

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**

**JOINT APPENDIX
VOLUME IV OF VI
(Pages 1 – 336)**

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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COURT OF APPEALS OF V.A.

Case No.: 1294-20-3

HILL, BRIAN DAVID

vs.

COMMONWEALTH OF VIRGINIA

HILL, BRIAN DAVID v. COMMONWEALTH OF VIRGINIA

1294-20-3

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In The
Court of Appeals of Virginia

RECORD NO. 0129-20-3

BRIAN DAVID HILL,
Appellant,

v.

COMMONWEALTH OF VIRGINIA
Appellee.

From the Circuit Court for the City of Martinsville
Case No. CR19000009-00

UNOPPOSED MOTION FOR DELAYED APPEAL

Pursuant to Virginia Code § 19.2-321.1, appellant Brian David Hill respectfully moves this Court for a delayed appeal in the above-captioned case. In support of this motion, Mr. Hill offers the following:

1. By order entered November 18, 2019, the Circuit Court of the City of Martinsville convicted Mr. Hill of misdemeanor indecent exposure. (R. 433). Mr. Hill, acting pro se, timely filed a notice of appeal to this Court challenging his conviction. (R. 465-66). On February 5, 2020, Mr. Hill requested that this Court

appoint new counsel to represent him in this appeal and a related matter, Record No. 0128-20-3.

2. By orders entered April 16, 2020, this Court granted Mr. Hill's motions requesting the appointment of new counsel in both appeals mentioned above, appointing undersigned counsel. Those orders set a deadline of May 26, 2020 for the filing of petitions for appeal in both cases.

3. Undersigned counsel filed unopposed motions in both cases on May 26, 2020, requesting a fourteen-day extension of time within which to file his petitions for appeal. By orders entered June 8, 2020, this Court granted a thirty-day extension in each case, or until June 25, 2020, within which to file each respective petition for appeal.

4. By inadvertence, undersigned counsel entered the new due dates into his calendar incorrectly. Instead of marking June 25, undersigned counsel marked the due date for both petitions on June 30, 2020. An addendum is attached to this motion containing an affidavit executed by undersigned counsel verifying this series of circumstances under oath.

5. Undersigned counsel did not realize his error until June 29, 2020, at which point the deadline had passed in both cases. As noted in the extension orders entered June 8, 2020, this Court is "not authorized to grant more than a 30-day extension of time to file the petition for appeal from the original due date for filing

such petition,” so there was no way to cure the error at the time of its discovery by counsel.

6. By orders entered July 31, 2020, this Court dismissed both appeals, noting that “[n]o petition for appeal ha[d] been filed” in either case.

7. Mr. Hill now moves this Court pursuant to Code § 19.2-321.1 for a delayed appeal from the trial court’s order entered November 18, 2019.

8. This motion is timely because it has been less than six months since Mr. Hill’s appeal was dismissed. *See* Code § 19.2-321.1(A).

9. This case satisfies the requirements for eligibility for a delayed appeal because “due to the error . . . of counsel representing the appellant,” Mr. Hill’s appeal was “dismissed for failure to adhere to proper . . . time limits in the perfection of the appeal.” Code § 19.2-321.1(A). Moreover, Mr. Hill is in no way responsible, in whole or in part, for undersigned counsel’s error. *See* Code § 19.2-321.1(D).

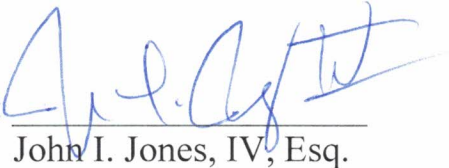
10. Pursuant to Rule 5A:2(a)(1), Mr. Hill, through counsel, contacted the Commonwealth on October 7, 2020, notifying the Commonwealth that he intended to file this Motion and inquiring whether the Commonwealth intended to file a response. Counsel for the Commonwealth responded that the Commonwealth does not oppose Mr. Hill’s motion and does not intend to file a response.

WHEREFORE, Mr. Hill prays this Court to grant his motion for a delayed appeal pursuant to Code § 19.2-321.1.

Respectfully submitted,

BRIAN DAVID HILL,
Appellee.


By:



John I. Jones, IV, Esq.
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, Virginia 23832
Tel: (804) 263-7130
Fax: (804) 717-5677
jones@johnjoneslawplc.com
Counsel for the Appellant

CERTIFICATE OF SERVICE

On October 7, 2020, a copy of this Motion For Delayed Appeal was emailed to Andrew Hall, Commonwealth's Attorney for the City of Martinsville, at AHall@ci.martinsville.va.us.



John I. Jones, IV, Esq.
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, Virginia 23832
Tel: (804) 263-7130
Fax: (804) 717-5677
jones@johnjoneslawplc.com
Counsel for the Appellant

EXHIBIT A

In The
Court of Appeals of Virginia

RECORD NOS. 0128-20-3 & 0129-20-3

**BRIAN DAVID HILL,
Appellant,**

v.

**COMMONWEALTH OF VIRGINIA,
Appellee.**

From the Circuit Court for the City of Martinsville
Case No. CR19000009-00

AFFIDAVIT IN SUPPORT OF
MOTION FOR DELAYED APPEAL

John I. Jones, IV, Esq., on oath deposes and states:

1. I am an attorney licensed to practice law in the Commonwealth of Virginia. I am the principal and sole employee of John Jones Law, PLC, with an office at 9520 Iron Bridge Road, Suite 204, Chesterfield, Virginia 23832.

2. On April 16, 2020, I accepted a prospective appointment to represent Brian David Hill in connection with two appeals already pending in this Court, in Record Nos. 0128-20-3 and 0129-20-3. On the same date, I was formally appointed

to represent Mr. Hill. The Court's orders appointing me provided that the petitions for appeal were both due to be filed by May 26, 2020.

3. On May 26, 2020, I filed unopposed motions for fourteen-day extensions of time in both cases, citing workload, a family emergency requiring travel to Missouri, and complications due to COVID-19.

4. By orders entered June 8, 2020, this Court granted my requests for extensions in both cases, graciously granting me thirty-day extensions. Both orders recited that my new due date to file both petitions was June 25, 2020, and further advised me that the Court was not authorized to grant any additional extensions.

5. By inadvertence, I erroneously marked the due dates in my calendar as June 30, 2020, rather than June 25.

6. I did not discover my error until June 29, 2020, at which point there was no way to avoid dismissal for failure to perfect Mr. Hill's appeals.

7. By orders entered July 31, 2020, this Court dismissed Mr. Hill's appeals in both cases.

8. Mr. Hill bears no personal responsibility for my error in not timely filing petitions for appeal in either case. The responsibility lies entirely with me.

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

John I. Jones, IV, Esq.
Virginia State Bar No. 89300

Dated: October 6, 2020

**COMMONWEALTH OF VIRGINIA,
COUNTY OF CHESTERFIELD; to-wit:**

I, the undersigned, a Notary Public in and for the State of Virginia, do certify John Ira Jones, IV, whose name is signed to the writing above, has acknowledged the same before me in the jurisdiction aforesaid. In addition, John Ira Jones, IV, either is personally known to me or has produced appropriate identification.

Given under my hand and notarial seal this 6th day of October, 2020.

My commission expires: 03-31-2023
Notary Registration Number: 758 8072



Michael Escalera

From: John Vollino
Sent: Tuesday, October 13, 2020 9:42 AM
To: Michael Escalera
Subject: FW: Brian Hill v. CW, Record Nos. 0128-20-3 & 0129-20-3

Please post this to both these cases. thx

From: John Jones <jones@johnjoneslawplc.com>
Sent: Friday, October 9, 2020 8:57 PM
To: John Vollino <jvollino@vacourts.gov>
Subject: Brian Hill v. CW, Record Nos. 0128-20-3 & 0129-20-3

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

John,

Pursuant to our phone conversation earlier today, Mr. Hill has been consulted regarding my delayed appeal motions and concurs with my filing of them.

Thanks,

John Jones

--

John Jones Law, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, VA 23832
phone: (804) 263-7130
fax: (804) 717-5677

Court of Appeals of VA _2

From: Court of Appeals of VA _2
Sent: Wednesday, October 28, 2020 2:55 PM
To: John I. Jones IV (jones@johnjoneslawplc.com); 'Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)'
Cc: Ashby Pritchett
Subject: Brian David Hill v. Commonwealth of Virginia; motions for delayed appeal
Attachments: Hill, Brian David 102820 order awarding delayed appeal-0128-20-3.pdf; Hill, Brian David 102820 order awarding delayed appeal-0129-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Counsel:

Attached are this Court's orders entered today in the above-referenced matters.

(also sent by USPS to Hon. Ashby Pritchett, Clerk, Circuit Court of the City of Martinsville).

Pursuant to this Court's order of March 18, 2020, all litigants are encouraged to file all pleadings, letters, briefs, etc. electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial Website at http://www.vacourts.gov/news/items/covid_19.pdf. Just scroll down to the second page where the Court of Appeals of Virginia information is displayed. Also, the Court is in a position to accept debit and credit card payments for the filing fee. Please contact the clerk's office at 804-786-5651 to make such payment.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219

VIRGINIA:

In the Court of Appeals of Virginia on Wednesday the 28th day of October, 2020.

Brian David Hill, Petitioner,
against
Commonwealth of Virginia, Respondent.

From the Circuit Court of the City of Martinsville

Upon consideration of the motion of Brian David Hill, and receiving no objection thereto from the Commonwealth, leave is granted Brian David Hill to file a replacement notice of appeal from the judgment rendered against him by the Circuit Court of the City of Martinsville on November 25, 2019, upon a conviction of misdemeanor indecent exposure (Circuit Court No. CR19000009-00).

All computations of time as required by the Rules of Court and applicable statutes shall commence on the date of entry of this order or, if Hill is entitled to appointed counsel upon this appeal, from the date of entry of the trial court’s order appointing counsel, whichever date shall be later.

This order shall be certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:


Deputy Clerk

FILE COPY

RECEIVED
CLERK'S OFFICE
NOV 16 2020
COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

JS

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,

v.

CASE NO. CR19000009-00

BRIAN DAVID HILL,

Defendant.

1294-20-3

NOTICE OF APPEAL

Brian David Hill, appellant pro se, hereby appeals to the Court of Appeals of Virginia from this Court's denial, by order entered November 25, 2019, of Mr. Hill's motion to vacate fraudulent begotten judgment in the above-captioned case.

Mr. Hill also requests appointment of counsel for this appeal, forgives John Jones of his earlier mistake, and asks the Court of Appeals or Circuit Court to appoint John Jones, John Jones Law, PLC, 9520 Iron Bridge Road, Suite 204, Chesterfield, VA 23832, as counsel of record.

A transcript of the testimony and other incidents of the case will be filed. This Notice of Appeal is filed pursuant to the Court of Appeals of Virginia's order entered October 28, 2020, granting Mr. Hill a delayed appeal in this matter.

Respectfully submitted,

Brian David Hill, Appellant pro se

Brian D. Hill
signed

Brian David Hill
310 Forest Street, Apt. 2
Martinsville, VA 24112
Phone: (276) 790-3505
Appellant pro se

CERTIFICATE

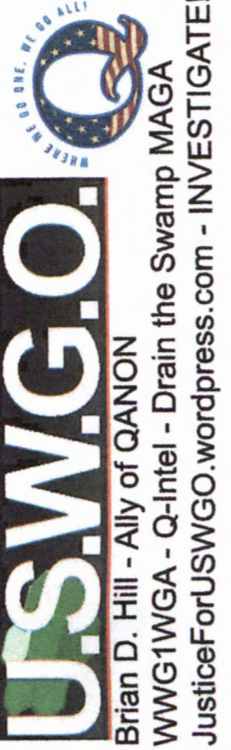
The undersigned certifies as follows:

- (1) The name and address of appellant is:
Brian David Hill
310 Forest Street, Apt. 2
Martinsville, VA 24112
Phone: (276) 790-3505
- (2) Appellant is not represented by counsel at this time.
- (3) The name of appellee is:
Commonwealth of Virginia
- (4) The name, address, and telephone number of counsel for appellee is:
G. Andrew Hall
Martinsville Commonwealth's Attorney
55 W. Church Street
Martinsville, VA 24112
(276) 403-5470
- (5) The appellant has caused to be ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).
- (6) The appellant has requested the appointment of counsel.
- (7) A copy of this Notice of Appeal has been mailed to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and to the Clerk of the Court of Appeals of Virginia, all on November 12, 2020.

Brian D. Hill
signed

Brian David Hill
Appellant pro se

Ally of QAnon
JusticeForUSWGO.NL/Pardon
JusticeForUSWGO.wordpress.com
Arrest Glen Andrew Hall for his crimes!!!!



U.S.W.G.O.

Brian D. Hill - Ally of QAnon
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

WWG1WGA - Q-Intel Dr...
Awamp MAGA - INVESTIG...
Justice for USW10 wor/jp



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Clerk of the Court - Cynthia L. McCoy
Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219-2321



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COURT OF APPEALS OF VIRGINIA

CHIEF JUDGE

MARLA GRAFF DECKER

JUDGES

ROBERT J. HUMPHREYS

WILLIAM G. PETTY

RANDOLPH A. BEALES

GLEN A. HUFF

MARY GRACE O'BRIEN

WESLEY G. RUSSELL, JR.

RICHARD Y. ATLEE, JR.

MARY B. MALVEAUX

CLIFFORD L. ATHEY, JR.



109 NORTH EIGHTH STREET
RICHMOND, VIRGINIA 23219-2321
(804) 371-8428 (V/TDD)

SENIOR JUDGES

ROSEMARIE ANNUNZIATA

JEAN HARRISON CLEMENTS

JAMES W. HALEY, JR.

ROBERT P. FRANK

CLERK

CYNTHIA L. MCCOY

REPORTERS

RONALD J. BACIGAL

DAVID H. SPRATT

CHIEF STAFF ATTORNEY

ALICE T. ARMSTRONG

November 17, 2020

Mr. Brian David Hill
310 Forest Street, Apt. 2
Martinsville, Virginia 24112

Re: Brian David Hill v. Commonwealth of Virginia, et al.

Record No. 1294-20-3 (appeal of November 25, 2019 order)

Dear Mr. Hill:

The notice of appeal in the above-referenced case was received in this office on November 16, 2020 without the required \$50.00 filing fee. Pursuant to Rule 5A:6(c) and the voicemail message I left for you earlier today, the fee, or proper evidence that you are exempt from the payment of such, must be **received in this office** by the close of business on November 30, 2020 in order for the notice to be filed. The Court accepts cash, checks, money orders, and credit cards. If you wish to pay the fee by credit card, please contact us at 804-786-5651. An *in forma pauperis* affidavit (see enclosed) may be submitted by email to cavbriefs@vacourts.gov, by fax to 804-371-4189, by transmission through VACES, by mail, or by hand delivery to the Court's drop box.

Rule 5A:6(c) provides that "if the fee is not received within such time, the appeal will be dismissed."

If you wish to request an extension of time to submit the filing fee, you should immediately file such a motion, setting forth the reasons for your request.

Sincerely,


Justin Shelton
Deputy Clerk

Enclosure

C: Commonwealth's Attorney for the City of Martinsville
John I. Jones, IV, Esq.

I hereby declare under the penalty of perjury that the above information is true and correct.

Signature of Petitioner

Certificate of Service

I hereby certify that a true and exact copy of the foregoing affidavit was mailed to:

Martinsville Commonwealth's Attorney Office
PO Box 1311
Martinsville, VA 24114
Email: ahall@ci.martinsville.va.us

on the _____ day of _____, 2020.
(date) (month)

Signature of Petitioner

Justin E. Shelton

From: Court of Appeals of VA _6
Sent: Tuesday, November 17, 2020 12:39 PM
To: 'Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)'; John Jones
Subject: Record # 1294 - 20 - 3 BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, ET AL.
Attachments: letter 111720 fee 1294-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Attached, please find a letter issued today to the appellant in the above-referenced matter.

Justin Shelton, Deputy Clerk
Court of Appeals of Virginia
main: (804) 786-5651

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.



11/20/2020 1:28:42 PM

From: Brian David Hill

Fax ID: 276-790-3505

Page 1/7

Attn.: Clerk of the Court

To: Court of Appeals of Virginia

FAX

FILE COPY

RECEIVED
CLERK'S OFFICE
NOV 20 2020
COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

Record # 1294-20-3 BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, ET AL.

RS

AFFIDAVIT OF INDIGENCE
(VERIFIED PURSUANT TO CODE § 8.01-4.3)

NO FEE

NAME: Brian David Hill

ADDRESS: 310 Forest Street, Apt. 2, Martinsville, VA 24112

OCCUPATION: *Unemployed, Disabled, Never employed*

HOUSEHOLD SIZE (TOTAL NUMBER OF PERSONS
RESIDING IN THE HOME THAT YOU HAVE FINANCIAL
RESPONSIBILITY FOR, INCLUDING YOURSELF): *1*

NET MONTHLY INCOME: *\$783 SSI Disability assignment of benefits*

NET MONTHLY INCOME OF SPOUSE: *N/A*

NET MONTHLY INCOME OF EMPLOYED DEPENDENTS: *N/A*

AMOUNT ON DEPOSIT IN BANKS: *Amount deposited by Social Security*

VALUE OF EQUITY IN REAL ESTATE: *0*

INCOME PRODUCED BY REAL ESTATE: *0*

OTHER INCOME: *0*

VALUE OF PERSONAL PROPERTY: *Used furniture and copies of legal papers*

MAKE, MODEL, AND YEAR OF CARS OWNED: *No Car owned aren't worth much*

VALUE OF INTEREST IN OTHER PROPERTY: *0*

APPROXIMATE INDEBTEDNESS:	AMOUNT	LENDER
<i>Commonwealth of Virginia</i>	<i>unknown</i>	
<i>See Attached Federal IFP Affidavit for details</i>		



I hereby declare under the penalty of perjury that the above information is true and correct.

Signature of Petitioner Brian D. Hill
Signed

Certificate of Service

I hereby certify that a true and exact copy of the foregoing affidavit was mailed to:

Martinsville Commonwealth's Attorney Office
PO Box 1311
Martinsville, VA 24114
Email: ahall@ci.martinsville.va.us

on the 20th day of November, 2020.
(date) (month)

Signature of Petitioner Brian D. Hill
Signed

U.S.W.G.O.
Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

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



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

UNITED STATES DISTRICT COURT

for the
Western District of Virginia

United States of America)

Plaintiff/Petitioner)

v.)

Brian David Hill)

Defendant/Respondent)

Criminal Action No. 4:20-cr-00027

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Long Form)

Affidavit in Support of the Application	Instructions
<p>I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested. I declare under penalty of perjury that the information below is true and understand that a false statement may result in a dismissal of my claims.</p> <p>Signed: <u>Brian D Hill</u> <i>signed</i></p>	<p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: <u>11/20/2020</u></p>

- For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly income amount during the past 12 months		Income amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Self-employment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Income from real property (such as rental income)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Interest and dividends	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Gifts	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Alimony	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Child support	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00



To: Court of Appeals of Virginia

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Disability (such as social security, insurance payments)	\$ 783.00	\$ 0.00	\$ 783.00	\$ 0.00
Unemployment payments	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Public-assistance (such as welfare)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Other (specify):	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Total monthly income:	\$ 783.00	\$ 0.00	\$ 783.00	\$ 0.00

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Never worked a job	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Have no spouse	N/A	N/A	\$ 0.00
Never married	N/A	N/A	\$ 0.00
N/A	N/A	N/A	\$ 0.00

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
First Horizon Bank	Essential Checking for SSI	\$ Anywhere between \$50 to \$100 to keep minimal balance	\$ N/A
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.



AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Assets owned by you or your spouse	
Home (Value)	\$ 0.00
Other real estate (Value)	\$ 0.00
Motor vehicle #1 (Value)	\$ 0.00
Make and year: Own no vehicle, N/A	
Model: Own no vehicle, N/A	
Registration #: Own no vehicle, N/A	
Motor vehicle #2 (Value)	\$ 0.00
Make and year: Own no vehicle, N/A	
Model: Own no vehicle, N/A	
Registration #: Own no vehicle, N/A	
Other assets (Value)	\$ 0.00
Other assets (Value)	\$ 0.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	\$ 0.00	\$
N/A	\$ 0.00	\$
N/A	\$ 0.00	\$

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age
N/A	N/A	
N/A	N/A	
N/A	N/A	



To: Court of Appeals of Virginia

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment <i>(including lot rented for mobile home)</i> Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 500.00	\$ 0.00
Utilities <i>(electricity, heating fuel, water, sewer, and telephone)</i>	\$ 0.00	\$
Home maintenance <i>(repairs and upkeep)</i>	\$ 0.00	\$
Food	\$ 100.00	\$
Clothing	\$ 50.00	\$
Laundry and dry-cleaning	\$ 20.00	\$
Medical and dental expenses	\$ 20.00	\$
Transportation <i>(not including motor vehicle payments)</i>	\$ 0.00	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 20.00	\$
Insurance <i>(not deducted from wages or included in mortgage payments)</i>		
Homeowner's or renter's:	\$	\$
Life:	\$ 0.00	\$
Health:	\$ 0.00	\$
Motor vehicle:	\$ 0.00	\$
Other:	\$ 0.00	\$
Taxes <i>(not deducted from wages or included in mortgage payments) (specify):</i>	\$ 0.00	\$
Installment payments		
Motor vehicle:	\$ 0.00	\$
Credit card <i>(name):</i>	\$ 0.00	\$
Department store <i>(name):</i>	\$ 0.00	\$
Other:	\$ 0.00	\$
Alimony, maintenance, and support paid to others	\$ 0.00	\$



To: Court of Appeals of Virginia

AO 239 (Rev. 01/15) Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)

Regular expenses for operation of business, profession, or farm (<i>attach detailed statement</i>)	\$ 0.00	\$
Other (<i>specify</i>): Legal expenses, case work, hygiene products	\$ 73.00	\$
Total monthly expenses:	\$ 783.00	\$ 0.00

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?
 Yes No If yes, describe on an attached sheet.
10. Have you spent — or will you be spending — any money for expenses or attorney fees in conjunction with this lawsuit? Yes No
 If yes, how much? \$ Anywhere between \$0 to \$100 if I even have that much in the month after other expenses.
11. Provide any other information that will help explain why you cannot pay the costs of these proceedings.
 Because all of my monthly Federal Disability SSI assignment of benefits income gets used up in monthly rent, then my hygiene products for my Obsessive Compulsive Disorder, small expenses for medical needs not covered by Medicaid, money for food, and legal expenses for fighting in my criminal case. The postage and paper and ink expenses can eat away at whatever money I have left in the average month.
12. Identify the city and state of your legal residence.
 Martinsville, Virginia

Your daytime phone number: (276) 790-3505

Your age: 30 Your years of schooling: I do not know as I have been educated as far as high school through Home Schooling.

RECEIVED
CLERK'S OFFICE

DEC 28 2020

COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

FILE COPY

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,

1295.20.3
1294.20.3
0057.20.3
0578.20.3

ORDER

Case No. CR19000009-00

v.

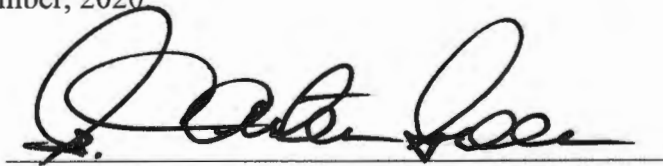
BRIAN DAVID HILL

It appearing to the Court that the defendant has appealed his convictions, and that the Court of Appeals has ordered this Court to appoint counsel to represent the defendant, it is accordingly

ORDERED that John Jones be and he is hereby appointed to represent the above-named defendant on the above case pending in the Court of Appeals.

The Clerk of this Court is directed to mail or deliver a copy of this Order to the Commonwealth's Attorney, John Jones, and the Clerk of the Virginia Court of Appeals.

ENTER this 14th day of December, 2020



Judge

Endorsement of Counsel is dispensed with – Rule 1:13

TWENTY-FIRST
JUDICIAL CIRCUIT
OF VIRGINIA

A Cop: _____
Teste Ashley P. Fritchett, Clerk
By: [Signature], Deputy Clerk

...e Ashby R. Fritchett, Clerk
Martinsville Circuit Court Clerk's Office
P. O. Box 1206
Martinsville, Virginia 24114-1

NEOPOST FIRST-CLASS MAIL
12/21/2020 PRSRT
US POSTAGE \$000.46⁰



ZIP 24112
041M11290682

Cynthia L. McCoy
Clerk, Court of Appeals
109 North 8th Street
Richmond, Virginia 23219

RECEIVED
CLERK'S OFFICE
DEC 28 2020
COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

KBELSMP 23219



From: Court of Appeals of VA _5
Sent: Thursday, March 4, 2021 2:59 PM
To: John I. Jones IV (jones@johnjoneslawplc.com); Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)
Subject: Brian David Hill v. Commonwealth of Virginia; Record No. 1294-20-3 (11/25/2019 Order); Acknowledgment of Receipt of the Record



COURT OF APPEALS OF VIRGINIA

This is to notify you that the record of the proceedings in this case in the trial court was received in the clerk's office of the Court of Appeals of Virginia on February 26, 2021. Because this office failed to promptly notify counsel of the receipt of the record, the 40-day time period for filing the petition for appeal in the case shall commence from **March 4, 2021**.

The rules of practice before the Court of Appeals of Virginia are found in the Rules of the Supreme Court of Virginia at Part 5A, published as volume 11, Code of Virginia Annotated. **(The Rules of Court may be found here: <http://www.vacourts.gov/courts/scv/rulesofcourt.pdf>)** Under those rules, the date on which the record is received at this Court is used to establish the beginning of important periods allowed for the filing of further documents and pleadings. In particular:

1. In appeals by petition, the petition for an appeal is due no later than 40 days after the date on which the record is received by the Court of Appeals. [Va. Code § 17.1-408](#); Rule 5A:12(a).
2. In appeals of right, the time for filing the designation of the contents to be included in the appendix runs from this date, Rule 5A:25(b), and the appendix and opening brief of the appellant are due no later than 40 days after the record is received by the Court of Appeals, Rule 5A:19(b)(1).

Please consult Part 5A of the Rules for information on filing times and other requirements. Failure to comply with the rules may result in various sanctions, including dismissal of the appeal.

Pursuant to this Court's order of March 18, 2020, all litigants are encouraged to file all pleadings, letters, briefs, etc. electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial Website at http://www.vacourts.gov/news/items/covid_19.pdf. Just scroll down to the second page where the Court of Appeals of Virginia information is displayed. Also, the Court is in a position to accept debit and credit card payments for the filing fee. Please contact the clerk's office at 804-786-5651 to make such payment.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

CAV: Submitted on 03-15-2021 23:56:21 EDT for filing on 03-15-2021

REQUEST FOR RECORD ON APPEAL OR POSSIBLY NEW COUNSEL
LETTER TO COURT OF APPEALS OF VIRGINIA
IN THE CITY OF RICHMOND

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Monday, March 15, 2021 11:47 PM

<u>ATTN: Clerk of the Court</u> Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
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Dear Clerk of the Court, Court of Appeals of Virginia,

I have been dealing with an issue that cannot be avoided as time is running out for me to file my Petition for Appeal in both appeal cases no. 1294-20-3, 1295-20-3 in the Court of Appeals of Virginia.

For the reasons stated in this entire letter, I like to request access to the entire Record on Appeal (“ROA”). I ask that if there is a PDF file containing the ROA then please email it to my mother Roberta Hill at rbhill67@comcast.net since I am not allowed to use the internet. My mother can give me the PDF to review over while I work on the “Petition for Appeal” on a pro se basis, unless I can have a new appointment of counsel. Read the entire letter to understand why I am asking for access to my ROA instead of doing it through my appointed counsel John Ira Jones, IV. (Esq.).

The first time I had filed my timely direct appeals for my criminal case no. CR19000009-00 in the Circuit Court of the City of Martinsville, which would be CAV no. 0128-20-3 and 0129-20-3, Attorney John Ira Jones, IV, (ESQ.) was supposed to have filed a pleading to comply with the deadline that was set by this Court. He had failed to do so, the Appeals were both dismissed on July 31, 2020. Then he filed motions for delayed appeal and were granted by this Court.

Then Brian had filed a timely “Notice of Appeal” and had asked for John Ira Jones to be appointed again to give him a second chance. John Ira Jones was appointed on December 14, 2020.

The record stated that the “record received” was on February 26, 2021. According to Va. Code § 17.1-408; Rule 5A: 12(a); a Petition for Appeal must be filed within 40 days after the record is received by the Court of Appeals of Virginia. It is 40 days from February 26, 2021, to April 7, 2021. I assume that April 7, 2021 is the deadline here.

On March 13, 2021, I have text messaged my lawyer John Ira Jones at his phone number 804-263-7130, multiple times.

Here are the text messages that were copied and typed down as to what was text messaged to John Jones and what the contents of the text messages were:

Conversation with John Jones ((804) 263-7130)

[3/8/21 6:24 PM] Me: Anyways the record was received in the appeal on 02-26-2021. You the attorney of record for cases no. 1295-20-3 and 1294-20-3. What date do you have to file the brief or petition for the appeal in my cases?

[3/11/21 11:14 AM] Me: Please let me know what day and time we should discuss the appeal brief and the grounds that should be set for direct appeal.

[3/13/21 7:58 PM] Me: My mom is emailing you.

My mother also emailed John Ira Jones, IV on March 13, 2021, at his email address: jones@johnjoneslawplc.com.

She has not received a response and neither have I received a response.

I still have three weeks and a few days left to file the “Petition for Appeal” pleading with the Court. My Attorney still has time to discuss the appeal petitions to file and review over the record. Maybe there is a chance he hasn't responded yet until he reviews over the record, maybe that could be the case.

However the first time both appeals were timely filed and docketed, John Jones did not file any petitions and both appeal cases were dismissed.

Now I am seeing that since February 26, 2021, the record was received and he had not sent me any letters or text messages since that time when the clock starts running down. Already two weeks and a few days have gone by since that date was set. He had not emailed my mother either during that time period and that concerns me. It takes a lot

of time for an Attorney new to a case to review over the Record on Appeal (“ROA”) prior to discussing with his client the potential arguments and “Assignments of Error” that could be brought up in a petition, then wait for the Commonwealth Attorney to file a response, and then file a reply if the rules allow.

In the event that John Ira Jones does not contact me at all within weeks, I have two things I may have to consider:

- (1) I will have to file a “Petition for Appeal” with the Court of Appeals of Virginia on a Pro Se basis and having my mother Roberta Hill file my petition through VACES on my behalf to prevent having my timely direct appeals for my criminal case dismissed twice for not filing by the deadlines.

