

INVESTIGATION 2

Start here Date OCT 21, 2019

NOTE: Not once was Brian appointed a medical expert to explain about Autism, Brittle diabetes or OCD

This is supposed to be from a magistrate judge in the Middle District of NC

Petitioner Brian David Hill has brought a motion (Docket Entry 125) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. In 2014, Petitioner was charged with, and pled guilty to, possession of child pornography, in violation of 18 – PAGE 1

Now go to
Date Nov. 16. 2017

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner Brian David Hill has brought a motion (Docket Entry 125) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, which he supports with over 1500 pages of pleadings, declarations, and exhibits. In 2014, Petitioner was charged with, and pled guilty to, possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2). (Docket Entries 1, 19, 20; Minute Entry 6/10/2014.) On November 12, 2014, he was sentenced to ten months and twenty days of imprisonment, but not less than time served; ten years of supervised release; and a \$100.00 special assessment. (Docket Entry 54; Minute Entry 11/10/2014.) Petitioner appealed on January 29, 2015, but it was dismissed as untimely on April 7, 2015. (Docket Entries 62, 74-75.)

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See 27 Pages PDF "INVESTIGATION 1"

Doing my own math and remembering that Mr. Hill was arrested on 12/20/2013, denied bail, pled guilty on 6/10/2014 (6 months in jail – not an easy time for someone with a communication disorder (autism), OCD and brittle type 1 diabetes see the PDF "Brian's treatment in jails with brittle diabetes, autism & OCD". His court appointed attorney was lazy those 6 months and didn't have a case for Brian so he called up Brian's family the night before & told his family to tell Brian to say "guilty". Brian had no choice but to do what his attorney advised. He pleaded guilty to owning the computer that they say contained child porn per an ineffective attorney who denied Brian all of his constitutional rights and let him stay in jail under the conditions with proof in the PDF listed above. Date 11/10/2014 sentenced (another 5 months in jail – denied bail the first 6 months). If he had been allowed to come home under normal circumstances under bail without the restrictions. Brian's mom was told that her private apartment and her parents' private apartments would be basically "searched" and computers checked. (Violation of Brian & his family's 4th constitutional rights), and that none of us would be allowed to have a phone (Brian with all of his disabilities, Brian's disabled grandparents who needed to contact and be contacted by medical, other children, grandchildren and other relatives). In other words, even though we all lived in separate apartments (that had been rented out to other people) with our own private bathroom, private kitchens

with 3 different stoves, living rooms and bedrooms, the terms meant everyone in Brian's family would be treated as criminals, and there were children across the road from our apartment house. We could not do that. I have checked and no one else who has been accused of child porn or actually doing something to a child have been denied phones while waiting trial or at any time. This meant Brian was going to stay in jail by turning his entire family into criminals if he was released. This is 2022 and never once have any of us been accused of any crimes, and we all knew that Brian was innocent too. We thought once he had an attorney, this attorney would get him out on bail. The attorney did not do that, told his family we could not even see the discovery against our grandson. Found out later he had deleted all of the proof we sent to him via emails, denied any witnesses to testify for Brian. Brian had many witnesses who asked to testify for him. We realized later that Brian had no defense attorneys but two prosecuting attorneys, one who played the part of being his attorney and fooled his family & friends for a few months. You notice they never say why Brian pleaded "guilty". Let's go further, he came home from jail on November 12, 2014 and was allowed to have a phone & a computer. See the PDF "Who is Brian Hill – Pictures & Descriptions". See the PDF "Threats" See the PDF "INVESTIGATION 1".

He had to go to the police and register as a sex offender, go to see his medical doctor, actually had to establish another doctor to get an appointment to get his insulin, had to go to the social security office to start getting his disability checks each month (SSI), had to go to social services to sign up again for his Medicaid and his Medicaid medical waiver (that he was on for over a year before his arrest) and he had to buy new clothes because he had lost a lot of weight, had to meet with a probation officer, had to schedule counseling, had to schedule an appointment with his 2nd lawyer to see his discovery that he was not allowed to see while in jail (the NC state bureau of investigation – NC SBI). He also had to adjust to life out of jail. He was allowed to have a home phone, a cell phone and a computer (no internet card) in his apartment after he said "guilty". He was not allowed a home phone, a cell phone or a computer when he said "Not guilty" in December, 2013. His 1st attorney let him listen to the confession tape (Brian's family was never allowed to hear that by either attorney) and some parts of the Mayodan, NC police report. Brian already had copies of all of that, so all of us had seen that. Brian had to get permission to go to Greensboro, NC to see the discovery. We all read it together and took notes. There was also a cell phone picture of one of the pages. We all discovered together that this child porn (actually we didn't read those words in the description. There were ugly descriptions in it – no photos at all, but it basically said "items of interest "and gave the dates of it being downloaded on this computer which Brian had owned before August 28, 2012 when the police took it, but according to this paper, items of interest continued being downloaded until July 28, 2013 (11 months after the police took it – it was no longer in Brian's possession).

He filed his appeal 2 months & 2 weeks after being released from jail. This appeal was dismissed as untimely 2 months and 1 week later. It didn't make any difference if he was innocent or not, just untimely. During that time, Brian and others had received many threatening messages threatening Brian's life for appealing his case, threatening setting him up again, saying he would never be taken off of the sex offender registry, threatening sending more child porn to him and others, threatening his family and his appeals attorney and saying they knew people in NC who would make sure. These were all sent to the FBI and to the court. Nothing was ever done by either, just ignored. Then Brian was set up by his probation officer just like the threats said. The judge tried to get him for the child porn that Brian did receive in the hard drive from the Mayodan police department in February, 2015. That was the first time Brian had ever seen child porn. and he quickly wrote down the descriptions which were similar descriptions from the NC SBI report. He brought it up to his family & told us. Knowing it was Valentine's day, a weekend in February, 2015 with snow starting, his grandpa took a hammer & crushed it into many pieces. We all put the parts into about 4 grocery bags, took the other laptop computers that did not work and put them in bags, got in the car and drove to Rocky Mount, VA (28 miles) and stopped at a few gas stations to empty our trash at various trash cans. We emailed the probation office to tell her about what happened. Brian was not allowed to use the internet so he asked us to do that for him. He probably sent a fax to her about it too. In April, 2015 she set him up by upsetting him, not allowing him to get his insulin shot or to walk around to cool down, ordering him to sit down, told him he could not use the text in the cell phone he borrowed from me not to even text his attorney which caused him to have a small autistic meltdown. He wasn't hurting anyone, just throwing the small decorative items that were on the end table down to the carpeted floor (nothing even broke). We were all there. She was angry when she got to our apartment and told Brian that the judge

