnishment or use of any legal process to garnish the SSI disability money from Brian David Hill that has any connection to the cases CR19000009-00 (criminal case), Civil Case Nos. CL20000089-00 (Writ of Coram Vobis/Nobis) and CL19000331-00 (Writ of Habeas Corpus).

*see Brief, Pg. 7*

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/26/2020

Signature of Plaintiff *Brian D. Hill*  
*Signed*

Printed Name of Plaintiff Brian David Hill (USWGO / Ally of Qanon)

**B. For Attorneys**

Date of signing: N/A

Signature of Attorney N/A

Printed Name of Attorney N/A

Bar Number N/A

Name of Law Firm N/A

Street Address N/A

State and Zip Code N/A

Telephone Number N/A



Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

E-mail Address

N/A

**BRIEF IN SUPPORT OF COMPLAINT AND REQUEST FOR INJUNCTION**

Brian David Hill formerly of USWGO Alternative News (“USWGO”) complains as follows against Defendant #1: Glen Andrew Hall, Esq., (“Mr. Hall”); Defendant #2: Giles Carter Greer, Esq., (“Hon. Greer”); Defendant #3: Matthew Scott Thomas Clark, Esq. (“Mr. Clark”); Defendant #4: Lauren McGarry, Esq. (“L. McGarry”).

**NATURE OF ACTION**

1. This is an action for preliminary/permanent injunction and request for temporary injunction during the pendency of this case to prevent the attempt to unlawfully garnish Brian David Hill’s (“USWGO’s”) SSI monthly income pursuant to 42 U.S. Code § 407. “Assignment of benefits”.

**PARTIES**

2. USWGO is, and has been at all times relevant to this lawsuit, an individual who is mentally/physically disabled and lives off of Social Security Disability money from the Federal Government under the Social Security Act, with the Plaintiff’s principal place of residence in Martinsville, Virginia.

3. USWGO is, and has been at all times relevant to this lawsuit, in good standing.

4. Mr. Hall, Hon. Greer, Mr. Clark, and L. McGarry is, and has been at all times relevant



to this lawsuit, identified as the Defendants' responsible for and/or is involved with the garnishment or attempt garnishment of the Supplemental Security Income ("SSI") of Brian David Hill.

5. Mr. Hall, in his official capacity as the Commonwealth Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

6. Mr. Clark, in his official capacity as the court appointed Attorney of Martinsville, Virginia, is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. He has been at all times relevant to this lawsuit.

7. L. McGarry, in her official capacity as the court appointed Attorney of Martinsville, Virginia, and works for the Martinsville Public Defender Office is one of the parties who will receive the legal fees money out of garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. She has been at all times relevant to this lawsuit.

8. Prosecution fees and Defense attorney fees are billed to Plaintiff USWGO in the course of a non-favorable ruling/result from state criminal case no. CR19000009-00, Commonwealth of Virginia v. Brian David Hill on November 15, 2019. That includes Lauren McGarry (Former Defense counsel), Mr. Hall (Prosecutor), and Mr. Clark (appointed Defense counsel).

9. Hon. Greer, in his official capacity as the judicial officer of the Circuit Court in



Martinsville, Virginia, which is a state court of record, is the party enforcing the garnishment of Brian David Hill's monthly SSI income if there is no injunctive relief. See the photocopy of legal filing attached hereto as Exhibit 1, his Order dated November 15, 2019. He has been at all times relevant to this lawsuit. Exhibit 1 is a true and correct photocopy of that order that was already a photocopy of the original copy that was filed in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS, under Document 221-3.

10. Hon. Greer put in an order (Exhibit 1) on November 15, 2019, demanding payment of legal fees (attorney fees) of "\$1,222.45" and possibly more not including the legal fees that could be charged by Mr. Clark, there is no restitution and no fines that were imposed with the exception of only charging the legal fees and attorney fees out of a non-favorable ruling in the state criminal case of "Commonwealth of Virginia v. Brian David Hill," case no. CR19000009-00, in the Circuit Court of Martinsville. Efforts have been made by USWGO to attempt to fight the wrongful conviction in the state case. One such measure was the Writ of Habeas Corpus petition that USWGO had filed on November 18, 2019. See DECLARATION of BRIAN DAVID HILL in Opposition of Documents # 157 and # 200 . (Attachments: # 1 Supplement 1, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Envelope - Front and Back)(Daniel, J) (Entered: 11/20/2019) in Middle District of North Carolina federal Case no. 1:13-cr-00435-TDS. That contains a photocopy of the entire state Writ of Habeas Corpus. That matter was dismissed on November 20, 2019 by Hon. Greer and was timely



appealed that same day to the Virginia Court of Appeals who transferred the appeal to the Supreme Court of Virginia under record no. 200267, case name entitled: "Brian David Hill v. Commonwealth of Virginia". As to the other petition for requesting relief in the state criminal case. A Writ of Error Coram Nobis was filed. It was entitled Writ of Error Coram Vobis as Virginia is one of the only Commonwealth states that still uses the term "Vobis" instead of "Nobis". See the photocopy of legal filing attached hereto as Exhibit 2, a true and correct photocopy of the Writ that was filed, and the copy was verified as a true and correct copy by the deputy Clerk. See the last page for verification. Brian David Hill ("USWGO") had been trying to fight his wrongful conviction and if succeeding then he will not be compelled to pay the attorney/legal fees of the state criminal case referenced thereto. However the motions/petitions requesting relief is not delaying nor suspending the Exhibit 1 order for USWGO to pay the legal fees. If Brian doesn't pay the legal fees starting on the date of May 15, 2020, the Hon. Greer may order the collection enforcement of paying such legal fees through an enforcement action aka an "other legal process" through collection enforcement by and through the State/Commonwealth of Virginia. Such legal process is unlawful under Title 42 U.S. Code § 407.

11. Well-established case law says that the state cannot use "execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law" to garnish SSI disability money. Quote from 42 U.S. Code § 407. Assignment of benefits: "(a) In general: The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights



existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.” Citing Washington State Dep’t of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003), the Court stated that an “other legal process (1) requires utilization of some judicial or quasi-judicial mechanism; (2) by which control over property passes from one person to another; (3) in order to discharge or secure discharge of an existing or anticipated liability.” Here, a judicial mechanism was used (i.e., a restitution order) to secure a discharge of Alexandroni’s existing liability. Further, if the trial court used its contempt power to cause her to satisfy the restitution it would be “use of a judicial mechanism to pass control over those benefits from one person to another.” Thus, although the trial court properly determined the SSDI benefits were “income,” its use of its contempt powers would constitute an “other legal process” in violation of 42 USC 407(a). That is so, the court reasoned, even though a contempt order does not “touch a contemtor’s money directly,” but instead coerces the compemtor to comply. The Court concluded by stating that an actual contempt order would violate 42 USC 407(a), but the “mere specter of a contempt hearing” would not necessarily be an “other legal process.” Additionally, the Court found, the restitution order itself remained valid, and the trial court could make further determinations as to Alexandroni’s ability to pay from other sources of income. That case law applies to restitution but USWGO owes no restitution, but the legal argument and logic is exactly the same. Using any “legal process” to force the payment of legal fees to pay both the prosecution and defense lawyers violates the law. Unless USWGO has any income that is liquid assets, any income that is not protected by





federal statute, the Circuit Court through Hon. Greer and others has no right to order garnishment of Brian David Hill’s SSI money through the execution of legal process.

12. USWGO filed a motion compelling the Hon. Greer of the Circuit Court to not enforce or waive the legal fees involved in the criminal case. See Exhibit 3, attached thereto is a true and correct copy of USWGO’s “Motion for Waiving Legal Fees or Not Enforcing Them”. It was filed in the Circuit Court on March 16, 2020. As far as March 25, 2020, the motion has not been acted upon by the Judge. It just sits there in the court filings while no action is being taken. All possible remedies attempted have been exhausted by inaction by the State Court and is not stopping the Hon. Greer and other defendants’ from collectively demanding the legal fees from Brian David Hill through the Hon. Greer and through garnishment of his only source of income of SSI which is garnishment. That is unlawful under statute.

**JURISDICTION**

13. This Court has jurisdiction over the subject matter and the parties under the Social Security laws of the United States, 42 U.S. Code § 401 et seq., as well as jurisdictional provisions of 28 U.S.C. § 1331. Since the garnishment of USWGO’s SSI disability money is garnishing his only source of income as a disabled American citizen, it may also constitute cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution barring cruel and unusual punishment.

14. Brian David Hill is a lawful citizen of the United States and his Social Security disability money is the subject of garnishment by the Hon. Greer and other defendants’.

15. On or about November 15, 2019, Hon. Greer willfully put in an order demanding



payments from Brian David Hill or he will be jailed by collection enforcement even after knowing that Brian David Hill's only source of income is his SSI disability which is protected under federal law, under the federal supremacy clause.

16. Despite USWGO filing his "Motion for Waiving Legal Fees or Not Enforcing Them" on March 16, 2020 (Exhibit 3), on or about March 25, 2020, Hon. Greer has taken no action, and continues to permit the enforcement of the garnishment of USWGO's disability income under SSI.

17. USWGO owns no car, has no business license, and has never worked a job a day in his life, and his only source of limited income money is his SSI disbursement.

18. The focal point of the garnishment and/or attempt to garnish is in Martinsville, Virginia.

19. The only geographic location that is associated with, and related to, the garnishment is Martinsville, Virginia.

20. The order to garnish USWGO's only source of income was originally ordered by Hon. Greer where such garnishment will pay the legal fees of Mr. Hall, L. McGarry as her official position for the Martinsville Public Defender Office, and Mr. Clark.

21. Mr. Clark knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District Court.

22. L. McGarry knew that USWGO's disability money would be garnished if he was compelled or coerced to withdraw his appeal and accept the decision of the General District



Court.

23. Mr. Hall knew that USWGO's disability money would be garnished if USWGO was compelled to withdraw his appeal and accept the decision of the General District Court.

24. At all times relevant to this lawsuit, the order to garnish USWGO's SSI disability money occurred and continues to occur in Martinsville, Virginia.

25. Hon. Greer's attempt to order the garnishment and defendants' benefit of such attempt to garnish Brian David Hill's disability money was and is purposefully directed at Brian David Hill ("USWGO") of Martinsville, Virginia.

26. The harm caused by the order of Hon. Greer which will garnish USWGO's SSI, was experienced, in Martinsville, Virginia.

#### VENUE

27. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S. Code § 1391, because Hon. Greer, Mr. Clark, L. McGarry, and Mr. Hall is subject to personal jurisdiction in Martinsville, Virginia, in the Western District of Virginia.

28. The United States District Court for the Western District of Virginia is an appropriate venue, pursuant to 28 U.S.C. § 1391(b)(2) and 1391(b)(1), because all actions of such garnishment and a substantial part of the events giving rise to the claim for relief are situated in Martinsville, Virginia.

#### FACTS

29. Brian David Hill is mentally/physically disabled. Proof of such is on federal court



filings in the Western District of Virginia. The proof is noted below:

i. See Exhibit 1 — Document #23, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

ii. See Exhibit 2 — Document #23, Attachment #2, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

iii. See Exhibit 1 — Document #2, Attachment #1, Brian David Hill v. Executive Office for United States Attorneys, et al. Case no. 4:17-cv-00027, District Court, W.D. Virginia

30. For many years Brian David Hill (“USWGO”) has been living off of SSI disability as his only source of income. USWGO has never owned any stocks, his no 401Ks, and has no liquid assets under the law. USWGO has never worked a job and never had an employer. USWGO has voluntarily operated USWGO Alternative News at uswgo.com from 2009 to 2012 as his own expense as a hobby blog exposing political corruption and writing articles to get the truth out. However USWGO Alternative News was never in any way to make any money and was not an employment. It disappeared in 2012 after Brian David Hill was framed and set up. Still nevertheless again argues that USWGO is disabled and never made any money, even off of his hobby blog from 2009-2012.

31. Brian David Hill is permanently disabled due to his Autism Spectrum Disorder,



Obsessive Compulsive Disorder (OCD) and Type 1 brittle Diabetes.

32. The Exhibit 1 order demanding that Brian David Hill pay the legal fees in the state criminal case was originally filed on or about November 15, 2019.

33. As long as Brian David Hill can remember, USWGO has always received SSI disability as his only source of income money from the Federal Government under the Social Security Administration.

34. On or about March 25, 2020, Hon. Greer continues his order to push for garnishing USWGO's disability money with the benefit going to the other defendants' in the case.

35. USWGO is on a tight budget, pays \$500 rent and the monthly SSI is at \$783 a month. That leaves \$283 dollars a month after rent. Also anywhere between \$0-\$100 a month of his SSI goes towards fighting his federal criminal case in the Middle District of North Carolina, the appeals in the U.S. Court of Appeals for the Fourth Circuit, and the state appeals as well as his state civil cases. He is fighting to overturn his federal criminal conviction in the Middle District of North Carolina on the ground of actual innocence, as well as fighting for to be acquitted of his state charge and conviction on November 15, 2019, which caused the demand for legal fees. State case is being fought against over the ground of legal innocence.

36. Hon. Greer does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law "shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law".

37. The Commonwealth of Virginia through its Commonwealth Attorney Glen Andrew



Hall (“Mr. Hall) does not have legal authorization/authority under federal law for moneys paid or payable or rights existing under this subchapter of Social Security law “shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law”.”

**CLAIM FOR RELIEF: GARNISHMENT OF BRIAN HILL’S SSI DISABILITY**

38. USWGO repeats and realleges the allegations set forth in Paragraphs 1 through 37 above.

39. Brian David Hill (“USWGO”) is under legal protection under federal law from any kind of legal extortion and/or garnishment and/or demand for legal fees, pursuant to 42 U.S. Code § 407.

40. Brian David Hill is legally disabled and is qualified under Social Security Act federal law to receive Supplemental Security Income for USWGO’s proof of disability that is within the custodian of records within the Social Security Administration.

41. Brian David Hill holds the legal right to protect himself from garnishment, levy, execution, and any other legal process that can be used to compel USWGO against his will to pay the legal fees, pursuant to 42 U.S. Code § 407(a).