In that case, I will need to request with the Clerk of the Court of Appeals that I have free access to the Record on Appeal. If it can only be done electronically, then I request that my mother Roberta Hill be allowed to receive a PDF file or be allowed to get access to the digital electronic court records to the Record on Appeal from the lower Court/Tribunal. I understand that the Court Rules require that I properly cite the ROA and the specific pages or areas that have to be cited when specifying “Assignments of Error”. That is impossible without access to the ROA. I cannot afford to pay the fees for having the Circuit Court Clerk produce the entire case ROA at \$0.50 a page which could be multiple hundreds of dollars. My only source of income is Supplemental Security Income (“SSI”) pursuant to 42 U.S. Code § 407. I pay \$500 rent and that was also brought up in Financial Affidavits in me being declared In Forma Pauperis/indigent. Even all Federal Courts ever involved with a civil or criminal case concerning myself has me listed as “In Forma Pauperis”. The rest of the money goes to things I need. I cannot afford to pay hundreds of dollars to obtain my ROA to properly follow the Court Rules requiring proper citation of the ROA in a Petition for Appeal.

As a criminal defendant, I have a Constitutional right to Due Process as outlined in the Fourteenth Amendment of the U.S. Constitution and should not be deprived from it because I cannot afford it. I should not be deprived from my right to ask the Court of Appeals to review over a decision that affects my Constitutional rights guaranteed to criminal defendants over any aggrieved decisions affecting my right to life, liberty, and any property. Lack of due process can take away my liberty in an Unconstitutional manner.

The Clerk should understand from going to law school, we all have Constitutional rights, and simply being poor should not preclude a criminal defendant from his/her basic Constitutional rights such as effective assistance of counsel under the Sixth

Amendment, Due Process of Law guarantee under the Fourteenth Amendment, and all other Constitutional rights and Legal rights as enumerated by law.

So I request that, at Government expense if necessary, that I be given access to the ROA containing the record of my entire criminal case in the Circuit Court and General District Court records all at issue in the above noted Appeal case numbers. I request that I be given access to the Circuit Court records at no additional expense or as cheaply as possible. So I can be able to properly cite the ROA, and the exact page numbers and page ranges of the Record. I want to be able to properly cite the specific errors of the Circuit Court but cannot do so with access to the ROA. It would be difficult or almost impossible to simply review over the record at the Circuit Court at this time due to the severe Covid-19 restrictions. Clerks had empathized that they wish to rely more on electronic means of dealing with official court business. It would not be unreasonable for requesting access to the Record on Appeal, the record of the entire case at review in the Circuit Court in both cases. The record referring to all pleadings filed from the beginning to the end of the case including the Arrest Warrant which is the document charging the defendant with a crime and opening up the case.

If John Ira Jones refuses to communicate with Brian weeks later, then Brian has no choice but to consider filing the petition on a pro se basis to prevent the direct appeals from being dismissed again by a lawyer refusing to do his job that he was being paid to do by the Indigent Defense Commission or whatever pays the salary of court appointed lawyers.

(2) I will have to file a Motion requesting new appointment of counsel and I would also have to ask the Court of Appeals to inquire on why he would not communicate with me and why he would not even respond to my mother Roberta Hill at her email address. Could he have been threatened, blackmailed, bribed??? Questions like that need to be addressed as to why my Attorney would simply not do what he was employed to do. A lawyer is supposed to represent his/her client, not ignore his/her client. This is serious violation of Court orders and is a waste of this Court's time to disregard the deadline and not file anything at all. It is almost as a contempt of Court to simply ignore the Court's directions to file a appeal brief or petition, and if an Attorney felt that the appeal was frivolous and could not ever amount to anything at all then he/she can simply file a motion to withdraw as counsel of record with those reasons or a motion to dismiss the appeal could be appropriate action. The Attorney cannot just repeatedly refuse to file anything when he is directed to do so by the Court. Ignoring the Court is usually considered contempt. The Attorney needs to be able to communicate with his/her client. That is in accordance with the U.S. Supreme Court authority known as Strickland v.

Washington, 466 U.S. 668 (1984).

I need to address these issues right now while there is still plenty of time to review over the record and come up with good Constitutional legal arguments and Assignments of Error for my Petition for Appeal.

These issues need to be addressed now on the record of this Court.

I will also serve a copy of this pleading with John Ira Jones, again, through my mother Roberta Hill who can email him a copy of this pleading as counsel of record for the Defense aka the Appellant, myself.

As of right now, I ask the Clerk of the Court to allow me full access to the ROA, since the Circuit Court has transferred it's records electronically to the Court of Appeals of Virginia. Usually Attorneys can review over the electronic record as Officers of the Court, but since I am bound by the same strict rules as with Attorneys, I need to be able to have the same access to the Record as with an Attorney since Pro Se Filers and Attorneys are bound by the same strict Court Rules and procedures.

My mother had registered an account with VACES on my behalf as my filing representative so that I can file electronically without me using the internet myself to conduct regular and authorized court business. I am under a Supervised Release condition in the U.S. District Court not allowing me to use the internet without permission. However my mother is allowed to access the internet. So she can file my pleadings with my authorization and legal signature as my caretaker until I am allowed to use the internet again. Once I am allowed to use the internet again, then I can access that VACES account directly if it is even necessary at that period, maybe things will be resolved in the Virginia Courts by then.

So if the Clerk can allow me to have access to the Record on Appeal, I ask that it be emailed to rbhill67@comcast.net so that Roberta Hill can show me the ROA and download the Record and so I can review over the record of the case while I draft my "Petition for Appeal" and file it timely as directed to do so by the Court.

So please give me access to the record or give me a new appointment of Counsel.

Respectfully filed with the Court,
This the 15th day of March, 2021.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Appellant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON

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



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE

On March 15, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com

109 North Eighth Street, Richmond, Virginia 23219-2321	9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on March 15, 2021.	

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

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

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

REQUEST FOR TRANSCRIPTS FROM CIRCUIT COURT OF
MARTINSVILLE
LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF
RICHMOND AND CLERK OF THE CIRCUIT COURT OF
MARTINSVILLE

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Friday, March 19, 2021 02:55 PM

<u>ATTN: Clerk of the Court</u> Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
<u>ATTN: Clerk of the Court</u> <u>Hon. Ashby Pritchett</u> Circuit Court of Martinsville	apritchett@vacourts.gov 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114

Dear Clerk of the Court, Court of Appeals of Virginia and Circuit Court of Martinsville,

My lawyer John Ira Jones, IV, still has refused to communicate with me even after being given the Record on Appeal. I confirm with the Clerk that I have the records for my Appeals, to properly comply with the Rules of Court requiring me to properly cite the Errors and properly cite the Records at issue for the Appeal cases. I still have to ask the Circuit Court Clerk Ashby Pritchett who the Court of Appeals can contact at apritchett@vacourts.gov and phone number 276-403-5106 in regards to Transcripts of the Circuit Court of Martinsville.

The Circuit Court of Martinsville is a Court of Record. By Virginia law or even Federal Law in regards to criminal case proceedings, State Courts of Record are required to have transcripts of any or all criminal case hearings in the Courts of Law.

I am In Forma Pauperis, Indigent, and cannot afford to pay for the cost of the Transcript and request that it be paid for by the Commonwealth. If my lawyer has to be the one to request it, then I please ask for a Court Order from either the Circuit Court or the Court of Appeals to demand that my lawyer John Ira Jones, IV, request the

Transcripts so that it can be at Government Expense, as it is his job as an officer of the Court and as a ethical lawyer do request the Transcripts to bring up any errors that may or may not be considered reversible on Order and Remand if the Petition for Appeal is granted.

I will not let my lawyer sabotage me and my appeal. I will not let my lawyer sabotage my criminal case or my appeals. He already was caught not filing any pleading or motion with the Court of Appeals last year in two of my direct criminal appeals and both appeals were dismissed. He did the right thing and filed motions for delayed appeals and did help me with the new notices of appeal which were timely filed last year. However since then he has not communicated with me at all. Usually these things normally happen when somebody is being given some form of pressure, could be even threats or blackmail or bribery, usually in the grand scheme of political corruption that this type of stuff would happen throughout our Nation's history and I am concerned if there were any efforts to threaten the lawyer to sabotage the defense team like what they had actively done to Donald Trump's lawyers, political folks threatening his lawyers to sabotage his Impeachment hearing defense. So if John Ira Jones is being in any way, pressured in any way, threatened or blackmailed, then I ask that he admit to it if that is the case. If that is not the case then he should explain why I and my mother Roberta Hill are having to do all of the work instead of John Ira Jones, IV for these new Appeals that were timely filed. I have every right to suspect things like threats and blackmail since the revelations that came from highly credible and licensed Attorney L. Lin Wood who released statements on Twitter in January, 2021, that my family has screenshots of those Tweets in image formation and gave me those images as evidence, evidence showing that Judges and Politicians are being blackmailed with child rape and murder videotapes. I have submitted all of that evidence to the Court of Appeals through my mother Roberta Hill on March 15, 2021 in case no. 0219-21-3, in the event that I decide to file an original Writ of Mandamus to bring up the Judges and Politicians being blackmailed statements from Attorney L. Lin Wood and have him subpoenaed to determine if any Virginia Judges were affected by Judicial Criminal Blackmail concerning alleged snuff videos from the U.S. Intelligence Agencies that were obtained by a group called The Lizard Squad who gave that material allegedly to Attorney Lin Wood as per his public statements, which may have affected my State criminal case, my Writ of Habeas Corpus case, and my Petition for Writ of Error Coram Vobis. This alleged blackmail evidence statements is directly from L. Lin Wood and he is the source of this information to which I am alleging. Heck I have heard President Trump's lawyers were being given death threats to pressure them out of his cases. So I have every right to suspect that my lawyer may be given threats. I even had evidence from Attorney Susan Basko that she sent my mother Roberta Hill an email stating that they were threatening Attorney Susan Basko with planting child porn in her house and were threatening another one of my court

appointed lawyers by mentioning the name of one of my court appointed lawyers and they were using a tormail address according to Susan Basko in 2015, so I have had evidence in the past that my Federal court appointed lawyer named may have been threatened by criminal evil doers. At least one of their names was mentioned in a very nasty threatening email that Susan Basko had received and forwarded the dirty language and email address of that nasty tormail email to my mother to show us how bad things were getting in my case. Anyways enough of the blackmail and/or threat garbage that I have had to deal with since my Federal case. I have every right to suspect anything at this point until the crazy stuff is over and done with, whenever that will be. I don't even know, why I am being targeted for so long and while I keep being targeted and treated unfairly in the Court System.



Tweet



Lin Wood
@LLinWood



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

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



Lin Wood @LLinWood · Jan 4

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

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

2:17 AM · Jan 4, 2021 · Twitter for iPhone

24K Retweets **1.4K** Quote Tweets **50.9K** Likes



Tweet



Lin Wood

@LLinWood



I would never make an accusation without having reliable source for it. Stakes are too high. So I did due diligence to validate the accuracy of the shocking information I am revealing tonight. I am entirely comfortable that you are learning the truth. A truth that explains much.

3:01 AM · Jan 4, 2021 · Twitter for iPhone

36.6K Retweets **1.6K** Quote Tweets **113.5K** Likes



Sidney Maratty  @SidneyMaratty · 16h



Replying to @LLinWood

Yes, I took liability courses, doctors, lawyers have a higher duty of care. I know this I to be true normally went application came in for Liability insurance we had to get special permission from higher ups..for hockey players. I believe you I discern people. Trolls so perfec



← **Tweet**



Lin Wood
@LLinWood

⋮

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

2:22 AM · Jan 4, 2021 · Twitter for iPhone

34.7K Retweets **4.4K** Quote Tweets **75.3K** Likes

Anyways, I would like to request the Transcripts for the following hearings:

1. August 30, 2019
2. August 27, 2019
3. November 15, 2019
4. July 15, 2019
5. June 4, 2019
6. April 23, 2019
7. January 28, 2019

So I would like to request that all of those Transcripts be created and transmitted to the Court of Appeals of Virginia for both direct criminal case appeals in CAV No. 1294-20-3, 1295-20-3.

If there are no Transcripts for any of those listed hearings then why was there no Court Reporter present even though that violates Virginia Law to have no recorded

PAGE 6 OF 10

Transcript of any kind. Transcripts are necessary for criminal cases for Courts of Record to point out any Errors of Record and why the specific Errors were made by a Lower Trial Court. If a State Court of Record does not have such records of what was even said at these hearings then why has the Circuit Court not done so and why would they not comply with the basic laws to protect the rights of criminal defendants who could face conviction, imprisonment, or acquittal at the State Courts of Record?

Also I would like to know who the Court Reporters are that were present at those hearings or if there were any officials there who had made audio recordings or any recordings of those hearings? Where are their offices and contact information to request such information?

I would like to know this as soon as possible before I start typing up my "Petition for Appeal" pleadings for both cases. It is very important for my "Assignments of Error" that I know what the errors are. I cannot honestly know these Errors of the Court without the Transcripts. I have half of what I am required to have according to the Rules of the Court of Appeals, or any of the other Rules of Court.

I have the Record on Appeal, I am grateful to the Court for giving me access to the entire Record and in a format that my mother was able to provide me a copy of while I remain compliant with my Supervised Release conditions. However last year John Ira Jones told me one of the things I should ask for from the Clerk is who the Court Reporters are to attempt to get the Transcripts, and then he would go and get the Transcripts because they would be at Commonwealth expense as he said to me he is aware of how expensive they are but I would need those records to have a better chance to prevail on Appeal, as the Clerk in the CAV would normally want me to cite any Transcript records when appealing. I am aware of the Transcript requirement because of my Federal Criminal Case in 2014. Also I am aware that in Virginia the Federal Courts there also required Transcript for criminal case matters.

If you cannot provide Transcripts at Government expense to non-lawyers then please appoint me a new lawyer or order the lawyer to do his job and ask for the Transcripts or appoint me new counsel because it is clear that somebody has pressured or threatened my lawyer for him to just stop doing his job and not even communicate with me or my mother when he emailed my mother last year to give me access to his filed Motions for Delayed Appeals. I want answers NOW. I may have to inquire on more issues regarding the people involved in my case and find the answers that I seek. I have kept Lin Wood updated on my Federal situation, my family and friends contacting UnCover-DC Top Editor Tracy Beanz and getting their attention to the corruption involving my Federal and State cases. If this cannot be resolved which clearly violates



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CERTIFICATE OF SERVICE

On March 19, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address rbhill67@comcast.net with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on March 19, 2021.	

The reason why Brian David Hill must use such a representative/Assistant to serve such pleading with the Clerk on his behalf is because Brian is currently still under

the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

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



Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



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UPDATE REGARDING REQUEST FOR TRANSCRIPTS FROM CIRCUIT
COURT OF MARTINSVILLE
LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF
RICHMOND

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Tuesday, March 23, 2021 05:31 PM

<u>ATTN: Clerk of the Court</u> Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
---	---

Dear Clerk of the Court, Court of Appeals of Virginia,

I have an update from the Trial Court of Record for both appeals. I don't think there are any Transcripts at all and there was never a "Trial" in the Circuit Court because of withdrawing the appeal but not pleading guilty. It is in the Record on Appeal that I never actually plead guilty and the Judge marked that out of his Final Judgment on November 18, 2018. It is just technically withdrawing the appeal.

Anyways I was faxed the Circuit Court's response today from my letter regarding the request for Court Reporters and Transcript. Martinsville is a Municipal Court and even the Circuit Court is pretty small compared to County Circuit Courts. Only has one Judge that presides over one Courtroom. They don't seem to have any Court Reporters that I am aware of. I heard from other criminal defendants that they don't have Transcripts. So it's a common thing there as far as I was aware but I wanted to send that letter to procedurally prove to you that there was no Transcripts so that I will not have to redo my Petition for Appeal to reflect that no Transcripts exist in any of my criminal case hearings. Now you know that I have done everything I could do to be compliant with the Rules in regards to requiring the Transcripts from the Appellant for the Appeal if there is any, assuming that it is required. It was my lawyer last year that told me that I should try to get the Transcripts so I was just following his advice from last year.

Anyways it was a short letter from the Clerk saying that they already had sent everything to the Court of Appeals of Virginia and that I should get in touch with the

Court of Appeals during the Appeal instead of the Circuit Court.

So that completes my compliance with the Rules of Court on Appeal that I ask the Trial Court for any Transcripts and they apparently do not have any. I only went through hearings and never been through an actual Trial in the Circuit Court level. I cannot get any more information from the Clerk's office of the Trial Court. That is all I have.

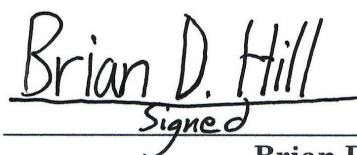
So I will soon be filing my Petition for Appeal, copy delivered to the Commonwealth Attorney's Office with a receipt paper proving that they had received the pleading. My Appeal Petition will only be based on the papers and the Record on Appeal. I do not have any Transcripts and I am unable to obtain any because the Circuit Court does not have Transcripts of every hearing like the Federal Courts do for criminal and civil cases. I heard with Virginia Law that they require recordings or Transcript for criminal Trials for purposes of Appeals. Doesn't say for every hearing.

I will make a notation in my Petition for Appeal that I had properly asked for the Transcripts, there isn't any as far as I know, and will appeal based entirely on the Record.

That is all I can do and hope you all will understand. I made the effort.

((Letter from Circuit Court/Trial Court over Request for Transcripts attached, 1 Page)))

Respectfully filed with the Court,
This the 23rd day of March, 2021.



Brian D. Hill

Brian D. Hill
Appellant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



CERTIFICATE OF SERVICE

On March 23, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address rbhill67@comcast.net with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on March 23, 2021.	

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Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

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U.S.W.G.O.

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CIRCUIT COURT CLERK'S OFFICE
City of Martinsville
POST OFFICE BOX 1206
MARTINSVILLE, VIRGINIA 24114-1206



ASHBY B. FRITCHETT, CLERK

March 22, 2021

Brian David Hill
310 Forest Street
Apartment 2
Martinsville, Virginia 24112

Dear Mr. Hill:

We are in receipt of your request for transcripts. Please be aware that regarding your appeals, we have sent everything to the Court of Appeals and any further correspondence should be sent directly to them.

Thank you for your attention in these matters.

Sincerely yours,

Martinsville Circuit Court

In The
Court of Appeals
Of Virginia

Brian David Hill,

Appellant,

v.

**Commonwealth of
Virginia, City of
Martinsville**

Appellee.

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

PETITION FOR APPEAL OF APPELLANT

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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Brian David Hill, (the “Appellant” or “Petitioner”) files this Petition for Appeal pursuant to Rule 5A:12 of the Rules of this Court, and this is the Second Direct Appeal case due to the first Appeal case (cases no. 0128-20-3, 0129-20-3) being dismissed due to lawyer John Ira Jones, IV (“Jones”), not filing any pleading or motion. Motions for delayed Appeal were filed by that lawyer for his mistakes and were granted, and the Appeals were allowed to be filed again. The appeal was timely appealed.

Since the Counsel Jones, has failed or refused to communicate with Appellant with the deadline fast approaching, Appellant had decided to file the Petition for Appeal on a pro se basis to prevent the Appeals from being dismissed again due to no filing by the deadline set by the Court.

There is no transcript as the Clerk of the Circuit Court had filed a record transmittal to the Court of Appeals of Virginia:

Citing from record: “Your record was submitted to be processed on: 01/29/2020 11:00:15” The record stated that “No transcript or statement of facts will be filed and therefore the record is being sent as is. **THIS APPEAL WAS TRANSMITTED ELECTRONICALLY**”. Petitioner had attempted to file a letter with this Court and the Lower Tribunal known as the Circuit Court of Martinsville (the “Trial Court”), asking the Trial Court to produce Transcripts of all criminal case hearings, but the Trial

Court does not seem to have any Transcripts for any of the hearings. Therefore, Appellant has done his part and will rely mainly on the Record on Appeal and the paper filings in Record for this Petition for Appeal.

The statement of the facts “statement of facts” that is in this “Petition for Appeal” to the Court of Appeals of Virginia as “II. STATEMENT OF THE FACTS” will cite the exact pages of the record in regards to the statement of the facts. Appellant is aware from the past filings of the Respondent that the Commonwealth of Virginia will disagree with the Appellant’s statement of facts and produce their own. Well Appellant will produce his truthful and factual statement of the facts that will outweigh even the Commonwealth’s statement of facts and will be proven by citing the exact areas of the record prior to the final judgment of the Trial Court. The Petitioner will show exactly from the record where the “Assignment of Errors” refers to.

**I. STATEMENT OF SUBJECT MATTER
AND APPELLATE JURISDICTION**

Brian David Hill, (the “Appellant” or “Petitioner”) petitions for being allowed to perfect the appeal from a final judgment in a criminal case that had entered a final Judgment which had denied Petitioner’s Motion to Vacate a Fraudulent Begotten Judgment (Pages 436-462), which such final judgment (Page 463) was filed on November 25, 2019, in the Circuit Court of Martinsville by the Honorable Judge Giles Carter Greer. The notice of appeal was timely filed (Page 891) on

November 12, 2020, after the Court of Appeals had granted the motion for delayed appeal after dismissing case no. 0129-20-3 for counsel not filing any pleading by the deadline that was set by Rule 5A:12(a). Appeal is authorized as timely pursuant to Virginia Code § 8.01-675.3, if the Petition for Appeal is granted by this court. Appellant will demonstrate the matters of judicial error (assignments of error) and abuses of discretion by the Trial Court that have resulted in Unconstitutional errors, defects, and evidence that was overlooked at the time of the Final Judgment by the Trial Court, constitutional issues and matters of law in the appealed case including a substantial issue for appeal concerning the denial of a constitutional right affecting the wrongful criminal case conviction or a debatable procedural ruling. Appointed Counsel Jones is failing again to properly file any pleading with the Court by the set due date and this could end up like the last dismissed Appeals, therefore Appellant proceeds pro se and had filed his initial “AFFIDAVIT OF INDIGENCE”, so Appellant requests that the Appeals Court review the Record pages cited from the case in this Petition and Appellant confirms that he has reviewed over the Record in this Appeal thanks to the Deputy Clerk.

II. STATEMENT OF THE FACTS

The Commonwealth will have their “Statement of the Facts” as is their right, but the Appellant will present its Statement of the Facts based upon evidence on the record that was not impeached and was not suppressed as evidence prior to the Final Judgment. The pages cited in the Record are with three (3) pages included which is the “TABLE OF CONTENTS” produced by the Clerk: “CAV: 02-26-2021 07:00:37 EST”. A three-page difference. So, if the page cited for example is 203, then the

Trial Court record should be 200 without the Table of Contents, but the PDF File of the Trial Court record will say 203 when it includes the Table of Contents which is 3 pages. Appellant is following the page of the entire PDF file record with the TABLE OF CONTENTS included, so the page count will be 3 pages more than the page number of the record, 3 pages off.

The facts that were presented to the Trial Court are as follows:

1. On September 21, 2018, Officer Robert Jones of Martinsville Police Department had charged Appellant Brian David Hill with the crime of Indecent Exposure under Virginia Code § 18.2-387. See pg. 4 of 961, ARREST WARRANT. Under Page 6 the CRIMINAL COMPLAINT was filed as an Affidavit supporting the criminal charge against Appellant. It said in part of the COMPLAINT: “He was medically and psychologically cleared. He was arrested for indecent Exposure.” That was the basis for why his charge had stuck was that the Trial Court was given the impression that Brian was medically and psychologically cleared. That actually is not the facts here. Appellant had filed various pro se filings that were overlooked by the Trial Court and was never known to the General District Court on December 21, 2018, the TRIAL that was held in the General District Court where Appellant was found guilty and Appellant had timely appealed the case to the Circuit Court of Martinsville (“Trial Court”), the State Court of Record. Appellant had produced evidence to the Court and the Commonwealth Attorney proving that Appellant was not actually medically cleared but was

prematurely released by the Hospital while giving the impression that he was medically cleared. Simply releasing him from the Hospital is not enough to prove for a fact that Appellant Brian Hill was indeed medically cleared enough to have ever been put in a situation to be held culpable for the incident on September 21, 2018.

2. It is a fact on the record that Brian Hill was released from the Hospital on September 21, 2018 from 4:04AM to 5:11AM under pages 199 through 205 of 961. Appellant was not at the Hospital for a lengthy time to make a decent determination on whether Brian was in fact medically cleared or not. The Commonwealth who prosecuted the case did not know that for a fact that they filed a Motion for Reciprocal Discovery (Pages 243 through 244 of 961) after Brian's pro se filings. Commonwealth said in their responsive Discovery request pleading that they wanted any documentation of "...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." So, the Commonwealth of Virginia didn't even know for a fact themselves whether Brian was medically cleared that they asked for reciprocal discovery. If they did get the evidence, the very same Medical Record that was filed by Appellant pro se in CORRESPONDENCE, pages 199 through 205,

then they know that the Hospital had decided to refuse to conduct the Laboratory testing including alcohol levels and had just decided to release Brian to “Jail/ Police” on Page 204. The Hospital had clearly skirted their responsibility, had committed medical neglect knowing that Brian was going directly to Jail and could not contact his private physician, it was incompetence. The Medical Record also shows that they never tested his Type 1 Diabetic blood sugar when they knew he was diabetic (pg. 200). That also does not make him medically cleared when they never even tested his blood sugar level knowingly sending him out to face a Magistrate Judge for his charge of Indecent Exposure without ever checking his blood sugar. A big medical NO!-NO! on record. Also, on Page 146 of the record in the PDF file, zoom in closely at the words, “Sinus Tachycardia”, and “105bpm” which is beats per minute. A resting blood pulse should not be over 100 or is considered Tachycardia, an abnormally high heart rate. Then see Page 152, “TRANSIENT CARDIAC DYSFUNCTION IN ACUTE CARBON MONOXIDE POISONING”. That document mentions of the same term “bpm” and explains what it means. Then it also said that “First responders arrived within 30 minutes and found her to have sinus tachycardia with a heart rate of 100 beats per minute”. From the Medical Record in Page 146 of the record, it is clear that Brian had a history of Tachycardia and had similar abnormal readings multiple times at the Hospital on the day of his arrest for Indecent Exposure

after being at the Hospital for an estimated 1 hour or less there, not enough time to fully check his health to make sure that he was truly medically cleared, they did not. Around 4:09AM the “Pulse 119”, around 5:01AM “Pulse 106”. Those readings were actually worse than the “Sinus Tachycardia” reading on Page 146 of the record. So, wouldn’t Brian’s health be worse than when he was in the Hospital on “Sunday, November 18, 2017”, according to Page 144 of the record. Brian actually was Hospitalized with “Sinus Tachycardia” for having a resting blood pulse of “105” but yet on September 21, 2018, his blood pulse was actually worse than the last time he was admitted in the Hospital but they never actually did any laboratory tests when they clearly should have when considering his behavior described by police and didn’t even understood that Brian was suffering under Tachycardia and they “Discharged to Jail/Police” on 4:52AM according to their report. None of it makes any sense, they released a patient knowing that Jail has the worst Medical Care, they released him while he suffered under Tachycardia and they never checked his blood sugar knowing that was he was diabetic before they discharged him and not even giving him an hour at the Hospital. Hardly gave any time to actually give any thorough medical clearing. Then on Page 203, it said: “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.” That actually does not say

the words “cleared” from a regular medical standpoint and they could not legally say so when evidence showed that Brian had Tachycardia readings that were actually higher than Brian’s last Hospital stay in 2017. That is all in the Record prior to the final conviction of Brian David Hill for Indecent Exposure. So, it is a FACT that Brian was not medically cleared and that the Arresting Officer and his affidavit under Criminal COMPLAINT on Page 6 was wrong when the evidence had shown that Brian was not medically cleared at all. There were Laboratory tests being ordered on Page 205 of the Record. See from the Record it said that “The following items were deleted from the chart, and then 04:52 09/21/2018 04:52 Discharged to Jail/Police.” So, **they used his arrest as an excuse to cancel the Laboratory Tests and then the blood vials reportedly destroyed and evidence spoliated,** which is evidence destruction, OBSTRUCTION OF JUSTICE under 18 U.S. Code § 1519 since Appellant was on Federal Supervised Probation. The Commonwealth knew that evidence was being destroyed, evidence that would have proven that Brian was suffering under some kind of chemical or substance which would explain his psychiatric episode he had suffered while he was taking photographs of himself in the nude. Anybody in the Court who saw the photographs submitted as Exhibits from the Commonwealth can tell that he was acting as though he were on drugs or some narcotic or substance. It all makes sense. The Commonwealth can disagree with this medical

FACT all he wants to but the evidence is evidence and the FACTS are the FACTS and were never refuted. Page 286 also brought up the “Sinus Tachycardia” arguments. Then on Page 287, said “So Brian's heart beats were at extremely high or even possibly dangerous levels (high risk of a heart attack or a stroke) showing signs that something was wrong with Brian's body which can also attribute to his confusing mental state.” That was cited in Appellant’s “Motion to Request an Insanity Defense — Sanity at the time of the Offense”, Page 285. However, this fact of not being medically cleared by irrefutable Medical Records and was argued pro se by Appellant were overlooked by the Trial court and overlooked by the Defense counsel aka Appellant’s court appointed lawyers.

3. There is clearly a conflict in the Hospital psychologically clearing Brian on September 21, 2018, Page 203 of 961. Then there was another mental evaluation on Page 193, “10/24/2018 9:61 AM to 10:23”, dated October 24, 2018, prior to the Court ordered Mental Evaluator meeting with Appellant for determining Sanity in the General District Court. Said in Page 195 “Thought Content: Delusional”, medication was prescribed by Psychiatrist Dr. Conrad Daum of Piedmont Community services in Martinsville on October 24, 2018, prior to the Mental Evaluator meeting with Appellant in the SEALED report, but not by the Hospital who quickly claimed that Brian was mentally/psychologically cleared on September 21, 2018.

Said on Record Page 195: “Obsessive-compulsive disorder, unspecified”, “Autistic disorder”, “Unspecified psychosis not due to a substance or known physiological condition”, Page 196: “Generalized anxiety disorder”, and prescribed medications were for “olanzapine 2.5 mg tablet and sertraline 50 mg tablet”. So, the psychiatrist Dr. Conrad Daum thought that Brian exhibited an “unspecified psychosis” or delusional thought content at the time of mentioning of a “guy in hodie threatened to kill my mother if I didn't do what he said” “meltdown” He was arrested for walking down the street naked and charged with a probation violation.”, Page 193 of the Record. It is clear that this diagnosis conflicts with the Hospital’s claims that Brian was mentally or psychologically cleared. Commonwealth knew this when Brian filed this information pro se. However, this fact of not being medically cleared by irrefutable Medical Records were overlooked by the Trial court and overlooked by the Defense counsel aka Appellant’s court appointed lawyer.