called her about Brian sending some things to him and to the court (filings). Brian had borrowed my phone and learned that he could send text from the phone to emails without actually using the internet. He was told by the court that he could not do that before her visit and that he had to send his filings by mail. Brian no longer sent anymore like that before her visit. She told him that he could no longer use my cell phone to text anyone. Brian asked "Not even my lawyer"? She told him "No" and that was when he had the autistic meltdown. He obeyed all of her orders but knew that it would hurt his case if he couldn't communicate by text with his attorney. She was angry the entire time and left during the meltdown. He apologized to her that same day via phone, fax and had his mom to send an email to her. She never once apologized for her actions. We found out a month later that she had contacted the court on that same day to have him arrested. She claimed she was scared but didn't call the local Martinsville, VA police. We were observers. She wasn't scared. She was angry (and scary to us) the entire time. In court she denied that the judge called her and told some other lies, but mostly she did tell the truth, or the judge would have tried to get Brian on child porn charges again from the child porn on the hard drive from the Mayodan, police department in 2015. Brian's family purchased the court transcript from June 30, 2015. USA v. Brian Hill -- SRV Hearing -- 6/30/2015. See more about this in our PDF called "THREATS".

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Brian spent over a month in jail where his civil rights are again violated due to a small autistic meltdown where no one was hurt and lasted about 15 minutes while in his grandparents' apartment in April, 2015. He is denied bail again even though 2 elderly neighbors on both sides of our 4 apartments house sent letters to the court that they had both known Brian since 2007 (8 years at that time), and they have never seen him do anything to hurt anyone, and after knowing him for that many years knew that he was not a danger to anyone, and they both knew about the child porn case and also knew Brian was innocent. They both talked to Brian and liked him. They both told us that they did not like that probation officer. One time she parked her car in one of our neighbor's drive way. He asked her to move her car and told us later that she was rude to him. I liked Attorney Coalter until we found out that he really doesn't want Brian to obtain his innocence either. He let Brian and his family know that he would not give Brian nor another attorney Brian's discovery. We had found an attorney who said that she would help Brian for a really small dollar amount, but as soon as she talked to Attorney Coalter, she changed her mind. Brian had filed a freedom of information lawsuit on 4/25/2017 trying to get his NC discovery to use in court. <https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

After all, he and his family read it together in January 2015, and there were no photos in it at all. We were surprised that the government prosecution did not want for Brian to have this proof and fought it for over a year. Later in 2017 I finally convinced Brian that we already had enough proof for him to file his 2255 of actual innocence. Brian presented this to the court on November 14, 2017 with many proofs and affidavits from his mom and both grandparents with more proof documents of his innocence. As shown above on Oct. 21, 2019, it was denied. This was almost 2 years after it was filed. This magistrate judge never once addressed what Brian Hill's family wrote in Brian's 2255. **Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 3 of 27.** This shows where Brian pleaded guilty but nothing about his constitutional right to an attorney who would actually present a case and witnesses for him. **All of his constitutional and Civil rights were denied in 2014.** This judge does not bring out anything about that. As Brian's family read it, it sounded more like what the prosecuting attorney would say, totally one sided. Page 2 - He's just copying the government's court hearings which were all one sided with Brian's court appointed attorney not bringing one piece of evidence or not one witness in Brian's defense. Let's go to page 5 to see if he brings out the fact that 2 government attorneys actually admitted that they ignored all witnesses who knew Brian and wanted to testify. **Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 5 of 27** is again one sided. It does not bring out what Brian said, only what looked good for his court appointed attorney. Brian's family read that and thought "If this is the best attorney in this court, what are the other attorneys like? He did nothing to help Brian. He hurt Brian

for over 8 months and caused Brian to say he was guilty when the entire time Brian kept saying he was innocent and gave false statements to police due to his autism. Brian's family and friends also knew he was innocent of doing anything involving children and had not downloaded child porn. This is what Brian said during that hearing (Sept. 3, 2014) because we have copies of the transcripts.

THE COURT: Now, having warned you about that, you've written a letter making allegations against Mr. Placke with respect to some of the facts of the case and some other information you want investigated, and you sent that to the Probation Office. I've seen that letter. Knowing that I've

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seen that letter that you wrote, is there anything else you want to say?

THE DEFENDANT: I have evidence, Your Honor, a four-page declaration of lawyer that I have sent to the State Bar and I have sent to the clerk of court, but it's not been filed on the docket yet, Your Honor. The papers are right over here. And pretty much it contains all the facts that my counsel has not done a good enough job to prove my innocence. My counsel has basically not suppressed the evidence when there was evidence of such. And in these four pages, it explains everything. That is the reason why I withdraw Mr. Placke as counsel.

THE DEFENDANT: Basically, I was being rushed into the jury trial, and all my evidence that I had sent to the court never made docket, and all the suppression stuff never made it. I basically sent stuff to the Clerk of Court with the reasons why, but basically my health is bad. My A1C is 10.9. That's verifiable with the FCI Butner medical records. Because of my health, because of the rush to jury trial, and the fact that there was no defense being sent, that Placke didn't have any kind of defense, I would have been found guilty on the spot

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with up to 20 years hard time in prison. I wanted to fight on my own, but then my family told me over there -- you know, when they were sitting over there, they said take the guilty plea, take the guilty plea, and I was like what? And I was wondering why do they want me to take the guilty plea. And I learned later that basically they said I would have been found guilty on the spot. So I had no chance to -- I had no chance to be able to submit evidence. Everything just -- you know, it's a combination, lack of --

THE COURT: Now, what is the condition you just mentioned earlier, diagnosed by Butner?

THE DEFENDANT: My A1C was 10.9.

THE COURT: What's your A1C?

THE DEFENDANT: A1C blood hemoglobin level is the level of a three-month average where the higher the level, that means my blood sugars have been more higher, and it can affect my ability to think clearly, and it can also cause complications such as kidney failure, eyesight failure, nerve damage. The longer my A1C stays up, my health deteriorates with a high A1C average.