42. If any or all of USWGO’s SSI disability money is garnished by any or all of the defendants’ against Brian David Hill (“USWGO”), then this subjects him to cruel and unusual punishment of depriving Brian David Hill of life, liberty, pursuit of happiness, and of his protected federal benefits without due process of law. It deprives Brian David Hill of being able to live his life as any garnishment, even in installments, makes it more difficult if not





impossible for USWGO to live without going into debt as USWGO cannot live on his limited monthly income if even a portion of it is taken away by judicial order of Hon. Greer and any of his agents, officers, clerks, deputy clerks, and/or the other defendants' who benefit off of this unlawful garnishment and legal extortion.

43. The order under Hon. Greer (See Exhibit 1) in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

44. Hon. Greer and other defendants' demand over \$1,000 and possibly increasing in legal fees in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

45. Despite the Motion to Waive Legal Fees or Not Enforce Them that USWGO filed under the attached Exhibit 3, Hon. Greer continues to permit the order that will result in garnishment of USWGO's disability SSI disbursement, in derogation of Brian David Hill's protected SSI monthly benefits under 42 U.S. Code § 407.

46. Hon. Greer has willfully engaged in an order (Exhibit 1) which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

47. Mr. Clark knew that begging USWGO to withdraw his appeal would cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay Mr. Clark's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

48. Lauren McGarry ("L. McGarry") knew that begging USWGO to withdraw his appeal



would cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay Martinsville Public Defenders Office legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

49. Glen Andrew Hall ("Mr. Hall") knew that USWGO had ineffective counsel in his state criminal case by his various pro se filings in his state criminal case and pro se appeals but continued the case with forcing USWGO to have ineffective counsel to cause a demand that USWGO pay legal fees and has willfully contributed to Hon. Greer's order (Exhibit 1) to pay the prosecution's---Mr. Hall's legal fees which will require the garnishment of USWGO's disability money which is his only source of income from the Federal Government.

50. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Brian David Hill ("USWGO") in an amount USWGO cannot ascertain, leaving USWGO with no adequate remedy at law. The state courts ignore his pro se filings, so USWGO has no remedy at the state-level to stop the demand for legal fees which will garnish USWGO's disability money from the Social Security Administration which is protected from garnishment. Any state civil case he files requires paying a hefty filing fee. So even to fight in the state for any remedy requires garnishment from his SSI if any of his family members do not directly pay the filing fee of the State to open up another state case asking for judicial relief.

51. Unless all Defendants' including the Honorable Judge Giles Carter Greer is preliminarily and permanently enjoined from any further legal course, legal process, or any



execution legal attempt to garnish Brian David Hill’s protected SSI disability money which is his only source of income, USWGO will be irreparably harmed, and Brian David Hill (“USWGO”) is thus entitled to preliminary and permanent injunctive relief against further means to garnish Mr. Brian David Hill’s SSI disability money, pursuant to 42 U.S. Code § 407.

**PRAYER FOR RELIEF**

USWGO requests that this Court grant USWGO’s claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Defendant Hon. Greer, and Defendant Hon. Greer’s officers, agents, clerks, deputy clerks, servants, employees, attorneys, related companies, partners, and all persons acting for, by, with, through, or under Defendant Hon. Greer, from directly or indirectly garnishing or even attempting to garnish the Supplemental Security Income (“SSI”) of USWGO, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Hon. Greer to suspend/set-aside his order on November 15, 2019 demanding the legal fees be paid for by Brian David Hill with threat of Brian David Hill going to jail through collection enforcement by the Commonwealth of Virginia which is extortion and through Defendant Mr. Hall, or modify his order to only order that his Court garnish any moneys/assets made outside of his SSI disability that is not protected under federal/state law;

3. That if Brian David Hill is to have made any money in the future not protected under 42 U.S. Code § 407 or any other federal or state statute protecting Government benefits from garnishment, then the Hon. Greer can be allowed to pursue payback of legal fees of that money, upon any evidence found constituting as such. The Court should only be allowed to garnish



liquid assets and money not protected under federal law from garnishment;

4. Award or declare that Brian David Hill’s SSI benefits not be garnished by any or all Defendants’ including Hon. Greer and that USWGO cannot be compelled at threat of going to jail for failure to garnish his own SSI disability monthly limited income; and

5. Grant USWGO such other relief as this Court deems appropriate.

**DEMAND FOR JURY TRIAL WAIVED**

USWGO waives request for jury trial as the Social Security Act lawsuit is more of an administrative judicial procedure under the law.

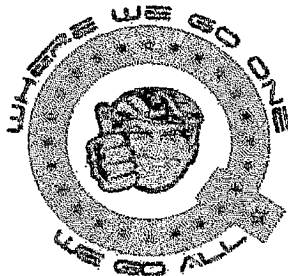
Dated this twenty-sixth day of March, 26, 2020.

Respectfully filed with this Court, this the 26th Day of March, 2020.

**BRIAN DAVID HILL, Pro Se**

*Brian D. Hill*  
*Signed*

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



**REQUEST by PLAINTIFF Brian David Hill (“USWGO”) TO THE CLERK TO SERVE PROCESS ON ALL PARTIES DOCUMENTED**

Brian David Hill files an accompanying “APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)” and requests to proceed In Forma Pauperis in this case.

After the Motion for In Forma Pauperis status has been granted by the Court, **Brian David Hill requests that the Clerk or any other officer serve process on all parties to this case pursuant to Rule 4(c)(3) of the**



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

Federal Rules of Civil Procedure and 28 U.S. Code § 1915.

Citing Rule 4(c)(3) of the Federal Rules of Civil Procedure: "(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. §1915 or as a seaman under 28 U.S.C. §1916."

And

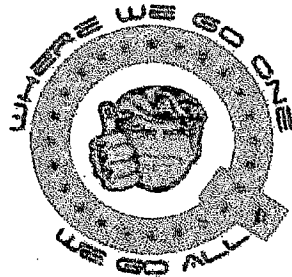
Citing 28 U.S. Code § 1915: "(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases."

The request by Plaintiff to the Clerk/Court serve all parties shall satisfy CERTIFICATE OF SERVICE and/or SERVING THE SUMMONS as required by the Federal Rules of Civil Procedure.

**BRIAN DAVID HILL, Pro Se**

*Brian D. Hill*  
Signed

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



7019 1120 0002 2623 6273



Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA

JusticeForUSWGO.wordpress.com - INVESTIGATE!

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

DATE: 03/26/2020 @09:33:09 by fax

TESTE: R. Harwick  
CLERK/DEPUTY CLERK

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

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. CL20000089-00</b>
<b>v.</b>	)	
	)	<b>Civil Action No. CL19000331-00</b>
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>MOTION TO DISQUALIFY THE</b>
	)	<b>HON. GILES CARTER GREER</b>
	)	<b>FROM ANY FURTHER</b>
_____	)	<b>PARTICIPATION IN THE</b>
	)	<b>CASE(S)</b>

**MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)**

Defendant Brian David Hill (“Brian D. Hill”, “Hill”, “Brian”, “Defendant”) in the above named case(s), respectfully asks this Honorable Court to grant this motion to recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any further participation in this case, as well as in the cases of Commonwealth v. Brian David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for Writ of Habeas Corpus.

**BRIEF AND SUPPORTING FACTS – STATEMENT OF FACTS**

1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles Carter Greer in Federal Court, for attempting to have the Circuit Court unlawfully garnish or attempt the unlawful garnishment of Brian David Hill’s SSI disability. The lawsuit complaint was filed in the Circuit Court on



record. The "NOTICE OF LAWSUIT" was filed in all three cases where the Hon. Giles Carter Greer resides as judicial officer. See the following cases where the "NOTICE OF LAWSUIT" was filed:

1. See et Seq. #62, Date Filed: 03/26/2020, Type: NOTICE, Party: ERH, and Remarks: NOTICE OF LAWSUIT in case no. CR19000009-00;
  2. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOT OF LAWSUIT in case no. CL19000331-00;
  3. See Date Filed: 03/26/20, Type: Notice, Party: ERH, Remarks: NOTICE OF LAWSUIT in case no. CL20000089-00.
2. Brian had also filed a Writ of Mandamus against the Hon. Giles Carter Greer because (1) he is attempting to unlawfully garnish the SSI benefits of Brian in excess of jurisdiction, and (2) he rules on some pro se motions and yet refuses or fails to rule on other pro se motions:
1. On the date of 11/25/2019, under et seq. #42, the Hon. Giles Carter Greer ordered the MOTION under et seq. #41 "VACATE FRAUD BEGOTTEN JUDG" to be denied.
  2. On the date of 04/02/2020, under et seq. #77, the Hon. Giles Carter Greer ordered the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES" to be denied.
  3. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action





on the MOTION dated 03/16/2020 under et seq. #58 "TO PROCEED PRO SE ON APPLS".

4. However, as far as the date of the filing of this disqualification/recusal motion, the Hon. Giles Carter Greer did not make any decision and has taken no action on the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES".

3. The Hon. Giles Carter Greer has shown a disrespect for Federal Law, and does not wish to conform to the Federal Laws of the United States. In contradiction to the Federal Supremacy Clause of the United States Constitution. Also a disrespect for the evidence supporting a motion. The evidence filed by Brian David Hill on a pro se basis is being entirely ignored. As long as any of the evidence that Brian has filed complies with the Rules of Evidence of the Rules of the Supreme Court of Virginia, as well as complies with the evidence statutes, the Hon. Giles Carter Greer should have respected the evidence the exact same way as if it were filed by an Attorney. Not all pro se filers file meaningless and frivolous pleadings. As long as a pro se motion is well grounded in law, the Judge should treat it the exact same way as he would a pleading by an attorney. This judge ignored the filed evidence in attachment to the MOTION dated 03/31/2020 under et seq. #70 "TO DISCHARGE LEGAL FEES". See pg. 11 to pg. 15 of that filing. That had contained a true and correct photocopy of the federal affidavit to proceed in forma pauperis, that was filed in the Federal Lawsuit. That same affidavit was accepted as evidence sufficient of in forma pauperis by the Clerk of the Supreme Court of Virginia, which was why the Writ of Mandamus had been filed and accepted for filing by the highest Court in Virginia. Then the pg. 16 through pg. 33 shows evidence of ineffective



assistance of counsel of Matthew Scott Thomas Clark, that an Attorney Ryan Edward Kennedy from West Virginia who is also the Mayor of Clarksburg, West Virginia, had argued before the U.S. Court of Appeals for the Fourth Circuit, in Richmond, Virginia, that Brian David Hill was innocent of the Virginia state charge of indecent exposure all along because the Government/Commonwealth had no evidence of obscenity and had no evidence of any intent necessary to convict Brian David Hill under the statute. It proved that Brian had a bad lawyer (referring to Matthew Clark) when compared with Attorney Ryan Edward Kennedy, and that Brian has \$33 left from his monthly \$783 of his monthly SSI benefits after the monthly general expenses reported in the affidavit. Of course the affidavit wasn't the only evidence documented. The exhibits in the MOTION dated 03/16/2020 under et seq. #59 to "WAIVING LEGAL FEES", also shows his bank account statement and rent-check stubs proving that his expenditures make it impossible for Brian to comply with the earlier court order that Brian David Hill pay monthly installments of \$300 every month under PAYMENT AGREEMENT PLAN, et seq. #44, date filed: 11/15/2019. It would bankrupt Brian and place him in debt and it is in violation of federal law to garnish the only source of income when that income is the Supplemental Security Income ("SSI") of Brian David Hill, as protected by 42 U.S. Code § 407. Judge Giles Carter Greer had ignored the evidence of a copy of a validly filed federal court document, the same copy of the court document filed with the Writ of Mandamus that was accepted by the Clerk of the Supreme Court of Virginia as enough evidence constituting waiver of the required \$50 filing fee, and allowed Brian to proceed in forma pauperis. The Supreme Court of this state accepted a copy of that federal application to proceed in forma pauperis document of the Writ of Mandamus for filing



but that same document was ignored by the Hon Giles Carter Greer. He ignored other evidence as well, and has disregarded and has disrespected federal law.

4. The Hon. Giles Carter Greer had refused to allow Brian to proceed pro se blocking him from attempting to perfect his appeal in the Court of Appeals of Virginia. Knowing that his court appointed lawyer---Matthew Scott Thomas Clark, had openly ignored his ethical obligations and is refusing to discuss the appeal with his client and is refusing to have any form of communication with his client. The filings to this court bring this up, and yet the Hon. Greer has continually ignored his pro se motion to proceed pro se and remove Matthew Clark as counsel. This Judge is practically forcing Brian to have an attorney that is violating ethics, violating rules of professional conduct, and is violating the Sixth Amendment of the United States Constitution. See *Fitzgerald v. Bass*, 6 Va. App. 38, 40 (Va. Ct. App. 1988) (“(10) Right to Counsel — Effective Assistance of Counsel — Standard. — An accused has a right to effective assistance of counsel...”), citation omitted. Matthew Clark is refusing to communicate with Brian, has been named as a defendant in the “NOTICE OF LAWSUIT” in the very same Federal lawsuit that the Hon. Giles Carter Greer is a defendant of. Yet this Judge still ignores the motion to proceed pro se despite the conflict of interest of a client suing his own attorney and denied the motion to discharge the legal fees at a later time, and while still ignoring the Motion to Waive Legal Fees or Not Enforce Them. Any motion that benefits the party: Brian David Hill in any way is either fully ignored or denied. Seems like this Judge has an inherit bias or prejudice to Brian David Hill; or that this Judge has an inherit bias or prejudice to pro se filers. This Judge has deprived Brian David Hill of due process, and has refused to allow him to represent



himself in the case on appeal, causing Brian to lose his right to direct appeal and further lose his right to even perfect the appeal. All of his constitutional rights under the Judicial System has been taken away by Matthew Scott Thomas Clark, Brian's court appointed lawyer, while the Hon. Giles Carter Greer refuses to relieve Brian of the very lawyer causing him such pain, suffering, and irreparable injury/harm.

**ARGUMENT**

The Hon. Giles Carter Greer knew that Brian David Hill had defective/ineffective counsel that is refusing to even withdraw himself from the case and yet this same Judge ignores his motion to proceed pro se on the appeals, this Judge will not allow Brian to even withdraw his own counsel and proceed pro se. This judge was sued in Federal Court in late-March and was also named in Brian's Writ of Mandamus relief action, and this Judge continually ignores all evidence from Brian David Hill, ignores case law from Brian David Hill, and denies any and all motions from Brian David Hill regardless of whether or not they may be well-grounded in law. This is discriminatory, prejudice, or bias. It is a discriminatory practice.