4. The General District Court erred on December 21, 2018, in finding Appellant guilty and that was one of the reasons why Appellant had appealed to the Circuit Court (the “Trial Court”). That is because the evidence submitted by the Commonwealth failed to show that Appellant acted intentionally to make an obscene display or exposure of his person. The counsel that was court appointed should have moved to use this exact argument or any similar arguments to request dismissal

of Brian's charges including the facts that Brian was not medically cleared. Brian thought his counsel was so ineffective that he had filed a pro se "motion to dismiss" which is Page 403 through 421 but was ignored/overlooked by the Trial Court because Appellant had counsel appointed at the time and was his last pro se motion prior to his "MOTION TO WITHDRAW APPEAL", Page 422 through 433. It is clear that Appellant could have had his charge dismissed with the evidence alleged in Appellant's truthful statement of the facts from Appellant's side of the story, his filings and evidence that was never objected to by the Commonwealth. It is clear that Appellant was never factually medically cleared. It brings forth the argument that Brian never would have possibly faced a criminal charge from the Commonwealth if his health was fully medically examined. They would have found evidence of Carbon Monoxide poisoning levels (Pages 127 through 136) which would have been reported directly to Martinsville Police and the Fire Marshals of Henry County, and the Martinsville Police highly likely would never have escalated this to a charge in the General District Court. Even if it had been escalated to a criminal COMPLAINT, Brian would have had the levels of Carbon Monoxide Poisoning had the Laboratory tests been conducted and not destroyed by the Hospital (pg. 205) and blood evidence not retained by Police during a criminal case matter. It is clear that the Virginia Health Boards need to investigate and possibly sanction that Medical Doctor

for Medical Neglect by not conducting a full Medical Clearing as necessary for Appellant to have been validly charged with Indecent Exposure.

5. When Appellant had filed his Motion to Withdraw the Appeal in the Trial Court which is Pages 422 of 961 of the Record, Page 434 the Trial Court Judge only considered his “Motion to Withdraw Appeal” as exactly that, a technical withdraw **but did not consider it as a “guilty plea” in fact the Trial Court** never entered in that Brian actually plead guilty, **he did not plead guilty, it was marked out by the Judge at the time the conviction was entered.** There was no guilty plea by Appellant. Page 434 written this: “Other: DEF ~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDG GDC, PAY COURT COSTS.” Yes, Appellant is showing the true strikethrough, the Judge had stricken the words “~~CHANGED HIS PLEA TO GUILTY AND~~” with what appeared to be a black marker pen. So, the **Judge of the Trial Court did not consider that Appellant honestly decided that he was guilty because** in his Motion with Withdraw Appeal **he said that he did not waive his actual innocence or legal innocence, he did not plead guilty by any stretch of technicality.** He felt that his counsel was giving him bad advice or was ineffective. He may not have uttered the actual words “Ineffective” but did mention those words in his Page 436 “MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT”. So shortly after the final judgment, he did object to his

ineffective counsel with those technical words uttered in writing prior to the Notices of Appeal. In fact, Brian said there were some meddling or unethical interference or issues being raised by the Public Defender Office after they were relieved as counsel of record by the Trial Court. See 383 through 386 of 961. In Brian's motion to withdraw appeal he made some very concerning claims that were overlooked by the Trial Court in regards to ineffective counsel by possibly meddling over interference by former appointed counsel by claiming: Page 430: "He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at JusticeForUSWGO.wordpress.com back in June or July 2019". The Trial Court overlooked the facts that the **Public Defender Office may have interfered with any potential future counsel** whether **appointed or persuading a private attorney to represent him pro bono in some form of unspecified retaliation campaign alleged by Appellant.** Even said in his claim that "but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs." So, there was fear that Brian or his family would be targeted if "one of Brian's friends" didn't remove the blog post. So, **there was clearly some unethical behavior going on and connected with the Public Defender Office of Martinsville even**

after they had filed a motion to withdraw as counsel (Page 381), they still had some form of unethical influence which is a conflict of interest and may violate ethics. There was clear unethical behavior sounding activity going on but was also overlooked by the Trial Court. Then Brian made statements which was likely why Attorney Jones was appointed to this appeal by making statements such as “Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office”. Again, that sentence was in Page 430 of the Record file. However, this fact of dealing with unspecified unethical influence by former counsel were overlooked by the Trial Court and no evidentiary hearing was conducted over those claims.

6. It is quite clear that a lot of the Record on Appeal is of pro se pleadings in Appellant’s criminal case. In fact, a very large majority of filings were of pro se material, pro se pleadings and pro se evidence. A lot of evidence demonstrating ineffective assistance of counsel on the record.
7. The Statement of FACTS herein show factual evidence, prima facie, from the Record pages itself that the Commonwealth Attorney had defrauded the Court and misled the Court on two material facts: (1) that **Appellant Brian David Hill had no intent on September 21, 2018, to act obscene in any such way which would appeal to the prurient interest in sex but the Commonwealth Attorney still pushed for the charge and conviction in the criminal court system,** and that (2)

Appellant had not been proven to have been medically cleared which contradicts the element of the “CRIMINAL COMPLAINT” that Appellant has been “psychologically and medically cleared” and Hospital had prematurely released him without checking his entire health to determine whether Appellant had any narcotics or substances or gases in his body prior to prematurely discharging Brian from the Hospital quickly and arresting him for Indecent Exposure. The Commonwealth Attorney had allowed evidence to be destroyed and had not provided certain evidence to the Defense Counsel pursuant to past Court Orders on discovery. The Commonwealth Attorney did not provide the body-camera footage as Appellant was never shown such footage. The Commonwealth Attorney failed or refused to retain the vials of blood samples obtained by Brian Hill while he was at the Hospital on September 21, 2018. Blood samples drawn after he was found butt naked at nighttime without a sensible explanation or not making any sense, it is logical that any Law Enforcement Officer test any blood or urinalyses samples from Defendant or Suspect prior to developing the evidence alleging his guilt of any crime. **The Commonwealth Attorney and its Law Enforcement Officer witness Robert Jones of Martinsville Police Department had allowed blood samples evidence to be destroyed knowing that it may or may not have been beneficial to the Defense of Appellant.** That is the Frauds that Glen Andrew Hall, Esq. had

conducted and should be punished for that behavior. **Even if he can successfully argue that police don't have to conduct laboratory tests on anybody behaving or acting erratic at night, the Police shouldn't have stated for a fact on a CRIMINAL COMPLAINT AFFIDAVIT (Page 6)** that Appellant was medically cleared without making sure that laboratory testing was conducted while he was at the Hospital or even in the Jail. That is a factual misrepresentation and knowing falsehood of Mr. Hill's health. **Appellant was NOT medically cleared and the Commonwealth Attorney knew that** but Defense Counsel Scott Albrecht failed or refused to bring that effective defense arguments up in General District Court, and neither did he attempt to bring up a motion to dismiss with such arguments.

8. Any other STATEMENT OF FACTS, the Appellant will allow the Commonwealth Attorney for Appellees to retain and stipulate their FACTS of the Criminal Case. Appellant will let them stipulate their facts and side of the story but Appellant's FACTS under paragraphs 1-7 are of Appellant's side of the story that was never brought up by Defense Counsel but was brought up Pro Se by the Defense prior to the Final conviction (Pages 434-435) and Final Judgment (Page 463). However, if Appellant disagrees with any of the claims by the Commonwealth Attorney then he will file his respectful reply or bring up his disagreements in any Oral Argument pursuant to Rule 5A:12(g).

Anyways, there is U.S. Supreme Court case law, other case law including by the Supreme Court of Virginia, and Constitutional issues that explains why Appellant believes that the Trial Court made errors in the state case, the assignments of error are stated below:

III. ARGUMENT

i. Standard of Review

A Trial Court's decision to deny Appellant's "MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT" (Page 436) and then entered that final judgment (Page 463, ORDER - VACATE FRAUD JUDG-DENIED) is reviewed for abuse of discretion and for the Errors specified in the Assignments of Error by Petitioner in asking the Court of Appeals to grant such Petition and allow Petitioner/Appellant to perfect the Appeal in asking this Court to order a reversal of the Final Order (Page 463) and order and remand the Court for further proceedings to address the issues of "Fraud on the Court" by Officer of the Court named Glen Andrew Hall, the Commonwealth Attorney.

When reviewing the final order of denying the motion (Page 463) of Appellant without addressing any of the issues of "Fraud" by the Commonwealth Attorney, such order that was imposed by the Trial Court and its reasonableness, Appellant asks for granting of this Petition for Appeal so that this Court can review over the Final Judgment for abuses of discretion and/or by Appellant showing the Assignments of Errors, and then make an order and remand.

The issues of fraud should have been investigated by the Trial Court instead

of denying that motion since the Motion asked to vacate the final criminal conviction

order (Page 434) for the issues of fraudulent elements and also since it had stated from the record that **Appellant had not entered a plea of guilty but had simply technically withdrawn his appeal.** That order was entered on the 18th day of November, 2019.”

IV. Assignments of Error

ii. Argument

- i. The Trial Court erred by entering the Final Judgment (Page 463) as a matter of law or abused discretion in overlooking the evidence filed Pro Se which proves Fraud upon the Court by the Commonwealth Attorney. That deprived Appellant of Due Process of Law and Equal Protection under the Laws in the Fourteenth Amendment of the U.S. Constitution.**

The assignment of error was that the Trial Court had erred and/or abused its discretion in denying the Appellant’s “MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT” (Page 436 through 462) which was filed Pro Se then entering the final judgment under page 463. That is overlooking the evidence filed by Appellant throughout the case showing defects in the entire prosecution against Brian David Hill since Page 6 (CRIMINAL COMPLAINT). Evidence was clearly overlooked and should have been addressed in Appellant’s separate but accurate “MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT” as the facts could have been realized had the evidence filed on the Record not been overlooked. There should have been an evidentiary hearing to look over all of the pro se evidence filed by Appellant and sort all of this out before making a final decision on Appellant’s motion, that is the

clear error here.

Defects brought out in “II. STATEMENT OF THE FACTS” (Page 3 of Petition for Appeal), paragraphs 1 through 7. It was overlooked because Appellant had legal counsel appointed to his case from Scott Albrecht (Page 10, REQUEST FOR APPOINTMENT OF A LAWYER) to Lauren McGarry (page 381, MOTION TO WITHDRAW AS COUNSEL OF RECORD) to Matthew Clark (page 386, ORDER - APPOINTED ATTY MATT CLARK). None of the court appointed lawyers were bringing out the defects even though the defects would be obvious if anybody conducted a thorough investigation into Brian Hill’s behavior on September 21, 2018 when he had never exhibited such behavior previously, all of his medical and mental health records, and the Hospital had never conducted laboratory testing. The Commonwealth Attorney knew that the lab tests were never done and Brian said that he thought he was drugged which should have been “PROBABLE CAUSE” to require a court ordered drug testing or request that he voluntarily accept such testing at the time on September 21, 2018.

For God’s Sake, Appellant made statements in sloppy handwriting saying “...*On September 20, 2018, Thursday, some of my memories may have been blacked out...*” on “Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Page 2 of 11” (Page 94 of the record entitled “CORRESPONDENCE”) indicating that it was filed on Federal Court record on October 17, 2018, less than 1 month exactly after the incident on September 21, 2018. Then said “...*I felt like I might collapse so I may have been drugged. I had to keep sitting on benches...*” on Page 95 of the Record. Sloppy handwriting, saying he may have been drugged, writes this to the Federal Court. Then on Page 186

through 190 of the Record with the words “Exhibit 8”, shown that he had mailed multiple envelopes to the wrong address as if showing mental confusion. He was piecing together the Greensboro, NC Federal Courthouse at “324 West Market Street, Greensboro, NC 27401” and had instead written the address of “324 West Market Street, Martinsville, VA” where no Federal Courthouse even exists at that location. Making confusing writings, writing the wrong addresses with pieces of the right address, sloppy handwriting, and saying that he thought he was being drugged. The police didn’t even make heads or tails out of what Appellant was saying, just assumed he was lying or making it up. However, they never actually did a drug test, they never actually checked his diabetic blood glucose on September 21, 2018. Then on Page 191 through 197, marked as “Exhibit 9” in the Record, it said a new diagnosis had come regarding Appellant such as “(F29) Unspecified psychosis not due to a substance or known physiological condition” and so the psychiatrist Dr. Conrad Daum of Piedmont Community Services didn’t think that Appellant was lying about his claims but simply thought he was delusional and exhibited a psychosis, a forensic psychiatrist had said so from Piedmont Community Services but was ignored by both the Commonwealth Attorney and all of Appellant’s defense attorneys. That report was omitted from the SEALED forensic psychologist examination of Brian David Hill on November 19, 2018 and the report was filed on November 26, 2018, see “(SEALED) EVALUATION REPORT - PSYCHOLOGICAL EVAL-GDC” pages 64 through 70. It is clear that this Doctor did not review over any of Appellant’s extra-judicial statements written in very sloppy handwriting and filed with the Federal Court and later filed a copy of the exact

Federal Court filing with the Trial Court in his criminal case. When you see good handwriting a few months later while Appellant was locked up, See Page 23, filed November 20, 2018, Letter dated Nov. 13, 2018. In his letter written in November, 2018, around the time he was interviewed by the Mental Evaluator on November 19, 2018, he didn't make the kind of paranoid statements that he had made after his initial arrest with the very sloppy handwriting, you can tell a difference. Very sloppy hand-writing, writing the wrong addresses (pages 186-190), making very paranoid statements and saying that he had blacked out memories and thought he was drugged and yet he kept his doors unlocked. None of those statements were ever brought up with the evaluator Dr. Rebecca Loehrer (Page 17). Nothing on the Record on Appeal proves that those relevant written statements concerning his indecent exposure charge were ever reviewed for the evaluation report for the General District Court.

That sloppy handwritten pleading made extrajudicial statements that should have been brought up by the Commonwealth or defense Attorney to the mental evaluator saying “(4.) *On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not locked I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something bad would happen to me.*”, citing Page 94 of the Record on Appeal, also a copy of Federal Court filing referenced Case #1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of

11. None of that was ever reviewed by the Mental Evaluator for sanity. The evaluator

never saw any of his weird writings saying “*ON SEPTEMBER 18TH 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction.... Likely surveiling me.*”. Citing Page 94, Case #1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Page 2 of 11. Yes, so paranoia statements were made where Appellant said in writing that somebody was spying on him on his neighbor’s property in the ticket and claimed that he saw the branches move and thought he was under surveillance. So, he was making all kinds of crazy off the wall statements. It is clear that something was mentally wrong with Appellant and yet he was declared sane and competent. Again, see Pages 64 through 70, (SEALED) EVALUATION REPORT - PSYCHOLOGICAL EVAL-GDC. Didn’t even spelled the words “surveilling” properly when he written the word “*surveiling*”. His paranoid statements and saying that he thought he was drugged was right around the time that Dr. Conrad Daum had evaluated Appellant and prescribed him medications. Said in his notes “History of Present illness (HPI): Notes: local is mental, quality he agreed to zyprexa and zoloft” on Page 193, and on Page 195 he had typed down another interesting note saying “Thought Content: Delusional”. So, Appellant had exhibited both psychosis and delusional thought content. Was to be prescribed on medication after meeting with Appellant on October 24, 2018. Then around the time that evaluator Dr. Rebecca Loehrer (Pages 64 through 70) had seen Appellant, she thought he was sane and competent. That was because at that time whatever drug, narcotic, substance, or whatever had affected him would slowly lose its affects and go away. Within months he started appearing saner and more competent. The Commonwealth Attorney and Defense

Attorney had not fully complied with the Court Order on Page 17. They didn't even want her to know of the contents of Appellant's handwriting. The Commonwealth Attorney wanted him found guilty at all costs as with many prosecutors in criminal cases.

The point of this "Assignment of Error" was that the entire mental evaluation was erroneous and materials that were filed with the Trial Court were not given over to the evaluator when the dates of such filings show that the Federal Court was informed as to the insanity and crazy words being filed by Appellant a month prior to being placed on medications and performing well in being evaluated by Dr. Rebecca Loehrer. Usually anybody who was high on a drug or substance or gas would write sloppy handwriting, having paranoia and hallucinations, say claims as to being drugged and having blackouts. For there to be no laboratory testing at all and there being blood work but no lab testing and blood vials destroyed shows a huge DEFECT, ERROR, and FRAUD on the part of the Police Officer who filed the CRIMINAL COMPLAINT (Page 6) against Brian David Hill with such false claims that he was medically and psychologically cleared. He was NOT IN FACT medically and psychologically cleared, the Hospital Record and the psychiatrist Dr. Conrad Daum evaluation 1 month prior to the other SEALED mental evaluation report says different, contradictions. He should have been evaluated quickly by Dr. Rebecca Loehrer when Appellant was making off-the-wall statements and she never would have written her report the way it was written in SEALED pages 64 through 70. That's just showing the defect in the psychological evaluation of Appellant. Not even this Court of Appeals can fix such defect by simply asking for another mental evaluation because it would be years after the alleged offense

allegations. The number of errors on this element of the charge alone would be sufficient in throwing out the criminal charge against Appellant on Page 6, "CRIMINAL COMPLAINT". If Appellant was not medically cleared for a fact that the whole charge and conviction of Appellant on November 18, 2019, would be erroneous. The charge against him on September 21, 2018 would be erroneous. The General District Court conviction against him on December 21, 2018 would be erroneous.

Here is as to the medical aspect of his supposedly being medically cleared. On Page 141 which is "Exhibit 1", next Page 142 shows a January, 2019th letter from chimney expert Pete Compton on finding evidence of carbon monoxide inside of the home of Brian David Hill, months after his arrest from September, 2018. On January 30, 2019, this was discovered, 1 month after the General District Court had convicted Appellant. Then on Page 143 which is "Exhibit 2", it shown a Medical Record on Page 144 dated "Sunday, November 18, 2017". Lab tests were done around that time he was in the Emergency Room (ER) saying "Labs CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU", as shown on page 145. Then said "Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, laceration repair set up". They did all of that because of Appellant being injured in the head with blood pouring out. They actually did all of those laboratory tests and found different issues. On Page 146 they found "Sinus Tachycardia" which is a resting blood pulse over 100 beats per minute. Then on page 147 they found abnormally high lab results for certain criteria.

White Blood Cell (WBC) was at 11.6, Mean Platelet Volume (MPV) was at 10.8. So,

he had some high readings. Sounds typical for any Emergency Room visit to ensure that proper laboratory tests and drawing blood is done during any injury, right????? Then why was his injury on September 21, 2018 (Page 198 “Exhibit 10”, through Page 205) treated differently than the Medical Record on November 18, 2017?????? They threw him out of the Hospital with severe abrasions and injuries to quickly discharge him to Jail and they and/or the Police have the gull to call him medically cleared, Huh, that sounds more like a rush job and they didn’t want to test him for drugs or anything. They could have found evidence of Carbon Monoxide Poisoning levels and that would have been perfect evidence for this criminal defendant that he was suffering under Carbon Monoxide Poisoning at around the exact time he was found naked and was arrested while naked. Heck, the Police would have rather believed the Carbon Monoxide evidence over Appellant’s claims about a man wearing a hoodie. The Hospital was at clear fault and should have been sued for their misconduct and medical neglect. Also, the Police of Martinsville and the Commonwealth Attorney should also receive the blame too as they let the blood vials be thrown away even though that is criminal evidence that even involves the U.S Probation Office as Appellant was under Federal Custody during September 21, 2018, and was still actively serving his supervised release sentence (Pages 384 through 393). The Hospital never even checked his diabetic blood sugar on the record. His blood glucose affects the mood and behavior of any diabetic. The blame must be put on the Police Officer Robert Jones as well as the Commonwealth Attorney, both should be held criminally liable for Obstruction of Justice by spoliation of evidence under 18 U.S. Code § 1519. Appellant may consider filing a criminal

complaint with the U.S. Federal Bureau of Investigation over the Hospital's and Police Officer's handling of blood evidence that was pertinent to the indecent exposure allegations. The Commonwealth should be held liable too.

Anyways the pleading on Page 436 "MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT" said "*COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests that then Honorable Court move to vacate the judgment of conviction entered on November 15, 2019 and December 21, 2018, for fraud upon the court*".

Then he said in that pleading: "*Not just fraud upon the court, but the fact that this Court lacked jurisdiction to convict Brian of indecent exposure. This Court lacked jurisdiction to put Brian in a position to withdrawing appeal after Brian had filed the pro se motion to dismiss based upon his legal innocence as a matter of law. Brian never signed any papers agreeing to automatically enter in a plea of guilty and was not advised by his lawyers that withdrawing the appeal would automatically enter in a plea of guilty. Brian's lawyer did nothing to defend Brian, and that explains why Brian had filed one pro se motion after another in the Circuit Court record in this case. Deprived of equal access to the Court (equal protection under the laws), deprived of due process, deprived of effective counsel. This Court lacked jurisdiction to even accept withdrawing Brian's appeal.*". He may be right about that. The Court may have even lacked jurisdiction once Appellant had started filing Medical Records showing that he was not medically cleared. That would actually go into violating the 4th Amendment rights of Brian David Hill, arresting him without probable cause. It is a defective

element, a permanent element of his charge. If an element is defective, then this may defect the entire criminal case depending on what the defects are and how severe a defect is in a criminal complaint. All of that was already factually argued in the first Assignment of Error on Petition pages 19-32 had clearly outlined. An element such as being medically and psychologically cleared when the Hospital treated him differently when not facing an arrest. Heck you can tell a difference in the Medical Records between dates November 18, 2017 (Pages 143 through 147) and September 21, 2018 (Pages 198 “Exhibit 10”, through Page 205). They were more thorough, more responsive, and more caring on November 18, 2017, and it is the same Hospital, located at the same exact address in the city of Martinsville. When Appellant came in with abrasions, they treated him very poorly because of the police telling them about the so-called “indecent exposure” incident, almost as if to create stigmatization so that they want to throw him out and have him arrested with no laboratory results, no proof. Still the Commonwealth had violated 18 U.S. Code § 1519 criminal law for knowing that the blood vials would be valuable forensic evidence and letting the Hospital throw it away. Does the Commonwealth not think that Appellant’s federal Probation Officer wouldn’t investigate his state charge? The blood vials were destroyed and the Commonwealth knew it and the Police let it happen because they all thought that Appellant was some kind of liar or not making any sense so they must arrest him quickly from the Hospital and throw him in Jail and make sure that no blood count results can ever be obtained.

Overlooking the evidence is a serious error and issue when dealing with a

final Judgment from a Trial Court.

Look at Exhibit 6 which is Page 162. It says on the next page, “Controlling Carbon Monoxide Hazard in Aircraft” by the CDC which is the “Centers for Disease Control and Prevention”. It says “*Carbon monoxide is a colorless, odorless gas which limits the ability of the blood to carry oxygen to the tissues. Symptoms of acute CO poisoning include headaches, rapid breathing, nausea, weakness, dizziness, confusion, hallucinations, and discoloration of the lips or nail beds. If the exposure level is high, loss of consciousness may occur without other symptoms. Death may result from depression of the functions of the brain, or if there is underlying coronary artery disease, from heart attack. Because CO remains in the blood for several days, there may be a gradual increase in body levels of CO over the course of a work week. Effects of chronic exposure are not completely known.*” Dizziness and confusion, maybe that was why Appellant’s story was never believed by Martinsville Police as charged on Page 6, CRIMINAL COMPLAINT. Appellant can make confusing statements to Law Enforcement, if he was under Carbon Monoxide theoretically. That can be misbelieved by Law Enforcement as either a lie or non-believable claim. Carbon Monoxide (CO) can remain in the blood for several days. The laboratory tests could easily have picked this up and blood evidence would have proven this beyond a reasonable doubt as a defense fact for Appellant. If you noticed the CDC report, it says “*discoloration of the lips or nail beds*”. That would have been known had the Martinsville Police Department turned over the body-camera footage of September 21, 2018 regarding finding and arresting Brian David Hill for indecent exposure. The body-camera footage would have been perfect in showing the discoloration of the lips. **In fact, if you look at the photographs**

of Brian David Hill being naked in the first place that the Commonwealth Attorney introduced as evidence in the General District Court on December 21, 2018, if you use image-interpolation software from programs like PhotoZoom Pro or other tools, zoom up to Brian's lips in those photographs taken around the time of the alleged offense to determine if there is any discoloration of the lips or nail beds. The Court of Appeals of Virginia may also use that to make its own determination whether the Trial Court had erred by overlooking a lot of clear and convincing evidence that Appellant had filed in his case in the Trial Court prior to the Final Judgment and Final Conviction. If they are able to look over the nude photographs of Brian Hill, then they should see if his lips appear discolored and need to use any special photo enlarging software to see if they are able to make such determination as that may help further prove Carbon Monoxide Poisoning of Appellant.

The Commonwealth didn't even have the Medical Records here and didn't even know about any laboratory results here, that is why they filed a Motion for Reciprocal Discovery. See page 243, "RESPONSE - MOT FOR RECIPROCAL DISCOVE", and that motion from the Commonwealth Attorney had asked for "*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*". That was filed on February 6, 2019. The Commonwealth didn't even know if there was any laboratory tests or not and had filed that document at the wrong time, it should have

been filed at the time of Appellant's arrest, the blood samples should never have been spoiled/destroyed. Spoliation of evidence is also a Fraud Upon the Court because the evidence may be favorable to the adverse party.

The possibilities are endless here, many more arguments could be made but it is clear that a lot of evidence was overlooked in CORRESPONDENCE, from Pages 71 through 237. A lot of things seem wrong with his charge and the way it was being prosecuted and defended. The lack of reviewing over all of the filed pro se materials seems to violate the Due Process clause of the U.S. Constitution, Amendment XIV.

Citing Amendment XIV of United States Constitution:

“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” (citation partially omitted)

Citing Article I. Bill of Rights, Section 11. “Due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases” of Virginia Constitution:

“That no person shall be deprived of his life, liberty, or property without due process of law...” (citation partially omitted)

His liberty was taken away. He received more supervised release sentence, 9 months of Federal Imprisonment, see Pages 390 through 391. Unless he is proven to be innocent of his state charge or is acquitted in any way and cannot be convicted, Appellant

will face further deprivation of his freedom and liberty, even though it is a conditional liberty. Therefore, Appellant is still entitled to Due Process of Law in the Virginia Courts even for a misdemeanor. He is entitled to effective counsel, fair and equal access to the Judicial process, the adversarial system. State Courts must give equal protection under the law. That includes the Constitutional right to effective assistance of counsel. That includes Due Process where all evidence must be looked over and scrutinized, and not ignored or overlooked when making a final decision affecting the life, liberty, and freedom of a criminal defendant.

- ii. **The Trial Court erred by entering the Final Judgment (Page 463) as a matter of law or abused discretion in not holding an evidentiary hearing/proceeding in regards to the cumulative evidence filed Pro Se which proves Fraud upon the Court by the Commonwealth Attorney. That deprived Appellant of Due Process of Law and Equal Protection under the Laws in the Fourteenth Amendment of the U.S. Constitution.**

The assignment of error was that the Trial Court had erred and/or abused its discretion in denying the Appellant's "MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT" (Page 436 through 462) which was filed Pro Se then entering the final judgment under page 463, when the Trial Court held no evidentiary hearing/proceeding in regards to the cumulative evidence filed Pro Se which proves Fraud upon the Court by the Commonwealth Attorney.

The Appellant does not feel it is necessary to copy, paste, and reiterate all of the evidence pages of the Record on Appeal brought out in the 1st Assignment of Error.

“i. The Trial Court erred by entering the Final Judgment (Page 463) as a matter of law or abused discretion in overlooking the evidence filed Pro Se which proves Fraud upon the Court by the Commonwealth Attorney. That deprived Appellant of Due Process of Law and Equal Protection under the Laws in the Fourteenth Amendment of the U.S. Constitution.”

Also again citing “II. STATEMENT OF THE FACTS” (Page 3 of Petition for Appeal), paragraphs 1 through 7.

The Trial Court should have held an evidentiary hearing before it dispositioned the case as it had deprived Appellant of Due Process of Law.

Fuentes v. Shevin, 407 U.S. 67, 81 (1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one’s interests even if one cannot change the result. Carey v. Piphus, 435 U.S. 247, 266–67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 529 U.S. 460 (2000) (amendment of judgement to impose attorney fees and costs to sole shareholder of liable corporate structure invalid without notice or opportunity to dispute).

Mathews v. Eldridge, 424 U.S. 319, 333 (1976). “Parties whose rights are to be affected are entitled to be heard.” Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863).

Carey v. Piphus, [435 U.S. 247](#), 259 (1978). “[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.” Mathews v. Eldridge, [424 U.S. 319](#), 344 (1976).

process constitutional right.

Cheeks v. Commonwealth, 20 Va. App. 578, 582-83 (Va. Ct. App. 1995) (“In *Harris v. Deal*, 189 Va. 675, 686-87, 54 S.E.2d 161, 166 (1949), the Supreme Court stated that [n]o judicial proceeding can deprive a man of his property without giving him an opportunity to be heard in accordance with the provisions of the law, and if a judgment is rendered against him without such opportunity to be heard, it is absolutely void. A void judgment is in legal effect no judgment. By it no rights are obtained. See also *Matthews v. Commonwealth*, 216 Va. 358, 359, 218 S.E.2d 538, 540 (1975) (holding that " ' "it is well settled that a void decree or order is a nullity and may on proper application be vacated at any time." ' ") (citation omitted). Applying this principle, we find that the order of October 27, 1993, entered in the circuit court is void for lack of notice to the appellant. An important consideration in interpreting the meaning of a statute is whether it is mandatory and jurisdictional or directory and procedural. When asked to decide whether various provisions relating to juvenile transfer proceedings are jurisdictional in nature, the Supreme Court has analyzed the provisions "to determine whether they impart a substantive right to the juvenile or merely impose a procedural requirement." *Jamborsky v. Baskins*, 247 Va. 506, 509, 442 S.E.2d 636, 637 (1994). A mandatory provision in a statute is one that connotes a command and the omission of " 'which renders the proceeding to which it relates illegal and void, while a directory provision is one the observance of which is not necessary to the validity of the proceeding; and a statute may be mandatory in some respects, and directory in others.' " *Ladd v. Lamb*, 195

Va. 1031, 1035, 81 S.E.2d 756, 759 (1954) (citation omitted). See also Jamborsky, 247 Va. at 511, 442 S.E.2d at 638 (holding that the twenty-one day period in the transfer statute under former Code Sec. 16.1-269(E) is directory and procedural and not mandatory and jurisdictional). However, the denial of a transfer hearing and the opportunity to present evidence deprived the accused of a substantive right and the constitutional guarantee of due process. *Id.* at 509, 442 S.E.2d at 637.”).