THE COURT: And are there any other conditions that you have that you are aware of?

THE DEFENDANT: I think so.

THE COURT: What is it -- what do you think?

THE DEFENDANT: I know I have mild autism, OCD, and, you know, obsessive compulsive disorder, and, you know, I have a lot of anxiety, so general anxiety disorder.

THE DEFENDANT: I mean, with all the evidence, I've pretty much got four witnesses to the fact that I was threatened to falsely confess, and I have two witnesses to the fact that the computer was being used by the police detectives before it was sent to the state crime lab.

THE DEFENDANT: Well, I believe I have enough evidence to challenge the case and that with the letters I've sent to the FBI, the letters I've sent to the DOJ, I have worked hard in trying to challenge the evidence that the Government has so that I would be able to have enough evidence with an investigation to overturn -- overturn the evidence that the prosecution has and prove my innocence.

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Now let's go to the next page Jan., 2019

C. The September 30, 2014 Hearing

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(Docket Entries 29-32, 34-46.) Some of these pleadings contained statements by Petitioner and by third parties—apparently Petitioner's acquaintances through the internet—asserting that Petitioner had essentially been framed. By way of example, in one such pleading,

These were Brian's mom & 2 grandparents.

We also presented these threat emails to the court where they admitted putting child born in our grandson's computer and in his hard drives which he kept attached to his computer most of the time and threatened setting others up with child porn in April, 2013. Brian put these threats on court record in September, 2014 as well as

other times and many more were put on the court record in 2015 when Brian appealed his conviction in January, 2015. For proof, look at our PDF "THREATS".

Petitioner asserted that "I have a lot of enemies through my political work with U.S.W.G.O. Alternative News" (Docket Entry 29 at 3) and indicated that one of these enemies planted child pornography on his computer (*id.* at 1-9). Another one of these pleadings contains a statement by a purported out-of-state entertainment attorney and blogger who stated that Petitioner was "most likely" "set-up" as has happened to "a solid number of the media activists who are more or less in [Petitioner's] circle." (Docket Entry 32 at 2; *see also* Docket Entry 46.)

Is this talking about USWGO (Brian Hill) putting up articles & videos about the NC Senator who is also the Mayodan, NC attorney whose son was the Rockingham County District Attorney in 2012 and his assistant who is a sister to the Reidsville, NC police detective who hacked into Mr. Hill's computer without a search warrant along with another policeman who worked under the Mayodan police chief who was very angry at Brian due to the video and articles Brian (USWGO) was writing about him? The actual threats are in the court records.

described in the" PSR. (Docket Entry 115 at 2.) The Court then denied Petitioner's outstanding pro se motions. (*Id.* at 3.) Counsel was also permitted to withdraw, in part because Petitioner intended to file a lawsuit against him. (*Id.* at 13-17.)

The Court also addressed Petitioner's declarations of innocence and the declarations of third parties as to Petitioner's purported innocence. (*Id.* at 14.) The Court noted that it saw

REALLY? You're kidding me. This is a federal court which is supposed to represent justice for all, fairness and constitutional rights? This attorney and the prosecution attorney both admitted ignoring witnesses for Mr. Hill which is a Sixth Amendment violation and the courts protect their own ignoring all Bill of rights and Civil rights violations! There is no wonder why people don't trust the court systems anymore.

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After his arrest there was a Facebook support group for Brian & his family. We kept the ones in this support group informed about what all was happening like no insulin his first 4 days in jail and only 2 insulin shots a day to take care of 4 hours most days after that instead of the 3 or more fast insulin shots per day, and he was never given the slow insulin shot that covered 24 hours. We would all keep each other informed about which jail Brian was in today. That is all public knowledge on the Internet and is in court records (proof) in his 2255.

What no one else knew about at the time was that the Mayodan town attorney's (Philip Berger Sr) son (Philip Berger Jr) was the Rockingham County, NC district attorney, and the policeman, Robert Bridge (see **Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 4 of 27**) was the brother of the Rockingham County, NC assistant district attorney, Melanie Bridge who had been working with Philip Berger Jr. for years. The other detective in Brian's case was Todd Brim who worked for the Mayodan police chief who was in the video removing Brian from the town hall meeting on July 9, 2012 and who threatened Brian on that day and kept telling Brian at Brian's house on the front porch during the police raid to "Fess up or his mom will be found guilty" on

Aug. 28, 2012 and threatened Brian again on Aug. 29, 2012. Philip Berger Sr was the one who gave Caruso the oath of office when he became the Mayodan, NC police chief in 2010. Brian did that investigation, and his grandmother did some more from Newspaper articles in 2014 while Brian was in jail (held without bond) about Philip Berger Jr who was running for US Congress & Melanie Bridge who was running for the office of Rockingham County, NC District Attorney and there were news paper articles of Berger Jr & Bridge together. This information was sent to the court in Sept. 2014 and again in Nov. 2017, and as you can see from Oct. 2019, it was ignored along with all of the proof Mr. Hill and his family sent. Read "Investigation 1".

There should have been more of an investigation about this from the court instead of hiding it under the table. This is an Internet crime (Downloading files from the Internet), yet they ignore Internet witnesses who come forth in favor of the defendant. *In September, 2014 a witness came forth who was an attorney whom Brian had sent all of his information to her before his arrest. After talking to Brian, his family and friends and seeing the evidence, she knew what Brian, his family and friends knew: that Brian Hill was innocent of knowingly downloading child porn. She sent an email to both attorneys that Brian was innocent from the very beginning. We found out after her affidavit was sent to the court that both attorneys had been ignoring her and all witnesses. Another friend of Brian's paid for some of the court transcripts in Brian's case and made sure Brian, his family and friends who wanted them would have copies. This PDF "Investigation 2" has the proof from this court transcript dated September 30, 2014. Also see the PDF called "Who is Brian Hill – Pictures & Descriptions". This gives the court a chance to read what some witnesses wrote for the defense in being fair as they have read what the police wrote as witnesses for the prosecution. It's only fair since Mr. Hill was denied all of his constitutional rights in the court system in 2014 to now take into consideration what some of the defense witnesses have to say from 2013-2014.*

No person can be considered guilty of a crime until he or she has been found guilty of that crime by a court of law. This right protects people against arbitrary arrest and imprisonment. It is considered to be a basic human right in many of the countries of the world, including the United States. In fact, in the United States, this right is enshrined in the Constitution. This greatly expanded the civil and legal rights of all American citizens by protecting them from infringement by the states as well as by the federal government. Yet this is what the prosecuting (US) attorney said on the search warrant: Warrant Issued — Document #2 District Court, M.D. North Carolina Docket Number: [1:13-cr-00435](#) Date Filed: November 26th, 2013 "***The U.S. Attorney requests a detention hearing. In the event the defendant is release, the U.S. Attorney recommends that the Adam Walsh Sex Offender Specific Conditions be a part of the release conditions****". This agrees with the threat emails received by an attorney in Illinois and an attorney in North Carolina about Mr. Hill. All of these threats have been in the Federal Court records "Docket Number: [1:13-cr-00435](#)" in 2014, 2015 and 2017.