This Judge has also ignored evidence, ignored the merits, and disregarded the legal protections of Brian David Hill's Supplemental Security Income under federal law, and has disregarded that Brian's federal in forma pauperis affidavit that was filed in the Supreme Court of Virginia (was accepted for Writ of Mandamus) and in the Circuit Court shows that Brian cannot afford to pay the monthly installments that was set forth by the Circuit Court in the payment plan.



The facts demonstrated in this motion show that this Judge is named in a Federal Lawsuit for trying to unlawfully garnish the SSI federally protected benefits of Brian David Hill while forcing him to pay monthly installments of \$300 a month or face up to 60 days of imprisonment for failure to pay, essentially a debtors prison. Even though this country is in the middle of a CoronaVirus plague pandemic, COVID-19, this Judge rather disregard the evidence that Brian has insufficient funds to pay the legal fees ordered on November 15, 2019, and disregard the case law that garnishment of Brian's SSI is unlawful under Federal Law. That Judge is named as the main defendant in the lawsuit complaint in Federal Court. Brian felt the need to sue such a Judge out of fear that this Judge is disregarding Federal Law and Supreme Court and state case law precedent regarding the Social Security Act federal law blocking a state court from coercing the transferring of a criminal defendant's SSI disability to pay a legal fee. The Hon. Giles Carter Greer knows that it is illegal for any Court including a State Court to garnish the SSI of Brian David Hill when no child support/alimony is ordered, no restitution is ordered, and no fines were ever ordered. The Hon. Greer rather break the law than respect the pro se filings and evidence of Brian David Hill.

The state case law and the adopted Rules of the "CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA" require that the Hon. Giles Carter Greer be disqualified from any further participation in this case. See Davis v. Com, 21 Va. App. 587, 590-91 (Va. Ct. App. 1996) ("Canon 3(C) of the Canons of Judicial Conduct, which guides our decision in this matter, provides: C. Disqualification. (a) A judge shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (1) To this end, he should abstain from performing or taking part in any judicial act in which his personal



interests are involved. He should not act in a controversy where a near relative is a party. He should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by his kinship, rank, position or influence of any party or other person. (2) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. The requirement of this Canon is clear; a judge must diligently avoid not only impropriety but a reasonable appearance of impropriety as well. Exactly when a judge's impartiality might reasonably be called into question is a determination to be made by that judge in the exercise of his or her sound discretion. *Justus v. Commonwealth*, 222 Va. 667, 673, 283 S.E.2d 905, 908 (1981), cert. denied, 455 U.S. 983, 102 S.Ct. 1491, 71 L.Ed.2d 693 (1982). Judges are presumed to be aware of the provisions of Canon 3, and their decisions will not be disturbed absent an abuse of that discretion.”)

A judge should be disqualified from a case when “he should abstain from performing or taking part in any judicial act in which his personal interests are involved”. Once Brian had sued this Judge under a Federal Court, a separate action, which the financial interests of his protected SSI benefits are at stake, this Judge is in conflict of interest since he is named as a defendant in a Federal Lawsuit concerning Brian David Hill being a plaintiff of such lawsuit.

Black Law Dictionary, 9<sup>th</sup> Edition: recusation (rek-ya-zay-shan). 1. Civil law. An objection, exception, or appeal; esp. an objection alleging a judge's prejudice or conflict of interest. [Cases: Judges 39-56.] 2. RECUSAL.

Black Law Dictionary, 9<sup>th</sup> Edition: recuse (ri-kyooz), vb. (16c) 1. To remove (oneself) as a judge in a particular case because of prejudice or conflict of interest <the judge recused himself from the trial>. [Cases: Judges 39-56.] 2. To challenge



or object to (a judge) as being disqualified from hearing a case because of prejudice or a conflict of interest <the defendant filed a motion to recuse the trial judge>.

Black Law Dictionary, 9<sup>th</sup> Edition: conflict of interest. (1843) 1. A real or seeming incompatibility between one's private interests and one's public or fiduciary duties. 2. A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation adversely affects either client or if the clients do not consent. See Model Rules of Prof'l Conduct 1.7(a).

The reason why such conflicts of interest normally require disqualification is because a Circuit Court Judge may retaliate after being named as a defendant in a Federal Lawsuit that was filed by a party in the same case that Judge presides over, a Judge may levy actions in the state case to avoid being held accountable in Federal Court after such lawsuit was filed and the Judge was notified of being a party to such suit. To prevent retaliation type behavior of a judicial officer, any conflicts of interest should require disqualification from further participation in the case.

Citing CANON 3. - CANONS OF JUDICIAL CONDUCT FOR THE COMMONWEALTH OF VIRGINIA:

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY. A. Judicial Duties in General.--The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply. B. Adjudicative Responsibilities. --(1) A judge shall hear and decide promptly matters assigned to the judge except those in which disqualification is required. (2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. (3) A judge shall require order, decorum, and civility in proceedings before the judge.





When a judge in a particular case disregards and disrespects federal law under 42 U.S. Code § 407, disregards and disrespects the case law Washington State Dep't of Social & Health Servs v Guardianship Estate of Keffeler, 537 US 371; 123 S Ct 1017; 154 L Ed 2d 972 (2003); and In re Robby Lampart, Case No. 315333 (2014), State of Michigan, Court of Appeals; the Hon. Judge Greer is not respecting the law in violation of Canon 3. The Judge ignoring pro se motions selectively while denying pro se motions. It is selective enforcement. This judge has ignored the Motion/Petition for the Writ of Error Coram Vobis under case no. CL20000089-00, and yet denied the Petition for the Writ of Habeas Corpus prematurely under case no. CL19000331-00.

The Judge doesn't even give an opinion as to why he denied the Writ of Habeas Corpus and as to why he would deny a motion to discharge the legal fees. Both of those orders appear to be using the similar formal denial template. The Judge offers no opinions and offers no facts and case law that the Judge would be relying upon for his orders.

It is clear that this Judge is acting with the appearance of impropriety at best, a conflict of interest at worst.

Keeping this Judge in this case creates a partiality, a prejudice or bias, a lack of integrity in the judicial machinery. It shows that the Judge in this Circuit Court has a disrespect for Federal Law and that they have a disregard for evidence and a disregard of case law.

If this Judge continues being assigned to this case for judicial review, then this Judge can do more damage and cause more irreparable harm, and clog up the Appeals courts with many different appeals for every denial and clog up the Supreme Court of Virginia with multiple Writs of Mandamus for every inaction or



every excess of jurisdiction or for refusing to act on a pending motion where he should act and ought to act. Yes, the usual procedures for non-favorable judicial actions for decisions to be appealed by a party dissatisfied with a judicial decision. However when a Judge has an inherit prejudice or bias, and/or is in conflict of interest, it does warrant disqualification from a case.

CONCLUSION

For the Foregoing reasons stated above, the Defendant Brian David Hill asks that this Honorable Court grant this motion and disqualify/recuse the Hon. Giles Carter Greer from any further participation in this case.

Filed with the Honorable Circuit Court of Martinsville, this the 8th day of April, 2020.

Signed,

*Brian D. Hill*  
Signed



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

*Pro Se Appellant*



*Qanon S.O.S.  
help me!*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of April, 2020, I caused this "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*





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

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

Date: 4/8/2020

Time: 10:46:27 AM

Number of pages: 12

Session duration: 13:47

Attn.: Glen Andrew Hall, Esq.

To: Commonwealth Attorney

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

DATE: 04/08/2020 @14:56:12 by fax

TESTE: ER Hanultra
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,
v.
BRIAN DAVID HILL,
Defendant,
Criminal Action No. CR19000009-00
Civil Action No. CL20000089-00
Civil Action No. CL19000331-00
MOTION TO DISQUALIFY THE
HON. GILES CARTER GREER
FROM ANY FURTHER
PARTICIPATION IN THE
CASE(S)

MOTION TO DISQUALIFY THE HON. GILES CARTER GREER
FROM ANY FURTHER PARTICIPATION IN THE CASE(S)

Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the
above named case(s), respectfully asks this Honorable Court to grant this motion to
recuse/disqualify the Honorable Giles Carter Greer, Circuit Court Judge from any
further participation in this case, as well as in the cases of Commonwealth v. Brian
David Hill, Petition for Error Coram Vobis, Case Number: CL20000089-00; and
Brian David Hill v. Commonwealth, Case Number: CL19000331-00, Petition for
Writ of Habeas Corpus.

BRIEF AND SUPPORTING FACTS - STATEMENT OF FACTS

- 1. On March 27, 2020, Brian had filed a Federal lawsuit against the Hon. Giles
Carter Greer in Federal Court, for attempting to have the Circuit Court
unlawfully garnish or attempt the unlawful garnishment of Brian David
Hill's SSI disability. The lawsuit complaint was filed in the Circuit Court on

## ER Hamilton

---

**From:** ER Hamilton  
**Sent:** Wednesday, April 08, 2020 3:07 PM  
**To:** Judge Greer  
**Cc:** Ashby Pritchett; Terry Morton; Margie Holmes  
**Subject:** Commonwealth of Virginia v Brian David Hill CR19000009-00, CL20000089-00 and CL19000331-00 Motion to Disqualify  
**Attachments:** 690CL20000089-00#PO-8.pdf  
**Importance:** High

Judge Greer:

Please find attached the April 8, 2020 Motion filed by fax from Brian David Hill.

Thank you,

Erika

E. R. Hamilton,  
Master Deputy Clerk  
Martinsville Circuit Court Clerk's Office  
Civil/Probate Divisions  
T: 276-403-5252  
F: 276-403-5232  
EM: ehamilton@ci.martinsville.va.us

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.

ORDER

Case No. CR19000009-00

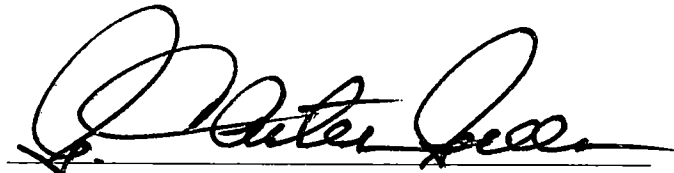
BRIAN DAVID HILL

CL20000089-00

CL19000331-00

UPON CONSIDERATION of the defendant's Motion to Disqualify the Honorable Giles Carter Greer from any Further Participation in the Case(s), it is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.

A handwritten signature in black ink, appearing to read "Carter Greer", is written over a horizontal line.

Judge

Endorsement is dispensed with – Rule 1:13

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

# **Fax Cover Page**

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Date: 4/14/2020

Time: 4:42:05 AM

Pages: 28

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

**From: Brian David Hill**

**Fax ID: 276-790-3505**

**Evidence in support of Brian David Hill's "Motion for writ of error coram vobis", and in support of Brian David Hill's legal Innocence to his charge of indecent exposure under § 18.2-387**

**Commonwealth of Virginia v. Brian David Hill.**

**Please file in case no. CL20000089-00**





VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b><u>Criminal Action No. CR19000009-</u></b>
	)	<b><u>00</u></b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	<b>Evidence in support of Brian</b>
<b>Defendant,</b>	)	<b>David Hill's "Motion for writ of</b>
	)	<b>error coram vobis" ", and in</b>
	)	<b>support of Brian David Hill's legal</b>
	)	<b>Innocence to his charge of</b>
_____	)	<b>indecent exposure under § 18.2-</b>
	)	<b>387</b>

**Evidence in support of**  
**Brian David Hill's "Motion for writ of error coram vobis", and in support of**  
**Brian David Hill's legal Innocence to his charge of indecent exposure under §**  
**18.2-387**

I, Brian D. Hill, criminal defendant of the criminal case action no. and civil case action no. referenced herein, file this attached evidence which will state the following facts:

**STATEMENT OF FACTS**

Attached evidence is entitled "REPLY BRIEF OF APPELLANT", "ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA AT GREENSBORO", 18 pages, and "RECORD NO. 19-4758":

- (1) That the court appointed lawyers Scott Albrecht throughout the Martinsville General District Court criminal case, as well as Matthew Scott Thomas Clark and Lauren McGarry in the Circuit Court case were all proven to be ineffective assistance of counsel in violation of Brian David Hill's sixth Amendment right under the U.S. Constitution. See Strickland v. Washington, 466 U.S. 668 (1984). The attached evidence proves that West



Virginia Attorney and Mayor of Clarksburg, West Virginia, named Edward Ryan Kennedy had argued before the United States Court of Appeals for the Fourth Circuit that Brian David Hill was legally innocent of indecent exposure charge under Virginia Code § 18.2-387.

(2) That Edward Ryan Kennedy argued that the United States Attorney for the Middle District of North Carolina who had used the same indecent exposure evidence as the Commonwealth Attorney Glen Andrew Hall, Esq. in their prosecution against Brian David Hill in the state criminal case, did not prove intent and did not prove that Brian had any intent to being obscene, that Brian did not make any sexual remarks, and that Brian’s intent under Virginia’s intent requirement prove that the United States Attorney does not have sufficient evidence to find that Brian David Hill had violated Virginia Code § 18.2-387 on September 21, 2018. The indecent exposure evidence includes the witness Robert Jones, Sgt. of Martinsville Police Department, and the naked photographs of Brian David Hill.

(3) That the U.S. Attorney did not dispute having no evidence of the obscenity required as outlined in the reply brief attached as evidence forthwith. It states: “For example, **the government does not dispute that there was no evidence of Appellant 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. **Appellant did not do that.** Rather, he was running around between midnight and 2:00 a.m. and the witnesses to his nudity were few.” Even though the wrong hour was put in the argument by clerical mistake, which would be 3:00 a.m. instead of 2:00 a.m., he argued that even the U.S. Attorney did not dispute that there was no evidence of “**Appellant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise.**” Scott Albrecht and Matthew Scott Thomas Clark should have made the same exact legal arguments as Attorney/Mayor Edward Ryan Kennedy. Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht should have filed a motion to dismiss in the General District Court based upon the obscenity and intent requirement under Virginia Code as outlined in the legal arguments with



Virginia case law authorities in the attached evidence “reply brief of Appellant” by Attorney Edward Ryan Kennedy. Instead the court appointed lawyer Scott Albrecht did not file any motion to dismiss and did not introduce any case law authorities which would have also prevented any miscarriage of justice of Brian David Hill. Glen Andrew Hall used the exact same evidence and witness as Anand Prakash Ramaswamy of the United States Attorney Office for the Middle District of North Carolina in their Federal Supervised Release Violation prosecution over the Virginia state charge. Both equally saw the nude photographs of Brian David Hill and introduced them as evidence, both equally used the witness Sgt. Robert Jones of Martinsville Police Department, and both had access to the Martinsville Police Report which had mentioned about a guy wearing a hoodie.