There is clear and convincing evidence raising the issues that Appellant was not medically cleared by being released prematurely. Appellant had demonstrated from the Record on Appeal that there were two Hospitalizations of Appellant documented. There is a difference of treatment concerning Brian David Hill between dates November 18, 2017 (Pages 143 through 147) and September 21, 2018 (Pages 198 “Exhibit 10”, through Page 205). They were more thorough, more responsive, and more caring on November 18, 2017, and it is the same Hospital, located at the same exact address in the city of Martinsville. When Appellant came in with abrasions, they treated him very poorly because of the police telling them about the so-called “indecent exposure” incident, almost as if to create stigmatization so that they want to throw him out and have him arrested with no laboratory results. The treatments between those two dates had shown that this is not the normal Emergency Room procedure with what had happened on September 21, 2018. Both were physical injuries. Both were in the Emergency Room (ER). Yet on September 21, 2018, they were very adamant on saying that Brian was naked/nude and taking photos of himself in that Medical Record and then made multiple entries about

releasing him to “Police/Jail” acting as though Appellant deserved being arrested and Jailed immediately and shown lack of compassion. **It is medical neglect and such medical neglect destroyed evidence of the only hope of Brian David Hill being acquitted from the very beginning of any potential indecent exposure charge under Virginia Code § 18.2-387. The discharge of Appellant on September 21, 2018 is not normal typical and legally acceptable Emergency Room procedures when Police expect a thorough examination of a criminal suspect prior to releasing him to Law Enforcement custody.** They just wanted to dump him into the Jail system as quick as they could knowing that they never tested his blood, they never checked his diabetic blood glucose readings and released him with high resting blood pulse ox multiple times. He had similar issues exhibited on his visit to the Emergency Room on November 18, 2017 (Pages 143 through 147). They released a man knowing that he was not medically cleared and no laboratory testing was done.

There is clear and convincing evidence warranting an evidentiary hearing and all of that evidence should have been debated, argued, and discussed as to why Brian was not medically cleared and was arrested super quickly not giving Martinsville Police Investigators any time to do their own thorough investigation before simply deciding that Appellant was guilty and push for his charge and conviction by the Commonwealth Attorney.

It is a fraud on the court that the Commonwealth Attorney continued trying to convict Appellant of Indecent Exposure under Virginia Code § 18.2-387 under

an element that was disproven by pro se filings that Appellant was “psychologically and medically cleared” as stated on Page 6 of the CRIMINAL COMPLAINT.

It is a fraud on the court that the Commonwealth Attorney continued trying to convict Appellant of Indecent Exposure under Virginia Code § 18.2-387 under an element that was disproven by pro se filings and case law that the Commonwealth had prosecuted the Appellant in General District Court on December 21, 2018 with no evidence of intent by Appellant. The law requires evidence that **Appellant acted intentionally** to make an obscene display or exposure of his person. The Commonwealth shown no such evidence and would have likely shown no such evidence in the Trial Court either had Appellant been given effective counsel and had taken the matter to trial.

Even though the arguments are limited due to the General District Court not being a State Court of Record and not having any Transcripts, the Appellant still argues that the General District Court of Martinsville had erred on December 21, 2018 (Page 42), in finding that the evidence before it was sufficient to find that Appellant 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).

“The ‘obscenity’ element of Code § 18.2–387 may be satisfied when: (1) the

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

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 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 Va. Code § 18.2-372 by

committing the offense of indecent exposure under Virginia law, the Commonwealth 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.¹ The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed Appellant 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. (Pages 82 and 83 of CORRESPONDENCE, Pages 81 through 126 of CORRESPONDENCE, Federal Affidavits filed in Trial Court in 2019).

iii. The Trial Court erred by entering the Final Judgment (Page 463) as a matter of law or abused discretion in not recognizing that the United States Supreme Court held that all Courts have an inherit power to vacate Fraudulent Begotten Judgments if they believe that a prosecution of a criminal or civil case was based on Fraud.

The assignment of error was that the Trial Court had erred and/or abused its discretion in denying the Appellant's "MOTION TO VACATE FRAUDULENT BEGOTTEN JUDGMENT" (Page 436 through 462) which was filed Pro Se then entering the final judgment under page 463, when the U.S. Supreme Court had ruled that all Courts have inherit or implied powers to entertain a motion or writ requesting that the Court vacate a Judgment that it may believe was procured by Fraud. The Trial Court

¹ 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.

erred by not exercising its own inherent powers. Even the Supreme Court of Virginia had made rulings regarding a “court’s” inherent power to vacate a judgment or disturb a sound judgment upon later evidence surfacing showing that the judgment was procured by fraud.

See “Chambers v. Nasco, INC, 501 US 32, 115 L. ED 2d 27, 111 S Ct 2123 (1991), Courts §18 “inherent or implied powers”, as well as Courts §225. 1; Equity §47 “power to vacate fraudulent judgment”, “this Court has an inherent power to investigate a fraud upon the Court and to vacate an earlier judgment upon proof of such fraud.”

All Courts have a Constitutional and legally inheritable right to vacate any judgment it feels is later a victim of fraud on the court. They do not need to wait for Congress or the State Legislature to pass a law or rule allowing a Court to do this. Courts for decades have different rulings in different jurisdictions over the fraud upon the court case law authorities.

Harris v. Bornhorst, 513 F.3d 503, 521 (6th Cir. 2008) (“In *Demjanjuk v. Petrovsky*, [10 F.3d 338](#) (6th Cir. 1993), we held that the prosecutors, in failing to read reports in their possession that turned out to be exculpatory, “acted with reckless disregard for the truth and for the government’s obligation to take no steps that prevent an adversary from presenting his case fully and fairly.” *Id.* at 351-54. **“This was fraud on the court in the circumstances of this case where, by recklessly assuming Demjanjuk’s guilt, they failed to observe their obligation to produce exculpatory materials requested by Demjanjuk.”**”)

may use its inherent authority to impose sanctions even where Rule 11 also applies. *See also, Chambers v. NASCO, Inc.*, [501 U.S. 32, 49](#) (1991) (“[T]he inherent power of a court can be invoked even if procedural rules exist which sanction the same conduct.”))

Long v. Virginia Employment, Record No. 2123-91-2, 2 (Va. Ct. App. Jul. 20, 1993) (“In Jones, the Virginia Supreme Court differentiated between intrinsic and extrinsic fraud for purposes of determining how a judgment procured by fraud may be challenged. The Court stated that intrinsic fraud includes "perjury, forged documents, or other incidents of trial related to issues material to the judgment." [224 Va. at 607](#), [299 S.E.2d at 508](#). On the other hand, extrinsic fraud is "conduct which prevents a fair submission of the controversy to the court." Id. Essentially, Long alleges that a Glaser employee, Nancy Floyd, perjured herself before the commission. The Jones Court clearly defined perjury as intrinsic fraud. Thus, Long's allegation, if believed, constitutes intrinsic fraud.”)

Taylor v. Taylor, 159 Va. 338, (Va. 1932) (“The solution of the question lies in determining whether the plaintiff procured his judgment by fraud on the defendant and on the court, and whether the situation thereafter arising will permit, on the weighing of equities, the granting of relief.”)

Taylor v. Taylor, 159 Va. 338, (Va. 1932) (“5. JUDGMENTS AND DECREES — *Setting Aside Judgment for Fraud — Extrinsic or Collateral Frauds.* — The acts for which a court of equity will, on account of fraud, set aside or annul a judgment or decree between the same parties, rendered by a court of competent jurisdiction, relate to frauds extrinsic or collateral to the matter tried by the first court, and not to a fraud in the matter

on which the judgment or decree was rendered.”)

The Statement of the Facts, Paragraphs 1 through 5, Pages 3 through 16 of this Petition for Appeal, makes very good points of evidence and law.

CONCLUSION

Appellant asserts 3 Assignments of Error as to why Petition for Appeal should be granted for the Constitutional rights and legal errors involved.

For the foregoing reasons stated above, the Appellant urges this Court to grant this Petition for Appeal and allow the Appellant to perfect his appeal if it is so ordered by this Court in pushing for an order and remand to vacate the final order/judgment (See Page 463) denying Appellant’s motion asking to vacate the fraudulent begotten judgment in Pages 434 and 435 wrongfully convicting Appellant of Indecent Exposure on November 18, 2021 in the Trial Court.

REQUEST FOR ORAL ARGUMENT

As this appeal raises important constitutional and evidence issues which were believed overlooked, due process of law which could have broad effects on those accused of state crimes, the Appellant requests oral argument. Appellant also requests new counsel since “JOHN IRA, IV, JONES” who was appointed to represent Appellant had refused to consult Appellant and therefore requests new counsel be appointed to present oral argument.

Respectfully Filed/Submitted on March 29,
2021,

BRIAN DAVID HILL
Pro Se

A handwritten signature in black ink that reads "Brian D. Hill". Below the signature, the word "Signed" is written in a cursive script.

Brian D. Hill

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





CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 29th day of March, 2021, I caused this “PETITION FOR APPEAL OF APPELLANT” to be printed then hand delivered to the Commonwealth of Virginia and City of Martinsville through the Commonwealth Attorney’s Office of Martinsville City and the original was filed with the Clerk of the Court of Appeals of Virginia by Virginia Court eFiling system (VACES) through Assistant/Filing-Representative Roberta Hill which shall satisfy proof of service as required by Rule 5A:12(b) stating that “*a copy of the petition must be mailed or delivered to the Commonwealth’s attorney or the city, or county, or town attorney, as the case may be.*” And the proof that such pleading was delivered will be attached to this “Petition for Appeal” shall satisfy the proof of service was required by Rule 5A:12(b):

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

Counsel for Appellee

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

If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill
Signed

Brian D. Hill

U.S.W.G.O.



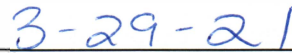
Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2 Martinsville,
Virginia 24112
(276) 790-3505

Pro Se Appellant

DISCOVERY RECEIVED BY:



NAME



DATE

Commonwealth v. BRIAN HILL

lao

Michael Escalera

From: Court of Appeals of VA _2 <court_of_appeals_of_va_2@vacourts.gov>
Sent: Wednesday, March 31, 2021 2:53 PM
To: John I. Jones IV (jones@johnjoneslawplc.com)
Cc: 'Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)'
Subject: Record No. 1294-20-3 and 1295-20-3 BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, ET AL.
Attachments: 031921 Letter RE Transcripts 1294-20-3.pdf; 031921 Letter Motion Re Transcripts 1295-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Counsel:

Attached hereto is correspondence from your client. Other than forwarding it to you to take any action you deem appropriate, the Court will take no further action with regard to said correspondence.

Sincerely,

/Michael Escalera

Cc: BRIAN DAVID HILL (sent via USPS mail) TO: Mr. Brian David Hill, 310 Forest Street, Apt. 2, Martinsville, VA 24112

Michael Escalera
Motions/Docket Assistant Clerk
Court of Appeals of Virginia
109 North 8th Street
Richmond, VA 23219
804.786.5651(o); 804.225.4464(f)

Pursuant to this Court's order of March 18, 2020, all litigants are encouraged to file all pleadings, letters, briefs, etc. electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial Website at http://www.vacourts.gov/news/items/covid_19.pdf. Just scroll down to the second page where the Court of Appeals of Virginia information is displayed. Also, the Court is in a position to accept debit and credit card payments for the filing fee. Please contact the clerk's office at 804-786-5651 to make such payment.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219



April 1, 2021

RECEIVED
CLERK'S OFFICE
APR 05 2021
COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

Cynthia McCoy, Clerk
Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219

RE: Brian David Hill v. Commonwealth of Virginia
Record No.: Take your pick, there is nine to choose from

1294-20-3

1295-20-3

0219-21-3

0242-21-3

Dear Ms. McCoy,

This morning I received a copy of yet another "petition" filed in this Court by Mr. Brian Hill. This is the third one I have received in the past week. I have lost count as to how many I have received in the past couple of years. All of the documents have the following in common: they consist of inscrutable nonsense.

Mr. Hill apparently has nine cases pending in your Court. Nine! I am a prosecutor, which is to say I am a minister of justice. Prior to becoming a prosecutor, I handled hundreds of cases as a defense attorney. I am all for protecting the rights of the accused, including the right of appeal. However, at what point do we call this what it is: a clear abuse of the system.

Mr. Hill's case was a misdemeanor conviction that he affirmed in Circuit Court. I am going to write that again: he.....affirmed! There is literally nothing to appeal.

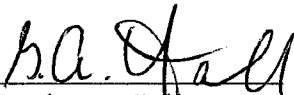
Mr. Hill has an attorney. Mr. Hill should not be filing all of these frivolous pleadings. I have filed two response briefs in the past few months. At this point, I have no idea as to the posture of any of Mr. Hill's pleadings or the proceedings in this Court.

This letter is to advise you that, pursuant to Rule 5A:13 and 5A:14, the Appellee does not plan to file a brief in opposition to the latest three petitions for appeal filed by Mr. Hill. The Appellee relies upon the two response briefs we have previously filed. In addition, the Appellee relies upon this Court's previous orders

denying and dismissing Mr. Hill's many, many previous "petitions."

The Appellee remains ready to respond to any questions or concerns posed by the Court and, if requested, to submit a brief in opposition.

Sincerely,



G. Andrew Hall
Commonwealth's Attorney
City of Martinsville

Cc: Mr. John Jones, Esq.
File



Commonwealth's Attorney

P.O. Box 1311
Martinsville, VA 24114

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ZIP 24112
041M11290682

Cynthia McCoy, Clerk
Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219



In The
Court of Appeals
Of Virginia

Brian David Hill,

Appellant,

v.

**Commonwealth of
Virginia, City of
Martinsville**

Appellee.

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

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

U.S.W.G.O.

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



Pro Se Appellant

– JusticeForUSWGO.wordpress.com

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

Court to Grant this Motion asking for the following relief:

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

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

REQUEST FOR ORAL ARGUMENT

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

Respectfully Filed/Submitted on April 6, 2021,

BRIAN DAVID HILL
Pro Se


Signed

Brian D. Hill

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





CERTIFICATE OF FILING AND SERVICE

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

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

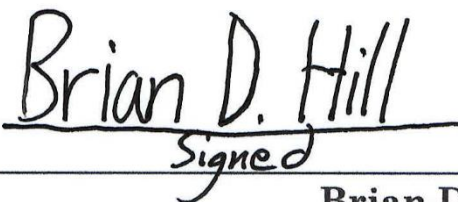
Counsel for Appellee

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

behalf for official court business. Brian has authorized Roberta Hill to file the pleading.

If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

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


Signed

Brian D. Hill

U.S.W.G.O.



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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BRIAN HILL
310 FOREST STREET
APARTMENT 2
MARTINSVILLE VA 24112-4210

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COMMONWEALTH ATTORNEY OFFICE FOR CITY
OF MARTINSVILLE
GLEN ANDREW HALL, ESQ.
PO BOX 1311
MARTINSVILLE VA 24114-1311

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In The
Court of Appeals
Of Virginia

Brian David Hill,

Appellant,

v.

**Commonwealth of
Virginia, City of
Martinsville**

Appellee.

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

DECLARATION OF BRIAN DAVID HILL

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

– JusticeForUSWGO.wordpress.com

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

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

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

direction of Brian David Hill.

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

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

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

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

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

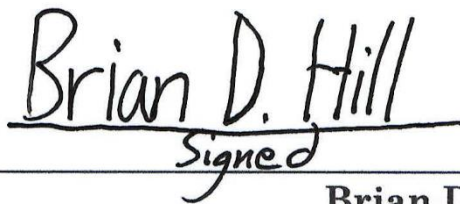
Since the Counsel Jones, has failed or refused to communicate with Appellant Brian David Hill with the deadline fast approaching and literally within a day or days, Appellant Brian David Hill had decided to file an EMERGENCY MOTION.

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

Executed on April 6, 2021.

Respectfully Filed/Submitted on April 6, 2021,

BRIAN DAVID HILL
Pro Se


Signed

Brian D. Hill



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

JusticeForUSWGO.NL

JusticeForUSWGO.Wordpress.com

U.S.W.G.O.

CAV: Submitted on 04-08-2021 17:18:29 EDT for filing on 04-08-2021

LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF RICHMOND

Re: Lawyer possibly threatened, compromised, or pressured, Evidence of previous threats directed at Brian David Hill by unknown criminal assailants, all reported to the FBI in the past

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Tuesday, March 23, 2021 05:31 PM

<u>ATTN: Clerk of the Court</u> Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
---	---

Dear Clerk of the Court, Court of Appeals of Virginia,

I have timely filed my Petition for Appeal in case no. 1295-20-3 on March 25, 2021, and timely filed my Petition for Appeal in case no. 1294-20-3 on March 29, 2021.

My appointed counsel John Ira Jones, IV had filed no Petition for Appeal in both cases noted above, by the 40-day deadline.

I have no choice now but to assert that my lawyer may have possibly been threatened, compromised, blackmailed, manipulated, coerced, or pressured into not doing anything for both Appeal cases noted above.

It is not justice in both cases to not accept my pro se Petitions for Appeal when my lawyer had 40 days (pursuant to Va. Code § 17.1-408; Rule 5A:12(a)) to file a Petition for Appeal in both cases and did not. It would be legally wrong, Constitutionally wrong to dismiss my appeals when both my appeals I had timely filed pro se Petitions for Appeal. The Clerk may even attempt to consider them as a “Pro Se Supplemental Petition”. Either way, I did file both timely and they should be considered since my lawyer may have been threatened, compromised, blackmailed, manipulated, coerced, or pressured into not doing anything. I suspect it, I have every right to believe so and the evidence I submit to the Court of Appeals of Virginia will demonstrate to this Court why I have every right to believe that my court appointed lawyer John Ira Jones, IV has possibly been threatened, compromised, blackmailed, manipulated, coerced, or

pressured. It has happened before in my Federal Criminal Case. Whoever framed me with child pornography doesn't want me acquitted and doesn't want me to look credible by having my lawyers work against me. It is easy for the Deep State Swamp to threaten or pressure my defense lawyers, they have the surveillance with the NSA and would have the child porn. **That was why the American people had elected Donald John Trump as President of the United States in the 2016 election, because we the people wanted to “Drain the Swamp” and end those with criminal intentions in our Government with the wrongful power to blackmail, set up, or threaten anybody they want and they can commit whatever crimes that they desire like the Mafia, like a criminal enterprise, and not ever be held to account.**

I also submit new evidence to this Court of Appeals that lawyers involved in my Federal Case which includes Supervised Release sentence which puts Federal Involvement in my State Criminal Case in the Commonwealth of Virginia, which means any threats made against any of my attorneys for my Federal Criminal Case may involve my court appointed attorneys in my State case for the following reasons:

Here is the Exhibit List, the Statement of FACTS surrounding each Exhibit.

Exhibit 1	Three Page Affidavit from Attorney/Lawyer/Counsel Susan Basko back in 2014.	Pages 8-10.
Exhibit 2	Threatening text message that Brian David Hill had received in 2015, the message was forwarded to Family Member email so that they can print a copy of that threatening text message from 2015	Page 11-11
Exhibit 3	Photocopy of Federal Court filing of threatening emails reported to the Federal Bureau of Investigation (FBI) in 2015 by Fax transmission reporting of threats that Attorney Susan Basko had received.	Pages 12-15
Exhibit 4	Screenshot of Twitter Tweet from Attorney L. Lin Wood regarding blackmail scheme. - Screenshot Dated January 5, 2021	Pages 16-17

STATEMENT OF FACTS:

1. Lawyer John Ira Jones, IV, appointed by this Court in December, 2020, had refused to communicate with Appellant Brian David Hill in regards to both appeals he was appointed to represent Appellant on, case nos. noted above.

2. Lawyer John Ira Jones, IV, appointed by this Court in December, 2020, had failed to file any Petitions for Appeal in both cases by the 40-day deadline set by the Rules of this Court. However, Appellant had filed pro se Petitions for Appeal timely for both appeal cases. Thus they were timely filed pro se.
3. Appellant had no choice but to timely file a EMERGENCY Motion for Substitute Counsel or to Proceed Pro Se on April 6, 2021, with this Court.
4. The letter entitled "LETTER TO COURT OF APPEALS OF VIRGINIA", dated: "Sunday, March 14, 2021 04:05 AM", and filed on March 15, 2021 referencing the Attorney L. Lin Wood twitter tweet screenshots in regards to judges and politicians being blackmailed with child rape and murder are referenced in this letter and are relevant to the facts stated in this letter herein.
5. Brian had faxed the U.S. Federal Bureau of Investigation ("FBI") back in 2015 (See attached Exhibit 3) regarding threatening emails being received by Attorney Susan Basko who had filed an Affidavit in Federal Court dated 2014 (See attached Exhibit 1) regarding the Actual Innocence of Brian David Hill for his wrongful Federal Conviction on Possession of Child Pornography. Brian's defense witness and a licensed attorney Susan Basko was being given anonymous threatening emails threatening to do bad things to her and trying to pressure her to have Brian David Hill to stop his Federal Criminal Appeal in 2015.
6. Brian had also received a threatening text message in 2015, and that threatening message was reported to the Brian's ex U.S. Probation Officer who took possession of the cell phone that Brian was using in 2015 after he reported the criminal threat to his former Probation Officer in 2015. (See attached Exhibit 2).
7. Exhibit 4 shows a forward to Brian's court appointed lawyer in his Federal Criminal Appeal of a nasty threatening email stating that they will set up Brian's attorney witness Susan Basko with child porn and have the Federal Judge convict him again, making it sound like they have the U.S. Judge compromised enough to frame Brian David Hill with child porn again and threatening his lawyers.
8. Brian David Hill has had a history of experiencing and dealing with the issue of tormal threats being conducted against his defense witness and maybe even his defense attorney or attorneys being given threats by email, nasty threat messages. Brian receiving nasty threat message or messages. There are more threats that Brian David Hill had received but would take more pages to list each and every one of them. **All of this is criminal obstruction of justice and Brian David Hill**

is the victim. This happened in Brian's federal criminal case, presumably why Brian David Hill was wrongfully convicted and railroaded because of anonymous threats being directed against Brian and his entire defense team and likely the Federal Judge or Judges being blackmailed as Attorney L. Lin Wood had suggested in January, 2021. **These threats against Brian David Hill and any of his lawyers or witnesses thereof is an obstruction of justice of such a criminal nature and Brian David Hill and his attorneys and witnesses thereof are ALL VICTIMS of such obstruction.**

9. **Brian David Hill welcomes the Attorney General of Virginia and Commonwealth Attorney to investigate Brian's Exhibits and claims.** It is long overdue for such investigation warranted. This Court should take notice that Brian's lawyer John Ira Jones, IV has likely been compromised by being threatened, blackmailed, manipulated, coerced, or pressured into not doing anything for both Appeal cases noted above. Appellant has every right to suspect this and the evidence by Brian and Susan Basko were reported to the U.S. FBI and Probation Officer. Brian has every right to suspect that his lawyer have been compromised in the Appeal cases noted above. Brian is the repeated victim here.

Evidence is submitted to the Court of Appeals of Virginia warranting that they take action as their inherit or implied powers of a Court to investigate this matter and question John Ira Jones, IV and order him to appear before the Court of Appeals of Virginia to answer for why he didn't file anything for Brian's two criminal case Appeals for a second time after he was found to have not filed anything for Brian's appeals and his appeals were dismissed in 2020, then the Motions for Delayed Appeals were granted.

There needs to be an investigation into all of this. If Brian's court appointed lawyer has been compromised in any way affecting his Amendment XIV and Amendment VI of the U.S. Constitution, Right to effective assistance of counsel and Constitutional right to which includes the procedural Due Process right to a Constitutional Appellate Review of the Trial Court decision, **then this is criminal obstruction of justice and Brian David Hill is clearly the victim.** Brian's claim about a criminal man wearing a hoodie and threatening Brian David Hill to get naked and take photographs of himself or they kill his mother does not seem far-fetched or unbelievable in the slightest when Brian faxed photocopy of threatening emails he was made aware of to the FBI and Susan Basko an Attorney had reported the threatening emails directed towards Brian David Hill and herself and they were reported to the U.S. FBI. These are credible threats directed towards Brian David Hill and any Attorney favorable to him and the whole guy in the hoodie threatening to kill his mother if Brian David Hill didn't get naked seems to be an extension of the threats directed at Brian David Hill in 2013

and 2015, any of his court appointed attorneys, and defense witness and Attorney Susan Basko. The 2013 threatening email was published at We Are Change, and his family has the URL: <https://wearechange.org/case-brian-d-hill/>

This Court needs to question John Ira Jones, IV, ASAP to get information from him as to why he is ignoring his obligation to file the Petitions for Appeal with the Court.

Appellant welcomes John Ira Jones, IV, to receive a copy of this letter as he wants an explanation and he wants it ASAP. Brian wants an explanation from this lawyer why he would ignore Brian's mother's emails and ignore Brian's text messages in 2021 without explanation.

Brian as the Appellant deserves fair and equal justice, equal access to the Courts as part of his Due Process. If Brian cannot get any justice and his appeals are dismissed simply because his compromised lawyer John Ira Jones, IV filed no Petitions for Appeal when Appellant timely filed pro se Petitions for Appeal then he may file a lawsuit against the Court of Appeals of Virginia in the U.S. District Court for the Eastern District of Virginia, for Amendment XIV and Amendment VI violations of the United States Constitution, or file a Petition or Petitions for Writ of Mandamus or Prohibition in the Supreme Court of Virginia or the U.S. Supreme Court.

Respectfully filed with the Court,
This the 8th day of April, 2021.



Brian D. Hill

Brian D. Hill
Appellant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



CERTIFICATE OF SERVICE

On April 8, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address rbhill67@comcast.net with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on April 8, 2021.	

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

Brian's behalf for official court business. Brian has authorized her to file the pleading.

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



Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

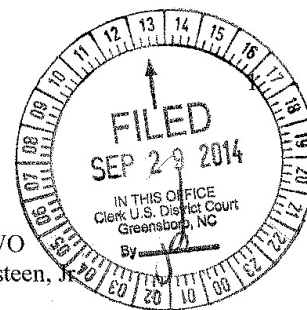
(276) 790-3505

U.S.W.G.O.

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

EXHIBIT 1

U.S. District Court
North Carolina Middle District



USA v HILL)
) Case No: 1:13-cr-00435-WO
) Chief Judge William L. Osteen, Jr.

Declaration of Susan Basko in Support of Brian David Hill's Motion to Withdraw his Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes

1. My name is Susan Basko. I reside in Illinois. I can be reached by email at SueBasko@gmail.com and by phone at 310-770-7413. I have a website at <http://suebasko.blogspot.com> and another one at <http://subliminalridge.blogspot.com>
2. I am a lawyer licensed in Illinois and California. I practice law for independent media, including for the internet. I do not generally go into court, so ask the Court to please forgive if my paperwork is not in the exact usual form.
3. I am aware that Brian David Hill is innocent of the charges and I will explain herein how I know this.
4. I am aware that Brian David Hill was a volunteer independent journalist active in independent online media and in the Patriot or Constitutionalist movement. Brian has many such videos on Youtube. Brian was active in supporting the repeal of the NDAA.
5. I am aware that Brian David Hill was part of a group of friends or associates who also are independent journalists or activists in the Patriot or Constitutionalist movement, including the other men I will name in this declaration.
6. In early July of 2014, I got an urgent message from Luke Rudkowski, an independent journalist with We Are Change, saying he was in Poland and someone sent him an email saying they had exclusive photos from the Bilderberg Conference, which he had just covered, and telling him to download the pictures and pass them around. The email was a bit suspicious since it went to an email account Luke had not used for several years. Luke previewed the pictures and saw they were child porn, and did not download them. Then he contacted me about what to do. I told him to contact the U.S. Embassy in Gdansk and have them contact the FBI. Luke did that. He also made a video about the situation. You can view and read the full email sent to Luke and also view the video he made about the situation at one of my blogs at: <http://subliminalridge.blogspot.com/2013/07/attempt-to-set-up-journalist-with.html>
As I recall, Luke then received a second email stating that the person would do the same to others, meaning that others would be set up with child porn.
7. When I told Luke Rudkowski to contact the Embassy in Gdansk, the purpose was to alert the FBI so that they could prevent Luke from having any trouble in border crossings.

The other purpose was to follow the provision in federal child porn law that gives an affirmative defense under this law:

18 U.S. Code § 2252A - Certain activities relating to material constituting or containing child pornography

(d) Affirmative Defense.— It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

- (1) possessed less than three images of child pornography; and
- (2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—
 - (A) took reasonable steps to destroy each such image; or
 - (B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

8. Shortly after Luke's situation, a group of indie journalists and activists contacted me and said they had porn sent to them in trick emails where the sender opened an email account in the name of someone the activist trusted. The delivery technique had advanced to placing the images inside a pdf, so they images could not be previewed. These men have access to a computer forensics expert who previewed the pdfs in a "sandbox," and saw they were child porn. These men included Dan Johnson of People Against the NDAA, Stewart Rhodes of Oathkeepers, and several others. These men were aware that Brian David Hill had also had child porn downloaded onto his computer. They were all friends or associates of Brian David Hill.

9. For this set of men that included Dan Johnson and Stewart Rhodes and others, I filed a notification directly to a specific FBI agent in New York City that I thought was trustworthy. That agent told me he forwarded the complaint to an agent that handles such matters. The men were all very tense about the situation. We held a conference email call where they stated they did not want to include Brian David Hill in their complaint because of his autistic behavior and how his lack of public discretion might put them all at jeopardy. The men were all shocked and terrified and had their lives and reputations at stake. Instead of including Brian in their complaint, they decided to tell Brian to contact me himself if he wanted to file his own complaint. I did not hear from Brian for months afterwards and when he did contact me, I looked on pacer and saw that there was already a federal warrant for his arrest.

10. Brian David Hill blamed his local officials for setting him up with child porn. While this may be the case, I think it is more likely he was set up as one of the people involved in the Patriot movement, just like the other men. Like Luke Rudkowski, Brian David Hill had gone to report on the 2012 Bilderberg Conference in 2012. The child porn attack against Luke Rudkowski came just after the 2013 Bilderberg Conference. The second email sent to Luke Rudkowski warned that others would be set up, too.

11. You can view a video of Dan Johnson and Stewart Rhodes speaking about being set up with child porn here:
<http://subliminalridge.blogspot.com/2013/07/child-porn-emailed-to-activists-to-try.html>

12. Within weeks after I made the FBI report for the group that included Dan Johnson and Stewart Rhodes, I was contacted by several other men who are also set up with child porn on their computers. They were attacked with child porn via other methods. One had a direct download go into his computer, followed by a pop-up saying there was child porn on his computer. I told each of them how to file an FBI report and why it was important. The men all seemed to be in the same social circle of being involved in the Patriot movement. For each of these men, these attacks against their integrity were deeply disturbing, terrorizing, terribly frightening.