Brian David Hill is innocent of all alleged crimes, and he and his family have proven that to the court. Due to the combination of Mr. Hill's Autism, OCD and Brittle Type 1 Diabetes and the Americans with Disability Act & Mr. Hill's civil Rights being violated, he pleaded guilty when he was innocent. Please read the PDF called "ACTUAL INNOCENCE". He has given a lot of proof to this court about the threats he has received as well as his health issues causing his guilty plea when he is in fact innocent. Read the PDF "Brian's Treatment in Jails - Brittle Diabetes, autism & OCD" and the PDF "INVESTIGATION 1". In his 2255 in November, 2017, he and his family have proven his health issues and his Innocence (Documents 124-134; 136-138 (1:13-cr-00435), MD NC. In fact, the court and jails have proven these health issues as well.

Mr. Hill and his family have sent to the court the proof that anyone can hack into a computer and any hard drives connected to that computer and put a virus or Trojan horse into that computer in his 2255 in Nov. 2017. That is a fact that has been proven in other courts. The NC SBI have proven that was what happened in Mr. Hill's case due to the download dates of that child porn virus being downloaded for 11 months after the police confiscated his computer. Even the federal government said it was of an unknown source. Mr. Hill and his family used the prosecuting attorneys' own discovery to prove that point. Mr. Hill was accused of possessing child porn but was never proven to be the one who put that child porn virus on that computer and hard drives.

Also some copies of emails Susan Basko sent to both attorneys in Dec. 2013 (and gave copies to Brian's grandparents. She thought the attorneys would do the right, lawful things for Brian.

<https://www.courtlistener.com/docket/4304407/51/united-states-v-hill/>

Brian had a friend after this who paid for the transcript of this hearing as well as the one on November 10, 2014 so we would all have copies. Court conveniently leaves out important details that are in all transcripts. Important to read all transcripts to get the TRUTH as to what happened. Susan Basko (About) LAWYER FOR INDEPENDENT MEDIA, such as Music, Video, Journalists, Website Owners, Designers, Photographers, Filmmakers, Directors, Festivals, Events, Venues, and more. International work with Human Rights/ Freedom of Assembly. CONTACT- best by email:

Suebaskomusic@gmail.com

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CALIFORNIA AND ILLINOIS, attorney
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<https://www.linkedin.com/in/suebasko>

Sue Basko had sent emails to prosecuting attorney & FPD Attorney in Greensboro, NC since Dec. 2013 telling them both that Brian had autism, was innocent, needed an advocate to help him, many other attempts to set alternative news people up with child porn. Neither one answered her. She sent an affidavit to the court herself on 9/30/2014. Both attorneys admitted many witnesses came forth including Sue Basko to testify for Brian, but they both ignored these witnesses. Judge was angry and wanted to punish Sue & said he would have done what both attorneys did (ignore witnesses). He questioned Brian's grandparents who both said that Brian was innocent and told the judge that Brian has autism. These 3 transcripts have a lot more information that this court tries to hide.

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----- Forwarded message -----

From: **Sue Basko** <suebasko@gmail.com>
Date: Mon, Dec 30, 2013 at 11:15 AM
Subject: Brian David Hill
To: anand.ramaswamy@usdoj.gov, Eric_placke@fd.org

RE: Brian David Hill
Case#: 1:13-cr-00435_UA

Dear Sirs:

I am writing to you both about the case against Brian David Hill. It is my belief that Brian was most likely the victim of a practice recently happening where media activists are being tricked into downloading Child porn images, ostensibly to set them up for prosecution. This has happened to a solid number of the media activists who are more or less in Brian's circle.

I have assisted a number of victims of this set-up. I did not assist Brian and he tried to handle it on his own. Brian has autism and did not have an advocate or lawyer during any of it. He apparently made a false confession of some sort.

Brian did come to me before he was arrested, when he heard that I have been assisting victims of these child porn set-ups nationwide. By then, it was too late, and I had to inform him there was already a federal indictment and arrest warrant in his name.

Brian is exactly the sort of target that is being hit by the child porn set-ups. He has told me he thinks this is what happened to him. He tried to explain to people what was going on, but with his autism, I think they did not listen to him or could not figure out what he was talking about, or did not believe him. Brian gives way too many details and loses the whole picture.

When Brian was questioned, he did not have a lawyer or advocate. This seems highly inappropriate considering he is autistic.

Please take this information and use it wisely. If you wish to contact me, email is always best, but I can also be reached by phone if you leave a return number.

Thank you.

_ - Susan Basko

Here is some information Brian has asked his grandparents to send to him to give to the court to prove that he was involved in political things, had contact with the Mayodan police before the police raid in August, 2012 and was writing articles about the police chief of Mayodan, NC. We have decided to add some extra things for proof. We can testify under oath that never once have we seen Brian noticing children. He was not interested in children at all. We have stated this fact in some letters as well. We feel that if this is on his computer, it is either a computer virus, a hacker put it in there, he accidently downloaded it while downloading other things or this was done during the police raid at his house. We feel that he is innocent of this, of knowingly putting child porn on his computer. He became way too involved in political issues, going way overboard and listening to others (his friends and other

- 2. Autism – proof from professionals that a person with autism may produce false confession or misleading statement - 1 page**
 - 3. Principles for Prosecutors Considering Child Pornography Charges against Persons with Asperger’s Syndrome (A type of mild autism – Brian was diagnosed with PDD, then Asperger’s Syndrome and now has the diagnosis of autism). 5 pages from autism experts**
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Autism

COMMUNICATION

The person you are interacting with:

- May be non verbal or have limited verbal skills
- May not respond to your commands or questions
- May repeat your words & phrases; your body language and emotional reactions
- May have difficulty expressing needs

BEHAVIOR

- May display tantrums or extreme distress for no apparent reason
- May laugh, giggle or ignore your presence
- May be extremely sensitive to lights, sounds or touch
- May display a lack of eye contact
- May have no fear of real danger
- May appear insensitive to pain
- May exhibit self-stimulating behavior: hand flapping, body rocking or attachment to objects

IN CRIMINAL JUSTICE SITUATIONS

- May not understand rights or warnings
- May become anxious in new situations
- May not understand consequences of their actions
- If verbal, may produce false confession or misleading statement

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Principles for Prosecutors Considering Child Pornography Charges against Persons with Asperger's Syndrome

Among the difficulties faced by young persons afflicted with Asperger's Syndrome (AS) and their families is the misinterpretation of the atypical behavior of the AS patient as dangerous and criminal. AS, defined in DSM-IV, is an "Autism Spectrum Disorder" (ASD) typified by extreme social and emotional immaturity, the inability to "read" others or respond appropriately in social settings, lack of intuitive awareness of social/moral/legal constraints, and intense and narrowly directed repetitive activities. These features combine to create a risk of engaging in behavior offensive toward others but with no offensive purpose. These individuals tend to have the technical skills for computer use, to which they gravitate because, unlike social interactions which are unpredictable, whimsical, and semantic-guided, computers are predictable, logical, and syntax-guided. These are intellectually intact people, with good computer skills but extraordinary brain-based naivete, acting in social isolation, compulsively pursuing interests which often unknowingly take them into forbidden territory.

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Accessing child pornography is not currently known to be a frequent behavior of young persons with AS, but enough cases have arisen to demonstrate the need for prosecutors to inform themselves of the condition and adopt a policy of restraint in the investigation and prosecution of such cases. Given the lack of social adaptation on the part of AS patients, interest in pornography as a means to explore ideas of sexuality and romance is expected. The exploration of this material on the internet or peer-to-peer networks will expose AS patients to child pornography which may arouse their curiosity. At these times AS is directly involved in the individual's obliviousness to the social and legal taboos surrounding child pornography, and the inability to intuit that the visual depictions are the product of any kind of abusive relationships. This behavior is not predictive of future involvement with child pornography or offenses against children. There is nothing inherent in Autism Spectrum Disorders, such as Asperger's, to make individuals inclined to sexual deviance of any kind. Their apparently deviant behavior is perhaps best understood within the diagnosis of "counterfeit deviance," as defined in the DM-ID. ("Diagnostic Manual -- Intellectual Disability (DM-ID): A Textbook of Diagnosis of Mental Disorders in Persons with Intellectual Disability") Persons with AS are far less likely to be predators than victims, because of their naivete and ineptness in interpreting or deflecting the advances of others, and their inability to initiate social contact with others or effectively direct or manipulate any social encounter.

Asperger's Syndrome is a lifelong disability which on its own creates substantial hurdles for the patient. Criminal prosecution, conviction and the typical sanctions imposed in such cases are not necessary to protect the public in the case of an AS patient, but they are imponderably harsh, cruel and debilitating to persons with AS and their families on whom they are dependent. Generally these individuals are not a threat to society: it's the other way around. AS patients are frequently the target of abuses, such as bullying, often from poorly chosen "friends."

With this in mind, we suggest that prosecutors adopt the following principles when confronted with those who suffer from Asperger's Syndrome are found to be involved with child pornography.

5. Persons with AS experience lifelong difficulties. Young persons with AS are not able to live independently, and need to live with their families – their parents and siblings. Therefore the sex offender registration and residency restrictions arising from a child pornography conviction would have a cumulative and disastrous effect in these cases,

and on more uninvolved person, than in other cases involving neuro-typical adults.

6. Prosecutors should be encouraged to defer criminal prosecution in cases involving young first offenders with AS who have no history of directly offending against children, or having produced or distributed child pornography, no clinical indications of pedophilia (other than accessing child pornography), nor history of prior offenses involving child pornography.

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I am not guilty, my attorney Eric Placke manipulated me, my family, and others to get me to take the plea agreement. I don't need to be locked up. I wish to withdraw my guilty plea, then suppress the evidence, and then file a Motion for case dismissal. I was not even read my U.S. Miranda Rights by Homeland Security Agents during and after my arrest. The U.S. Marshals never read me my Miranda Rights at all. I need to be released from Jail as soon as possible. I ask the prosecutor to voluntarily dismiss my case so I can go back to my home in Virginia. The Jury will be informed about the inadmissible evidence that it cannot be used in a trial. The Jury will be informed of my autism.

Description

MOTION filed by BRIAN DAVID HILL for Extension of Time to file Notice of Appeal. (Attachments: # (1) Notice of Appeal, # (2) Complaint, # (3) Additional Evidence, # (4) Envelope)(Daniel, J)

<https://www.courtlistener.com/docket/4304407/55/united-states-v-hill/>

Under the Sixth Amendment, every Defendant has a right to Effective Assistance of Counsel.—"The right to counsel is the right to the effective assistance of counsel." From the beginning of the cases holding that counsel must be appointed for defendants unable to afford to retain a lawyer, the Court has

So under ineffective counsel and pro se motions filed in the past, I ask the court to grant my request for **MOTION TO EXTEND TIME TO FILE APPEAL.**

"The **Sixth Amendment** requires counsel to consult with the defendant concerning whether to appeal when counsel has reason to believe **either:**

If the defendant expressed his intention to appeal, and counsel decided not to file an appeal without having discussed the matter further with the defendant after he was sentenced, counsel's performance would be constitutionally deficient. *United States v. Witherspoon*, 231 F.3d 923 (4th Cir. 2000)." (emphasis added)

win my case, to be found not guilty, cause I am not guilty in fact. My defense lawyer is the cause and effect of my guilty plea under oath. I would sue Placte if he wasn't immune from accountability for damaging my case and dragging me into a deeper hole then I dragged myself into for my political work in 2012. I wish to go for case dismissal after suppression.

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I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on September 19, 2014.

Brian D. Hill
signed

Statement

page
1/2

Autism Declaration

I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on September 19th 2014.