- (4) That Brian David Hill was legally innocent all along of indecent exposure had the right lawyer/attorney argued his legal innocence before the General District Court or even before the Circuit Court of Martinsville. Had Brian been given effective counsel like Edward Ryan Kennedy from West Virginia, Brian never would have been found guilty in General District Court or Brian never would have withdrawn his appeal in the Circuit Court and never would have accepted the decision of the General District Court as Matthew Scott Thomas Clark kept begging Brian in the presence of his family during each consultation to simply withdraw the appeal or he could/may lose the jury trial. As far as Brian is aware, he has never heard of Matthew Scott Thomas Clark being in contact with Attorney Edward Ryan Kennedy in 2019. He was in contact with Renorda Pryor who was formerly Brian’s federal court appointed attorney for appeal over the Supervised Release Violation but was removed as counsel once Brian argued that she was ineffective counsel and asked for new counsel to be appointed for the appeal. The Fourth Circuit agreed with his legal contentions and appointed him the counsel named Edward Ryan Kennedy. Edward Ryan Kennedy was never in touch with Matthew Scott Thomas Clark as best to Brian’s knowledge. Maybe Matthew Clark was in contact with Brian’s new counsel but just never mentioned it to his client. Of course Scott Albrecht and Lauren McGarry were never in touch with Edward Ryan Kennedy.



(5) That Edward Ryan Kennedy argued that “Hence, the statements Appellant made to police and his conduct both indicate that, in the light most favorable to the government, (1) he was naked in public while having a psychiatric episode, but (2) without the intent necessary to commit indecent exposure under Virginia law. Consequently, for the reasons stated above and in Appellant opening brief, the district court erred, as a matter of law, when it found that Appellant had violated his supervised release by committing the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(6) That Edward Ryan Kennedy argued that “It is irrelevant whether there actually was someone threatening him to take naked pictures or whether he just believed there was at the time. Either circumstance would be a lack of the appropriate mens rea.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(7) That Edward Ryan Kennedy argued that “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.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those



arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(8) That Edward Ryan Kennedy argued that “In summary, in order to show that Appellant violated his supervised release by committing the offense of indecent exposure under Virginia law, the government was required to prove, among other things, that Appellant 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.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(9) The allegations alleged in paragraphs 1-8 show proof beyond a reasonable doubt that Brian’s state court appointed Counsels Lauren McGarry, Scott Albrecht, and Matthew Scott Thomas Clark were all ineffective as assistance of counsels’ in Brian’s state criminal case, from case no. GC18003138-00 in the General District Court, to case no. CR19000009-00 in the Circuit Court. Not just ineffective but failed to demonstrate any arguments as good as Attorney Edward Ryan Kennedy, the Mayor from Clarksburg, West Virginia, who has high credibility and is in good standing, and good arguments as a lawyer. Arguably, If Edward Ryan Kennedy had been appointed to Brian’s state criminal case since September 21, 2018, likely this Attorney would have attempted a motion to dismiss based upon Brian’s legal innocence to his charge or even negotiated these facts with Glen Andrew Hall, Esq. to ask for a voluntary dismissal, and if that had failed then he



would have made the same arguments before the General District Court and the Judge would have asked the Commonwealth Attorney Glen Andrew Hall, Esq. to produce any kind of proof that would prove the obscenity requirement and intent requirement, which of course he would not have, since the U.S. Attorney had used the same indecent exposure evidence against Brian David Hill in federal court for his Supervised Release Violation charge and cannot prove the intent necessary, and cannot prove whether Brian had ever engaged in any behavior that would appeal to the prurient interest in sex on or about September 21, 2018. Of course Brian had not engaged in any behavior that would appeal to the prurient interest in sex on or about September 21, 2018. Brian's Autism and OCD should have been taken into consideration. The cumulative evidence of Carbon Monoxide Gas Poisoning also should have been presented and taken into consideration. The deletion from the chart of Sovah hospital records requesting blood-work be done on Brian David Hill on September 21, 2018, any of that or all of that could have been a reasonable doubt in General District Court but none of that evidence was there at the time. Even without that evidence, Edward Ryan Kennedy again argued that Brian David Hill is legally innocent of indecent exposure statute under Virginia Code.

The paragraphs (1) through (9) have demonstrated above, along with the attached evidence of "REPLY BRIEF OF APPELLANT", that Brian David Hill is legally innocent of indecent exposure all along and that the General District Court has originally erred when Brian David Hill was found guilty of indecent exposure under Virginia Code § 18.2-387. Brian's lawyers in this state criminal case were terrible, and Brian never should have been convicted. He is innocent all along. Brian can never be honesty and truly convicted of indecent exposure under § 18.2-387. Brian has proven beyond a reasonable doubt of ineffective counsel, that Brian was never guilty of § 18.2-387, that Brian David Hill never should have placed in a position to have withdrawn his appeal, it is unconstitutional and invalid. The General District Court verdict on December 21, 2018, was invalid as a matter of law. Brian never should have been compelled to pay the legal costs accrued in the above referenced criminal case. Brian David Hill requests relief and asks for an end to his wrongful conviction in Virginia once and for all.

Filed with the Honorable Circuit Court of Martinsville, this the 14<sup>th</sup> day of April, 2020.



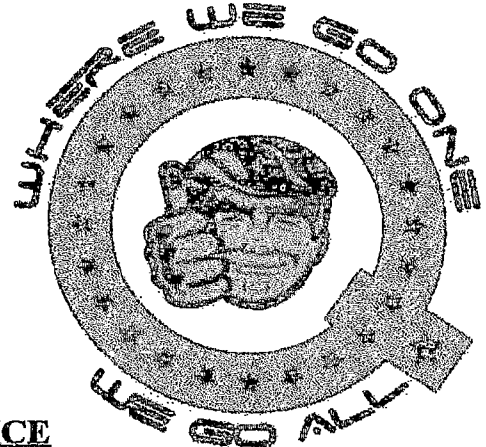
Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of April, 2020, I caused this “Evidence in support of Brian David Hill’s “Motion for writ of error coram vobis””, and in support of Brian David Hill’s legal Innocence to his charge of indecent exposure under § 18.2-387” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission*





ticket receipt for proof of transmission) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*

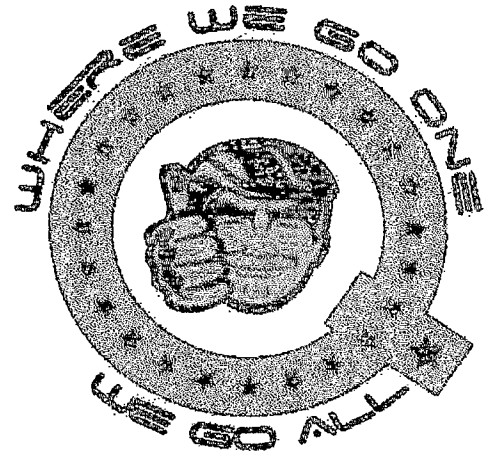


Brian David Hill –  
Ally of Qanon  
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310 Forest Street, Apt.  
2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



*Qanon S.O.S.  
help me Qanon  
Drain The Swamp*



*- Reply Brief Attached -*



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

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,
v.
BRIAN DAVID HILL,
Defendant,
Civil Action No. CL20000089-00
Criminal Action No. CR19000009-00
Evidence in support of Brian David Hill's "Motion for writ of error coram vobis" ", and in support of Brian David Hill's legal Innocence to his charge of indecent exposure under § 18.2-387

Evidence in support of
Brian David Hill's "Motion for writ of error coram vobis", and in support of
Brian David Hill's legal Innocence to his charge of indecent exposure under §
18.2-387

I, Brian D. Hill, criminal defendant of the criminal case action no. and civil case action no. referenced herein, file this attached evidence which will state the following facts:

STATEMENT OF FACTS

Attached evidence is entitled "REPLY BRIEF OF APPELLANT", "ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA AT GREENSBORO", 18 pages, and "RECORD NO. 19-4758":

- (1) That the court appointed lawyers Scott Albrecht throughout the Martinsville General District Court criminal case, as well as Matthew Scott Thomas Clark and Lauren McGarry in the Circuit Court case were all proven to be ineffective assistance of counsel in violation of Brian David Hill's sixth Amendment right under the U.S. Constitution. See Strickland v. Washington, 466 U.S. 668 (1984). The attached evidence proves that West



**RECORD NO. 19-4758**

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In The  
**United States Court of Appeals**  
For The Fourth Circuit

**UNITED STATES OF AMERICA,**

*Plaintiff – Appellee,*

v.

**BRIAN DAVID HILL,**

*Defendant – Appellant.*

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
AT GREENSBORO**

\_\_\_\_\_  
**REPLY BRIEF OF APPELLANT**  
\_\_\_\_\_

**E. Ryan Kennedy  
ROBINSON & McELWEE, PLLC  
140 West Main Street, Suite 300  
Clarksburg, West Virginia 26301  
(304) 326-5318**

*Counsel for Appellant*

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**I. ARGUMENT**

- i. The government’s argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt<sup>1</sup>.**

The government’s argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt.

As stated by the government in its brief, the Supreme Court of the United States, in *United States v. Haymond*, 139 S. Ct. 2369 (2019), was divided into a 4-1-4 decision. While this division of the Court does make the opinion more difficult to interpret, it does not lessen its impact. The similarities between the two (2) defendants in *Haymond* and the instant case are striking.

In *Haymond*, the defendant was initially convicted of possession of child pornography, which is the same initial offense as Appellant. *Id.* at 2373. As in the instant case, Haymond was sentenced to a term of (10) years of supervised release.

---

<sup>1</sup> As previously stated in Appellant’s opening brief, this Court reviews questions of law in supervised release revocation proceedings de novo, including the interpretation of the United States Sentencing Guidelines and the Constitution of the United States. *United States v. Barton*, 26 F.3d 490, 491 (4th Cir. 1994).





*Id.* at 2574; (JA 7). Haymond was later caught, while on supervised release, with additional child pornography and a revocation hearing was conducted before a district judge without a jury and under a preponderance of the evidence standard, not the beyond a reasonable doubt standard. *Id.* Similarly, in the instant case, Appellant appeared before a district judge in a revocation hearing based upon his alleged indecent exposure, without a jury and under a preponderance of the evidence standard. (JA 26-27, 35-36, 120-21).

Both Haymond and Appellant were sentenced to an additional term of incarceration based upon the findings of fact of a district judge, without a jury, by a preponderance of the evidence. *Id.*; (JA 120-21).

The government emphasizes that Haymond's violation invoked the mandatory minimum provision of 18 U.S.C. § 3583(k), whereas Appellant's sentence for his alleged violation fell under 18 U.S.C. § 3583(e). Despite the government's assertions to the contrary, however, Appellant maintains that the expanded scope of trial by jury and the burden of proof being beyond a reasonable doubt also applies to Section 3583(e) violations, such as this case, either directly through *Haymond* or through an expansion and/or change in existing law.<sup>2</sup> Simply

---

<sup>2</sup> For the sake of brevity, Appellant will not reproduce the Supreme Court of the United States' eloquent remarks from *Haymond* on the historic and fundamental importance of both the right to trial by jury and that proof of criminal conduct must be beyond a reasonable doubt. Appellant hereby incorporates by reference, as if fully set forth herein, pages 2376 through 2378 of the *Haymond* opinion.



put, *Haymond* is an established beachhead whose objectives are clear: The restoration of a robust right to trial by jury and the expansion of the use of the beyond a reasonable doubt standard.

The government's argument centered not so much on the law but on trying to play on this Court's supposed fears of being the first Court of Appeals to recognize the full scope of the *Haymond* doctrine. As a result, the government leaves un rebutted the detailed textual analysis of *Haymond* in Appellant's opening brief. Many statements and passages in the Court's opinion strongly suggest that the Sixth Amendment right to a jury trial applies to any supervised-release revocation proceeding. For example, the first sentence of the opinion reads: "Only a jury, acting on proof beyond a reasonable doubt, may take a person's liberty." *Haymond*, 139 S. Ct. at 2373.

The Court defined a "crime" as any "ac[t] to which the law affixes ... punishment," and says that a "prosecution" is "the process of exhibiting formal charges against an offender before a legal tribunal." *Haymond*, 139 S. Ct. at 2376. The Court, however, uses this definition for the purpose, of declaring that every supervised-release revocation proceeding is a criminal prosecution. See *Haymond* 139 S. Ct., at 2379 ("[A] 'criminal prosecution' continues and the defendant remains an 'accused' with all the rights provided by the Sixth Amendment, until a final



sentence is imposed.... [A]n accused’s final sentence includes any supervised release sentence he may receive”.)

Quoting *Blakely v. Washington*, 542 U.S. 296, 304 (2004), the Court states that “a jury must find beyond a reasonable doubt every fact which the law makes essential to a punishment that a judge might later seek to impose.” *Haymond*, 139 S. Ct. at 2370. Since a defendant sentenced to incarceration after being found to have violated supervised release is receiving a “punishment,” then the Court’s statement means that any factual finding upon which that judgment is based must be made by a jury, not by a judge.