13. After I assisted these men and word went out on the internet, I received an onslaught of emails trying to get me to download pictures, videos, or documents. I deleted all the emails without even opening them. I reported many of the emails to Google. Google put out a warning that such emails may be tricking people into downloading pornography.

14. When Brian David Hill finally contacted me, I looked on pacer and saw there was already a federal arrest warrant for him. Brian emailed me a large amount of documents that added up to what I already knew – that he had been set up with child porn. Brian David Hill seemed intent on blaming his local officials for setting him up and that may be the case, but the set up could also have come from anyone in the world. It seemed more likely to me that since Brian was set up at the same time as the other men in his same social and activism circle, that he was set up by whoever was also setting up the other men.

15. Brian David Hill has autism and diabetes. When Brian has communicated with me, it takes a lot of patience and time and skill to understand his points, because he concentrates on tiny details. I think he needs a disability advocate to help him have a fair trial.

16. I emailed this information about the child porn set-ups very early in this case to both Brian's lawyer, Eric Placke, and to the prosecutor, and did not hear from either one of them.

17. I have been told by Brian's grandparents, Ken Forinash and Stella Burnette, that Brian wants to withdraw his guilty plea because he is innocent and that he wants a substitute public defender. I have communicated these needs of Brian's to the public defender's office head, Louis Allen, as well as to Brian's lawyer, Eric Placke, and to a Senior attorney with the office, Greg Davis.

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

Executed on September 24, 2014

signed electronically: /Susan Basko/

Susan Basko

Email: SueBasko@gmail.com

phone: 310-770-7413

Susan Basko 9-24-2014
Please feel free to contact me.
Thank you.

EXHIBIT 3

Page 1/2 - 02/11/2015 - 12:20 PM - Urgent matter regarding criminal threats made to me

REPORTING THREATENING EMAILS TO THE FBI

ATTN: Special Agent Adam S. Lee

1970 East Parham Road

Richmond, VA 23228

Phone: (804) 261-1044

Fax: (804) 627-4494

E-mail: Richmond@ic.fbi.gov

ATTN: FBI Washington

601 4th Street NW

Washington, DC 20535

Phone: (202) 278-2000

Fax: (202) 278-3037

Charlotte FBI will not be informed
of this report due to the sensitive nature
of the matter.

Dear Adam S. Lee and the FBI Field Office in Washington D.C.,

I regret to inform you that somebody attempted to send threatening emails to me again but this time did it through Susan Basko since I am sure whomever is threatening me has figured out that I cannot use the Internet at this time. I was informed by Susan Basko that forwarded the emails to my mother then my mother gave me the threat email file PDFs which is what I am faxing to you today. I know Susan Basko already reported those to the FBI tip-line but I feel you should see these threatening emails as you are aware of me being a victim of a frame up.

I have been framed with child porn, I am risking my life here appealing my criminal conviction, and all the system wants to do is play like I am guilty. Look at the SBI's own case file on Brian David Hill and it states that I was downloading child porn up to July 2013. I never even had the computer nor the hard drives after the police raid on August 28, 2012. I wonder how you can explain me downloading child porn without my computer as it was at the SBI Office in Greensboro at the time being individually examined by just one SBI Agent. Maybe I used telekinesis to download the child porn while I was sitting in Martinsville scared of the Mayodan Police and scared of the people whom set me up? You got to realize how stupid the child porn indictment is getting. There was no case to convict me on but I took the guilty plea anyways due to ineffective counsel, my health was deteriorating to the point where my weight dropped as low as 140lbs, and I had literally no criminal defense at Jury Trial. I would have lost by default yet you want to imagine with delusions that I am guilty because I took the guilty plea. Don't you realize I was under duress and had no defense. With my Autism if I had attempted to fight the criminal case myself without a lawyer, I would lose it since I am in a maximum security jail. The jail even has the right to block any evidence I wish to use in my criminal trial and I would be in handcuffs which gives me a difficult ability to even get access to my documents. Maybe if you were in my shoes you wouldn't treat me like a criminal. The FBI in Greensboro would be a whole lot different if they had common sense in regards to what is guilty and what is innocent. I'm sure they are working with Phil Berger. I told Congressman Mark Walker slightly about my situation. This madness has to stop and the U.S. Attorney Ripley Rand needs to request a reversal of my conviction based on new evidence. It should go back to a Jury Trial. I guess attempting to argue why I was set up is pointless

with the FBI as you guys already made up your minds that you all think I am guilty as sin.

Once I get a Jury Trial and win it, I won't be a sex offender anymore and then I plan on suing the U.S. Attorney and the United States government for mistreatment of me in the county jails, false imprisonment of an innocent man, and protecting the interests of a corrupt politician that helped set me up on child pornography then persuaded the FBI I was guilty so I would be ignored while receiving threats which have escalated to death threats being given to Susan Basko which she sent to my mother to show me.

I am not happy with the U.S. Government anymore. Nobody in America likes the Federal government anymore as all they do all day long is make innocent people suffer. This was not what the American people voted for, not what they intended, and I am sure you will call me an extremist for my views, but the fact is I lost faith in your agency when one of your agents called my family up and told them I was guilty of child porn and downloaded an hour a day. I did no such thing, that is why you should have checked for computer viruses, err..no wait a minute it was SBI Agent White that should have checked for computer viruses. He didn't even want to check for computer viruses as he knew that would create a defense at trial. They put all resources of the burden of proving my innocence onto my public defender that they did nothing to help me at all.

What are your agents doing all day, eating donuts after convicting innocent people all day and all night long. The United States is a shameful nation and everybody knows it. They know there is pedophiles running this government yet you come after me for absolute bullshit. Phil Berger is the real criminal that was supposed to be under investigation for campaign money laundering after a complaint filed by Mark Walker but your not investigating that either because Berger owns the FBI in Greensboro.

I am sorry for my mean remarks and criticism but I ain't gonna sit around for 15 years on the sex offender registry in Virginia for a crime I didn't even commit. I will fight to prove my innocence until I fall from an enemy attack(The Berger criminals). They are now threatening my life and threatening Susan Basko's career with the child porn threats and we are forced to prove we are not child pornographers. Well that is exactly what I am going to do, prove my innocence whether your Agents like it or not. I am Innocent and will not play Mr. sex offender for your government.

I am not guilty and that is that Agent Adam. If you wish to help me or find agents that wish to fully investigate my frame up then I will be grateful and take back everything negative I said about the FBI, then make a apology in writing and ask for your forgiveness. If you still want to think I am guilty then I feel sorry for you for believing deceit.

(Electronically Signed:)Sincerely,
Brian David Hill
(276)632-2599
admin@uswgo.com
916 Chalmers St., Apt. D
Martinsville, VA 24112

Brian D. Hill
Signed

Brian D. Hill
Signed

U.S.W.G.O.

Two threat emails attached that were forwarded to my mom from Susan Basko

More

BRIAN STOP APPEAL

Inbox x

Susan mBasko

10:34 PM (5 hours ago) ☆

to me

This message may not have been sent by: SueBaskoMusic@gmail.com [Learn more](#) [Report phishing](#)

TELLLLLLLLLLLLLLLLLLLLLLLLLLLL,,,,,BRIAN.....GODDAN.....MOTHAFUCKZ.....STOP;
.....APPEAL;.....STOP.....IT;.....OR;.....ELSE.....
.....STOP.....APPEAL.....IN.....DA.....COURT.....HE.....WLLL.....
.....NOTT.....WNN.....EVEN.....IF.....HE.....DOES.....WE.....
.....HAVE.....AUTHORITES,,,,,TO.....SET.....HIM.....UP.....WIT.....
.....CHILD.....PORN.....AGAIN.....THINK.....ABOUT.....IT.....BITCH.
.....BEFORE.....YOU.....TESTIFY.....YOU.....TOO.....SCOTT.....
.....TELL.....BRIAN.....TO.....CUT.....HIS.....APPEAL.....OR.....
.....I.....WLL.....SET.....HIM.....UP.....TO.....CUT.....HIM



Click here to Reply or Forward



BRIAN WILL SUFFER

Inbox

Stewart Rhodes

10:25 PM (5 hours ago)

to suebasko@gmail.com

This message may not have been sent by: rhodeslegalwriting@gmail.com Learn more Report phishing

I.....WARNED.....YOU.....BITCH.....BRIAN.....DAVID.....
HILL.....WILL.....SUFFER.....AND.....IT.....IS.....HIS.....
.....FAULT.....FOR.....NOT.....STICKING.....WITH.....HIS.....
.....PAEDOPHILE.....GUILTY.....PLEA.....BAD.....THINGS.....
.....WILL.....HAPPEN.....TO.....HIM.....WE.....PROMISE.....YOU.....AI.....
.....IF.....BRIAN.....HASNT.....ALREADY.....BEEN.....DESTROYED.....
YOU.....ALL.....WILL.....NEVER.....REMOVE.....HIM.....FROM.....
.....SEX.....OFFENDER.....
.....LIST.....BRIAN.....WILL.....REGRET.....WHAT.....HE.....
.....FILED.....WITH.....THE.....COURT.....FUCK.....BRIAN.....HILL.....HE.....
.....WILL.....PAY.....POSSIBLY.....WITH.....HIS.....LIFE.....POLICE.....A.....
.....WATCHING.....HIM.....HOWEVER.....WE.....ARE.....WATCHING.....
HIM.....TOO.....EVEN.....IF.....HE.....IS.....UNDER.....
SUPERVISED.....RELEASE.....WE.....CAN.....SEND.....
.....THOUSANDS.....OF.....CHILD.....PORN.....TO.....BRIANS.....
.....EMAIL.....
.....ADDRESS.....AND.....HE.....WILL.....NEVER.....KNOW.....
UNTIL.....HE.....IS.....ALLOWED.....ON.....THE.....NET.....THEN...../.....
.....BOOM.....VIOLATION.....OF.....PROBATION.....THEN.....
.....EVEN.....THEY.....WILL.....BEAT.....HIM.....UP.....AND.....

EXHIBIT 4

Copy and pasted from Susan Basko email for Brian to report to the FBI:

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

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

DEAR MR JONES:

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

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

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

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

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

Susan Basko <BudaBuddy@mail2tor.com>

2:57 AM (2 hours ago)

to me

WE.....PLACED.....CHILD.....PORN.....THE.....HARD
.....DRIVE.....WHICH.....WAS.....GIVEN.....TO.....
BRIAN.....DAVID.....HILL.....SO.....WE.....HAVE.....BRI
AN.....ON.....POSSESSION.....AGAIN.....AND.....HIS
.....FUCKASS.....ATTORNEY.....ON.....DISTRIBUTION.....BRIAN.....
WILL.....GO.....DOWN.....HE.....WILL.....BE.....IN.....PRISO
N.....FOR.....LIFE.....ALONG.....WITH.....HIS.....APPEA
L.....ATTORNEY.....SO.....YOU.....HAVE.....TWO.....O
PTIONS

OPTION.....ONE.....YOU.....TELL.....BRIAN.....HE.....BE
TTER.....DROP.....HIS.....APPEAL.....OTHERWISE.....WE.....
.....CALL.....THE.....FBI.....AND.....TELL.....THEM.....

10

WHAT CJHILD PORN WAS ON THE
HARD DRIVE HE RECEIVED

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

REPORT THIS TO FBI AND WE WILL
REPORT YOU BRIAN HIS ATTO
RNEY AND HIS FAMILY AND TELL THE
FBI THEY LIKE TO MASTURBATE AS
A FAMILY TO CHILD PORN FLICKS
WE HAVE EVIDENCE TO GET ANOTHER CON
VICTION ON BRIAN HILL YOU CANT
PROVE ANYTHING WITH EMAILS WHICH CAN
DISAPPEAR
AFTER YOU READ EM OR WE NOBODY
WILL EVER BELIEVE YOU BITCH WE
KNOW CHILD PORN GOT INTO BRIANS P
OSSESSION LAST WEEK WE WILL SEND
MORE THEN HE WILL TECHNICALLY B
E GUILTY AGAIN JUDGE OSTEN WILL
CONVICT HIM AGAIN AS WE WILL MA
KE SURE OSTEN IS PROCIDING JUDGE
OVER BRIANS N
EW INDICTMENT

MORE CHILD PORN IS COMING THEN MO
RE CHARGES WILL BE BROUGHT BITCH

11

IN THE
COURT OF APPEALS OF VIRGINIA

RECORD NO. 1294-20-3

BRIAN DAVID HILL,
Appellant,

v.

COMMONWEALTH OF VIRGINIA,
Appellee.

PETITION FOR APPEAL

JOHN I. JONES, IV
Counsel for the Appellant
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, Virginia 23832
Phone: (314) 498-8642
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jones@johnjoneslawplc.com

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IN THE
COURT OF APPEALS OF VIRGINIA

RECORD NO. 1294-20-3

BRIAN DAVID HILL,

Appellant,

v.

CITY OF MARTINSVILLE,

Appellee.

PETITION FOR APPEAL

STATEMENT OF THE CASE

Brian David Hill was charged with misdemeanor indecent exposure in violation of local ordinance incorporating Code § 18.2-387 in the Martinsville General District Court. (R. 1). Hill was convicted in a bench trial and sentenced to 30 days' incarceration, then appealed to the circuit court. (R. 2).

Hill filed various pretrial motions pro se, including: a motion to admit evidence that an anonymous man threatened his mother's life if he did not remove his clothing in public (R. 68-70), a motion to admit evidence that he suffered from

carbon monoxide poisoning at the time of the events giving rise to his prosecution (R. 79-93), a motion to expedite his trial date (R. 94-98), a motion to request an insanity defense (R. 115-22), a request for substitute counsel (R. 126-33), a motion to suppress evidence against him (R. 326-78), and a motion to dismiss the charge against him (R. 402-20). The Commonwealth filed a demand for a jury trial. (R. 110).

By motion filed November 11, 2019, Hill requested permission to withdraw his appeal. (R. 421-31). By order entered November 18, 2019, the circuit court reinstated Hill's conviction. (R. 433).

On November 24, 2019, Hill filed a "Motion to Vacate Fraudulent Begotten Judgment," averring that he was never advised by counsel that withdrawal of his appeal would automatically result in his being convicted, among other things. (R. 437-63). By order entered November 25, 2019, the circuit court denied Hill's motion without a hearing. (R. 464).

This appeal is from the court's denial of Hill's post-trial motion to vacate. Undersigned counsel contacted the clerk's office of the trial court to inquire about the method by which transcripts of the proceedings may be ordered; counsel was informed that no in-court proceedings were held, and that no transcripts were thus available.

ASSIGNMENT OF ERROR

Hill assigns the following error to the judgment of the circuit court:

The trial court committed reversible error by refusing Hill's motion after Hill demonstrated that his acceptance of the general district court's judgment was made without an understanding of the consequences of his withdrawal, in violation of Rules 3A:8(b)(2) and 7C:6(a).

(Preserved at R. 437-63.)

STATEMENT OF FACTS

The complaint against Hill alleged as follows:

On [September 21, 2018] I [(Sergeant R. Jones of the Martinsville Police Department)] responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St[.] from Church St. Officers were in the area of Hooker St[.] and had not located the male. I walked down the steps to the trail where [I] he[a]rd foot steps [sic] coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the [h]ospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick [permission] to view his camera. On the [c]amera [were] several photo[s] of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent [e]xposure. Mr. Hill's clothing was located in his bag. All took place in the city.

(R. 3).

Hill's Motion to Vacate was replete with references to Hill's surprise at learning that his withdrawal of his appeal constituted, for all practical purposes, a guilty plea. (R. 437-61).

ARGUMENT

I. The trial court erred by denying Hill's motion to the extent that it sought reinstatement of his misdemeanor appeal.

A. Standard of Review

A trial court's interpretation of the Rules of the Supreme Court of Virginia "presents a question of law" which is reviewed de novo. *Graham v. Cmty. Mgmt. Corp.*, 294 Va. 222, 225 (2017) (quoting *Amin v. Cnty. of Henrico*, 286 Va. 231, 235 (2013)).

B. The circuit court erred by accepting Hill's withdrawal of his guilty plea without ascertaining whether it was knowing or voluntary.

Under Code § 16.1-133, a circuit court's acceptance of a defendant's written notice of withdrawal of appeal from the general district court has the effect of "affirming the judgment of the lower court." For all practical purposes concerning guilt or innocence, such acceptance is indistinguishable from a circuit court's acceptance of a guilty or no contest plea to the same charge.

Rule 3A:8(b)(2) prohibits a circuit court from accepting "a plea of guilty or nolo contendere to a misdemeanor charge except in compliance with Rule 7C:6."

In turn, Rule 7C:6(a) provides as follows:

A court *must not* accept a plea of guilty or nolo contendere to any misdemeanor charge punishable by confinement in jail without first determining that the plea is made voluntarily with an understanding of the nature of the charge and the consequences of the plea.

(emphasis added).

In this case, the circuit court manifestly abandoned its duty to determine whether Hill was withdrawing his appeal “voluntarily” and “with an understanding of the nature of the charge and the consequences” of his withdrawal. Hill’s post-trial motion revealed that he had not in fact understood the consequences of withdrawing his appeal, which ought to have alerted the circuit court to the consequences of its failure to abide by these specified Rules.

Counsel is not aware of any cases addressing this particular set of facts or this specific argument, but contends that the plain language of Rules 3A:8(b)(2) and 7C:6(a) are unambiguous and control the result in this case. This Court should grant Hill an appeal, reverse his conviction, and remand to the circuit court for further proceedings.


CONCLUSION

Because the Martinsville City Circuit Court committed reversible error by reinstating Hill's conviction without determining whether his motion to withdraw his appeal was knowing or voluntary, this Court should grant Hill an appeal, reverse his conviction, and remand for further proceedings.

Respectfully submitted,

BRIAN DAVID HILL,
Appellant herein


BY:



JOHN I. JONES, IV, ESQ.
Counsel for the Appellant
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
P.O. Box 487
De Soto, MO 63020
Phone (314) 498-8642
Fax (804) 717-5677
jones@johnjoneslawplc.com

CERTIFICATE OF SERVICE

On April 13, 2021, this petition for appeal was electronically filed using the Virginia Appellate Courts Electronic System (VACES). On the same date, a PDF copy was emailed to G. Andrew Hall, Commonwealth’s Attorney, Office of the Commonwealth’s Attorney for the City of Martinsville, counsel for the appellee, at ahall@ci.martinsville.va.us. In accordance with Rule 5A:4(d), the undersigned certifies that the petition, excluding the cover page, table of contents, table of authorities, and certificate contains 1,121 words.

BY: 

John I. Jones, IV, Esq.
Counsel for the Appellant

VIRGINIA:
IN THE COURT OF APPEALS OF VIRGINIA

BRIAN DAVID HILL,
Petitioner,

v.

RECORD NO.: 1294-20-3

CITY OF MARTINSVILLE,
Appellee.

MOTION TO WITHDRAW AS COUNSEL OF RECORD

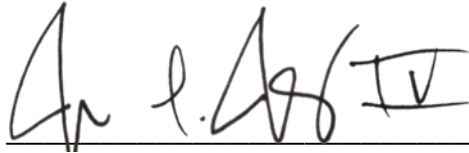
Comes now John I. Jones, IV, Esq. counsel for Brian David Hill, the appellant, and moves the Court to allow counsel to withdraw as counsel of record.

The Circuit Court for the City of Martinsville appointed counsel to represent Hill in this matter and in the related appeal in Record No. 1295-20-3.

Counsel has discussed with Hill that it is counsel's legal opinion that an appeal would not be meritorious. The appeal was preserved by counsel. Counsel has reviewed the record and the transcript and has prepared a Petition for Appeal referring to all that he can find supporting the argument that the trial court should not have convicted Hill. Counsel does not believe that he can in good faith assert any further claims in the client's appeal. *Anders v. California*, 386 U.S. 738 (1967); *Kuzminski v. Commonwealth*, 8 Va. App 106, 378 S.E.2d 632 (1989).

WHEREFORE, counsel respectfully requests that this Court relieve him as counsel of record.

Respectfully submitted this 13th day of April, 2021.



JOHN I. JONES, IV, ESQ.
Counsel for the Appellant
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, VA 23832
Phone (314) 498-8642
Fax (804) 717-5677
jones@johnjoneslawplc.com

CERTIFICATE

I hereby certify that on April 13, 2021, I have emailed a copy of the foregoing motion to G. Andrew Hall, Commonwealth’s Attorney, Office of the Commonwealth’s Attorney of Chesterfield County, counsel for the appellee, at ahall@ci.martinsville.va.us. On the same date, I am emailing a copy of the foregoing motion, along with copies of the motion for an extension and the petition for appeal filed this day in the same case, to Brian David Hill, c/o Roberta Hill, at rbhill67@comcast.net.



John I. Jones, IV, Esq.

VIRGINIA:
IN THE COURT OF APPEALS OF VIRGINIA

BRIAN DAVID HILL,
Appellant,

v.

RECORD NO.: 1294-20-3

CITY OF MARTINSVILLE,
Appellee.

MOTION FOR EXTENSION OF TIME TO FILE A
SUPPLEMENTAL PETITION FOR APPEAL

Comes now John I. Jones, IV, Esq., counsel for Brian David Hill, the appellant, and moves the Court to allow the petitioner an extension of time in which to file a supplemental petition for appeal, and for grounds thereof states the following:

1. The Martinsville Circuit Court appointed counsel for the petitioner for the purposes of filing a petition for appeal.
2. Counsel has this day filed a petition for appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), and has filed a motion to withdraw as counsel. Counsel believes it is in defendant's best interest to have an extension of time in which to file a supplemental petition for appeal if he is so inclined.

WHEREFORE, counsel respectfully requests that this Court grant the motion and allow the petitioner a reasonable extension of time in which to file a supplemental petition for appeal.

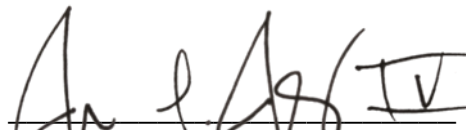
Respectfully submitted this 13th day of April, 2021.



JOHN I. JONES, IV, ESQ.
Counsel for the Appellant
Virginia State Bar No. 89300
JOHN JONES LAW, PLC
9520 Iron Bridge Road, Suite 204
Chesterfield, VA 23832
Phone (314) 498-8642
Fax (804) 717-5677
jones@johnjoneslawplc.com

CERTIFICATE

I hereby certify that on April 13, 2021, I have emailed a copy of the foregoing motion to G. Andrew Hall, Commonwealth’s Attorney, Office of the Commonwealth’s Attorney for the City of Martinsville, counsel for the appellee, at ahall@ci.martinsville.va.us. On the same date, I am emailing a copy of the foregoing motion, along with copies of the motion to withdraw and the petition for appeal filed this day in the same case, to Brian David Hill, c/o Roberta Hill, at rbhill67@comcast.net.



John I. Jones, IV, Esq.

Daphne Brown

From: Court of Appeals of VA _2 <court_of_appeals_of_va_2@vacourts.gov>
Sent: Thursday, April 15, 2021 4:35 PM
To: John I. Jones IV (jones@johnjoneslawplc.com); 'Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)'
Cc: Brian David Hill (rbhill67@comcast.net)
Subject: Brian David Hill v. Commonwealth of Virginia; Record Nos. 1294-20-3 & 1295-20-3
Attachments: 041521 order - grant anders ext 1294-20-3.pdf; 041521 order - grant anders ext 1295-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Counsel:

Attached are this Court's orders entered today in the above-referenced matters and sent by USPS to appellant at the following address:

Mr. Brian David Hill
310 Forest Street, Apt. 2
Martinsville, VA 24112

Pursuant to this Court's order of March 18, 2020, all litigants are encouraged to file all pleadings, letters, briefs, etc., electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial Website at http://www.vacourts.gov/news/items/covid_19.pdf. Just scroll down to the second page where the Court of Appeals of Virginia information is displayed. Also, the Court is in a position to accept debit and credit card payments for the filing fee. Please contact the clerk's office at 804-786-5651 to make such payment.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 15th day of April, 2021.

Brian David Hill,

Appellant,

against

Record No. 1294-20-3
Circuit Court No. CR19000009-00
(Appeal of the November 25, 2019 Order)

Commonwealth of Virginia and
City of Martinsville,

Appellees.

From the Circuit Court of the City of Martinsville

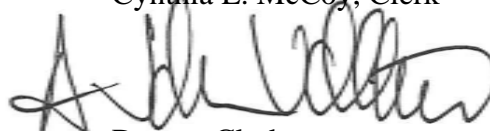
Upon consideration of the motion filed by appellant’s court-appointed counsel on April 13, 2021, pursuant to Anders v. California, 386 U.S. 738 (1967), an extension of time is granted the appellant until April 15, 2021, to file, *pro se*, a supplemental petition for appeal in this case, and the *pro se* supplemental petition for appeal received on April 15, 2021 is considered filed.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:


Deputy Clerk

CAV: Submitted on 04-15-2021 07:04:00 EDT for filing on 04-15-2021

LETTER TO COURT OF APPEALS OF VIRGINIA IN THE CITY OF RICHMOND

Re: John Ira Jones, IV filings in both cases around April 13, 2021; supplemental timely filed Petitions for Appeal

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville Record No. 1294-20-3, 1295-20-3

(Appeal of criminal conviction, Appeal of denial of a Motion to Vacate Fraudulent Begotten Judgment)

Thursday, April 15, 2021 03:42 AM

ATTN: Clerk of the Court Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
--	---

Dear Clerk of the Court, Court of Appeals of Virginia,

My request is simple, that both my timely filed petitions for appeal be considered as “Pro Se Supplemental Petitions” and please mark the date they were originally timely filed. Since my lawyer has invoked Rule 5:17 - Petition for Appeal [Effective until March 1, 2021], Va. R. Sup. Ct. 5:17 (“*This Court will rule upon the motion for extension of time upon its receipt, but will not rule on the motion to withdraw until this Court considers the case in its entirety, including any supplemental petition for appeal that may be filed.*”). The rule was invoked and my pro se petition for appeals has a lot of issues of fact and fraud by the Commonwealth of Virginia, that Appellant had proved the Commonwealth of Virginia lied about Appellant being medically and psychologically cleared in the CRIMINAL COMPLAINT and never proven intent even in General District Court. Appellant's pro se supplemental petitions for appeal were timely filed and should now be considered prior to making a disposition on both appeals. It is very important that this be done. I can re-file my Petitions as “Pro Se Supplemental Petitions” but that may be redundant and a waste of this Court's time to re-file what was already filed before. So I rather request that both my filed petitions be treated as “Pro Se Supplemental Petitions” and added back to the Court's ACMS-CAV system.

Attorney John Jones IV finally emailed Roberta Hill at her email address rbhill67@comcast.net, on April 13, 2021. Emailed her his petitions for appeal and any other pleadings for appeal citing “Anders v. California, 386 U.S. 738 (1967)” Rule 5:17 - Petition for Appeal [Effective until March 1, 2021], Va. R. Sup. Ct. 5:17.

He never did discuss that the appeal would not be meritorious. I rather let it go and not make an enemy of my court appointed lawyer so I am letting this go, but I will not lie to the Court as fighting for my acquittal is extremely important. He did try to call me around the time of 9:00PM to 10:00PM on April 13, 2021, Tuesday. I wasn't available but after what he had filed, I will never talk to him. I have a friend who knows a lot about legal stuff named Eric Clark of Kansas, who was also a criminal defendant in the Commonwealth of Virginia in I believe it was Fairfax County after appearing at a protest in Chantilly, Virginia, in 2012, known as the Occupy Bilderberg protest where Alex Jones and Luke Rudkowski and I was also at in 2012. I was there as Free Press for USWGO Alternative News at uswgo.com before I was framed with child porn a few months later. Eric Clark also suggested that I file motion to receive new counsel after he was informed of the John Jones, IV situation. I already did with my Emergency Motions. I did timely file my petitions using the date calculator of my Desktop computer and the 40-day deadline was April 7, 2021. I timely filed my petitions, my counsel did not.

However I already had timely filed my Petitions for Appeal in cases no. 1294-20-3, 1295-20-3.

Since the lawyer has cited *Anders v. California*, 386 U.S. 738 (1967), this Court should accept my two "Pro Se Supplemental Petition" in both cases. Please mark the dates of both petitions as "Pro Se Supplemental Petitions" and please mark the dates as timely filed as both were filed pro se and should be considered as both a "Pro Se Supplemental Petition".

I now have a right to file such since my attorney John Ira Jones, IV had basically considered my appeals to not be meritorious even though he did lie about having that discussion with me, he never told me such that I recall, ever. Maybe he told me that last year and I could have simply forgot but then why would I push for him to be re-appointed as counsel in my Notices of Appeal? If he thought I didn't stand a chance last year, I would have complained about it and sought the advice of Eric Clark or any other legal scholar but I do not believe that Attorney ever discussed such matter with me, so I have to admit truthfully to this Court that I do not recall anything about his claim that my appeals would not be meritorious. However I don't need to get this attorney angry and rather he just be ejected from both cases as he had requested in his request to withdraw as counsel of record in both appeals.

My Petition for Appeal filed on March 29, 2021, in case no. 1294-20-3, was timely filed and should be considered as a "Pro Se Supplemental Petition". It was already served with the Commonwealth Attorney on that same day and should simply be

considered rather than re-file the same petition but re-wording it as a “Pro Se Supplemental Petition”. If the Clerk requests that I re-file and re-word the cover page as a “Pro Se Supplemental Petition”, then I will re-file my timely filed petition as a “Pro Se Supplemental Petition” and re-serve the re-branded corrected pleading with the Commonwealth Attorney to comply and correct the deficiency.

My Petition for Appeal filed on March 25, 2021, in case no. 1295-20-3, was timely filed and should be considered as a “Pro Se Supplemental Petition”. It was already served with the Commonwealth Attorney on that same day and should simply be considered rather than re-file the same petition but re-wording it as a “Pro Se Supplemental Petition”. If the Clerk requests that I re-file and re-word the cover page as a “Pro Se Supplemental Petition”, then I will re-file my timely filed petition as a “Pro Se Supplemental Petition” and re-serve the re-branded corrected pleading with the Commonwealth Attorney to comply and correct the deficiency.

I also have to make a note that another reason why my timely filed Petitions for Appeal in cases no. 1294-20-3 and 1295-20-3 should be considered by the Court of Appeals of Virginia, is because in my attorney's Petition for Appeal dated April 13, 2021, it actually contradicts the Record on Appeal as was outlined in both pro se supplemental petitions. The Attorney cited Appellant's false assumption that his withdraw of appeal is considered as a guilty plea. That is not true as Appellant never had access to the Record on Appeal at the time and made a false assumption in his criminal case because his court appointed lawyers were all terrible and were never upfront and honest about everything. Appellant's family printed the Online Case Information System 2.0 (“OCIS”) for the criminal case and it said “GULTY PLEA” by “Withdrawing Appeal”. Of course that system I asked my family to check the “Disclaimer” and it said not to rely on that for reliable information that is to be the same as the Record in a court case. So I was relying on inaccurate information that my family printed for me.