Statement:

Brian D. Hill
signed

I have mild autism. The court, the Judge, the prosecutor, and the Jury needs to understand my mild autism. An autism expert needs to bring expert testimony to the court's attention. I gave false and misleading statements during the confession. My mild autism and the threat by the chief of police should warrant suppression of the confession. Autism is relevant to my case. It is apart of my mental health. In my heart and soul I know I am innocent. I should have received Pretrial Diversion Program also known as deferred prosecution. I should not be a sex offender. I haven't even had sex yet. I never molested. I never raped. The U.S. Attorney

I never molested. I never raped. The U.S. Attorney took things too far for somebody who is innocent, for somebody with mild autism who has never been in trouble with the law before the Maydan Police raid and the Federal charge. All I cared about was getting my lawful data and property back. I don't care about dirty child porn contraband. The police can forfeit the nasty illegal stuff, but not my lawful files, lawful data, and lawful pictures.

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I don't deserve a sex charge. My public defender had evidence of my innocence but did not use it to defend me, ineffective counsel. I have (Autism) I am intelligent, unique, and different, but I am NOT a criminal. I ask every autism expert and organization to come to my aid in my criminal case then Petition President Obama for pardoning me of my conviction.

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damagé. The longer I sit and fight in my criminal case, I face permanent damages which cannot be reversed after winning my case. My type 1 brittle diabetes is brittle. The stress, anxiety, and fear this criminal case has inflicted on me has also affected my blood sugars.

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Sep. 19, 2014

Statement By Brian D. Hill

Jail policies that violate Federally protected rights inhibits my communication with the U.S. District Court. Any effort to fetter and delay my evidence I plan on sending to the court violates my rights of evidence submission to the court. Since I clearly have ineffective counsel I am forced to submit evidence to the court on my own through Pro Se Motions. The Jail blocking my evidence has offended me and hurt my court communication. I feel I have been wronged by Guilford County Jail. America is still a Constitutional Republic with certain inalienable rights including due process and unfettered communication with the court.

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<https://www.courtlistener.com/docket/4304407/39/united-states-v-hill/>

MOTION OF NOTIFICATION

Evidence is being filed with the clerk of the court to file on docket, notifying the court that there will be a delay in the last minute evidence my family had sent me to mail to the court on Monday. The Guilford County Jail has blocked thirty pages of evidence and was returned to my family. The evidence attached proves that my last minute evidence was blocked by the Jail making it more difficult to provide evidence with the court to prove my innocence. If the County Jail continues blocking my evidence that I wish to file with the court pro se then I will file a petition for the Writ of Habeas Corpus challenging my detainment. My right to receive evidence to send to the court has been violated. I filed this Motion with the clerk of the court using U.S. Mail. Respectfully submitted, this the 19th day of September, 2014.
Brian D. Hill Brian David Hill

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<https://www.courtlistener.com/docket/4304407/40/united-states-v-hill/>

Evidence Blocked Declaration

I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on September 19, 2014.

Statement:

Brian D. Hill

There will be a delay in the thirty pages of evidence my family was sending to me in Guilford County Jail to forward to the U.S. District Court. My family thought it is important that I send the evidence to the court as soon as possible for withdrawing my guilty plea by proving my innocence. I received a paper from the officer titled "Mail Return - Inmate Notification Form" explaining to me that

I can only have a Maximum of 10 photocopied pages per envelope. The problem was those papers was evidence I plan to send to the court Monday. Because the Jail blocked my evidence today on Friday, it will take more days to resend me the evidence in pieces to comply with the policy of the Jail. I feel the Jail is making it difficult for me to get evidence and send evidence. This never would have happened to me in a Federal Prison. Without my evidence sent from my family, I have no means to prove my innocence. The Jail has violated my right to obtain evidence to use in my defense.

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<https://www.courtlistener.com/docket/4304407/40/united-states-v-hill/>

**MAIL RETURN
INMATE NOTIFICATION FORM**

To Inmate: Brian D. Hill Location: 2H07 Date: 9-19-14
Mail Sent From: Shella Elen Forsman

This is to inform you that the following items of mail were returned to the sender for the following reasons: (Circle Corresponding Number)

Item(s) of Mail: Photocopied pages <10

1. Contents not allowed, Contents consisted of: MAXIMUM of 10 photocopied pages per envelope - legal mail is classified as mail from Attorney or Courts.
2. Item contained funds in excess of allowable amount (\$100.00 total in your account)

****NOTE**** Items which you are not allowed will be returned to the sender. If any items received are illegal, criminal charges may be initiated and disciplinary charges will be filed against you.

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(Court date scheduled 9/30/14)
<https://www.courtlistener.com/docket/4304407/40/united-states-v-hill/>

I, Brian David Hill, declare under penalty of perjury that the foregoing is true and correct. Executed on September 24, 2014.

Statement:

Brian D Hill
signed

1. I was not read my Miranda Rights during my arrest on December 20, 2013 by Homeland Security agents. When I was processed by the U.S. Marshals on Dec. 23, 2013, given an arrest warrant I was not read my U.S. Miranda Rights.
2. I assumed after I sent emails to Joy Strickland to forward to NC SBI agent Rodney White around Dec 2013, Mayadan was not pressing charges. That happened when my family told me that the Mayadan Police called, told my grandpa that Mayadan wasn't filing any charges and didn't know if the state would or not, told him that I can pick up my seized property on the inventory papers. On Dec. 12th, I found out from Sue Basto that there was a warrant out for my arrest since November 26, 2013. Mayadan Police lied to me and my family. page 2 on back

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<https://www.courtlistener.com/docket/4304407/41/united-states-v-hill/>

4. Mayadan Police report does not state everything that went down during the police raid on August 28, 2012. The report I believe is deceptive. The report does not mention my claims that I may have been set up by a virus or trojan horse by a computer hacker. The report did not mention that the police were informed of my Autism and type 1 brittle diabetes. The report did not mention the threat by Charles Caruso the police chief. The report did not mention that my grandparents were there. The report did not mention that I was the only person catted down by the police during the raid.

