

LETTER TO CLERK OF THE COURT OF APPEALS OF VIRGINIA
ATTACHMENT LETTER TO CAV-104 FORM
PETITION FOR THE WRIT OF ACTUAL INNOCENCE

THURSDAY, FEBRUARY 3, 2022

ATTN: Clerk of the Court - A.
John Vollino

Court of Appeals of Virginia
109 North Eighth Street
Richmond, VA 23219-2321
Phone: (804) 786-5651

Dear Clerk of the Court of Appeals of Virginia,
CC: Respondents Glen Andrew Hall, Esquire; and Attorney General of Virginia

Whenever I had mailed out copies of the Petitioner's filed Petition for the Writ of Actual Innocence, as completed in FORM CAV-104 of the Court of Appeals of Virginia to the Respondents (1) The Attorney General of Virginia, and (2) Glen Andrew Hall, Esquire of the Commonwealth Attorney's Office for the City of Martinsville; the following contents were mailed:

PETITION AND IT'S NOTED ATTACHMENTS:

1. Petition for Writ of Actual Innocence (paper);
2. Brief attached to Petition (PDF file);
3. Joint Appendixes I through VI (PDF file);
4. Affidavit of Indigence (PDF file);
5. and Exhibits attached to Petition (PDF file).

However the total amount of pages alone of the Joint Appendixes as required by the rules to file and send copies of those required records amounts to: 2540 pages. Just to comply with the rules of providing records of past petitions of a different kind and motions and evidence. Past appeals, motions and criminal case records from the Circuit Court as well as separate civil cases challenging the criminal case; so those are relevant.

The Joint Appendixes does not include the Petition, the Brief attached to the Petition, the Affidavit of Indigence notarized, and the Exhibits in support of the Petition. All of it is necessary to demonstrate or at least try to demonstrate Actual Innocence. It is a complex case because the Commonwealth Attorney has fought against me tooth and nail, and kept fighting and fighting to keep me wrongfully convicted. They have forced this case to be dragged out to even give me a fighting chance to prove my innocence.

Because the amount of pages of the Joint Appendixes required and other

attachments required to prove actual innocence may be anywhere between estimated 2,500 to 3,000 pages, the Rules of Service of pleadings do not specify that the copy served has to exactly be on paper. The reason it is not restricted to paper is because of serving copies of pieces of evidence such as moving images (videos) and audio clips as evidence. The PDF files have bookmarks, digital page numbers, while paper does not.

Because the rules of service for Petitions for Writ of Actual Innocence and the CAV-104 form do not restrict in what acceptable form to serve the copies, then it can be served in a Certified Mail envelope containing a CD-ROM disc with documents on the CD-ROM, true and correct copies on Portable Document Format (PDF) files.

The Commonwealth of Virginia and the Attorney General's Office of Virginia both accepts PDF files of pleadings and can view PDF files of legal documents. Usually Attorneys have access to the VACES system. It is all standardized.

I, Brian D. Hill, through my representative electronic filer Roberta Hill; has access to the Virginia Court eFiling System (VACES). The Petition for the Writ of Actual Innocence and all noted attachments above will be filed electronically by my electronic filing representative Roberta Hill. So the originals are in PDF Format files.

Because they are being filed electronically by and through the VACES system; the original pleadings and original signatures are all electronically filed too. You can sign electronically through devices. So copies have to be served by Certified Mail (as technically required by the rules for pro se filers) but copies mean that it has to be a true and correct copy of the PDF files aka electronic filings filed with the VACES system. So that means a true and correct copy which was filed in PDF Format will also have to be served in PDF Format with the Respondents by mail as specified in the CAV-104 form.

Therefore I certify that:

1. Petition for Writ of Actual Innocence (filed PDF with VACES);

was copied two times after being notarized and one copy by paper was served on each of the required Respondents by Certified Mailings (two copies total). It is two copies and one copy per each Respondent Attorney. That is in paper since it is the first document.