While both *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. United States*, 570 U.S. 99 (2013), apply only to a defendant’s sentencing proceeding and not to a supervised-release revocation proceeding, which has been described at times as a “postjudgment sentence-administration proceedin[g],” the Court states that “the demands of the Fifth and Sixth Amendments” cannot be “dodge[d] by the accusation triggering a new and additional punishment [must be] proven to the

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

# **Fax Cover Page**

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**Date:** 4/14/2020

**Time:** 4:58:06 AM

**Pages:** 28

**To: Martinsville Circuit Court**

**Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk**

**From: Brian David Hill**

**Fax ID: 276-790-3505**

**Evidence in support of Brian David Hill's "Motion for writ of error coram vobis", and in support of Brian David Hill's legal Innocence to his charge of indecent exposure under § 18.2-387**

**Commonwealth of Virginia v. Brian David Hill.**

**Please file in case no. CR19000009-00**



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b><u>Civil Action No. CL20000089-00</u></b>
<b>Plaintiff,</b>	)	<b><u>Criminal Action No. CR19000009-</u></b>
	)	<b><u>00</u></b>
<b>v.</b>	)	
	)	<b>Evidence in support of Brian</b>
<b>BRIAN DAVID HILL,</b>	)	<b>David Hill’s “Motion for writ of</b>
<b>Defendant,</b>	)	<b>error coram vobis” ”, and in</b>
	)	<b>support of Brian David Hill’s legal</b>
_____	)	<b>Innocence to his charge of</b>
	)	<b>indecent exposure under § 18.2-</b>
	)	<b>387</b>

**Evidence in support of**  
**Brian David Hill’s “Motion for writ of error coram vobis”, and in support of**  
**Brian David Hill’s legal Innocence to his charge of indecent exposure under §**  
**18.2-387**

I, Brian D. Hill, criminal defendant of the criminal case action no. and civil case action no. referenced herein, file this attached evidence which will state the following facts:

**STATEMENT OF FACTS**

Attached evidence is entitled “REPLY BRIEF OF APPELLANT”, “ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA AT GREENSBORO”, 18 pages, and “RECORD NO. 19-4758”:

- (1) That the court appointed lawyers Scott Albrecht throughout the Martinsville General District Court criminal case, as well as Matthew Scott Thomas Clark and Lauren McGarry in the Circuit Court case were all proven to be ineffective assistance of counsel in violation of Brian David Hill’s sixth Amendment right under the U.S. Constitution. See Strickland v. Washington, 466 U.S. 668 (1984). The attached evidence proves that West



Virginia Attorney and Mayor of Clarksburg, West Virginia, named Edward Ryan Kennedy had argued before the United States Court of Appeals for the Fourth Circuit that Brian David Hill was legally innocent of indecent exposure charge under Virginia Code § 18.2-387.

(2) That Edward Ryan Kennedy argued that the United States Attorney for the Middle District of North Carolina who had used the same indecent exposure evidence as the Commonwealth Attorney Glen Andrew Hall, Esq. in their prosecution against Brian David Hill in the state criminal case, did not prove intent and did not prove that Brian had any intent to being obscene, that Brian did not make any sexual remarks, and that Brian’s intent under Virginia’s intent requirement prove that the United States Attorney does not have sufficient evidence to find that Brian David Hill had violated Virginia Code § 18.2-387 on September 21, 2018. The indecent exposure evidence includes the witness Robert Jones, Sgt. of Martinsville Police Department, and the naked photographs of Brian David Hill.

(3) That the U.S. Attorney did not dispute having no evidence of the obscenity required as outlined in the reply brief attached as evidence forthwith. It states: “For example, **the government does not dispute that there was no evidence of Appellant 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. **Appellant did not do that.** Rather, he was running around between midnight and 2:00 a.m. and the witnesses to his nudity were few.” Even though the wrong hour was put in the argument by clerical mistake, which would be 3:00 a.m. instead of 2:00 a.m., he argued that even the U.S. Attorney did not dispute that there was no evidence of “**Appellant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise.**” Scott Albrecht and Matthew Scott Thomas Clark should have made the same exact legal arguments as Attorney/Mayor Edward Ryan Kennedy. Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht should have filed a motion to dismiss in the General District Court based upon the obscenity and intent requirement under Virginia Code as outlined in the legal arguments with



Virginia case law authorities in the attached evidence “reply brief of Appellant” by Attorney Edward Ryan Kennedy. Instead the court appointed lawyer Scott Albrecht did not file any motion to dismiss and did not introduce any case law authorities which would have also prevented any miscarriage of justice of Brian David Hill. Glen Andrew Hall used the exact same evidence and witness as Anand Prakash Ramaswamy of the United States Attorney Office for the Middle District of North Carolina in their Federal Supervised Release Violation prosecution over the Virginia state charge. Both equally saw the nude photographs of Brian David Hill and introduced them as evidence, both equally used the witness Sgt. Robert Jones of Martinsville Police Department, and both had access to the Martinsville Police Report which had mentioned about a guy wearing a hoodie.

- (4) That Brian David Hill was legally innocent all along of indecent exposure had the right lawyer/attorney argued his legal innocence before the General District Court or even before the Circuit Court of Martinsville. Had Brian been given effective counsel like Edward Ryan Kennedy from West Virginia, Brian never would have been found guilty in General District Court or Brian never would have withdrawn his appeal in the Circuit Court and never would have accepted the decision of the General District Court as Matthew Scott Thomas Clark kept begging Brian in the presence of his family during each consultation to simply withdraw the appeal or he could/may lose the jury trial. As far as Brian is aware, he has never heard of Matthew Scott Thomas Clark being in contact with Attorney Edward Ryan Kennedy in 2019. He was in contact with Renorda Pryor who was formerly Brian’s federal court appointed attorney for appeal over the Supervised Release Violation but was removed as counsel once Brian argued that she was ineffective counsel and asked for new counsel to be appointed for the appeal. The Fourth Circuit agreed with his legal contentions and appointed him the counsel named Edward Ryan Kennedy. Edward Ryan Kennedy was never in touch with Matthew Scott Thomas Clark as best to Brian’s knowledge. Maybe Matthew Clark was in contact with Brian’s new counsel but just never mentioned it to his client. Of course Scott Albrecht and Lauren McGarry were never in touch with Edward Ryan Kennedy.



(5) That Edward Ryan Kennedy argued that “Hence, the statements Appellant made to police and his conduct both indicate that, in the light most favorable to the government, (1) he was naked in public while having a psychiatric episode, but (2) without the intent necessary to commit indecent exposure under Virginia law. Consequently, for the reasons stated above and in Appellant opening brief, the district court erred, as a matter of law, when it found that Appellant had violated his supervised release by committing the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(6) That Edward Ryan Kennedy argued that “It is irrelevant whether there actually was someone threatening him to take naked pictures or whether he just believed there was at the time. Either circumstance would be a lack of the appropriate mens rea.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(7) That Edward Ryan Kennedy argued that “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.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those





arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(8) That Edward Ryan Kennedy argued that “In summary, in order to show that Appellant violated his supervised release by committing the offense of indecent exposure under Virginia law, the government was required to prove, among other things, that Appellant 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.” Matthew Clark, Lauren McGarry, and Scott Albrecht never made any such of those arguments in the record in the entire criminal case. Scott Albrecht should have filed a motion to dismiss in the General District Court as a matter of law, based on the exact same arguments and case law as Edward Ryan Kennedy, and Brian would have had a very good chance of being found not guilty in the General District Court, then Brian never would have been forced to appeal the decision to the Circuit Court of Martinsville, and thus Brian never would have withdrawn his appeal in the Circuit Court.

(9) The allegations alleged in paragraphs 1-8 show proof beyond a reasonable doubt that Brian’s state court appointed Counsels Lauren McGarry, Scott Albrecht, and Matthew Scott Thomas Clark were all ineffective as assistance of counsels’ in Brian’s state criminal case, from case no. GC18003138-00 in the General District Court, to case no. CR19000009-00 in the Circuit Court. Not just ineffective but failed to demonstrate any arguments as good as Attorney Edward Ryan Kennedy, the Mayor from Clarksburg, West Virginia, who has high credibility and is in good standing, and good arguments as a lawyer. Arguably, If Edward Ryan Kennedy had been appointed to Brian’s state criminal case since September 21, 2018, likely this Attorney would have attempted a motion to dismiss based upon Brian’s legal innocence to his charge or even negotiated these facts with Glen Andrew Hall, Esq. to ask for a voluntary dismissal, and if that had failed then he



would have made the same arguments before the General District Court and the Judge would have asked the Commonwealth Attorney Glen Andrew Hall, Esq. to produce any kind of proof that would prove the obscenity requirement and intent requirement, which of course he would not have, since the U.S. Attorney had used the same indecent exposure evidence against Brian David Hill in federal court for his Supervised Release Violation charge and cannot prove the intent necessary, and cannot prove whether Brian had ever engaged in any behavior that would appeal to the prurient interest in sex on or about September 21, 2018. Of course Brian had not engaged in any behavior that would appeal to the prurient interest in sex on or about September 21, 2018. Brian's Autism and OCD should have been taken into consideration. The cumulative evidence of Carbon Monoxide Gas Poisoning also should have been presented and taken into consideration. The deletion from the chart of Sovah hospital records requesting blood-work be done on Brian David Hill on September 21, 2018, any of that or all of that could have been a reasonable doubt in General District Court but none of that evidence was there at the time. Even without that evidence, Edward Ryan Kennedy again argued that Brian David Hill is legally innocent of indecent exposure statute under Virginia Code.

The paragraphs (1) through (9) have demonstrated above, along with the attached evidence of "REPLY BRIEF OF APPELLANT", that Brian David Hill is legally innocent of indecent exposure all along and that the General District Court has originally erred when Brian David Hill was found guilty of indecent exposure under Virginia Code § 18.2-387. Brian's lawyers in this state criminal case were terrible, and Brian never should have been convicted. He is innocent all along. Brian can never be honesty and truly convicted of indecent exposure under § 18.2-387. Brian has proven beyond a reasonable doubt of ineffective counsel, that Brian was never guilty of § 18.2-387, that Brian David Hill never should have placed in a position to have withdrawn his appeal, it is unconstitutional and invalid. The General District Court verdict on December 21, 2018, was invalid as a matter of law. Brian never should have been compelled to pay the legal costs accrued in the above referenced criminal case. Brian David Hill requests relief and asks for an end to his wrongful conviction in Virginia once and for all.

Filed with the Honorable Circuit Court of Martinsville, this the 14<sup>th</sup> day of April, 2020.



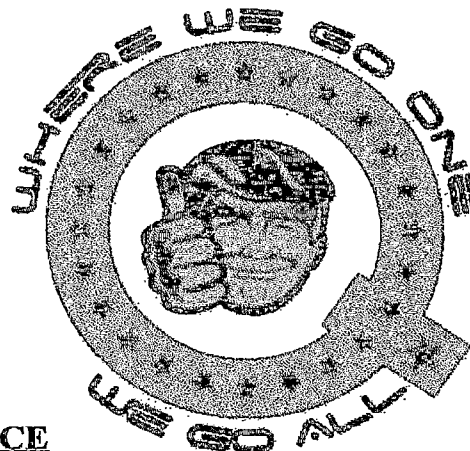
Signed,

*Brian D. Hill*  
*Signed*



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

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of April, 2020, I caused this “Evidence in support of Brian David Hill’s “Motion for writ of error coram vobis” ”, and in support of Brian David Hill’s legal Innocence to his charge of indecent exposure under § 18.2-387” to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission*



ticket receipt for proof of transmission) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia  
24112  
(276) 403-5470  
*Counsel for Plaintiff*

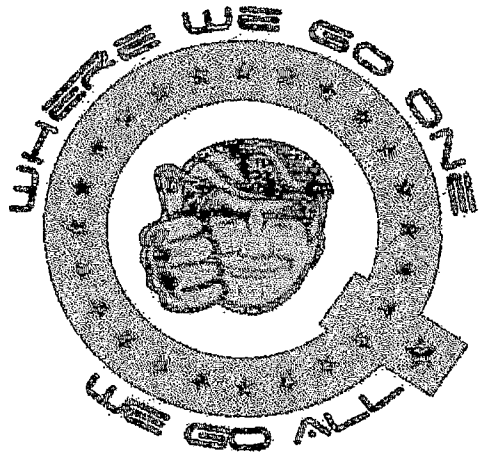
Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill –  
Ally of Qanon  
Founder of USWGO  
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2 Martinsville,  
Virginia 24112  
(276) 790-3505

*Pro Se Appellant*



*Qanon S.O.S.*  
*help me Qanon*  
*Drain The Swamp*

*- Reply Brief Attached -*



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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL, Defendant. Civil Action No. CL20000089-00 Criminal Action No. CR19000009-00 Evidence in support of Brian David Hill's "Motion for writ of error coram vobis" , and in support of Brian David Hill's legal Innocence to his charge of indecent exposure under § 18.2-387

Evidence in support of Brian David Hill's "Motion for writ of error coram vobis", and in support of Brian David Hill's legal Innocence to his charge of indecent exposure under § 18.2-387

I, Brian D. Hill, criminal defendant of the criminal case action no. and civil case action no. referenced herein, file this attached evidence which will state the following facts:

STATEMENT OF FACTS

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**RECORD NO. 19-4758**

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In The  
**United States Court of Appeals**  
For The Fourth Circuit

**UNITED STATES OF AMERICA,**

*Plaintiff – Appellee,*

v.

**BRIAN DAVID HILL,**

*Defendant – Appellant.*

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
AT GREENSBORO**

\_\_\_\_\_  
**REPLY BRIEF OF APPELLANT**  
\_\_\_\_\_

**E. Ryan Kennedy  
ROBINSON & MCELWEE, PLLC  
140 West Main Street, Suite 300  
Clarksburg, West Virginia 26301  
(304) 326-5318**

*Counsel for Appellant*



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**I. ARGUMENT**

- i. The government’s argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt<sup>1</sup>.**

The government’s argument unduly limits the scope of *United States v. Haymond*, as the provided opinion indicates a new direction for the Supreme Court of the United States. Therefore, the district court erred as a matter of law in conducting the revocation hearing without a jury and by making findings of guilt by preponderance of the evidence, rather than beyond a reasonable doubt.

As stated by the government in its brief, the Supreme Court of the United States, in *United States v. Haymond*, 139 S. Ct. 2369 (2019), was divided into a 4-1-4 decision. While this division of the Court does make the opinion more difficult to interpret, it does not lessen its impact. The similarities between the two (2) defendants in *Haymond* and the instant case are striking.

In *Haymond*, the defendant was initially convicted of possession of child pornography, which is the same initial offense as Appellant. *Id.* at 2373. As in the instant case, Haymond was sentenced to a term of (10) years of supervised release.

---

<sup>1</sup> As previously stated in Appellant’s opening brief, this Court reviews questions of law in supervised release revocation proceedings de novo, including the interpretation of the United States Sentencing Guidelines and the Constitution of the United States. *United States v. Barton*, 26 F.3d 490, 491 (4th Cir. 1994).