5. Prior to the Federal charge and police raid, I had a clean record and never got in trouble with the law.

<https://www.courtlistener.com/docket/4304407/41/united-states-v-hill/>

1. I was threatened by Charles J. Caruso the Mayodan Police Chief on August 28, 2012, to confess against my will. I was under duress and was coerced into the confession on August 29, 2012.
2. That I have Autism and haven't been given a disability advocate at the time of the police interview. I was all alone being questioned by two police detectives while still in shock and fear. When autistic people are questioned by law enforcement they can give a false confession and misleading statements. A Autism expert can attest to that claim.
3. The confession was not honest and was one sided.
4. The police did not offer to test my blood sugar before the interrogation. I didn't eat lunch until after the interview. I have brittle diabetes. Blood sugars affect my thinking.
- Factual Assertions To Suppress The Evidence:
 1. The Mayodan Police reports are not honest in my case and affidavits from my family prove it.

MOTION TO WITHDRAW GUILTY PLEA AND REQUEST A TRIAL

I, Brian David Hill file with the court a "Motion To Withdraw Guilty Plea and Request A Trial". For all evidence I have filed on docket, evidence attached to this Motion, and the remainder of evidence I will send or give to the court by Tuesday, September 30th, 2014, all advances evidence to back my factual assertions contained in this Motion to advance a fair and just reason to withdraw my guilty plea, and to request a Trial.

I am also attaching a additional Motion to file with the court to Suppress the evidence and confession based on evidence I submitted to docket and to Probation officer Beige W. Tapp.

Here are my Factual Assertions For Filing this Motion:

Page 2 on back

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<https://www.courtlistener.com/docket/4304407/43/united-states-v-hill/>

1. I am innocent of the charge.
2. I haven't been given effective assistance of counsel.
3. That I have autism and haven't been given a disability advocate.
4. I been coerced into pleading guilty. Me and my family have been manipulated into my guilty plea.

5. My lawyer cited that I 'was delusional when the truth is I am not delusional. The psychologists didn't review over me and my families evidence before applying that label on me. My lawyer has lied to me and my family, and has refused to come up with a defense for Jury Trial. My lawyer refused to call ~~forth~~ forth witnesses in my defense, was only interested in getting me to sign a plea agreement.

6. My high diabetic A1C blood hemoglobin level (10.9) has affected my judgement in the pleading hearing.

7. I wanted to withdraw my guilty plea days to a week after I plead guilty. My lawyer delayed the discussion to withdraw my guilty plea.

I hereby file this Motion with the clerk of the court using U.S. Mail.

I submit and request this Motion on this the 24th day of September, 2014. Brian David Hill

MOTION TO TESTIFY

I, Brian David Hill, file with the court a "Motion To Testify" with witnesses listed in this Motion. These witnesses will testify under oath in my defense. Since I am indigent, under court rules of criminal procedure I request the court pay all or any witness fees, or the government pay all or any witness fees for their testimony in my defense.

WITNESSES:

MOTION TO FILE LAST MINUTE EVIDENCE

I, Brian David Hill, file my last Motion of Evidence titled "Motion To File Last Minute Evidence" before the Sentencing hearing to advance a fair and just reason to withdraw my guilty plea. I file this Motion with the clerk of the court to file on docket along with all evidential papers attached to this Motion.

The evidential papers attached are as follows:

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<https://www.courtlistener.com/docket/4304407/44/united-states-v-hill/>

The evidential papers attached are as follows:

1. Two Affidavits proving that the Mayadan Police lied in their police report used in my criminal case. Also proves that there are lies in the Probation's Pre-Sentence Investigation (PSI) report.
2. Proof by Mayadan town Minutes documentation that I was involved in the town council.
3. Attorney paper that documents on record that I requested

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<https://www.courtlistener.com/docket/4304407/45/united-states-v-hill/>

3. (cont.) return of my seized property since the detectives informed me that my property would be returned in six months to a year, that since 14 months there were no formal charges filed, and requesting that my seized property be returned to me.

4. Email Inquiry sent to Joy Strickland of the NC Department of Justice.

5. Print-out of an email out of a series of emails sent to Joy Strickland to forward to NC SBI agent Rodney White. If the court wishes to review the attachments then they can subpoena Joy Strickland for email records.

<https://www.courtlistener.com/docket/4304407/45/united-states-v-hill/>

6. A print-out of a forum post I did about Mayadan Police harassment pondering that the police chief would pull something to arrest me.

More Evidence or at least the rest of the last minute evidence will be submitted physically at the September 30th Sentencing hearing on Tuesday. I ask that the Judge docket that evidence after reviewing it in the courtroom so that all evidence pages can be reviewed during my Trial.

I hereby file this Motion with the clerk of the court using U.S. Mail. I submit this Motion on this the 24th day of September, 2014. Brian David Hill

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<https://www.courtlistener.com/docket/4304407/45/united-states-v-hill/>

Now let's read this page together. What does it say about 2 attorneys admitting that they were ignoring all of Brian's witnesses? Remember what the Sixth Amendment of our constitution says about that? Thank goodness, Brian's friend bought that transcript for us. This proof of wrong doing on both attorneys part would have been lost for good and covered up as is true in this PDF from 10/21/19. **Document 210 Filed 10/21/19 Pages 27** First we will put the link to Attorney Sue Basko from federal records and why she states that she knew that Brian is innocent:

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.
-

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Now, having said that, I received a declaration from a woman named Susan Basko. Ms. Welch, if you'll hand that to Mr. Ramaswamy. I don't know if you all have seen that declaration. If you'll step forward and take a look. Have you seen that, Mr. Placke?

MR. PLACKE: I have, Your Honor. That is what arrived at our office via email last week, one of several different emails from Ms. Basko.

THE COURT: Have you communicated with her at all?

MR. PLACKE: No, I haven't, Your Honor.

THE COURT: I don't know who she is to make -- she claims she's a lawyer.

MR. PLACKE: I did check with the California State Bar and the Illinois State Bar. She is currently admitted to practice in both states.

THE COURT: Is this Mr. Hill's family in the back?

MR. PLACKE: It is, Your Honor.

THE COURT: Grandparents and mother?

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MS. BURNETT: Because Brian is innocent, and he's really not been represented. This attorney has never talked to us until right at the end. He called us the night before the sentencing hearing and told us to have Brian to plead guilty and so that's what we did, and that was wrong because Brian is not guilty. He's got autism. He's not guilty. He doesn't like being around children.

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THE COURT: Mr. Forinash, do you agree with that?

MR. FORINASH: Yes, sir.

THE COURT: All right. You may have a seat.