The Petitions for Appeals in both cases properly cite what John Ira Jones, IV had failed or refused to acknowledge. He argues that:

“Hill’s Motion to Vacate was replete with references to Hill’s surprise at learning that his withdrawal of his appeal constituted, for all practical purposes, a guilty plea. (R. 437-61).”

That was based on false assumptions, because of the OCIS database with a Disclaimer from the Office of Executive Secretary which is a legally binding agreement between those who access that service and access the information from that service. My family

checked that and it waives the guarantee of accuracy of the information and asks to check the actual record of a Court to obtain accurate information of a case. Appellant couldn't afford to do so at \$0.50 a page of literally hundreds and hundreds of case pages.

Appellant had already made it known in his pro se Supplemental Petitions for Appeal that he never plead guilty at all based upon the final Conviction of his criminal case.

Petition for Appeal filed pro se, supplemental petition in RECORD NO. 1294-20-3 argues that, Page 18 of 54 of PDF document AppealPet3-29-2021.pdf:

“When Appellant had filed his Motion to Withdraw the Appeal in the Trial Court which is Pages 422 of 961 of the Record, Page 434 the Trial Court Judge only considered his “Motion to Withdraw Appeal” as exactly that, a technical withdraw **but did not consider it as a “guilty plea” in fact the Trial Court** never entered in that Brian actually plead guilty, **he did not plead guilty, it was marked out by the Judge at the time the conviction was entered.** There was no guilty plea by Appellant. Page 434 written this: “Other: DEF ~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDGE GDC, PAY COURT COSTS.” Yes, Appellant is showing the true strikethrough, the Judge had stricken the words “~~CHANGED HIS PLEA TO GUILTY AND~~” with what appeared to be a black marker pen. So, the **Judge of the Trial Court did not consider that Appellant honestly decided that he was guilty because** in his Motion with Withdraw Appeal **he said that he did not waive his actual innocence or legal innocence, he did not plead guilty by any stretch of technicality.**

That argument is so true. The petitions for appeal by John Ira Jones negated to bring up that Appellant's claims were based upon erroneous assumptions that he had plead guilty when he in fact never did as the Trial Court never actually entered a guilty plea from the record reviewed by Appellant this year, not reviewed over last year and not ever reviewed prior to the Record on Appeal being given to Appellant thanks to the Clerk of this Court. Appellant had simply faxed a typed statement with his concerns that he would not receive a fair jury trial because of his federal conviction would be brought up and other issues and probably more erroneous assumptions.

I do not need to re-cite the same citation above as both petitions had the same statement of the facts that Appellant never plead guilty from the Record on Appeal not known to Appellant at the time of his conviction, not ever known until this year thanks to Justin Shelton who provided the Record on Appeal to Appellant to review over the Record on Appeal. It was at that point that Appellant was misled by false or inaccurate information from the OCIS database under the authority of the Office of Executive Secretary. The Clerks put in inaccurate information from the Circuit Court of Martinsville. The Attorney should have known that Appellant never plead guilty. It is a very weak conviction and is not constitutional due to ineffective assistance of counsel and pro se motions being ignored by the Trial Court, again that was already iterated in the Petitions for Appeal filed Pro Se by Appellant. Yes, in appeal record no. 1295-20-3, same page 18 of 55 of the PDF Document AppealPet3-25-2021.pdf, it argued the same statement of facts that Appellant never plead guilty from the Record on Appeal, the Court never actually considered that Appellant plead guilty, they didn't.

Appellant had already timely filed his supplemental petitions for appeal filed pro se on March 29, 2021, and March 25, 2021.

So Appellant requests that the Clerk's office either consider those pro se petitions as timely filed "Pro Se Supplemental Petitions", or send a letter requesting that he cure that deficiency by re-labeling his "PETITION FOR APPEAL OF APPELLANT" as a "PRO SE SUPPLEMENTAL PETITION FOR APPEAL OF APPELLANT" to cure that issue and allow those to be distributed to the panel of judges for review.

Appellant believes his lawyer is wrong in his claim that Appellant had plead guilty. It all boils down to false assumptions. False assumptions based upon the Record of both cases. Appellant never actually plead guilty and that is supported by the Record. Appellant did not waive all of his rights to challenge his criminal case. Appellant had asked that upon withdrawing his appeal that he retain his rights such as: "**However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.**" That was page 420 of the Record and Page 423 if the Table of Contents are included. So his lawyer John Ira Jones is absolutely wrong and should have brought this up if he really did believe that Appellant had waived his rights and waived a good appeal as a result of the "MOTION TO WITHDRAW APPEAL". Appellant does not want false claims or inaccurate information in Appellant's defense as a result of ineffective assistance of counsel or incompetence. Appellant files this letter to set the record straight, this lawyer didn't conduct enough research to know and fully understand all of this or maybe Appellant doesn't understand how the Virginia Courts really work, but regardless, the Judge did consider that Appellant never plead guilty and wanted to be

acquitted on actual innocence for his state charge of indecent exposure and did not waive his right to file a Writ of Actual Innocence or Collateral Attack, which may include the right to direct appeal under a meritorious appeal claims.

Appellant proved his attorney wrong here, and thus Appellant respectfully requests that his timely filed Pro Se Supplemental petitions be considered and not just the erroneous information in both Petitions for Appeal submitted by John Ira Jones, IV. A lot of evidence and case law authorities was overlooked and Appellant made assumptions not based upon fact or the record and that wrecked his Due Process rights because of ineffective assistance of counsel throughout his criminal case and the ineffective assistance of counsel throughout his appeals. Counsel should have informed Appellant that he never plead guilty but had only filed a technical motion to withdraw appeal but retain his “Actual Innocence” which may be similar to an Alford plea and right to collateral attack his conviction which includes showing any evidence of fraud on the court in case no. 1294-20-3. An Alford plea (also called a Kennedy plea in West Virginia, an Alford guilty plea and the Alford doctrine), in United States law, is a guilty plea in criminal court, whereby a defendant in a criminal case does not admit to the criminal act and asserts innocence.

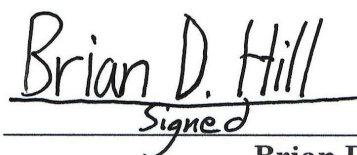
John Ira Jones, IV arguing that the appeal of a motion being denied is not meritorious when it is a collateral attack on a fraud on the court, that is a lie and John Ira Jones, IV should have known better than to put down Appellant's appeal of denial of a motion asking for collateral attack on a fraudulent conviction as a non-meritorious appeal. His petitions for appeal or other pleadings have erroneous information and were untimely filed after the 40 day deadline. It is clear that the pro se supplemental petitions have good arguments and one appeal has better merit even if John Ira Jones was correct in his arguments as to the merit. Anybody can challenge a fraud on the court and it is not barred by withdrawing appeal, as appeal just reviews over the record in the usual cases. **If evidence later surfaces showing a fraud on the court, how can that be barred by a past withdrawal of appeal?????** John Ira Jones, IV as well as many lawyers are incompetent in regards to the issues of fighting frauds on the court in accordance with “Chambers v. NASCO, Inc.” a ruling of the U.S. Supreme Court as well as Virginia Supreme Court rulings in regards to a right to collaterally attack one or multiple frauds on the court. Even a guilty plea can be attacked if later the entire case was fueled by prosecutorial fraud.

It all boils down to the fact that Appellant never had a discussion with John Ira Jones, IV, about his both appeals not having good enough merit for representation in accordance with *Anders v. California*, 386 U.S. 738 (1967). *Anders* is not a Virginia case but is being used by the Virginia Courts. What about *Chambers v. NASCO, Inc.*,

Chambers v. Nasco, Inc., 501 U.S. 32 (1991) in SCOTUS and other Virginia Supreme Court rulings about challenging frauds on the court to overturn a conviction or judgment when it was based upon fraud by the prosecutor and the charging officer. Fraud such as not being medically cleared which is perjury in the CRIMINAL COMPLAINT based upon the pro se CORRESPONDENCE by Brian David Hill the Appellant. What John Ira Jones is arguing is wrong to a certain degree. Fraud is fraud, and withdrawing appeal under something as simple as an Alford Plea does not preclude the right to overturn a criminal conviction based upon Fraud. An appeal cannot uncover fraud or prove fraud. Withdrawing an appeal but later proving or uncovering fraud does entitle an aggrieved party to request relief from a Court that was a victim of fraud. A Court has to maintain its own integrity and that includes the right to sanction a party for proven fraud.

Appellant asks for forgiveness from the Clerk's office for filing this letter but feels it is a must to challenge what John Ira Jones, IV had filed on April 13, 2021, and asks that his two petitions for appeal be considered as it contains more accurate and honest information based upon what was reviewed from the Record on Appeal.

Respectfully filed with the Court,
This the 15th day of April, 2021.


Signed

Brian D. Hill

Brian D. Hill
Appellant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE

On April 15, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that

a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court through VACES, Respondents served by email address rbhill67@comcast.net with request of read receipt, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk by VACES:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Filed through VACES: Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on April 15, 2021.	

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

That should satisfy the Certificate of Service regarding letters/pleadings. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at rbhill67@comcast.net and request that she forward the message and any

documents or attachments to Brian David Hill to view offline for his review.



Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

**IN THE
COURT OF APPEALS OF VIRGINIA**

Record No. 1294-20-3

**BRIAN DAVID HILL,
Appellant,**

v.

**COMMONWEALTH OF VIRGINIA,
Appellee.**

**BRIEF IN OPPOSITION TO PETITION
FOR APPEAL**

**G. Andrew Hall, VSBN 71048
Martinsville Commonwealth Attorney's Office
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Commonwealth's Attorney**

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STATEMENT OF THE CASE

Mr. Hill's appeals have taken so many permutations that is difficult to make heads or tails of the record. In response to Mr. Hill's numerous filings, the Circuit Court Clerk's Office for the City of Martinsville has sent at least two records to this Honorable Court regarding petitions for appeals of the underlying case, specifically, CR19000009-00. One listing of the official Circuit Court Record of this case has a date of 1/29/20, the other has a date of 7/29/2020. Mr. Hill was tried and convicted of Indecent Exposure in the Martinsville General District Court on December 21, 2018 before the Honorable Judge Marcus Brinks. The Commonwealth asked that Mr. Hill be sentenced to time served (30 days), and the Court agreed. Mr. Hill appealed the case to the Circuit Court on December 26, 2018. (Record of Proceedings, dated 1/29/2020, "GD PAPERWORK"). The case was continued a number of times on Mr. Hill's motions. (Record of Proceedings, dated 1/29/2020, page 109, 393-396, 398). Mr. Hill was initially appointed the Public Defender to represent him in General District Court. (Record of Proceedings, dated 1/29/2020, "GD PAPERWORK"). The Public Defender withdrew on July 30, 2019. (Record of Proceedings, dated 1/29/2020, page 383-384). Attorney Matthew Clark was appointed to serve as court appointed counsel on August 1, 2019. (Record of Proceedings, dated 1/29/2020, page 385). The case was scheduled to be tried in front of a jury on December 2, 2019. (Record of Proceedings, dated 1/29/2020, page

398). Mr. Hill affirmed lower court ruling on November 15, 2019. (Record of Proceedings, dated 1/29/2020, page 433).

STATEMENT OF FACTS

Mr. Hill has filed a “Statement of Facts” in his Petition, which is simply quoting the body of the criminal complaint. No other transcript or Statement of Facts was filed by Mr. Hill. The Commonwealth does not agree with Mr. Hill’s rendition of the Facts. This case was in fact heard on its merits in the General District Court, and after a lengthy trial, Mr. Hill was found guilty. As an Officer of the Court, the Commonwealth submits the following Statement of Facts.

On September 21, 2018, Sgt. Robert Jones of the Martinsville Police Department responded to a 911 report that a naked man was seen running down the “Dick and Willie Trail,” which is a hiking trail that runs through the city of Martinsville, Virginia, as well as neighboring Henry County. Mr. Hill had been observed running along the trail in the area of Hooker Street and Church Street in the city of Martinsville. As Sgt. Jones responded to the call, he observed Mr. Hill running towards him on the trail near Pine Street. Mr. Hill was completely naked, with the exception of socks and shoes. When he saw Sgt. Jones, he turned around and ran in the other direction. Sgt. Jones caught up with Mr. Hill. Mr. Hill had a camera on his person. He gave law enforcement permission to view the contents of the camera.

The images showed Mr. Hill in several different areas of the city and county. In most of the pictures, Mr. Hill is completely nude, with the exception of his shoes and socks. Mr. Hill is wearing a knit hat in some of the photos. Mr. Hill is seen posing and smiling for the camera. He sticks his tongue out in several of the pictures. He touches his genitals in several of the pictures. He can be seen sitting down and spreading his legs wide to expose his genitals. In several of the photos, he leans back and thrusts his genitals toward the camera, in other photos he bends over in front of the camera, exposing his buttocks while apparently spreading them for the camera. Mr. Hill admitted to taking the photos. He claimed that a black male with a hoodie had forced him to get naked and take pictures of himself. The police searched for a person matching this description, and could not locate anyone.

Mr. Hill later admitted that he was alone when he took the pictures. The pictures were submitted into evidence at trial. Judge Marcus Brinks, presiding Judge of the Martinsville General District Court, listened to all of the evidence, and viewed the photos. After reviewing all of the evidence, Judge Brinks found Mr. Hill guilty of violating §18.2-387 of the Code of Virginia.

REFUTATION OF ASSIGNMENTS OF ERROR

The Trial Court did not violate Rules 3A:8(b)(2) and 7C:6(a), as Mr. Hill affirmed lower court ruling, and said rules are not applicable.

STANDARD OF REVIEW

In any appeal by the defense, the evidence is to be viewed “in the light most favorable to the Commonwealth, and (the appellate court is to) grant to it all reasonable inferences fairly deducible from the evidence.” *See, e.g., Hairston v. Commonwealth*, 50 Va. App. 64, 67, 646 S.E.2d 32, ___ (2007); *Allison v. Commonwealth*, 27 Va. 810, 811, 153 S.E.2d 201, ___ (1967); *Archer v. Commonwealth*, 26 Va. App. 1, 11, 492 S.E.2d 826, 831 (1997). The trial court’s decision will not be disturbed unless plainly wrong or without evidence to support it. *Peterson v. Commonwealth*, 5 Va. App. 389, 401, 363 S.E.2d 440, 448 (1987).

ARGUMENT

The Trial Court did not violate Rules 3A:8(b)(2) and 7C:6(a), as Mr. Hill affirmed lower court ruling, and said rules are not applicable.

A person who is convicted in General District Court may appeal the conviction to Circuit Court. (§16.1-132 of the Code of Virginia). Such cases are to be heard “de novo.” (§16.1-136 of the Code of Virginia). Prior to the case being tried in Circuit Court, a defendant may withdraw the appeal and affirm lower court ruling. (§16.1-133 of the Code of Virginia). If the defendant does so, the case is not brought before the Circuit Court, no evidence is heard, and the ruling of the General

District Court stands. The sentence the defendant received in General District Court also stands. (*Id.*).

Pleas of guilty or *nolo contendere* are completely different. They are made pursuant to a different body of law, §19.2-254 of the Code of Virginia, and require an arraignment or waiver of arraignment. Pursuant to §19.2-258, these pleas also require the Circuit Court to sentence. That sentence could be, and often is, harsher than that imposed by the General District Court.

Upon appealing his conviction in General District Court, Mr. Hill had three options: he could have simply followed up on his appeal and taken his case to trial in the Circuit Court, he could have plead guilty or *nolo contendere*, or he could affirm lower court ruling. All three options are governed by clearly delineated rules and/or statutes.

Mr. Hill did not plead guilty or *nolo contendere*. He affirmed lower court ruling. This decision was not, as Mr. Hill asserts, governed by Rule 3A:8 or Rule 7C. There is a statute that governs affirming lower court ruling and is directly on point: §16.1-133.

Mr. Hill was convicted of Indecent Exposure (§18.2-387 of the Code of Virginia), which is a Class One misdemeanor. He could have been sentenced to 12 months in jail. (§ 18.2-11 of the Code of Virginia). By affirming lower court ruling, Mr. Hill insulated himself from the possibility of receiving more time in jail, and


instead only received a sentence of time served, which he had completed months before.

CONCLUSION

Mr. Hill's assertion that affirming the judgement of lower is indistinguishable from a guilty plea or *nolo contendere* is contrary to the law and should be rejected by this Court.

WHEREFORE, the Commonwealth respectfully requests this Honorable Court dismiss this appeal as being unsupported by the facts, and contrary to the law, and to affirm the decision of the trial court.


Respectfully submitted, on this 6th day of May, 2021.

By: 
G. Andrew Hall
Counsel for the Commonwealth

G. Andrew Hall
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Commonwealth's Attorney
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CERTIFICATE OF WORD COUNT

Pursuant to Rule 5A:12 (e) I hereby certify that the foregoing brief contains 1662 words as determined by the word count tool of the Microsoft Software Program.



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2021, I electronically filed a true and accurate copy of the foregoing brief VACES in the Court of Appeals of Virginia, and the same day e-mailed a true and accurate copy to John I. Jones, IV, *Esquire*, counsel for the Appellant.



G. Andrew Hall
Counsel for Appellee

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From: [Court of Appeals of VA - 4](#)
To: [Ashby Pritchett](#)
Subject: BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE; Record No. 1294-20-3
Date: Thursday, September 2, 2021 12:46:00 PM
Attachments: [STAMP 090221 order-anders petition denied, motion to withdraw as counsel granted 1294-20-3.pdf](#)



COURT OF APPEALS OF VIRGINIA

Dear Clerk:

Please find attached a copy of the order entered today by this Court in the above-noted case. This order is sent only for the purpose of paying court-appointed counsel. The circuit court is directed to take no action in this case at this time other than payment of counsel.

Please note that no paper copies of the attachment(s) will be mailed separately to you.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

From: [Court of Appeals of VA - 4](#)
To: [John I. Jones IV \(jones@johnjoneslawplc.com\)](mailto:jones@johnjoneslawplc.com); [Martinsville City Commonwealth's Attorney \(ahall@ci.martinsville.va.us\)](mailto:ahall@ci.martinsville.va.us)
Subject: BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE; Record No. 1294-20-3
Date: Thursday, September 2, 2021 12:46:00 PM
Attachments: [090221_order-anders_petition_denied_motion_to_withdraw_as_counsel_granted_1294-20-3.pdf](#)



COURT OF APPEALS OF VIRGINIA

Attached is this Court's order entered today in the above-referenced matter.

(copy sent by U.S. mail to Appellant 310 Forest Street, Apt. 2, Martinsville, VA 24112)

Effective June 1, 2021, all counsel are required to file all pleadings, letters, briefs, etc., electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial System Website at <https://eapps.courts.state.va.us/help/robo/vaces/index.htm>. Pro se/self-represented litigants may, but are not required to, file pleadings through the VACES system. Otherwise, such individuals are required to transmit one paper copy of a filing to the Clerk of the Court.

Please note that no paper copies of the attachment(s) will be mailed separately to you.
DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to Cynthia L. McCoy, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 2nd day of September, 2021.

Brian David Hill, Appellant,
against Record No. 1294-20-3
Circuit Court No. CR19000009-00
(Appeal of November 25, 2019 order)
Commonwealth of Virginia and
City of Martinsville, Appellees.

From the Circuit Court of the City of Martinsville
Before Senior Judges Annunziata, Clements and Frank

Counsel for appellant has moved for leave to withdraw. The motion to withdraw is accompanied by a brief referring to the part of the record that might arguably support this appeal. A copy of this brief has been furnished to appellant with sufficient time for appellant to raise any matter that appellant chooses.

The Court has reviewed the petition for appeal and appellant's *pro se* supplemental petitions for appeal, fully examined all of the proceedings, and determined the case to be wholly frivolous for the following reasons:

I. Appellant, by counsel, argues that the trial court committed reversible error when it denied what he characterizes as a "post-trial" motion to vacate its order affirming the district court's judgment following appellant's withdrawal of his misdemeanor appeal under Code § 16.1-133. Appellant contends that the denial of his motion violated Rule 3A:8(2) and Rule 7C:6(a).

On December 21, 2018, the General District Court for the City of Martinsville convicted appellant of misdemeanor indecent exposure and sentenced him to thirty days in jail. Appellant timely noted an appeal to the trial court. See Code § 16.1-132. Although he had court-appointed counsel, nearly a year after noting his appeal to the trial court, appellant filed a *pro se* motion to withdraw his appeal on November 12, 2019. The trial court entered an order affirming the district court's judgment and assessing costs on November 18,

2019.¹ See Code § 16.1-133. Within days of withdrawing his appeal, however, appellant filed a pleading styled, “Motion to Vacate Fraudulent Begotten Judgment.” Appellant asserted that the trial court lacked jurisdiction and that the conviction was the result of fraud; he asked the trial court to vacate the judgments of both that court and the general district court. The trial court denied the motion to vacate by order of November 25, 2019. This appeal follows.

Appellant, by counsel, argues that a withdrawal of a misdemeanor appeal from the general district court is, “[f]or all practical purposes concerning guilt or innocence, . . . indistinguishable from a circuit court’s acceptance of a guilty or no contest plea to the same charge.” He therefore posits that the trial court was obligated under Rule 3A:8(2) and Rule 7C:6(a), which govern guilty and *nolo contendere* pleas, to “determine whether [he] was withdrawing his appeal ‘voluntarily’ and ‘with an understanding of the nature of the charge and the consequences’ of his withdrawal.” We disagree.

The withdrawal of a properly noted appeal from the general district court to the circuit court in a criminal case is governed by Code § 16.1-133. That statute provides, in pertinent part, as follows:

[A]ny person convicted in a general district court, a juvenile and domestic relations district court, or a court of limited jurisdiction of an offense not felonious may, at any time before the appeal is heard, withdraw an appeal which has been noted, pay the fine and costs to such court, and serve any sentence which has been imposed.

A person withdrawing an appeal *shall give written notice of withdrawal* to the court and counsel for the prosecution prior to the hearing date of the appeal. If the appeal is withdrawn more than ten days after conviction, the circuit court shall forthwith enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute. Fines and costs shall be collected by the circuit court, and all papers shall be retained in the circuit court clerk’s office.

(Emphasis added). The Supreme Court has explained that the statutory requirement that the circuit court enter an order “affirming” the district court judgment “indicates that the general district court judgment in the withdrawn appeal remains in effect and is ratified by the circuit court order.” Commonwealth v. Diaz, 266

¹ Appellant noted a separate appeal to that order. See Hill v. Commonwealth, Record No. 1295-20-3.

Va. 260, 265 (2003). Indeed, until the appeal “is heard” in the circuit court, the general district court’s judgment, although stayed, remains a valid judgment while the appeal is pending. Id. Thus, the general district court’s judgment convicting appellant of indecent exposure “remained in effect throughout the proceedings in this case.” Id.

“[W]here a misdemeanor withdraws his appeal *de novo* from the district court before it is heard in the circuit court, his conviction and sentence by the district court are affirmed” Turner v. Commonwealth, 49 Va. App. 381, 389 (2007). Nothing in the statute, or the precedents applying it, mandates or even suggests that the circuit court is required to take any action other than to enter an order affirming the district court’s judgment, once the appellant notifies the court that he is withdrawing the appeal. Code § 16.1-133. Indeed, appellant himself notes in his *pro se* supplemental petition for appeal that he did not plead guilty or concede his guilt. To be sure, appellant expressly asserted his innocence in his motion to withdraw the appeal. Thus, we find appellant’s argument that the Rules of Court governing guilty pleas applied under the circumstances of this case is without merit.

II. Appellant, *pro se*, argues that the trial court erred and abused its discretion when it denied his motion to vacate because it “overlooked” evidence he filed *pro se* that, according to appellant, established that the Commonwealth and arresting officer committed fraud upon the court.² The gravamen of appellant’s argument is that the record does not support the statement in the police officer’s criminal complaint that he “was medically and psychologically cleared” after officers took him to the hospital on the night of his arrest “due to knee pain.” Appellant asserts that the officers failed to investigate whether he had been drugged or suffered from carbon monoxide poisoning. He contends that the officers’ failure to secure an analysis of his blood draws amounts to spoliation of evidence and, thus, a fraud on the court. Appellant further contends that the mental health evaluation the district court ordered was incomplete and that the record demonstrated that

² We grant appellant’s motion to treat his *pro se* petition for appeal, filed on March 29, 2021, as his *pro se* supplemental petition for appeal.

he was suffering from an “unspecified psychosis.” Therefore, he asserts that the evaluator wrongly determined that he was sane and competent to stand trial.

In appellant’s view, if he was not in fact “medically cleared” by hospital staff on the night of his arrest, “then the charge and conviction are erroneous.” Appellant asserts that the trial court’s failure to review his *pro se* filings before he withdrew his appeal violated his right to due process and equal protection. We disagree.

Appellant cites no authority, and we are aware of none, to support his contention that the trial court was required to pre-judge the case. The record reflects that the Commonwealth requested a jury trial, which was scheduled for December 2, 2019. The scheduled trial represented appellant’s opportunity to present his evidence to the fact-finder (in this case, the jury), challenge the Commonwealth’s evidence, and confront the police officer. It is well-established that “the Commonwealth, like the defendant, is entitled to a fair trial, which includes ‘the right to a fair rebuttal of mental health evidence presented by the defendant.’” Grattan v. Commonwealth, 278 Va. 602, 622 (2009) (quoting Muhammad v. Commonwealth, 269 Va. 451, 507 (2005)).

Rather than proceeding to trial, appellant exercised his right under Code § 16.1-133 to withdraw his appeal. Having exercised that right, appellant will not now be heard to complain that the trial court erred.³ “A party may not approbate and reprobate by taking successive positions in the course of litigation that are either inconsistent with each other or mutually contradictory.” Cody v. Commonwealth, 68 Va. App. 638, 665 (2018) (quoting Cangiano v. LSH Bldg. Co., 271 Va. 171, 181 (2006)). “Nor may a party invite error and then attempt to take advantage of the situation created by his own wrong.” Alford v. Commonwealth, 56 Va. App. 706, 709 (2010) (quoting Rowe v. Commonwealth, 277 Va. 495, 502 (2009)).

III. Appellant, *pro se*, contends that the trial court erred and abused its discretion in denying his motion to vacate without holding an evidentiary hearing. He contends that the trial court’s failure to hold a

³ We note that Code § 16.1-133 does not vest the circuit court with the discretion to deny the withdrawal of an appeal from the district court. Rather, upon notice of the withdrawal, “the circuit court shall *forthwith* enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute.” Id. (Emphasis added).

hearing concerning the “cumulative evidence” he filed *pro se*, which he contends proves fraud on the court, deprived him of due process and equal protection. Appellant asserts that he presented “clear and convincing evidence” that he was “not medically cleared” and that the evidence “should have been debated, argued, and discussed” concerning his discharge from the hospital on the night of his arrest. Appellant further argues that the Commonwealth committed a fraud on the court by pursuing the charge where he asserts the evidence was insufficient to prove intent. He concludes that the judgment is “void.”

Even assuming that appellant was not “medically cleared” or that the Commonwealth’s evidence was not sufficient to prove appellant’s intent—notwithstanding the district court’s contrary conclusion—those circumstances did “not constitute misconduct that tampered with the judiciary’s machinery and subverted the integrity of the court itself.” State Farm Mutual Auto. Ins. Co. v. Remley, 270 Va. 209, 218 (2005). Thus, there was no fraud on the trial court and no need for an evidentiary hearing.

IV. Appellant, *pro se*, contends that the trial court erred and abused its discretion in not recognizing its inherent authority to vacate fraudulent judgments. The record reflects that the trial court denied appellant’s motion to vacate. The order does not state that the trial court found it lacked the authority to grant relief; rather, it denied the motion on the merits. As noted above, there was no fraud on the court and therefore, the trial court’s ruling was not in error.

V. Appellant, *pro se*, contends that he was denied the effective assistance of counsel in the trial court and on appeal. “Claims raising ineffective assistance of counsel must be asserted in a habeas corpus proceeding and are not cognizable on direct appeal.” Lenz v. Commonwealth, 261 Va. 451, 460 (2001). See also 1990 Va. Acts, ch. 74 (repealing Code § 19.2-317.1).

Accordingly, we deny the petition for appeal and grant the motion for leave to withdraw. See Anders v. California, 386 U.S. 738, 744 (1967). This Court’s records shall reflect that Brian David Hill is now proceeding without the assistance of counsel in this matter and is representing himself on any further proceedings or appeal.

The trial court shall allow John I. Jones, IV, Esquire, the fee set forth below and also counsel's necessary direct out-of-pocket expenses. The Commonwealth shall recover of the appellant the costs in this Court and in the trial court.

Costs due the Commonwealth by appellant in
Court of Appeals of Virginia:

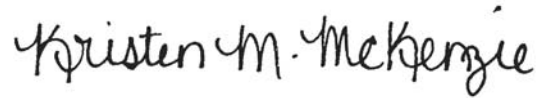
Attorney's fee \$300.00 plus costs and expenses

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:



Deputy Clerk

Kristen McKenzie

From: Court of Appeals of VA _4 <court_of_appeals_of_va_4@vacourts.gov>
Sent: Thursday, September 2, 2021 4:21 PM
To: Ashby Pritchett
Subject: BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE;
Record No. 1294-20-3
Attachments: CORRECTED STAMP 090221 order-anders petition denied, motion to withdraw as
counsel granted 1294-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Dear Clerk:

Please find attached a copy of the **corrected** order entered today by this Court in the above-noted case. This **corrected** order is sent only for the purpose of paying court-appointed counsel. The circuit court is directed to take no action in this case at this time other than payment of counsel.

Please note that no paper copies of the attachment(s) will be mailed separately to you.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to A. John Vollino, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 2nd day of September, 2021.

Brian David Hill,

Appellant,

against

Record No. 1294-20-3
Circuit Court No. CR19000009-00
(Appeal of November 25, 2019 order)

Commonwealth of Virginia and
City of Martinsville,

Appellees.

From the Circuit Court of the City of Martinsville

Before Senior Judges Annunziata, Clements and Frank

Counsel for appellant has moved for leave to withdraw. The motion to withdraw is accompanied by a brief referring to the part of the record that might arguably support this appeal. A copy of this brief has been furnished to appellant with sufficient time for appellant to raise any matter that appellant chooses.