Therefore I certify that:

2. Brief attached to Petition PDF File (filed PDF file on VACES);
3. Joint Appendixes I through VI (filed PDF file on VACES);

4. Affidavit of Indigence (filed PDF file on VACES);
5. and Exhibits attached to Petition (filed PDF file on VACES);

was burned onto two CD-ROM discs containing all of the attachments to the Petition for the Writ of Actual Innocence, text searchable, with the bookmarks and electronic page numbers, exactly as what was filed through VACES system in PDF Format. All of the PDF files of the attachments to the Petition were burned onto the CD-ROM disc including the Joint Appendixes and were mailed by Certified Mail to both counsel of the Respondents as specified in the CAV-104 FORM.

I have read the rules about the service of pleadings on the other parties in the case. It doesn't restrict to only paper. The Petitioner has certified by notary public and under oath that he is In Forma Pauperis and cannot afford to make color printouts of 2,500 to 3,000 pages estimated and then have to serve that high volume of pages on both Respondent attorneys. That would make it where Petitioner would have to mail anywhere between 5,000 to 6,000 pages total. Even Petitioner's federal 2255 Habeas Corpus petition challenging his Supervised Release Violation concerning his State conviction does not contain that same volume of pages because the rules do not require filing copies of the entire Record of the criminal and/or civil cases with the Petition. It would cost Petitioner a lot of money, possibly in the hundreds of dollars and the Commonwealth Attorney would complain if a large box with thousands of pages were mailed just to comply with the requirements for pro se filers for a CAV-104 FORM. The Attorney General would likely complain as well and refuse to read over the Joint Appendixes. Those rule requirements of mailing by Certified Mail and requirement of submitting Joint Appendixes of the entire record of a case for the Petition for the Writ of Actual Innocence are outdated and do not reflect the electronic filing capabilities now.

So it is not unreasonable to serve copies of all pleadings; except the notarized copy of the Petition for the Writ of Actual Innocence; all in PDF Format and is the exact same copy of what was filed electronically through the VACES system.

So to request that when I file the original of all attachments to my Petition for the Writ of Actual Innocence; when all attachments and the Petition were filed through VACES; a copy can only be true and correct when served in PDF Format in Certified Mailing envelopes. The Commonwealth and the Attorney General have capabilities to review PDF files on CD-ROM discs. The rules do not bar serving copies of a filing on CD-ROM discs in an acceptable format such as PDF files. Usually the VACES system requires that a document be in PDF file format.

Therefore copies were served with the Respondents but were filed in a true and

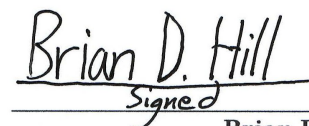
correct copy in PDF files as they were the exact same as what was filed by Roberta Hill through the VACES system.

If the Court has a problem with that, during the supply chain breakdown and during the COVID-19 PANDEMIC EMERGENCY; try making me mail over 5,000 to 6,000 paper pages to comply with an old outdated requirement dated “07/04”. The CAV-104 form is very old and the requirements were created prior to the VACES system.

So I request with the Court of Appeals of Virginia and with both Respondents that they accept the PDF files of all attachments to the Petition for the Writ of Actual Innocence on CD-ROM discs being served in both Certified Mail envelopes rather than large boxes with thousands upon thousands of pages which would annoy practically even the most dedicated of lawyers. Serving the copy digitally is the only practical approach and solution for complying with the requirements for filing a Petition for the Writ of Actual Innocence. Including copies of the entire criminal case and civil cases.

I request that the Clerk accept this method of service as a “true and correct” copy was filed with Respondents as required by the rule, the copies were mailed in a Certified Mailing envelope as required by CAV-104 form for pro se filers, are in the exact same format filed with the VACES system (an acceptable filing method as adopted by the Court); and that the only way to serve a copy of the PDF files is to burn them onto a CD-ROM disc to mail them physically to both Respondents. The Joint Appendixes and the attachments will be easy to review through and make it easier for the lawyers.

So Petitioner requests that all Respondents accept this service method as it is the only way to serve a true and correct copy as was filed on VACES system. Petitioner requests that the Clerk accept service of paper and PDF files on CD-ROM discs.



Brian D. Hill
Signed
Brian D. Hill
God bless you,
Brian D. Hill

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



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com