*Id.* at 2574; (JA 7). Haymond was later caught, while on supervised release, with additional child pornography and a revocation hearing was conducted before a district judge without a jury and under a preponderance of the evidence standard, not the beyond a reasonable doubt standard. *Id.* Similarly, in the instant case, Appellant appeared before a district judge in a revocation hearing based upon his alleged indecent exposure, without a jury and under a preponderance of the evidence standard. (JA 26-27, 35-36, 120-21).

Both Haymond and Appellant were sentenced to an additional term of incarceration based upon the findings of fact of a district judge, without a jury, by a preponderance of the evidence. *Id.*; (JA 120-21).

The government emphasizes that Haymond's violation invoked the mandatory minimum provision of 18 U.S.C. § 3583(k), whereas Appellant's sentence for his alleged violation fell under 18 U.S.C. § 3583(e). Despite the government's assertions to the contrary, however, Appellant maintains that the expanded scope of trial by jury and the burden of proof being beyond a reasonable doubt also applies to Section 3583(e) violations, such as this case, either directly through *Haymond* or through an expansion and/or change in existing law.<sup>2</sup> Simply

---

<sup>2</sup> For the sake of brevity, Appellant will not reproduce the Supreme Court of the United States' eloquent remarks from *Haymond* on the historic and fundamental importance of both the right to trial by jury and that proof of criminal conduct must be beyond a reasonable doubt. Appellant hereby incorporates by reference, as if fully set forth herein, pages 2376 through 2378 of the *Haymond* opinion.



put, *Haymond* is an established beachhead whose objectives are clear: The restoration of a robust right to trial by jury and the expansion of the use of the beyond a reasonable doubt standard.

The government’s argument centered not so much on the law but on trying to play on this Court’s supposed fears of being the first Court of Appeals to recognize the full scope of the *Haymond* doctrine. As a result, the government leaves un rebutted the detailed textual analysis of *Haymond* in Appellant’s opening brief. Many statements and passages in the Court’s opinion strongly suggest that the Sixth Amendment right to a jury trial applies to any supervised-release revocation proceeding. For example, the first sentence of the opinion reads: “Only a jury, acting on proof beyond a reasonable doubt, may take a person’s liberty.” *Haymond*, 139 S. Ct. at 2373.

The Court defined a “crime” as any “ac[t] to which the law affixes ... punishment,” and says that a “prosecution” is “the process of exhibiting formal charges against an offender before a legal tribunal.” *Haymond*, 139 S. Ct. at 2376. The Court, however, uses this definition for the purpose, of declaring that every supervised-release revocation proceeding is a criminal prosecution. See *Haymond* 139 S. Ct., at 2379 (“[A] ‘criminal prosecution’ continues and the defendant remains an ‘accused’ with all the rights provided by the Sixth Amendment, until a final



sentence is imposed.... [A]n accused’s final sentence includes any supervised release sentence he may receive”.)

Quoting *Blakely v. Washington*, 542 U.S. 296, 304 (2004), the Court states that “a jury must find beyond a reasonable doubt every fact which the law makes essential to a punishment that a judge might later seek to impose.” *Haymond*, 139 S. Ct. at 2370. Since a defendant sentenced to incarceration after being found to have violated supervised release is receiving a “punishment,” then the Court’s statement means that any factual finding upon which that judgment is based must be made by a jury, not by a judge.

While both *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. United States*, 570 U.S. 99 (2013), apply only to a defendant’s sentencing proceeding and not to a supervised-release revocation proceeding, which has been described at times as a “postjudgment sentence-administration proceedin[g],” the Court states that “the demands of the Fifth and Sixth Amendments” cannot be “dodge[d] by the simple expedient of relabeling a criminal prosecution a ... ‘sentence modification’ imposed at a ‘postjudgment sentence administration proceeding.’” *Haymond*, 139 S. Ct. at 2379. The meaning of the Court’s above statement is clear. A supervised-release revocation proceeding is a criminal prosecution and is therefore governed by both the Fifth and Sixth Amendments. See *Haymond*, 139 S. Ct. at 2390 (“any accusation triggering a new and additional punishment [must be] proven to the



satisfaction of a jury beyond a reasonable doubt”); *Id.* at 2380 (“a jury must find all of the facts necessary to authorize a judicial punishment”).

The Court, in summary, posits that parole was constitutional, but supervised release is entirely different. *Haymond*, 139 S. Ct. at 2381-82. The implication in the above statements is clear enough: All supervised-release revocation proceedings must be conducted in compliance with the Sixth Amendment. The Court hints at where it is heading when it writes: “[O]ur opinion, [does] not pass judgment one way or the other on § 3583(e)’s consistency with *Apprendi*.” *Haymond*, 139 S. Ct. at 2382-84, n.7. Section 3583(e), the section under which Appellant was sentenced, sets out the procedure to be followed in all supervised-release revocation proceedings. Therefore, the Court left open the door that provision, the one through which Appellant was sentenced, is not consistent with *Apprendi*, which means that Appellant’s proceeding required trial by jury.

For the reasons both stated above and in Appellant’s opening brief, there is no clear ground for limiting the *Haymond* opinion only to Section 3583(k). The Court simply let that issue sleep for another day. Today is that day. Despite the government’s protestations to the contrary, this Court should recognize the larger paradigm shift which has occurred in the Supreme Court’s reasoning, which when applied, protects Appellant from being sentenced to further incarceration without a jury and requires a beyond a reasonable doubt evidence standard.



- ii. **The government’s argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person.**

The government’s argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person. While the government would have this Court believe that it knows obscenity when it sees it, Virginia has chosen to provide significant codification in this area of law. That 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).

“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.<sup>3</sup> 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).

While the evidence may show that Appellant was naked in public, as stated above, 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

---

<sup>3</sup> Although the government has placed all of its eggs in the basket of a single, unreported, three (3) page decision of a state intermediate appellate court, defendant is citing a summary of multiple reported decisions, some of which came from Virginia’s highest court. Further, as *Maness v. Commonwealth*, 2014 WL 2136469, \*3 (Va. App. 2014). (unpublished), the case cited by the government acknowledges, every circumstance of alleged obscenity is fact-specific. *Maness* was riding a bicycle nearly nude through a major thoroughway on a Sunday in broad daylight. *Id.* at \*1. Further *Maness* did not appear to be in any distress and said that he simply thought it was a nice day for a bike ride. *Id.* Unlike Appellant, there does not appear to be any other logical reason why *Maness* would have thus conducted himself except to have as his dominant theme or purpose an appeal to the prurient interest in sex. Appellant’s belief that he was being forced to take nude pictures of himself in public under threat of harm to his family constitutes a completely different purpose.





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.”

In summary, in order to show that Appellant violated his supervised release by committing the offense of indecent exposure under Virginia law, the government was required to prove, among other things, that Appellant 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.<sup>4</sup> The government failed to do so. Rather, the government’s evidence, presented through its own witnesses, showed Appellant as someone who was running around naked between midnight and 2:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. (JA 42-43, 53).

---

<sup>4</sup> 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.



The district court did not hear, however, any evidence of Appellant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, the government does not dispute that there was no evidence of Appellant 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. Appellant did not do that. Rather, he was running around between midnight and 2:00 a.m. and the witnesses to his nudity were few. Hence, the statements Appellant made to police and his conduct both indicate that, in the light most favorable to the government, (1) he was naked in public while having a psychiatric episode<sup>5</sup>, but (2) without the intent necessary to commit indecent exposure under Virginia law. Consequently, for the reasons stated above and in Appellant's opening brief, the district court erred, as a matter of law, when it found that Appellant had violated his supervised release by committing the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387.

---

<sup>5</sup> It is irrelevant whether there actually was someone threatening him to take naked pictures or whether he just believed there was at the time. Either circumstance would be a lack of the appropriate *mens rea*.



**iii. The government’s argument misses the point of Appellant’s argument that this situational violation was completely avoidable had the district court granted Appellant’s Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant’s motion to continue the revocation hearing until after the underlying criminal appeal was completed.**

The government’s argument misses the point of Appellant’s argument that this situational violation was completely avoidable had the district court granted Appellant’s Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant’s motion to continue the revocation hearing until after the underlying criminal appeal was completed. As stated above and in Appellant’s opening brief, this Court should extend and/or modify existing law to find that Appellant had a constitutional right to a trial by jury and for his guilt to be determined to the beyond a reasonable doubt standard.

An abuse of discretion occurs when the district court demonstrates “an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay.” *Morris v. Slappy*, 461 U.S. 1, 11-12 (1983).

If the district court had not wanted to empanel a jury, it could have still protected Appellant’s constitutional rights by simply granting Appellant’s motion to continue the hearing in order to allow Appellant’s pending state court appeal, which would have been a *de novo* jury trial, to reach a final decision. (JA 30-36). Had the



district court done so, it could have used the final conviction from the Virginia state court, if the appeal were unsuccessful, as a factual basis for a revocation because Appellant would have, at that point, been determined to be guilty of said underlying offense beyond a reasonable doubt by a jury of his peers. Conversely, if said appeal were successful, then the district court could have dismissed the revocation petition. Therefore, the district court demonstrated an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay by insisting that the hearing proceed that day.

As provided in 18 U.S.C. § 3583(e)(4), and discussed at the revocation hearing, the district court could have ordered Appellant to remain at his place of residence during non-working hours and/or placed him on electronic monitoring. (JA 103-06). Such an order would have alleviated any public safety concern while Appellant's appeal was ongoing in state court. Therefore, the district court abused its discretion when it denied Appellant's motion to continue, as the district court could have alleviated the basis for this appeal by merely granting the continuance.

## **II. CONCLUSION**

For the reasons state above and in Appellant's opening brief, the Appellant urges this Court to vacate the revocation of his supervised release.



Respectfully Submitted,

**BRIAN DAVID HILL**  
**By Counsel**

/s/ E. Ryan Kennedy  
E. Ryan Kennedy  
(W.Va. State Bar. #10154)  
ROBINSON & McELWEE PLLC  
Post Office Box 128  
Clarksburg, West Virginia 26302  
Phone: 304-622-5022  
*Counsel for Appellant*



**CERTIFICATE OF COMPLIANCE**

- 1. This brief complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

this brief contains [2,845] words.

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

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

this brief has been prepared in a proportionally spaced typeface using [*Microsoft Word 2016*] in [*14pt Times New Roman*]; or

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

Dated: January 17, 2020

/s/ E. Ryan Kennedy  
*Counsel for Appellant*

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 17th day of January, 2020, I caused this Reply Brief of Appellant to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Anand P. Ramaswamy  
OFFICE OF THE U.S. ATTORNEY  
101 South Edgewater Street, 4th Floor  
Greensboro, North Carolina 27401  
(336) 333-5351

*Counsel for Appellee*

I further certify that on this 17th day of January, 2020, I caused the required copy of the Reply Brief of Appellant to be hand filed with the Clerk of the Court.

/s/ E. Ryan Kennedy  
*Counsel for Appellant*



sentence is imposed.... [A]n accused’s final sentence includes any supervised release sentence he may receive”.)

Quoting *Blakely v. Washington*, 542 U.S. 296, 304 (2004), the Court states that “a jury must find beyond a reasonable doubt every fact which the law makes essential to a punishment that a judge might later seek to impose.” *Haymond*, 139 S. Ct. at 2370. Since a defendant sentenced to incarceration after being found to have violated supervised release is receiving a “punishment,” then the Court’s statement means that any factual finding upon which that judgment is based must be made by a jury, not by a judge.

While both *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *Blakely v. United States*, 570 U.S. 99 (2013), apply only to a defendant’s sentencing proceeding and not to a supervised-release revocation proceeding, which has been described at times as a “postjudgment sentence-administration proceedin[g],” the Court states that “the demands of the Fifth and Sixth Amendments” cannot be “dodge[d] by the simple expedient of relabeling a criminal prosecution a ... ‘sentence modification’ imposed at a ‘postjudgment sentence administration proceeding.” *Haymond*, 139 S. Ct. at 2379. The meaning of the Court’s above statement is clear. A supervised-release revocation proceeding is a criminal prosecution and is therefore governed by both the Fifth and Sixth Amendments. See *Haymond*, 139 S. Ct. at 2390 (“any accusation triggering a new and additional punishment [must be] proven to the





satisfaction of a jury beyond a reasonable doubt”); *Id.* at 2380 (“a jury must find all of the facts necessary to authorize a judicial punishment”).

The Court, in summary, posits that parole was constitutional, but supervised release is entirely different. *Haymond*, 139 S. Ct. at 2381-82. The implication in the above statements is clear enough: All supervised-release revocation proceedings must be conducted in compliance with the Sixth Amendment. The Court hints at where it is heading when it writes: “[O]ur opinion, [does] not pass judgment one way or the other on § 3583(e)’s consistency with *Apprendi*.” *Haymond*, 139 S. Ct. at 2382-84, n.7. Section 3583(e), the section under which Appellant was sentenced, sets out the procedure to be followed in all supervised-release revocation proceedings. Therefore, the Court left open the door that provision, the one through which Appellant was sentenced, is not consistent with *Apprendi*, which means that Appellant’s proceeding required trial by jury.

For the reasons both stated above and in Appellant’s opening brief, there is no clear ground for limiting the *Haymond* opinion only to Section 3583(k). The Court simply let that issue sleep for another day. Today is that day. Despite the government’s protestations to the contrary, this Court should recognize the larger paradigm shift which has occurred in the Supreme Court’s reasoning, which when applied, protects Appellant from being sentenced to further incarceration without a jury and requires a beyond a reasonable doubt evidence standard.



- ii. **The government’s argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person.**

The government’s argument expands Virginia state criminal law regarding obscenity beyond its statutory limits and, therefore, the district court erred in finding that the evidence before it was sufficient to find that Appellant violated his supervised release by violating Virginia Code § 18.2-387 because the evidence fails to show that Appellant acted intentionally to make an obscene display or exposure of his person. While the government would have this Court believe that it knows obscenity when it sees it, Virginia has chosen to provide significant codification in this area of law. That 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).

“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.<sup>3</sup> 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).