The Court has reviewed the petition for appeal and appellant's *pro se* supplemental petitions for appeal, fully examined all of the proceedings, and determined the case to be wholly frivolous for the following reasons:

I. Appellant, by counsel, argues that the trial court committed reversible error when it denied what he characterizes as a "post-trial" motion to vacate its order affirming the district court's judgment following appellant's withdrawal of his misdemeanor appeal under Code § 16.1-133. Appellant contends that the denial of his motion violated Rule 3A:8(2) and Rule 7C:6(a).

On December 21, 2018, the General District Court for the City of Martinsville convicted appellant of misdemeanor indecent exposure and sentenced him to thirty days in jail. Appellant timely noted an appeal to the trial court. See Code § 16.1-132. Although he had court-appointed counsel, nearly a year after noting his appeal to the trial court, appellant filed a *pro se* motion to withdraw his appeal on November 12, 2019. The trial court entered an order affirming the district court's judgment and assessing costs on November 18,

2019.¹ See Code § 16.1-133. Within days of withdrawing his appeal, however, appellant filed a pleading styled, “Motion to Vacate Fraudulent Begotten Judgment.” Appellant asserted that the trial court lacked jurisdiction and that the conviction was the result of fraud; he asked the trial court to vacate the judgments of both that court and the general district court. The trial court denied the motion to vacate by order of November 25, 2019. This appeal follows.

Appellant, by counsel, argues that a withdrawal of a misdemeanor appeal from the general district court is, “[f]or all practical purposes concerning guilt or innocence, . . . indistinguishable from a circuit court’s acceptance of a guilty or no contest plea to the same charge.” He therefore posits that the trial court was obligated under Rule 3A:8(2) and Rule 7C:6(a), which govern guilty and *nolo contendere* pleas, to “determine whether [he] was withdrawing his appeal ‘voluntarily’ and ‘with an understanding of the nature of the charge and the consequences’ of his withdrawal.” We disagree.

The withdrawal of a properly noted appeal from the general district court to the circuit court in a criminal case is governed by Code § 16.1-133. That statute provides, in pertinent part, as follows:

[A]ny person convicted in a general district court, a juvenile and domestic relations district court, or a court of limited jurisdiction of an offense not felonious may, at any time before the appeal is heard, withdraw an appeal which has been noted, pay the fine and costs to such court, and serve any sentence which has been imposed.

A person withdrawing an appeal *shall give written notice of withdrawal* to the court and counsel for the prosecution prior to the hearing date of the appeal. If the appeal is withdrawn more than ten days after conviction, the circuit court shall forthwith enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute. Fines and costs shall be collected by the circuit court, and all papers shall be retained in the circuit court clerk’s office.

(Emphasis added). The Supreme Court has explained that the statutory requirement that the circuit court enter an order “affirming” the district court judgment “indicates that the general district court judgment in the withdrawn appeal remains in effect and is ratified by the circuit court order.” Commonwealth v. Diaz, 266

¹ Appellant noted a separate appeal to that order. See Hill v. Commonwealth, Record No. 1295-20-3.

Va. 260, 265 (2003). Indeed, until the appeal “is heard” in the circuit court, the general district court’s judgment, although stayed, remains a valid judgment while the appeal is pending. Id. Thus, the general district court’s judgment convicting appellant of indecent exposure “remained in effect throughout the proceedings in this case.” Id.

“[W]here a misdemeanor withdraws his appeal *de novo* from the district court before it is heard in the circuit court, his conviction and sentence by the district court are affirmed” Turner v. Commonwealth, 49 Va. App. 381, 389 (2007). Nothing in the statute, or the precedents applying it, mandates or even suggests that the circuit court is required to take any action other than to enter an order affirming the district court’s judgment, once the appellant notifies the court that he is withdrawing the appeal. Code § 16.1-133. Indeed, appellant himself notes in his *pro se* supplemental petition for appeal that he did not plead guilty or concede his guilt. To be sure, appellant expressly asserted his innocence in his motion to withdraw the appeal. Thus, we find appellant’s argument that the Rules of Court governing guilty pleas applied under the circumstances of this case is without merit.

II. Appellant, *pro se*, argues that the trial court erred and abused its discretion when it denied his motion to vacate because it “overlooked” evidence he filed *pro se* that, according to appellant, established that the Commonwealth and arresting officer committed fraud upon the court.² The gravamen of appellant’s argument is that the record does not support the statement in the police officer’s criminal complaint that he “was medically and psychologically cleared” after officers took him to the hospital on the night of his arrest “due to knee pain.” Appellant asserts that the officers failed to investigate whether he had been drugged or suffered from carbon monoxide poisoning. He contends that the officers’ failure to secure an analysis of his blood draws amounts to spoliation of evidence and, thus, a fraud on the court. Appellant further contends that the mental health evaluation the district court ordered was incomplete and that the record demonstrated that

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he was suffering from an “unspecified psychosis.” Therefore, he asserts that the evaluator wrongly determined that he was sane and competent to stand trial.

In appellant’s view, if he was not in fact “medically cleared” by hospital staff on the night of his arrest, “then the charge and conviction are erroneous.” Appellant asserts that the trial court’s failure to review his *pro se* filings before he withdrew his appeal violated his right to due process and equal protection. We disagree.

Appellant cites no authority, and we are aware of none, to support his contention that the trial court was required to pre-judge the case. The record reflects that the Commonwealth requested a jury trial, which was scheduled for December 2, 2019. The scheduled trial represented appellant’s opportunity to present his evidence to the fact-finder (in this case, the jury), challenge the Commonwealth’s evidence, and confront the police officer. It is well-established that “the Commonwealth, like the defendant, is entitled to a fair trial, which includes ‘the right to a fair rebuttal of mental health evidence presented by the defendant.’” Grattan v. Commonwealth, 278 Va. 602, 622 (2009) (quoting Muhammad v. Commonwealth, 269 Va. 451, 507 (2005)).

Rather than proceeding to trial, appellant exercised his right under Code § 16.1-133 to withdraw his appeal. Having exercised that right, appellant will not now be heard to complain that the trial court erred.³ “A party may not approbate and reprobate by taking successive positions in the course of litigation that are either inconsistent with each other or mutually contradictory.” Cody v. Commonwealth, 68 Va. App. 638, 665 (2018) (quoting Cangiano v. LSH Bldg. Co., 271 Va. 171, 181 (2006)). “Nor may a party invite error and then attempt to take advantage of the situation created by his own wrong.” Alford v. Commonwealth, 56 Va. App. 706, 709 (2010) (quoting Rowe v. Commonwealth, 277 Va. 495, 502 (2009)).

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³ We note that Code § 16.1-133 does not vest the circuit court with the discretion to deny the withdrawal of an appeal from the district court. Rather, upon notice of the withdrawal, “the circuit court shall *forthwith* enter an order affirming the judgment of the lower court and the clerk shall tax the costs as provided by statute.” Id. (Emphasis added).

hearing concerning the “cumulative evidence” he filed *pro se*, which he contends proves fraud on the court, deprived him of due process and equal protection. Appellant asserts that he presented “clear and convincing evidence” that he was “not medically cleared” and that the evidence “should have been debated, argued, and discussed” concerning his discharge from the hospital on the night of his arrest. Appellant further argues that the Commonwealth committed a fraud on the court by pursuing the charge where he asserts the evidence was insufficient to prove intent. He concludes that the judgment is “void.”

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V. Appellant, *pro se*, contends that he was denied the effective assistance of counsel in the trial court and on appeal. “Claims raising ineffective assistance of counsel must be asserted in a habeas corpus proceeding and are not cognizable on direct appeal.” Lenz v. Commonwealth, 261 Va. 451, 460 (2001). See also 1990 Va. Acts, ch. 74 (repealing Code § 19.2-317.1).

Accordingly, we deny the petition for appeal and grant the motion for leave to withdraw. See Anders v. California, 386 U.S. 738, 744 (1967). This Court’s records shall reflect that Brian David Hill is now proceeding without the assistance of counsel in this matter and is representing himself on any further proceedings or appeal.

The trial court shall allow John I. Jones, IV, Esquire, the fee set forth below and also counsel's necessary direct out-of-pocket expenses. The Commonwealth shall recover of the appellant the costs in this Court and in the trial court.

Costs due the Commonwealth by appellant in
Court of Appeals of Virginia:

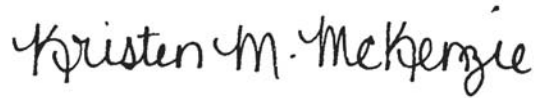
Attorney's fee \$300.00 plus costs and expenses

A Copy,

Teste:

A. John Vollino, Clerk

By:



Deputy Clerk

Kristen McKenzie

From: Court of Appeals of VA _4 <court_of_appeals_of_va_4@vacourts.gov>
Sent: Thursday, September 2, 2021 4:21 PM
To: John I. Jones IV (jones@johnjoneslawplc.com); Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)
Subject: BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA AND CITY OF MARTINSVILLE; Record No. 1294-20-3
Attachments: CORRECTED 090221 order-anders petition denied, motion to withdraw as counsel granted 1294-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Attached is this Court's **corrected** order entered today in the above-referenced matter.

(copy sent by U.S. mail to Appellant 310 Forest Street, Apt. 2, Martinsville, VA 24112)

Effective June 1, 2021, all counsel are required to file all pleadings, letters, briefs, etc., electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial System Website at <https://eapps.courts.state.va.us/help/robo/vaces/index.htm>. Pro se/self-represented litigants may, but are not required to, file pleadings through the VACES system. Otherwise, such individuals are required to transmit one paper copy of a filing to the Clerk of the Court.

Please note that no paper copies of the attachment(s) will be mailed separately to you.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to A. John Vollino, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

CAV: Submitted on 09-03-2021 17:30:26 EDT for filing on 09-03-2021

REQUEST FOR COURT JUDGMENT RULINGS IN BOTH CASES
LETTER TO COURT OF APPEALS OF VIRGINIA
IN THE CITY OF RICHMOND

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Friday, September 3, 2021 05:10 PM

<u>ATTN: Clerk of the Court</u> Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
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Dear Clerk of the Court, Court of Appeals of Virginia,

I would like to request a copy of both rulings by the 3-Judge Writ Panel rendered on September 2, 2021. This request is URGENT as I only have a strict number of days to file a Petition for Rehearing in both Appeal cases and I promise I will file a Petition for Rehearing but cannot do so without a copy of the Judgments rendered in both appeal cases rendered on September 2, 2021, denying my Petitions for Appeal.

My court appointed lawyer John Ira Jones, IV had not contacted me about both Court of Appeals judgments/decisions as of the date and time of this letter. My family checked the ACMS system and found out about those decisions thanks to the grace and foresight of GOD and JESUS. My court appointed lawyer John Ira Jones, IV is pretty much useless and should have been terminated from the service of representing me in my cases and a new lawyer appointed as he did filed the Petitions for Withdrawal as Counsel on April 13, 2021. I do have ineffective assistance of counsel on the record as a West Virginia lawyer named Edward Ryan Kennedy who was also a Mayor of Clarksburg in West Virginia had made legal arguments as to my Indecent Exposure charge in the Fourth Circuit of the Federal Court of Appeals proving that I did have a defense or defenses but my court appointed lawyers in the Circuit Court of Martinsville refused to bring up such defenses and did absolutely nothing to help me be found innocent. So I already have proof from another lawyer's legal arguments directly involved with my Indecent Exposure charge in Virginia that I did have prima facie evidence of ineffective assistance of counsel and I have the Constitutional right to effective assistance of counsel in accordance with the U.S. Supreme Court. See Strickland v. Washington, 466 U.S. 668 (1984). So please give me a copy of the

decisions, the verdicts made on September 2, 2021, in both Appeal cases.

I would like for you to send a copy of both rulings to my mother Roberta Hill via email at rbhill67@comcast.net.

So again, since my lawyer John Ira Jones, IV, had not contacted me about this decision when I have a limited amount of time to file a Petition for Rehearing in both cases, I ask that it be emailed to rbhill67@comcast.net so that Roberta Hill can show me the decisions and download those decisions and so I can review over the judgments in both cases while I draft my “Petition for Rehearing” in both appeals and file it timely as directed to do so by the Court and it's prescribed rules.

So please give me access to the judgments or give me a new appointment of Counsel.

Pursuant to authoritative case law: Strickland v. Washington, 466 U.S. 668 (1984), I have the right to file an extraordinary petition in the Supreme Court of the United States and can do so at any time. If I continue being ignored by the Court of Appeals of Virginia while I have ineffective assistance of counsel and new counsel cannot be appointed, then I will file a Petition for Writ of Quo Warranto or Writ of Mandamus or Prohibition. I will ask the Supreme Court to direct your Court to allow me to file and receive those orders Pro Se and allow me to file when it is clear that John Ira Jones, IV is not contacting me about those decisions by the Court of Appeals of Virginia rendered on September 2, 2021. I may have no choice but to ask the U.S. Supreme Court to strike down your orders as UNLAWFUL and violating my Constitutional Right to Due Process of Law under the Fourteenth Amendment. I have the right under Due Process of Law and Effective Assistance of Counsel to the Adversarial System.

The Commonwealth of Virginia and John Ira Jones, IV, has no no legal right under any Commonwealth or State to deprive me of Due Process of Law. Using procedural technicalities like ignoring my Petitions for Appeal, ignoring my Motions when it is clear my court appointed lawyers are not contacting me, they are clearly not representing me to the best of their abilities under the Strickland standards when they should have and are acting unethically, then it is clear I am being deprived of Due Process of Law by ineffective assistance of counsel and being deprived of access to the adversarial system. Your verdicts are UNCONSTITUTIONAL and may be ILLEGAL and I will push for the Supreme Court of the United States to overturn your verdicts denying my Petitions for Appeal as they are illegal due to ineffective assistance of counsel as well as Deprivation of my Constitutional Right to the Adversarial System which is part of Due Process of Law, and I have evidence of ineffective assistance of counsel. I will go straight to

SCOTUS and tell them what your Court has done. I will ask for order and remand.

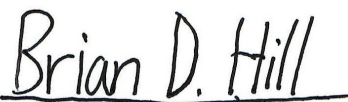
I don't want to have to take drastic measures but I will because I am sick and tired of being deprived of my Constitutional rights and all of this over a misdemeanor.

Please give me a copy of the rulings otherwise I will soon file a SCOTUS Petition asking for drastic remedy against your Court for John Ira Jones, IV refusing to do anything except for filing possibly defective Petitions. He asked to be terminated as counsel but instead the Court denies my Petitions and refuses to remove him from my case. Instead I am being directly deprived of Due Process of Law which encroaches upon the Fourteenth Amendment of the United States Constitution. It may very well be high treason under the Federal Constitution. I ask this Court not to commit high treason against the United States Constitution. The Oaths of Office all state I will protect and defend the Constitution, I will swear allegiance to the same, to faithfully execute or discharge the duties of the office the officers of the Court are about to enter. The oaths of office are not just mere words. It is a solemn vow to follow the laws of the land.

So please do not ignore this letter. I will file a SCOTUS petition on your Court as I cannot rely on ineffective lawyer John Ira Jones, IV. Whether he could be blackmailed or threatened or not is not the issue here. He is clearly INEFFECTIVE and not being in contact with his CLIENT. This calls for Constitutional remedy.

Constitutional remedy is my right as a criminal defendant, I am supposed to have rights here, I am not a slave. I should not be treated like a slave.

Respectfully filed with the Court,
This the 3rd day of September, 2021.


Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112





JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

On September 3, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk:

<p>Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee</p>	<p>Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee</p>
<p>Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321</p>	<p>John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455</p>
<p>All individuals were emailed by rbhill67@comcast.net, on September 3, 2021.</p>	

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage

without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

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



Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

ADDENDUM TO
REQUEST FOR COURT JUDGMENT RULINGS IN BOTH CASES
LETTER TO COURT OF APPEALS OF VIRGINIA
IN THE CITY OF RICHMOND

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3, 1295-20-3
(Appeal of criminal conviction, Appeal of denial of a Motion)

Monday, September 6, 2021 08:43 PM

ATTN: Clerk of the Court Court of Appeals of Virginia	cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321
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Dear Clerk of the Court, Court of Appeals of Virginia,

I am honest with this Court, I assert whatever laws that I feel apply to this Court and to my Appeal cases. I may sound a little harsh about the Federal Laws issue that Judges and Clerks both have to comply with Federal Law, but the Law is the Law. I have been protected under Federal Law and your Court cannot destroy my protections under Federal Law. The protections exist for a reason, to protect life and liberty.

My SSI Disability money is protected under Federal law and the Court cannot directly or indirectly attempt to demand my only source of income which is my SSI disability money. **The panel's decision is erroneous and so I have finalized my Petition for Rehearing. I will file it along with this Addendum Letter to the Clerk.**

I also like to apologize to your Court about the remarks in my previous filed letter ranting about not receiving the orders/rulings rendered by the Writ Panel. I did receive the two decisions/orders/rulings by U.S. Mail on September 4, 2021. I confirm receipt of two envelopes from your Court of Appeals of Virginia, and both were mailed out on September 2, 2021, same date as the decisions/orders/rulings on September 4, 2021.

I disagree with those decisions/orders/rulings and have decided to forward the Panel's decision to the Social Security Administration and asking the Feds to protect me from any attempt by your Court to unlawfully steal my SSI disability disbursements. I will also forward this information to Legal Aid of Virginia and keep them updated as your Court or the Circuit Court may unlawfully attempt to take my SSI disability money.

I may even have to ask the U.S. Federal Bureau of Investigation to protect me as well as taking away my only source of income is an attempt on my life, an attempt to take me out and make me homeless, then I cannot receive Medicaid which will prevent me from life saving medications such as Insulin and Glucose and caretaker services. I cannot sit by and let the Writ Panel endanger or threaten my life and violate Federal Law at the same time. I will now be in a legal defense posture with the Feds to protect me from your Court if the Feds are even willing to protect me that is. I have to protect myself.

This is not against the Court, this is the Deep State Swamp doing this to me, the corrupt CIA which is in Fairfax, Virginia, the Shadow Government. They, the Deep State Swamp my enemy who hides in the shadows think they can threaten, bribe, blackmail, or manipulate Judges to work against me at every level but I will not budge. The Deep State can murder me and my family because I will not give up in this legal fight and I will not budge. I am not afraid of the Jeffrey Epstein, Bill Gates, Rockefellers, Ghislaine Maxwells, anybody of the pedophile rings. I will not budge. I will never budge even if I am murdered because of it. I am not saying this as bravado. I am willing to let them destroy me if justice comes, I am willing to be put on the cross and crucified. I am not perfect but I do the best I can in fighting the corrupt New World Order.

I know I am innocent of indecent exposure and I will never budge on it again, I will be acquitted by pardon, or Court or acquittal. I will never let anybody manipulate me into ruining my appeals or cases. I know I am innocent. Clerks, you are just doing your jobs. You don't know about the blackmail stuff and threats and bribery or maybe you do and you just can't talk about it. Maybe you want to blow the whistle and if you wish to do that then contact Tips at Project Veritas and tell them what is criminally going on as is your right to report criminal activities going on that your a witness to. By law you have to report any criminal activity going on in your line of work including the lawyers. We are a republic, a land of laws not a land of men.

So you shall have my Petition for Rehearing filed on the exact same date of this letter. Filed on the 7th day under the number of God's favorite number "7".

Feel free to send me the PDF files of both rulings as they would be cleaner with copy and pasting compared to scanned legal documents. You can email them to c/o Roberta Hill at rbhill67@comcast.net.

I do understand there are good Judges and Clerks and Court officials, but all I ask is that Federal Law be followed. I am not trying to be mean to this Court. However I am protected under Federal Law. Trying to take my SSI disability money when I owe no restitution, have no victims (have no victims in my Federal Case either believe me or

not, it is in my PSI report), and the only thing is legal fees. Even Righthaven LLC settlement attorney wanted me to pay \$6,000 in \$50 increments to dismiss the copyright infringement lawsuit against me, but I refused and decided to fight them in Court. Then I started posting at FederalJack.com and uswgo.com in 2011, I fought tooth and nail. I written one article after another attacking Righthaven LLC, even proved that they committed perjury but nobody ever charged them for perjury though. I went to the media and got coverage from the Las Vegas Sun to Westword, to WXII12 and FOX8, to the New York Times. I fought hard enough and kept refusing to settle even at the moment where David S. Kerr my pro bono lawyer threatened to quit being my lawyer. However he did not quit and represented me all the way and Righthaven LLC backed down because they defrauded the Court with their Strategic Alliance Agreement. So by refusing to settle, even when they offered that I can settle and pay \$1 to Righthaven, I still refused and kept posting stuff attacking Righthaven on my ex-Facebook profile, and then they filed a voluntary motion to dismiss since they defrauded the Court by not having standing to even sue. I cannot post articles anymore after I was framed with child porn in 2012, convicted in 2014, but I have friends and family that can. We have contacts in the alternative media, political activists, political friends or advisers like Roger Stone, and even former Military Intelligence assuming that QAnon is even real and weren't just some scam of Operation Trust like in Soviet Russia. I do not think so as dissent always exists inside of Government so there has to be good people working inside of Government who do not want to do evil things to us American people. Anyways, I am alerting everybody about the attempts to unlawfully steal my SSI disability and am ready to file a Petition with the U.S. Supreme Court as soon as possible to challenge what the panel had done. I have Tracy Beanz, General Flynn, Roger Stone, other potential media correspondence. I can have my friends and family let them know what is going on including Attorney L. Lin Wood. Attorney L. Lin Wood has the evidence of who is being blackmailed by the Deep State CIA Clowns in Action, I ain't saying their real agency name. I really hope I am wrong about Lin Wood's public tweets and statements about judges/justices being blackmailed with child rape and murder by the Deep State, and if I am right then I deserve compensation instead of money being given to John Ira Jones, IV the traitor lawyer who was an Assistant Attorney General prior to being appointed to supposedly represent me. Military Intelligence vet is saying that I will be found innocent and that I will be compensated for all of the damage the Courts have done to me. So if military intelligence is saying that I will be found innocent of child porn and will be compensated, then I will ask the Circuit Court to overturn my indecent exposure conviction or let me have a new jury trial. This time I will be allowed to testify at my jury trial once the felony child porn stupid conviction is overturned, I will testify at the trial, I will tell the jurors about the carbon monoxide poisoning and I will tell them about my Autism. I will fight to make sure that they see the real evidence and the proof of my claims. I will be acquitted and

compensated for every dime the Court is trying to take away from me. Compensated for every day I wrongfully spent sitting in Martinsville City Jail. The Military Intelligence former officer, this veteran says I will be found innocent but didn't tell me whether it was both State/Fed charges or whether it was State or Federal or whatever, but I am innocent of both charges so the evidence is in my favor. The Commonwealth covered up evidence just like the Corrupt Town of Mayodan covering up evidence I was framed with child porn and covering up evidence of botched up audio interrogation recording. Cover up, cover up, cover up. Innocent men don't cover their tracks. Martinsville is covering their tracks, covering their butts. **So I will be found innocent once they are all arrested for corruption, I will be acquitted with the cover ups of the body-camera footage and cover up of biological evidence proving that I was naked in public at night while under Carbon Monoxide poisoning in the blood.** That will directly prove it but I will never be able to prove it because it was covered up by Glen Andrew Hall or the Hospital or the Police. Whatever. They are all suspects.

If I am right about any of the judges being blackmailed by the New World Order, the Deep State Swamp, the Pedophile Rings, any of them, then I deserve acquittal of all charges and acquittal of all bad judgments as they were fueled by blackmail and fraud. Until Donald Trump is reinstated and the DOJ is cleaned out, Lin Wood cannot distribute out the blackmail videos to proper criminal investigators because child rape blackmail tapes/videos is technically considered child pornography. So Lin Wood cannot release the tapes to WikiLeaks because it would land them all in trouble. So until the Government is fixed and the corruption in the States/Feds are held accountable for their crimes, the blackmail tapes can never truly be analyzed as to which judges are compromised. We are in a bad situation because of the corruption. My own lawyer is corrupt, just as corrupt as Matthew Clark, just as corrupt as Lauren McGarry, all of them, they are all corrupt and unethical.

I will go to the media, understand that. I cannot agree to violate Federal Law to satisfy the Judges or Lawyers. My Probation wants me to adhere to the law and I hope your Court does the same thing. I am writing the Executive Branch asking for a full Pardon and acquittal of my State charge. So understand that I am not being frivolous here because I am innocent of indecent exposure. You and the Commonwealth Attorney can understand my position in this addendum letter. I will also notify my Probation Officer as well about what your Court is trying to do right now demanding money from my SSI disability. I will prepare the Supreme Court Petition as even under the stupid Rooker Feldman doctrine, I can still challenge your Court's demand for my SSI disability and I can challenge it at the United States Supreme Court without having to file a Petition for Rehearing or go up the chain of Courthouses. I can ask the U.S. Supreme Court at any time to protect my SSI disability money. I will do so, my family

will help me with the envelopes, the paper printing, the mailings, the legal research, and I will go straight to the Supreme Court. The Federal Courts never demanded I pay money out off my SSI, they leave me alone on that, even though I lost due to ineffective assistance of counsel just like this case. Despite the no victims yet I had restitution, despite the fact that I owe \$100 to the U.S. District Court Clerk, they understand Federal Law more than your Court employees and they never attempted to take money out of my SSI. Despite the corruption and probably blackmail of our Federal Judges by the Deep State Swamp, at least they are more reasonable about not getting blood from a turnip.

Glen Andrew Hall needs to understand that he cannot continue acting corrupt and he cannot continue violating laws here. The law is here for a reason. The cover up of the Martinsville Police body camera footage is potentially Federal Obstruction of Justice, destruction of blood biological evidence while I was under Federal Probation Investigation on September 21, 2018 is potentially Federal Obstruction of Justice since the Federal Probation Office conducts an investigation when they feel that I violated a condition of my Probation such as the Virginia charge. So the Commonwealth Attorney or Martinsville Police or Sovah Medical Hospital may have all violated U.S. Code in destruction of evidence which is Obstruction of Justice by destroying evidence that would aid a criminal Federal investigation. The Federal Probation Office likely does not have the blood vials because the Martinsville corrupt Police destroyed the evidence, biological evidence destroyed. Body camera footage destroyed and covered up. All of that violates Federal Law. **So understand Glen Andrew Hall, you may be allowed to get away with this criminal activity and corruption and misconduct against me and others, but violating Federal laws is nothing to laugh about.** I learned the hard way even being accused of child porn when I had proof that I was innocent. We Are Change did a story on it and the SBI government investigation file parts were leaked to the public by an unknown assailant (likely a Government employee, who knows!) who felt as though I was being wrongfully convicted for child porn when it was downloading for 11 months and 8 days after my computer was seized by Law Enforcement. See <https://wearechange.org/case-brian-d-hill/>

That is all I have to say about all of this to the Clerks. I will fight tooth and nail until I am acquitted for good. I will never give up. I am innocent of all charges and will never put up with corruption, anywhere, everywhere. I seek my freedom and life back.

We are all affected by corruption. Where We Go One We Go All.

Respectfully filed with the Court,
This the 7th day of September, 2021.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

On September 6, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
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Tori J. Cotman

From: Court of Appeals of VA _6
Sent: Wednesday, September 8, 2021 10:12 AM
To: rbhill67@comcast.net
Subject: Record Nos. 1294 - 20 - 3 and 1295-20-3 BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, ET AL.
Attachments: CORRECTED 090221 order-anders petition denied, motion to withdraw as counsel granted 1294-20-3.pdf

Attached is a copy of this Court's corrected September 2, 2021 order, which was previously sent by U.S. mail to Appellant, Brian David Hill at 310 Forest Street, Apt. 2, Martinsville, VA 24112 on September 2, 2021.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to A. John Vollino, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.

Record No. 1294-20-3

In The Court of Appeals of Virginia

BRIAN DAVID HILL,
Petitioner/Appellant,

vs.

COMMONWEALTH OF VIRGINIA,
Appellee/Respondent.

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

**PETITION FOR REHEARING OR
REHEARING EN BANC**

Brian David Hill
Pro Se Appellant
Ally of QANON and General Flynn
*Former USWGO Alternative News
Reporter*
310 FOREST STREET, APARTMENT 2
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Friend of justice



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PETITION FOR REHEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROUND FOR RELIEF

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

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

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

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

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

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

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

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

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

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

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

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

8. The Panel argued that “*Even assuming that appellant was not medically cleared*” or that the Commonwealth’s evidence was not

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

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

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

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

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

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

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

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

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

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

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

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

10. There are other legal issues which can be brought up further justifying relief but would surpass the word count limit.
11. The granting of the petition in this case means that this Court can preserve the Due Process and Equal Protection under the Laws, as well as the integrity of the Courts, punish the officers in contempt. There is clear evidence of fraud and contempt by officers of the court. Counsel John Jones was wrong to assert *Anders v. California*, 386 U.S. 738 (1967) as it is clear that Petitioner was entitled to relief.

CONCLUSION

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

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

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

Dated:

Respectfully submitted,

September 9, 2021


Brian D. Hill
Signed

Brian D. Hill

Brian David Hill
Pro Se Appellant
Ally of QANON
Former USWGO Alternative News
Reporter
310 FOREST STREET, APARTMENT 2
MARTINSVILLE, VIRGINIA 24112
Tel.: (276) 790-3505
E-Mail: No Email
JusticeForUSWGO.NL/pardon
JusticeForUSWGO.wordpress.com

U.S.W.G.O.



CERTIFICATE OF TRANSMISSION AND SERVICE

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

Glen Andrew Hall, Esq.