While the evidence may show that Appellant was naked in public, as stated above, 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

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<sup>3</sup> Although the government has placed all of its eggs in the basket of a single, unreported, three (3) page decision of a state intermediate appellate court, defendant is citing a summary of multiple reported decisions, some of which came from Virginia’s highest court. Further, as *Maness v. Commonwealth*, 2014 WL 2136469, \*3 (Va. App. 2014). (unpublished), the case cited by the government acknowledges, every circumstance of alleged obscenity is fact-specific. *Maness* was riding a bicycle nearly nude through a major thoroughway on a Sunday in broad daylight. *Id.* at \*1. Further *Maness* did not appear to be in any distress and said that he simply thought it was a nice day for a bike ride. *Id.* Unlike Appellant, there does not appear to be any other logical reason why *Maness* would have thus conducted himself except to have as his dominant theme or purpose an appeal to the prurient interest in sex. Appellant’s belief that he was being forced to take nude pictures of himself in public under threat of harm to his family constitutes a completely different purpose.



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.”

In summary, in order to show that Appellant violated his supervised release by committing the offense of indecent exposure under Virginia law, the government was required to prove, among other things, that Appellant 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.<sup>4</sup> The government failed to do so. Rather, the government’s evidence, presented through its own witnesses, showed Appellant as someone who was running around naked between midnight and 2:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. (JA 42-43, 53).

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<sup>4</sup> 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.



The district court did not hear, however, any evidence of Appellant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, the government does not dispute that there was no evidence of Appellant 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. Appellant did not do that. Rather, he was running around between midnight and 2:00 a.m. and the witnesses to his nudity were few. Hence, the statements Appellant made to police and his conduct both indicate that, in the light most favorable to the government, (1) he was naked in public while having a psychiatric episode<sup>5</sup>, but (2) without the intent necessary to commit indecent exposure under Virginia law. Consequently, for the reasons stated above and in Appellant's opening brief, the district court erred, as a matter of law, when it found that Appellant had violated his supervised release by committing the Virginia state law offense of indecent exposure as per Virginia Code § 18.2-387.

---

<sup>5</sup> It is irrelevant whether there actually was someone threatening him to take naked pictures or whether he just believed there was at the time. Either circumstance would be a lack of the appropriate *mens rea*.



**iii. The government’s argument misses the point of Appellant’s argument that this situational violation was completely avoidable had the district court granted Appellant’s Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant’s motion to continue the revocation hearing until after the underlying criminal appeal was completed.**

The government’s argument misses the point of Appellant’s argument that this situational violation was completely avoidable had the district court granted Appellant’s Motion to Continue. Therefore, this Court should extend and/or modify existing law to hold that the district court abused its discretion when it denied Appellant’s motion to continue the revocation hearing until after the underlying criminal appeal was completed. As stated above and in Appellant’s opening brief, this Court should extend and/or modify existing law to find that Appellant had a constitutional right to a trial by jury and for his guilt to be determined to the beyond a reasonable doubt standard.

An abuse of discretion occurs when the district court demonstrates “an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay.” *Morris v. Slappy*, 461 U.S. 1, 11-12 (1983).

If the district court had not wanted to empanel a jury, it could have still protected Appellant’s constitutional rights by simply granting Appellant’s motion to continue the hearing in order to allow Appellant’s pending state court appeal, which would have been a *de novo* jury trial, to reach a final decision. (JA 30-36). Had the



district court done so, it could have used the final conviction from the Virginia state court, if the appeal were unsuccessful, as a factual basis for a revocation because Appellant would have, at that point, been determined to be guilty of said underlying offense beyond a reasonable doubt by a jury of his peers. Conversely, if said appeal were successful, then the district court could have dismissed the revocation petition. Therefore, the district court demonstrated an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay by insisting that the hearing proceed that day.

As provided in 18 U.S.C. § 3583(e)(4), and discussed at the revocation hearing, the district court could have ordered Appellant to remain at his place of residence during non-working hours and/or placed him on electronic monitoring. (JA 103-06). Such an order would have alleviated any public safety concern while Appellant's appeal was ongoing in state court. Therefore, the district court abused its discretion when it denied Appellant's motion to continue, as the district court could have alleviated the basis for this appeal by merely granting the continuance.

## **II. CONCLUSION**

For the reasons state above and in Appellant's opening brief, the Appellant urges this Court to vacate the revocation of his supervised release.



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

USCA4 Appeal: 19-4758 Doc: 30 Filed: 01/17/2020 Pg: 16 of 18

Respectfully Submitted,

**BRIAN DAVID HILL**  
**By Counsel**

/s/ E. Ryan Kennedy  
E. Ryan Kennedy  
(W.Va. State Bar. #10154)  
ROBINSON & McELWEE PLLC  
Post Office Box 128  
Clarksburg, West Virginia 26302  
Phone: 304-622-5022  
*Counsel for Appellant*





**CERTIFICATE OF COMPLIANCE**

- 1. This brief complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

[ X ] this brief contains [2,845] words.

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

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

[ X ] this brief has been prepared in a proportionally spaced typeface using [*Microsoft Word 2016*] in [*14pt Times New Roman*]; or

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

Dated: January 17, 2020

/s/ E. Ryan Kennedy  
*Counsel for Appellant*

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 17th day of January, 2020, I caused this Reply Brief of Appellant to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Anand P. Ramaswamy  
OFFICE OF THE U.S. ATTORNEY  
101 South Edgewater Street, 4th Floor  
Greensboro, North Carolina 27401  
(336) 333-5351

*Counsel for Appellee*

I further certify that on this 17th day of January, 2020, I caused the required copy of the Reply Brief of Appellant to be hand filed with the Clerk of the Court.

/s/ E. Ryan Kennedy  
*Counsel for Appellant*

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

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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	

**NOTICE OF APPEAL**

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill (“Brian D. Hill”, “Hill”, “Brian”, “Defendant”) in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill’s “MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)” entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

**First Amendment protected Opinion:** The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn’t matter what evidence is submitted/filed, doesn’t matter what



witnesses testify or are offered, doesn't matter what the law is or how a higher court had ever interpreted the law. **Courts have become slave outfitters, enslaving every single one of us American citizens. Prisons and Jails are SLAVE CAMPS, designed to take away the knowledge and productivity of people and placing them in the system to be a perpetuating crime committer. Make it easy to face a probation violation on any little thing, no matter how insignificant, making it a revolving door to prison and further slavery.** Slavery has been allowed for the criminal injustice system, for now. **The targets for this slavery under the system happens to be poor folks, the mentally and physically disabled, the elderly and the weak, and lower middle class.** The Courts these days freely and openly encourage slavery of the poor folks which are a very large portion of the masses. They expect and demand that people pay for lawyers when it is the lawyers who are selling out the United States, betraying their clients and selling them out for money and power, and misrepresenting facts, lying, cheating, and stealing. They allowed the Central Intelligence Agency to get away with the Pedophile rings, blackmail operations, Drug Cartels including MS-13, and all kinds of criminal behaviors by those in authority underground, in the tunnels. Donald Trump said that there is light at the end of the tunnel.

Donald John Trump was elected not just to get rid of the corruption within our Federal Courts, corruption in Congress, and the corruption within all Federal Agencies including but not limited to the State Department. DJT also made the popular campaign slogan of "Drain the Swamp" as the corruption within the State Courts, State Legislature, State Agencies, Municipalities, and other corruption in public body-politic institutions and public corporations within every state will be held accountable for their crimes. God cries with every miscarriage of justice, every evil being perpetuated against the poor and fatherless by those in authority.

What Martinsville has done is to enslave a mentally/physically disabled person who is INNOCENT OF HIS CRIME, and not care about the evidence and not care about the lies that Glen Andrew Hall or any other corrupt lawyer tells. **They don't care about the laws, they don't even care about anybody but themselves, it is a lack of empathy, which will lead society to RUIN,** America will become a third world country under corrupt Courts and corrupt Judges. QAnon followers understand how bad our authorities have gotten. They understand the very big problem of the blackmail or Bribery of politicians and Judges and Prosecutors under Jeffrey Epstein, George Soros and other CIA/Deep-State sanctioned blackmailers and black-ops. The Deep State sanctioned blackmailers and bribers. They can threaten/bribe any politician behind the scenes to be nothing more than a puppet, but we **the American people see through it all, like the Wizard of Oz movie with the Man hiding behind the Curtin** pretending to be some powerful



projection like some kind of deity. If the Deep State is controlling Giles Carter Greer, and other powerful people in Virginia, if the Deep State is behind Brian's wrongful conviction in this State, then QAnon, the Department of Justice once the corruption is cleaned out, and Donald John Trump will pardon Brian David Hill and he will be acquitted even of his state charge and conviction. Brian will be acquitted of everything as it is all unconstitutional what has happened to Brian David Hill of USWGO Alternative News, and there is nothing that these corrupt State Judges can do about it once good Governors and good legislators get elected and the pardons of innocence can issue. God and Jesus is more powerful than man, we shall not continually be slaves to a Satanic Global Order. We will be free like the enslaved Jews in the Bible, we will be free, we will be acquitted, and it will be done legally and lawfully under the Rule of Law. I hope that Giles Carter Greer is not a Deep State Puppet, but he probably is the way he acts in every part of Brian's criminal case. The CIA Headquarters is in Langley, Virginia, so the CIA has a stranglehold of Virginia and its governing bodies. QAnon is dismantling the corrupt CIA behind the scenes if what they are saying is indeed the truth, they will go to prison for their crimes against humanity. I am sure that Glen Andrew Hall may likely be another George Soros funded prosecutor or simply a Deep State operative, who knows. They are NOT gods, they are not even to be considered as demi-gods. The people are victims of the Deep State Swamp.

The Bible says under Psalms, that these elite and corrupt politicians eventually will fall like one of the princes.

Psalm 82

New King James Version

A Plea for Justice

A Psalm of Asaph.

1 God stands in the congregation of [a]the mighty;

He judges among the [b]gods.

2 How long will you judge unjustly,

And show partiality to the wicked? Selah

3 [c]Defend the poor and fatherless;

Do justice to the afflicted and needy.

4 Deliver the poor and needy;



Free them from the hand of the wicked.

5 They do not know, nor do they understand;

They walk about in darkness;

All the foundations of the earth are [d]unstable.

6 I said, "You are [e]gods,

And all of you are children of the Most High.

7 But you shall die like men,

And fall like one of the princes."

8 Arise, O God, judge the earth;

For You shall inherit all nations.

Footnotes:

Psalm 82:1 Heb. El, lit. God

Psalm 82:1 Judges; Heb. elohim, lit. mighty ones or gods

Psalm 82:3 Vindicate

Psalm 82:5 moved

Psalm 82:6 Judges; Heb. elohim, lit. mighty ones or gods

King James 2000

A Psalm of Asaph.

A Plea For God's Deliverance

1 God stands in the congregation of the mighty; he judges among the gods.

2 How long will you judge unjustly, and accept the persons of the wicked? Selah.

3 Defend the poor and fatherless: do justice to the afflicted and needy.

4 Deliver the poor and needy: rid them out of the hand of the wicked.

5 They know not, neither will they understand; they walk on in darkness: all the foundations of the earth are out of course.

6 I have said, You are gods; and all of you are children of the most High.

7 But you shall die like men, and fall like one of the princes.



8 Arise, O God, judge the earth: for you shall inherit all nations.

MARTINSVILLE is trying to enslave Brian David Hill forever. Just like the Federal Courts. The slavery is wrong and cannot continue as God will not continually turn a blind eye to each and every miscarriage of justice like it is a normal everyday occurrence.

I ask God and Jesus, to help guide me throughout this corrupt system, corrupt Government, corrupt Police, Dirty Cops, and allow me to ask the powerful to, LET MY PEOPLE GO, as Moses said to the Pharaoh of Egypt. Let my people go!!!!!!

Even Romans 13 has been misinterpreted, it is not defending an all-powerful tyrannical Government, but actually says that "For rulers are not a terror to good works, but to the evil." So a Government must not be a terror to good works but only to the evil. Those who do evil deeds must be punished. When somebody is legally innocent and had a good reason for what happened, the evidence should be considered instead of being ignored.

Romans 13 King James Version (KJV)

**13** Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

<sup>2</sup>Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

<sup>3</sup>For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same:

<sup>4</sup>For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

<sup>5</sup>Wherefore ye must needs be subject, not only for wrath, but also for conscience sake.

<sup>6</sup>For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing.

<sup>7</sup>Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour.



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

8Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law.

9For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself.

10Love worketh no ill to his neighbour: therefore love is the fulfilling of the law.

11And that, knowing the time, that now it is high time to awake out of sleep: for now is our salvation nearer than when we believed.

12The night is far spent, the day is at hand: let us therefore cast off the works of darkness, and let us put on the armour of light.

13Let us walk honestly, as in the day; not in rioting and drunkenness, not in chambering and wantonness, not in strife and envying.

14But put ye on the Lord Jesus Christ, and make not provision for the flesh, to fulfil the lusts thereof.

I am a Christian, I am not perfect but I know good verses of the Bible.

Filed with the Honorable Circuit Court of Martinsville, this the 15th day of April, 2020.

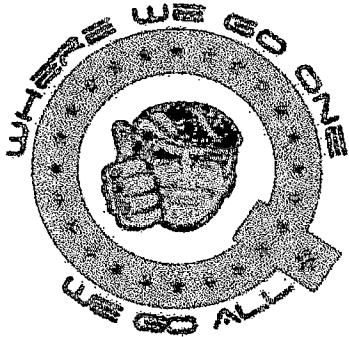
Signed,

*Brian D Hill*  
*Signed*



Brian David Hill – Ally of Qanon





Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

*Qanon S.O.S.*

Signed,

*Brian D. Hill*  
signed



Brian David Hill -- Ally of  
Qanon

*help me Qanon, I'm under attack.  
God Bless You. 7 Protect me Qanon.*

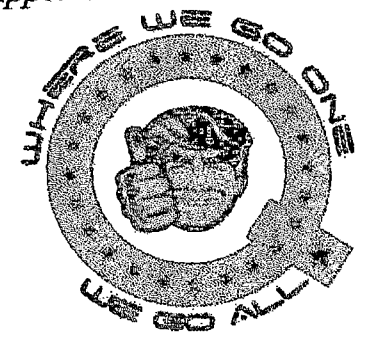


Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



Founder of USWGO  
Alternative News  
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24112  
(276) 790-3505

*Pro Se Appellant*



**U.S.W.G.O.**



Brian D. Hill - Ally of QANON

WWG1WGA - Q-Intel - Drain the Swamp MAGA



JusticeForUSWGO.wordpress.com - INVESTIGATE!