Commonwealth Attorney's Office for the City of

Martinsville

P.O. Box 1311 // 55 West Church Street

Martinsville, Virginia 24114/24112

(276) 403-5470

(276) 403-5478 (fax)

Roberta Hill <rbhill67@comcast.net>

9/9/2021 6:38 AM

Court of Appeals of Virginia, Petition for Rehearing, no. 1294-20-3, Brian David Hill v. Commonwealth of Virginia

To cavbriefs@vacourts.gov <cavbriefs@vacourts.gov> •
Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us> •
Mark R. Herring, Esq. <mherring@oag.state.va.us> • John Jones <jones@johnjoneslawplc.com> Copy
evidenceinfo@protonmail.com • Tracy Beanz <tracy@uncoverdc.com> •
Stanley Bolten <stanleybolten@protonmail.com> • Lin Wood <lwood@linwoodlaw.com> • kenstella@comcast.net •
Celia@uncoverdc.com <celia@uncoverdc.com> • Daniel@uncoverdc.com <daniel@uncoverdc.com> •
brian@uncoverdc.com <brian@uncoverdc.com> • larry@uncoverdc.com <larry@uncoverdc.com> •
wendi@uncoverdc.com <wendi@uncoverdc.com> • veritastips@protonmail.com • tips@projectveritas.com •
nationalfile@protonmail.com

Hey Clerk,

I am Roberta Hill, Brian's mother. I am filing this through VACES on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf, his Petition for Rehearing. My son is having me to serve the respondents through email and the certificate of service is in the last two pages of the PDF file of this filing. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

Brian wanted me to let the Clerks know that Brian is considering asking for a contempt proceedings against Glen Andrew Hall in Circuit Court for violating three Court Orders. For now the appeal process is what he had done right now but he says at any time he can just file requests to charge Glen Andrew Hall with contempt of court for knowingly destroying evidence and lying to the Judges. One motion asking for this may just be filed ASAP, Brian has the evidence ready to push for the contempt charge. He may push his Probation Officer Jason McMurray to push for Federal obstruction of justice charges against Glen Andrew Hall as well for destroying the body camera video and my son's blood samples. Brian is ready to push for criminal charges or contempt charges as he feels he has no other recourse. Military Intelligence told me to tell my son that he will be found innocent of his charges and will receive compensation for the misery and torment he had gone through for years, that came from a Crypt intelligence veteran, that is all I am going to tell you.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

CAV: Submitted on 09-09-2021 07:50:11 EDT for filing on 09-09-2021

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Petition for Rehearing, case no. 1294-20-3, Court of Appeals of Virginia.
Brian David Hill v. Commonwealth of Virginia

Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

-
- CourtAppeals9-9-2021.pdf (450 KB)

Roberta Hill <rbhill67@comcast.net>

9/9/2021 7:33 AM

Court of Appeals of Virginia, Final Letter on the remaining Petition for Rehearing, no. 1294-20-3, Brian David Hill v. Commonwealth of Virginia

To cavbriefs@vacourts.gov <cavbriefs@vacourts.gov> • Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us> • Mark R. Herring, Esq. <mherring@oag.state.va.us> • John Jones <jones@johnjoneslawplc.com> Copy evidenceinfo@protonmail.com • Tracy Beanz <tracy@uncoverdc.com> • Stanley Bolten <stanleybolten@protonmail.com> • Lin Wood <lwood@linwoodlaw.com> • kenstella@comcast.net • Celia@uncoverdc.com <celia@uncoverdc.com> • Daniel@uncoverdc.com <daniel@uncoverdc.com> • brian@uncoverdc.com <brian@uncoverdc.com> • larry@uncoverdc.com <larry@uncoverdc.com> • wendi@uncoverdc.com <wendi@uncoverdc.com> • veritastips@protonmail.com • tips@projectveritas.com • nationalfile@protonmail.com

Hey Clerk,

I am Roberta Hill, Brian's mother. I am filing this through VACES on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf, his last letter regarding his final filed Petition for Rehearing. My son is having me to serve the respondents through email and the certificate of service is in the last two pages of the PDF file of this filing. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. Thank You!

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

Letter on the remaining Petition for Rehearing, case no. 1294-20-3, Court of Appeals of Virginia.
Brian David Hill v. Commonwealth of Virginia

Brian David Hill

CAV: Submitted on 09-09-2021 07:38:23 EDT for filing on 09-09-2021

310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

-
- Letter-CAV-Brian-Hill-9-9-2021.pdf (2 MB)

LETTER TO COURT OF APPEALS OF VIRGINIA
IN THE CITY OF RICHMOND

Re: Brian David Hill v. Commonwealth of Virginia, City of Martinsville
Record No. 1294-20-3
(Appeal of denial of a Motion)

Thursday, September 9, 2021 07:26 AM

ATTN: Clerk of the Court
Court of Appeals of Virginia

cavbriefs@vacourts.gov
109 North Eighth Street,
Richmond, Virginia 23219-2321

Dear Clerk of the Court, Court of Appeals of Virginia,

I am sorry about having to push my mother to send these filings in but I have no choice until I am acquitted of everything, that is just the way things have to be right now. Acquitted of the State conviction and then the Feds as well.

I have filed my final Petition for Rehearing. I am also going to consider contacting Legal Aid of Virginia and seeing if I need to quickly file an interlocutory Supreme Court Emergency Petition for Writ of Mandamus or Prohibition to block any efforts to try to unlawfully take my SSI disability income and I am about ready to send copies of those Court Rulings to the Federal Social Security Administration Offices with the evidence claims that the Commonwealth has purposefully destroyed evidence in order to trap me into a wrongful conviction and then turn around and try to extort me with these unlawful financial demands. Glen Andrew Hall has really put me in a bad situation, what a JERK.

I am attaching a copy of a Motion for a Contempt Proceeding to try to charge Glen Andrew Hall with destroying evidence exculpatory to the entire criminal prosecution in violation of the General District Court's order dated November 28, 2018. The Circuit Court had two Court Order's for Discovery and both of them were violated too by Glen Andrew Hall by destroying the Police body-camera footage and blood vials.

Since the Court of Appeals of Virginia is supposed to act as a supervisory Court, the evidence of Officer of the Court Glen Andrew Hall and his misconduct must be made known to the Court of Appeals of Virginia and you can forward this to the Supreme Court of Virginia or State Bar or whatever. He deserves being disbarred and not allowed to practice law. I don't care that he is elected. Attorney L. Lin Wood had recently made a

statement that over 90% of elected officials will be arrested for corruption, communism sympathizers, violating oaths of office, blackmail, and the ones who were threatened will be okay since they were coerced and were forced by threats to make bad decisions for our great country, the United States of America. Glen Andrew Hall could be on the list of those to be arrested and he should be. Lin Wood has the evidence of the blackmail child rape videotapes encrypted as he had announced on Twitter in January, my family shown those Tweets to me, taken screenshots, and those screenshots were given to me.

Mike Lindell, the famous MyPillow guy is also aware of what Martinsville is doing to me. Tips were given to former law enforcement officer Stew Peters. I am having my friends and family contact all of the hard hitting swamp drainers. It is time to drain the swamp. I think it is best for you in the Court to start reporting any corruption you are aware of to Project Veritas and give them whatever testimony you have about anything criminal so that it can be prosecuted to the fullest extent of the law.

I don't like having to talk like this. I made enemies before in the Town of Mayodan and they got revenge on me by framing me with child porn. However Mayodan did not hold me hostage, they didn't demand my SSI disability money, they didn't put one lousy Court ruling after another demanding more and more money from me and lying about me. I have no choice but to fight even if I am murdered or framed with child porn again. I have no choice but to fight until the bad guys decide to come and murder me. I have no choice. My SSI is at stake here, I cannot live as I cannot work a regular job. My OCD hand washing routines are getting worse again, which can do damage to my living environment if I am not careful, I am getting more and more depressed and feeling hopeless. I don't want to go there, I don't want to become suicidal. That is why I keep fighting even when it looks hopeless. I been there before. I been lied about in the Federal Courts, I've proven those lies only for the Federal Courts of Appeals to protect the liars in office. It seems like it is the exact same thing here in Virginia as well, I should have known. I have to fight as much as I can as long as I can to the bitter end. If God thinks it is my time to be murdered by the bad guys, by the Deep State Cabal Swamp criminals and their bottom feeding District Attorneys, then I guess that is it for me. If God wants me alive to do the job that God and Jesus wanted me to do, and that was to expose the corruption in the Government and the Corrupt Prosecutors trying to hurt me over and over again, then I have no choice but to fight for my life to be restored.

I am not doing this to win a battle or war, I am fighting for the corruption to just go away and stop hurting me and my family. My hands are hurting as I type of these legal letters and Motions and Petitions and everything, but I keep on typing because I know if I don't fight with everything I have within me, I will be homeless without Medicaid and I am a dead man if I cannot prevail. I must prevail no matter what it takes.

Even if it is asking the Governor for a pardon. I will do whatever it takes to be free again. If I was really guilty and did something wrong on September 21, 2018, that I wasn't a victim of Carbon Monoxide Poisoning, then I would just accept responsibility, pay in increments and move on. However, that is not the case here. I am the victim of corruption once again. I never thought two charges in a row I would have proof of my innocence but the court appointed lawyers are worth nothing but garbage. The Public Defenders are not worth anything to me except attorney Edward Ryan Kennedy of West Virginia, he actually fought tooth and nail against the prosecutor in the U.S. Court of Appeals. Prior to that, Renorda Pryor fought hard for me at the Probation Violation trial proceedings but then afterwards she may have gotten threatened or something as her attitude changed and she wasn't being effective. So I have been through so much corruption and tyranny, I am an expert on it. I can testify before Congress on it, I am an expert in political corruption. After what all I been through.

Anyways here is the filing attached on a proceeding I am pushing for as the Full Court reviews over the Petitions for Rehearing, I have no choice but to go after Glen Andrew Hall for violating the Court Orders. He won't give me reprieve, he won't give me quarter. He fights unfairly and the other lawyers just let him hurt me and my family.

We are all affected by corruption. Where We Go One We Go All.

Respectfully filed with the Court,
This the 7th day of September, 2021.



Brian D. Hill

Brian D. Hill
Appellant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON and General Flynn
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

On September 9, 2021, I, Brian David Hill certify that the original of this foregoing letter/pleading was transmitted to the Clerk of the Court of Appeals of Virginia and that a copy of this foregoing letter/pleading had been transmitted to the following parties:

1. Commonwealth of Virginia, Appellee
2. City of Martinsville, Appellee,

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit a copy of this pleading to the following attorneys who represent the above appellees' as well as the Clerk:

Mark R. Herring, Esq. Office of the Attorney General of Virginia mherring@oag.state.va.us 202 North Ninth Street Richmond, VA 23219 Attorney for Appellee	Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for Appellee
Clerk of the Court Court of Appeals of Virginia cavbriefs@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321	John Ira Jones, IV, Esq. Attorney of Record from Appellant jones@johnjoneslawplc.com 9520 Iron Bridge Rd, Ste. 204 Chesterfield, VA 23832-6455
All individuals were emailed by rbhill67@comcast.net , on September 9, 2021.	

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

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

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

U.S.W.G.O.



<<<PLEADING ATTACHED>>>

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

COMMONWEALTH OF VIRGINIA,)
CITY OF MARTINSVILLE,)
)
V.)
)
BRIAN DAVID HILL,)
)
DEFENDANT.)

CASE NO: C18-3138

MOTION FOR CONTEMPT PROCEEDING/CHARGE AGAINST OFFICER OF THE COURT, COUNSEL GLEN ANDREW HALL, ESQ. FOR CONTEMPT OF COURT

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, as provided by the inherit or implied powers of a Court to sanction and prevent misconduct by an officer of the Court:

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

1. The General District Court of Martinsville had made an Order on the date of November 28, 2018. See **ATTACHMENT 1** to this filing.

2. This Court did not know that the Commonwealth of Virginia and the City of Martinsville, through it's legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Order of November 28, 2018. That he did not comply with that Court Order and flagrantly violated that Court Order without giving a good reason to justify such action(s).

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

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

5. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as it's

representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville.

6. Martinsville Police Department did retain the body-camera footage as was outlined in a public news article printout titled: “Body Cameras Proving Useful for Martinsville Police | WSET”. See ATTACHMENT 2.

7. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court will not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order with all intents and purposes described in this Motion and it's attachments herein. This Court still has the power from it's inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in ATTACHMENT 1.

8. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered part of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of this Court's Order for discovery.

Citation of Court Order:

It appearing to the Court that discovery pursuant to Rule

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

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) [citation omitted]

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

[Citations reformatted above.]

9. That order said: “Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth”. They did know about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period

still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court, licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

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

matter.

11. All Courts and Judges have the exclusive Constitutional inherit and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence and that evidence is destroyed, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything and nobody has to respect the Court and nobody has to respect it's authority and not respect it's officers when there is no punishment or sanction against a rebellious officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys.

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

The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case. In determining the appropriate sanction,

the trial court is required to consider:

1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;
2. Whether the prejudice can be cured;
3. The practical importance of the evidence;
4. Whether the spoliator acted in good or bad faith; and
5. The potential for abuse if the evidence was not excluded.

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

any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of discolored lips would be that of "CARBON MONOXIDE POISONING". It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that

gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies “The practical importance of the evidence”. It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which

contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is “The potential for abuse if the evidence was not excluded.” There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a “cover up”.

Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of “Whether the spoliator acted in good or bad faith”and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

14. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, he is one of the worst attorneys Brian had ever been prosecuted by. This attorney does not want Brian to have any relief or remedy. Many attorneys are scared of Glen

Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

15. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials, that he felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good

evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation. He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records. He was asked by a Federal licensed Attorney if Officer Robert Jones knew that Brian was diabetic, he said "no". He was asked Officer Robert Jones knew that Brian had Obsessive Compulsive disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a

racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed.

16. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

17. It is quite clear that the General District Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order by asking for the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney or private attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the

discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time.

Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon Monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily.

ATTACHMENTS	PAGES	DESCRIPTION
ATTACHMENT 1	1 of 3	COURT ORDER - GDC
ATTACHMENT 2	4 of 26	EVIDENCE OF MULTIPLE ATTEMPTS REQUESTING BODY-CAMERA FOOTAGE PURSUANT TO COURT ORDER
ATTACHMENT 3	27 of 28	EVIDENCE FROM CIRCUIT COURT RECORD, PAGE FROM FEDERAL COURT

		RECORD (ORIGINAL DOCUMENT FROM FEDERAL COURT) ABOUT POLICE BODY-CAMERA FOOTAGE BEING ACTIVATED
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It is clear that both Scott Albrecht and Glen Andrew Hall did not comply and did not attempt to enforce the Court Order on November 28, 2018. Glen Andrew Hall and Martinsville Police department (his client) did not comply with the **ATTACHMENT 1** Court Order dated November 28, 2018. Defendant requests that this Court hold both lawyers in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against them and allow further evidence to be shown and developed. Defendant is ready for showing the evidence, it is long overdue. Defendant is ready to demonstrate that both lawyers should be held in contempt of court and recommendations for both to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he is completely responsible for this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

WHEREFORE, the Defendant prays that this Honorable Court order the following relief:

1. That the General District Court declare that Glen Andrew Hall, Esquire and/or Scott Albrecht were in Contempt of Court as to the order dated

November 28, 2018;

2. That the General District Court consider the sanction against Glen Andrew Hall by acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the Court Order destroying evidence which would have lead to the automatic acquittal of Brian David Hill whether in Martinsville General District Court or in Trial De Novo in the Circuit Court of Martinsville;
3. That the General District Court consider dismissing this case against Brian David Hill with prejudice as the damage can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the General District Court consider filing a declaration of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whatever is proper;
5. That the General District Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court,
This the 9th day of September, 2021.



Signed
Brian D. Hill

Brian D. Hill
Defendant

Former news reporter of U.S.W.G.O. Alternative News
Ally of QANON and General Flynn
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing Motion was faxed, emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 9th day of September, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

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

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville ahall@ci.martinsville.va.us 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478	Hon. Stacie Renae Prillaman Clerk of the Court General District Court in the City of Martinsville srprillaman@vacourts.gov 109 North Eighth Street, Richmond, Virginia 23219-2321 Phone: (276) 403-5125 Fax: (276) 403-5114 55 West Church Street P. O. Box 1402 Martinsville, VA 24114-1402
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

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

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Appellant

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

Ally of QANON

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



ATTACHMENT 1

for

**MOTION FOR CONTEMPT PROCEEDING/CHARGE AGAINST
OFFICER OF THE COURT, COUNSEL**

GLEN ANDREW HALL, ESQ. FOR CONTEMPT OF COURT

CASE NO: C18-3138

COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE

V.

BRIAN DAVID HILL

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

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

CASE NO: C18-3138

ORDER

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

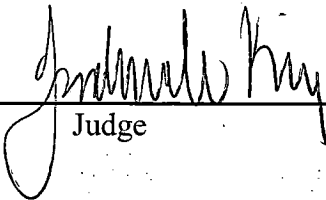
It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
- (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

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

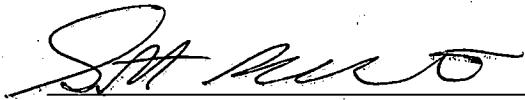
subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.



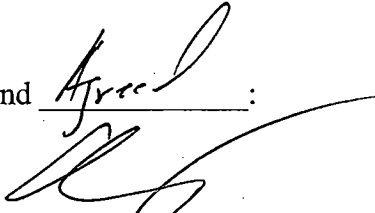
Judge

I ASK FOR THIS:



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

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

SEEN and Agreed :


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

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

ATTACHMENT 2

for

**MOTION FOR CONTEMPT PROCEEDING/CHARGE AGAINST
OFFICER OF THE COURT, COUNSEL**

GLEN ANDREW HALL, ESQ. FOR CONTEMPT OF COURT

CASE NO: C18-3138

COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE

V.

BRIAN DAVID HILL

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

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

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

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

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

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

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

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

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

ANALYSIS:

From the Virginia Supreme Court rules document:

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

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

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

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

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

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

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

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

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

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

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

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

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

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

CERTIFICATE OF SERVICE

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

Signed, Brian D. Hill
Signed

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

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

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

Exhibit 1

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

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

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

Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

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

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

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

#3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019

#4. copy of 1-page letter to Chief of Police dated January 20, 2019, and copy of 1-page letter to Chief of Police dated January 19, 2019.

#5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.

Certified mail tracking number:

7018 1130 0000 8936 6290

#6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019

#7. 1-page letter to Attorney Alan Ellis dated February 1, 2019

#8. 4-page letter to the National Security Council dated February 3, 2019.

Certified Mail tracking number: Feb. 3

7018 1130 0000 8936 6320

#9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.

#10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.

#11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no.

7018 1130 0000 8936 6306

Exhibit 2

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

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

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

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

Martinsville Circuit Court case
Discovery Request

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

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

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

Exhibit 3

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

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

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

FCI², Butner, N.C.
Brian David Hill #29947-057

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

Brian David Hill #29947-057

Federal Correctional Institution¹, Butner, N.C.

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

Exhibit 4

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

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

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

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

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

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

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

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

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

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

(Letter 1)

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

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

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

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

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

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

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

Copy of note mailed with letter dated January 19, 2019

**Chief of Police and Commonwealth Attorney in Martinsville,
VA,**

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

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

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

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

Exhibit 5

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

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR1900009-00
“Motion for Discovery”

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



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

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

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

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

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

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

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

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

And Rhoads explains, this camera shows the real version.

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

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

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

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

TESTE: *Jennifer C. Coplin*
CLERK DEPUTY CLERK

ATTACHMENT 3

for

**MOTION FOR CONTEMPT PROCEEDING/CHARGE AGAINST
OFFICER OF THE COURT, COUNSEL**

GLEN ANDREW HALL, ESQ. FOR CONTEMPT OF COURT

CASE NO: C18-3138

COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE

V.

BRIAN DAVID HILL

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

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

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

Record No. 1294-20-3

In The Court of Appeals of Virginia

BRIAN DAVID HILL,
Petitioner/Appellant,

vs.

COMMONWEALTH OF VIRGINIA,
Appellee/Respondent.

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

**PETITION FOR REHEARING OR
REHEARING EN BANC**

Brian David Hill
Pro Se Appellant
Ally of QANON and General Flynn
*Former USWGO Alternative News
Reporter*
310 FOREST STREET, APARTMENT 2
MARTINSVILLE, VIRGINIA 24112
Tel.: (276) 790-3505
E-Mail: No Email



Friend of justice



JusticeForUSWGO.NL/pardon
JusticeForUSWGO.wordpress.com

PETITION FOR REHEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROUND FOR RELIEF

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

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

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

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

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

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

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

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

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

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

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

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

8. The Panel argued that “*Even assuming that appellant was not medically cleared*” or that the Commonwealth’s evidence was not

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

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

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

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

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

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

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

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

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

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

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

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

10. There are other legal issues which can be brought up further justifying relief but would surpass the word count limit.
11. The granting of the petition in this case means that this Court can preserve the Due Process and Equal Protection under the Laws, as well as the integrity of the Courts, punish the officers in contempt. There is clear evidence of fraud and contempt by officers of the court. Counsel John Jones was wrong to assert *Anders v. California*, 386 U.S. 738 (1967) as it is clear that Petitioner was entitled to relief.

CONCLUSION

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

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

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

Dated:

Respectfully submitted,

September 9, 2021


Signed

Brian D. Hill

Brian David Hill
Pro Se Appellant
Ally of QANON
Former USWGO Alternative News
Reporter
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U.S.W.G.O.



CERTIFICATE OF TRANSMISSION AND SERVICE

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

Glen Andrew Hall, Esq.

Commonwealth Attorney's Office for the City of

Martinsville

P.O. Box 1311 // 55 West Church Street

Martinsville, Virginia 24114/24112

(276) 403-5470

(276) 403-5478 (fax)

Court of Appeals of VA _3

From: Court of Appeals of VA _3
Sent: Thursday, September 23, 2021 12:52 PM
To: 'Martinsville City Commonwealth's Attorney (ahall@ci.martinsville.va.us)'
Subject: Brian David Hill v. Commonwealth of Virginia, 1294-20-3 - Orders
Attachments: 092321 order - PFR denied 1294-20-3.pdf; 092321 order - PFR en banc dismissed 1294-20-3.pdf



COURT OF APPEALS OF VIRGINIA

Attached are copies of the Court of Appeal's orders, which dispose of the petition for rehearing and petition for rehearing *en banc* in the above-noted case.

Copies of these orders were sent to appellant via U. S. Mail at:

Brian David Hill
310 Forest Street, Apt. 2
Martinsville, VA 24112

Effective June 1, 2021, all counsel are required to file all pleadings, letters, briefs, etc., electronically through the VACES system. Information on how to register to file through VACES and other instructions regarding the filing of electronic pleadings are located on the Virginia Judicial System Website at <https://eapps.courts.state.va.us/help/robo/vaces/index.htm>. Pro se/self-represented litigants may, but are not required to, file pleadings through the VACES system. Otherwise, such individuals are required to transmit one paper copy of a filing to the Clerk of the Court.

Deborah A. F. Uitvlucht
Senior Deputy Clerk - Dockets
Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219
804-786-5651

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 23rd day of September, 2021.

Brian David Hill,

Appellant,

against

Record No. 1294-20-3
Circuit Court No. CR19000009-00
(Appeal of the November 25, 2019 Order)

Commonwealth of Virginia and
City of Martinsville,

Appellees.

Upon a Petition for Rehearing En Banc

On September 9, 2021 appellant filed a petition for rehearing *en banc* from the panel's decision denying the petition for appeal in this case.

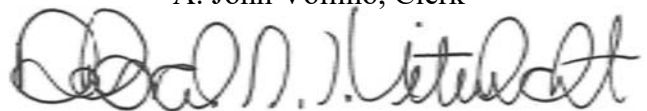
The Rules of Court do not provide for a rehearing *en banc* from the denial of a petition for appeal. Rules 5A:15 and 5A:15A. Accordingly, the petition for rehearing *en banc* is dismissed.

A Copy,

Teste:

A. John Vollino, Clerk

By:



Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 23rd day of September, 2021.

Brian David Hill,

Appellant,

against

Record No. 1294-20-3
Circuit Court No. CR19000009-00
(Appeal of the November 25, 2019 Order)

Commonwealth of Virginia and
City of Martinsville,

Appellees.

Upon a Petition for Rehearing

Before Senior Judges Annunziata, Clements and Frank

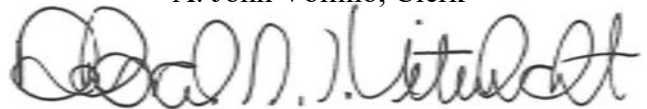
On consideration of the petition of the appellant to set aside the judgment rendered herein on the 2nd day of September, 2021 and grant a rehearing thereof, the said petition is denied.

A Copy,

Teste:

A. John Vollino, Clerk

By:



Deputy Clerk

Record No. 1294-20-3

In The Court of Appeals of Virginia

BRIAN DAVID HILL,
Petitioner/Appellant,

vs.

COMMONWEALTH OF VIRGINIA, et al
Appellee/Respondent.

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

**NOTICE OF APPEAL TO SUPREME
COURT OF VIRGINIA**

Brian David Hill
Pro Se Appellant
Ally of QANON and General Flynn
Former USWGO Alternative News Reporter
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WWG1WGA Q
Friend of justice



JusticeForUSWGO.NL/pardon
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USWGO.COM
<https://www.youtube.com/watch?v=GkvLiooKltY> - USWGO Alt. News, is
INNOCENT, being HELD HOSTAGE
https://www.youtube.com/watch?v=rLahE_2Zm4 - Brian D. Hill; **USWGO**
Alt. News, was TORTURED

NOTICE OF APPEAL

NOW COMES the Petitioner Brian David Hill, by and through Brian David Hill (“Petitioner”) who is acting pro se in this action before this Honorable Court, the Court of Appeals of Virginia, hereby respectfully moves to file this Notice of Appeal.

Notice is hereby given that Petitioner in the above-named case hereby appeal to the Supreme Court of Virginia from the final decision/order denying the Petition for Rehearing or Rehearing En Banc on the date of September 23, 2021, and The Panel decision on the date of September 2, 2021.

* The Appellees are Commonwealth of Virginia and City of Martinsville.

Dated:

September 24, 2021

WWG1WGA QANONS

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill

Brian David Hill
Pro Se Appellant
Ally of QANON and General Flynn
Former USWGO Alternative News
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CERTIFICATE OF TRANSMISSION AND SERVICE

On September 24, 2021, Due to the conditions of Brian David Hill's Supervised Release not allowing me to access the internet, I filed this Petition with the Court by having my Mother and Assistant Roberta Hill through rbhill67@comcast.net, filed the original pleading through Virginia Appellate Courts Electronic System (VACES) as well as emailing a PDF file copy of this Petition to cavbriefs@vacourts.gov. A copy has also been emailed to the Clerk of the Supreme Court of Virginia at scvpfr@vacourts.gov. Also, on September 24, 2021 a copy of the Petition through my Assistant Roberta Hill had been transmitted/served on the following, via email (by Roberta Hill) or by fax (by Brian D. Hill), at the email address indicated:

Glen Andrew Hall, Esq. (Corrupt Lawyer)
CORRUPT Commonwealth Attorney's Office for the City of
Martinsville
P.O. Box 1311 // 55 West Church Street
Martinsville, Virginia 24114/24112
(276) 403-5470
(276) 403-5478 (fax)
ahall@ci.martinsville.va.us

Dated:

Respectfully submitted,

September 24, 2021


Signed

Brian D. Hill

Brian David Hill
Pro Se Appellant
Ally of QANON, and General Flynn
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U.S.W.G.O.



Proof that Brian D. Hill; USWGO Alt. News, is INNOCENT,
being HELD HOSTAGE by Corrupt Federal Court – YouTube

<https://www.youtube.com/watch?v=GkvLiooKltY>

Proof that Brian D. Hill; USWGO Alt. News, was TORTURED
into Falsely Pleading Guilty – YouTube

https://www.youtube.com/watch?v=yrLahE_2Zm4

The Federal Courts and Fourth Circuit US Court IGNORES
THE LAW - Brian D Hill Interview/Statement – YouTube

<https://www.youtube.com/watch?v=Nlasri7JRag>

SAY NO TO THE NEW WORLD ORDER – WWG1WGA

In The Court of Appeals of Virginia

BRIAN DAVID HILL,
Petitioner/Appellant,

vs.

COMMONWEALTH OF VIRGINIA, et al
Appellee/Respondent.

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

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Alt. News, was TORTURED

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* The Appellees are Commonwealth of Virginia and City of Martinsville.

Dated:

September 24, 2021

WWG1WGA QANONS

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill

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CERTIFICATE OF TRANSMISSION AND SERVICE

On September 24, 2021, Due to the conditions of Brian David Hill's Supervised Release not allowing me to access the internet, I filed this Petition with the Court by having my Mother and Assistant Roberta Hill through rbhill67@comcast.net, filed the original pleading through Virginia Appellate Courts Electronic System (VACES) as well as emailing a PDF file copy of this Petition to cavbriefs@vacourts.gov. A copy has also been emailed to the Clerk of the Supreme Court of Virginia at scvpfr@vacourts.gov. Also, on September 24, 2021 a copy of the Petition through my Assistant Roberta Hill had been transmitted/served on the following, via email (by Roberta Hill) or by fax (by Brian D. Hill), at the email address indicated:

Glen Andrew Hall, Esq. (Corrupt Lawyer)
CORRUPT Commonwealth Attorney's Office for the City of
Martinsville
P.O. Box 1311 // 55 West Church Street
Martinsville, Virginia 24114/24112
(276) 403-5470
(276) 403-5478 (fax)
ahall@ci.martinsville.va.us

Dated:

Respectfully submitted,

September 24, 2021


Signed

Brian D. Hill

Brian David Hill
Pro Se Appellant
Ally of QANON, and General Flynn
Former USWGO Alternative News
Reporter
310 FOREST STREET, APARTMENT 2
MARTINSVILLE, VIRGINIA 24112
Tel.: (276) 790-3505
E-Mail: No Email
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U.S.W.G.O.



Proof that Brian D. Hill; USWGO Alt. News, is INNOCENT,
being HELD HOSTAGE by Corrupt Federal Court – YouTube

<https://www.youtube.com/watch?v=GkvLiooKltY>

Proof that Brian D. Hill; USWGO Alt. News, was TORTURED
into Falsely Pleading Guilty – YouTube

https://www.youtube.com/watch?v=yrLahE_2Zm4

The Federal Courts and Fourth Circuit US Court IGNORES
THE LAW - Brian D Hill Interview/Statement – YouTube

<https://www.youtube.com/watch?v=Nlasri7JRag>

SAY NO TO THE NEW WORLD ORDER – WWG1WGA

From: [Court of Appeals of VA _5](#)
To: [Ashby Pritchett](#)
Subject: BRIAN DAVID HILL v. COMMONWEALTH OF VIRGINIA, ET AL.; Record No. 1294-20-3
Date: Friday, December 10, 2021 4:24:00 PM
Attachments: [092321 order - PFR denied redline 1294-20-3.pdf](#)
[092321 order - PFR en banc dismissed redline 1294-20-3.pdf](#)
[CORRECTED 090221 order-anders petition denied, motion to withdraw as counsel granted redline 1294-20-3.pdf](#)



COURT OF APPEALS OF VIRGINIA

Dear Clerk,

Attached, please find the order(s) disposing of the above-noted appeal.

Please note that no paper copies of the attachment(s) will be mailed separately to you.

DO NOT REPLY TO THIS EMAIL.

This Court will take no action on anything received at this email address. Should you wish to contact the Clerk's Office of the Court of Appeals of Virginia, you may do so by telephone at 804-786-5651 or by writing to A. John Vollino, Clerk, Court of Appeals of Virginia, 109 North Eighth Street, Richmond, Virginia, 23219.