S.O.S. Qanon

Please protect me Qanon

Save me Qanon



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

Date: 4/15/2020 Number of pages: 8 Attn.: Glen Andrew Hall, Esq. Recipient's number: T1-276-403-5478 Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Notice of Appeal to Giles Error Correction: Noril 15(3) Signed (2020-04-15).tif File description: Notice of Appeal to Giles Carter Greer on April 15(3) Signed.pdf Resolution: 200\*200 dpi Recipient's Fax ID: 12764035478 Rate: 14400 bps

Time: 3:12:08 AM Session duration: 10:03 To: Commonwealth Attorney Message type: Fax Error Correction: Noril 15(3) Signed (2020-04-15).tif Record number: 8198

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

DATE: 04/15/2020 @10:29:42 by fx

TESTE: ER Hamlin CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____ )	)	
COMMONWEALTH OF VIRGINIA, )	)	Criminal Action No. CR19000009-00
Plaintiff, )	)	Civil Action No. CL20000089-00
v. )	)	Civil Action No. CL19000331-00
BRIAN DAVID HILL, )	)	
Defendant, )	)	
_____ )	)	

NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIAL - MOT TO DISQUALIFY) denying Brian D. Hill's "MOTION TO DISQUALIFY THE HON. GILES CARTER GREER FROM ANY FURTHER PARTICIPATION IN THE CASE(S)" entered in this action on the 10th day of April, 2020.

\*Appellee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidently said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: The judicial corruption has gotten so out of control inside of the United States of America (the USSA, the United Soviet States of America) in almost all courts, people get nowhere like hamsters on a wheel. It doesn't matter what evidence is submitted/filed, doesn't matter what

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
_____	)	
	)	

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**First Amendment protected Opinion: [CORRUPTIOPN][SLAVERY]**

**DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.**

91	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
86	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV



Three orders of denial in one day, on the same day, sounds to me like [RETALIATION]. This Judge is clearly biased and his rulings make no sense and have no merit. I will appeal every one of them to the U.S. Supreme Court. Donald Trump wins, the corruption will lose.

First of all the Judge should be citing the law, rules, the evidence that was submitted in support of such motion, and case law that the Judge would be relying upon for his decision. So many constitutional errors, structural/legal defects.

The Deep State Swamp will fall, and the puppets will be arrested for their crimes, assuming that the Judge is another puppet/tool of the Deep State.

They are panicking, RATS PANIC IN DC. The Former Acting CIA Director John McLaughlin said over the issue of Impeachment: "Thank God For The Deep State." The corruption will fall, humanity and God will defeat the corruption. They are revealing exactly who they are. The Hon. Giles Carter Greer is showing exactly who he is. It is not about what you know, it is about who you know. They must all know each other, like best buds. The very corruption that Thomas Jefferson and George Washington and Benjamin Franklin had warned about. The answer to 1984 is 1776!!!!!!!!!!!!!!!!!!!! Arrest the corruption to protect he Constitution.

Arrest all of the Deep State Swamp, arrest and indict them all. That is my response to the Judge's decision. Corruption will not prosper but will be impeached and/or indicted. Donald Trump made that clear, we don't want corruption in our Courts anymore. We don't want corruption inside any of our offices of Government anymore. The Judge has clearly broken rules and is getting away with corruption. This Judge violated and continues to violate federal law. He may be guilty of violating other federal laws. The Deep State will be arrested as QAnon brags, the sealed indictments will begin. I am not QAnon, but am an ally of Qanon because I am all for what they stand for, they stand for justice, integrity, honesty, bravery, fidelity. We are about following the laws and the rule of law. Enforce the laws against the corruption that doesn't have to obey our laws.

Respectfully filed with the Circuit Court of Martinsville, this the 21th day of April, 2020.

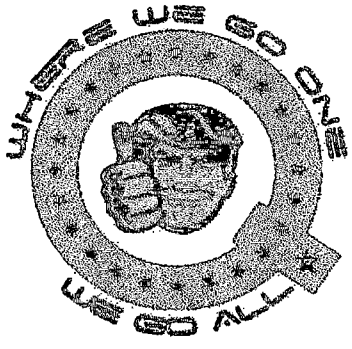
Signed, Brian D. Hill  
*Signed*

Brian David Hill – Ally of Qanon





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



Founder of USWGO  
Alternative News  
310 Forest Street, Apt. 2  
Martinsville, Virginia  
24112  
(276) 790-3505

*Pro Se Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of April, 2020, I caused this "NOTICE OF APPEAL" to be transmitted by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney's Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

*Brian D. Hill*  
*Signed*



Brian David Hill – Ally of  
Qanon

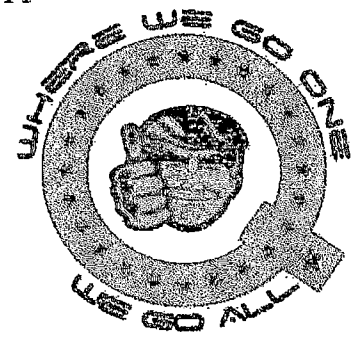


Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk To: Martinsville Circuit Court



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24112  
(276) 790-3505

*Pro Se Appellant*



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

DATE: 04/21/2020 @15:04:04 by fax

TESTE: *Jennifer C. Coplin*  
CLERK/DEPUTY CLERK



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

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

Date: 4/21/2020 Time: 1:15:55 PM
Number of pages: 4 Session duration: 4:51
Attn.: Glen Andrew Hall, Esq. To: Commonwealth Attorney
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File description: Notice of Appeal to Giles Carter Greer on April 21(2)\Signed.pdf Resolution: 200\*200 dpi
Recipient's Fax ID: 12764035478 Record number: 8209
Rate: 14400 bps

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,
v.
BRIAN DAVID HILL,
Defendant,
Criminal Action No. CR19000009-00
Civil Action No. CL20000089-00
Civil Action No. CL19000331-00
NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED DEF WRIT ERROR CV) denying Brian D. Hill's "MOTION FOR WRIT OF ERROR CORAM VOBIS" entered in this action on the 10th day of April, 2020.

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First Amendment protected Opinion: [CORRUPTIOPN][SLAVERY]
DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.

Table with 2 columns: Date/Action and Description. Rows include 04/10/2020 ORDER TTM GCG DENIED MOT DISQUALIFY GCG, 04/10/2020 ORDER TTM GCG DENIED MOT WAIVE FRES, 04/10/2020 ORDER TTM GCG DENIED DEF WRIT ERROR CV



**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,	}	
	}	RESPONSE TO DEFENDANT'S
	}	MOTION FOR DISCOVERY
	}	
VS:	}	AND
	}	
	}	
DARION TYRIC VALENTINE	}	MOTION FOR RECIPROCAL
	}	
	}	CR19-965 thru 968

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** the Commonwealth of Virginia by its Commonwealth's Attorney and in response to the Defendant's Motion for Discovery states as follows:

The Commonwealth has no objection to the inspection and copying or photographing by the counsel for the Defendant of those materials specified in Rule 3A:11 of the Rules of the Supreme Court of Virginia, namely:

- 1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, and 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, and any relevant written reports of autopsies, ballistic tests, fingerprint analysis, 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, and

MARTINSVILLE  
COMMONWEALTH'S  
ATTORNEY  
55 WEST CHURCH STREET  
P.O. Box 1311  
MARTINSVILLE, VA 24114  
276-403-5470 (PHONE)  
276-403-5478 (FAX)  
G. ANDREW HALL  
VSB #71048  
PAULA A. BOWEN  
VSB #72081  
ALBERTO Z. HERRERO  
VSB #38159  
DANIEL P. MOOK  
VSB #84231  
LYNDA S. HARTSELL  
VSB # 94788

- 2) All of the specifically designated books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth, requested by the Defendant.

The Commonwealth requests that the Court require that the inspection and copying or photographing take place at the office of the Commonwealth's Attorney at 55 West Church Street, Martinsville, Virginia, or at some other mutually agreeable location by appointment or at any time during regular business hours.

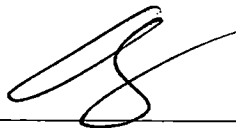
The Commonwealth moves the Court to require the Defendant not less than ten days before trial to provide reciprocal discovery in accordance with Rule 3A:11(c), namely:

- 1) The Defendant shall permit the Commonwealth, not less than ten days before the trial or sentencing, as the case may be, to inspect, copy and photograph any written reports of autopsy examinations, ballistic tests, fingerprint, 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, and
- 2) The Defendant shall disclose whether he or she intends to introduce evidence to establish an alibi and, if so, the Defendant shall disclose the place at which he or she claims to have been at the time of the commission of the alleged offense, and
- 3) If the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to

inspect, copy or photograph any written reports of any physical or mental examination of the Defendant made in connection with this particular case.

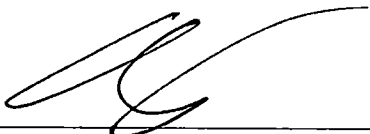
Respectfully moved,

COMMONWEALTH OF VIRGINIA

By:   
Asst. Commonwealth's Attorney  
City of Martinsville, Virginia

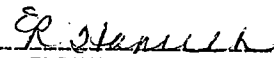
CERTIFICATE

I hereby certify that a copy of the foregoing response was faxed/mailed/delivered to the Office of the Public Defender, P.O. Drawer 31, Martinsville, VA 24114 in the above styled case, on this the 3<sup>rd</sup> day of April, 2020.

  
Asst. Commonwealth's Attorney

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

DATE: 04/22/2020 @14:04:01

TESTE:   
CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____	)	
	)	
<b>COMMONWEALTH OF VIRGINIA,</b>	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b>	)	<b>Civil Action No. CL20000089-00</b>
	)	<b>Civil Action No. CL19000331-00</b>
<b>v.</b>	)	
	)	
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant,</b>	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	

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**First Amendment protected Opinion: [CORRUPTION][SLAVERY]**  
**DRAIN THE SWAMP...** Martinsville is advocating slavery against the disabled.



91	04/10/2020	ORDER	TTM	GCG	DENIED MOT DISQUALIFY GCG
86	04/10/2020	ORDER	TTM	GCG	DENIED MOT WAIVE FEES
85	04/10/2020	ORDER	TTM	GCG	DENIED DEF WRIT ERROR CV

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Respectfully filed with the Circuit Court of Martinsville, this the 10th day of May, 2020.

Signed,

Brian D. Hill  
*Signed*



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

*Pro Se Appellant*



**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of May, 2020, I caused this “NOTICE OF APPEAL” to be transmitted by facsimile (fax machine) to the Clerk’s Office of the Martinsville Circuit Court and by facsimile (fax machine) to the Commonwealth of Virginia through the Commonwealth Attorney’s Office of Martinsville (Fax #276-403-5478) and will attach proof of service (*Transmission ticket receipt for proof of transmission*) which shall satisfy proof of service:

Glen Andrew Hall, Esq.  
Martinsville Commonwealth's Attorney's Office  
55 West Church Street  
Martinsville, Virginia 24112  
(276) 403-5470  
*Counsel for Plaintiff*

Signed,

Brian D. Hill  
*Signed*



**U.S.W.G.O.**

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



*Pro Se Appellant*





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Date: 5/10/2020 Time: 11:05:14 PM  
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 File description: Notice of Appeal to Giles Carter Greer on May 10th(1)Signed.pdf Resolution: 200\*200 dpi  
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 Rate: 14400 bps

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

DATE: 05/11/2020 @09:37:56 *by fax*

TESTE: *ER Olanillo*  
 CLERK/DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

_____ )	)	
<b>COMMONWEALTH OF VIRGINIA,</b> )	)	<b>Criminal Action No. CR19000009-00</b>
<b>Plaintiff,</b> )	)	<b>Civil Action No. CL20000089-00</b>
)	)	<b>Civil Action No. CL19000331-00</b>
v. )	)	
)	)	
<b>BRIAN DAVID HILL,</b> )	)	
<b>Defendant,</b> )	)	
)	)	
_____ )	)	

**NOTICE OF APPEAL**

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**First Amendment protected Opinion: [CORRUPTION][SLAVERY]**  
**DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.**



5/10/2020

11:19:26 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/ 1

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

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

Date: 5/10/2020
Number of pages: 5
Attn.: Hon. Ashby R. Pritchett or any authorized Deputy Clerk
Recipient's number: T1-276-403-5232
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File description: Notice of Appeal to Giles Carter Greer on May 10th(1)Signed\_w\_T
Recipient's Fax ID:
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MARTINSVILLE CIRCUIT COURT

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TESTE: ER Stanish
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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY/TOWN OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff,

v.

BRIAN DAVID HILL,
Defendant,

Criminal Action No. CR19000009-00
Civil Action No. CL20000089-00
Civil Action No. CL19000331-00

NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given to the Circuit Court of Martinsville that Defendant Brian David Hill ("Brian D. Hill", "Hill", "Brian", "Defendant") in the above named case,\* hereby appeal to the Court of Appeals Virginia from the final judgment (See Order, Date: 04/10/2020, Type: ORDER, Party: TTM, Judge: GCG, Remarks: DENIED MOT WAIVE FEES) denying Brian D. Hill's "Motion for Waiving Legal Fees or Not Enforcing Them" entered in this action on the 10th day of April, 2020. As it was faxed to the Clerk's office on exactly the 30th day after the order, it should suffice as being timely filed. Brian hopes.

\*Appeltee in the case would be the Commonwealth Attorney of Martinsville, Virginia, Glen Andrew Hall, Esq. Accidentally said Appellant in other Notice of Appeal. Clerical mistake.

First Amendment protected Opinion: [CORRUPTION][SLAVERY]

DRAIN THE SWAMP... Martinsville is advocating slavery against the disabled.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

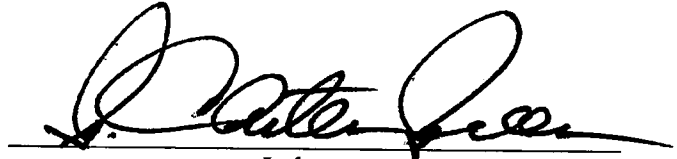
v.

ORDER  
Case No. CR19000009-00

BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Writ of Error Coram Vobis, it  
is ORDERED that said motion is hereby DENIED.

ENTER: This 10<sup>th</sup> day of April, 2020.



Judge

Endorsement is dispensed with – Rule 1:13