MR. RAMASWAMY: Frankly, Your Honor, I had not considered it in the manner that the Court has framed it. Early in this matter, very early in this matter, there was an email. I believe because our email addresses are part of the ECF record, Mr. Placke and I received the same email. As Mr. Placke did, I did confirm that she was -- this person was a licensed attorney in California, appears to be a licensed but nonpracticing attorney.

I did not look at it so much in the attorney context because -- as with much of the filings here and some of the things that are from prior proceedings in this court and in the magistrate court related to Mr. Hill that become reported on the internet by persons associated with him that are largely not representing what actually happened, it appeared that person, the attorney, was yet another one of the ones associated through the internet of reporting things were not factually correct to maintain the actual innocence.

Correction, Mr. prosecuting attorney. People on the Internet who were keeping up with USWGO (Brian's) website and his YouTube videos knew exactly what was happening. They knew that Brian had been attending many Mayodan, NC town hall meetings and talking about agenda 21 & the unconstitutional parts of the NDAA. They

knew that Brian had obtained a petition with many signatures from Rockingham County and at the town hall meeting in May, 2012 he handed that petition to the Mayodan town attorney whom Brian found out was a senator of NC, Philip Berger. Brian was sending emails about this petition to the Rockingham County, NC sheriff, towns of Mayodan, Reidsville, & other towns and to the Mayodan police chief from March-July, 2012. This has all been filed in this court in 2014 and again in 2017 as part of Brian's 2255. They also knew that Brian was angry after he attended the public July 9, 2012 town hall meeting and went up to Mr. Berger to ask him about this petition, and the Mayodan police chief grabbed him & made him leave and on the way out threatened him. Brian put the video on his YouTube page and there were many articles written about that on the USWGO website and other websites. All Americans have Freedom of speech, right? Or wrong? He also noticed that the Mayodan police were trailing him, and he (USWGO) was writing public articles that he was afraid the crooked police were going to try to set him and/or his mom up with a crime, all public information, and Brian had a lot of followers at this time due to his Righthaven case in 2011. Guess what? Child porn started downloading on his laptop on July 20, 2012. Was Brian framed & set up, or did he decide that now is the time to download child porn for a few days to give the police a reason to hack into his computer without a search warrant and to take everything he valued in a search warrant on August 28, 2012. Brian closed down his USWGO webpage after that. He wanted his things back so he hired an attorney for less than \$100 to write to Mayodan to return his things since they had these things for over a year. Immediately, there was an indictment and a warrant for his arrest during late Nov. 2013.

Detectives determined the IP address 24.148.156.211 was first logged into the Child Protection Systems (CPS) undercover system by the automated tools on July 20, 2012 offering to participate in the distribution of child pornography. Between July 20, 2012, and July 26, 2012, the IP address 24.148.156.211 was logged, showing a continual pattern of child pornography, by the automated tools.

Now back to 9/30/2014 and 2 attorneys admitting in court in front of a federal judge to ignoring witnesses in a criminal case: **Case 1:13-cr-00435-TDS Document 115 Page 10 of 21** MR. RAMASWAMY

I hadn't considered it in terms of her -- she's the only one of the group who is in that filing to the Court using her credentials as an attorney to bolster her statements, but there are a number of people, not in filings to the Court, but in internet postings who, I'd say, maintain similar positions. That had not been a concern because I think to explore that further may go into some of the issues and the persecution --

the ideas of persecution or give an impression that this prosecution is about anything other than the offense conduct. It has nothing to do with any belief political or otherwise of the defendant. I'm not certain --

THE COURT: I'll tell you what I'm thinking about doing. Let me hear from Mr. Placke. Mr. Placke, do you want to address any of this?

MR. PLACKE: Just two things, Your Honor. One related to Ms. Basko and some of these other folks. I did review everything that she sent to our office. I did check to see if she was actually an attorney. I was concerned that she was expressing opinions that didn't seem to have a basis in knowledge of the evidence in the case. She had asked in her email that I present this declaration to the Court. I declined to do that. But I tended to view it like much of the other internet material I had seen related to this case, intended to sort of place her in that category of people. I didn't realize she was going to send her declaration directly to the Court.

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THE COURT: She sent it to be filed on CM/ECF, and the Clerk's Office sent it to me for determination as to whether it should be filed on CM/ECF.

MR. PLACKE: Quite frankly, when she sent it to me, and I just let it sit there declining to do anything further, thought that was going to be the end of it.

MR. PLACKE: She actually mentions some folks in there, one of whom I did talk to at length at Mr. Hill's request some months ago, a Mr. Dan Johnson. He -- we spent quite a bit of time on the phone, and he gave me his opinion about exactly what had happened and how I should handle the case and so forth. I asked some pointed questions about how what he was saying would fit in the rules of evidence and the rules of procedure, and that sort of turned the conversation a

This is age discrimination by an attorney. A person can be 20 years old, in the military and married with a child. Mr. Johnson was not an attorney. Since when is a witness required to act like an attorney? This prosecuting attorney (appointed as Brian's attorney by the government) did not want any proof or witnesses to prove that Brian Hill was & is innocent. He just wanted the "Guilty" WORDS, nothing else, no trial, no Constitutional Rights (Bill of Rights) or no Civil Rights for Mr. Hill while Brian continued suffering with very high blood glucose readings in jails and no slow acting insulin to protect him for 24 hours; no insulin at all on court days until that

evening and ignoring his autism and what all this was doing causing mental distress. This had been going on for 9 months at this time, and the credit all goes to Attorney Placke. This is an example of how he helps his client, and according to one judge, Placke is the best attorney in the Middle District of NC (See June 4, 2014 transcript).

little bit. Mr. Johnson is a 20-year-old in Ohio who is very active on the internet and concerned about certain issues and had been in contact with Mr. Hill. After that conversation, I didn't view it as particularly productive for Mr. Hill's defense to continue contacting all these other people.

Anyway, my point there and my first point was simply in trying to triage how to handle things in this case, I tended to put things from Ms. Basko in the same category as my phone conversations with Mr. Johnson, again, not knowing that she intended to send her declaration directly to the Court.

The second thing I would say regarding the whole issue of counsel is Mr. Hill has continued to ask for new counsel. It's continued to be my view that under the circumstances, our office -- I should individually and our office as an office should do everything we can to assist Mr. Hill and as much as possible shrug off, if you will, some

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To Dan Johnson who was working with the Rutherford Institute to help Brian. They are telling Dan on Jan. 7, 2014 that they had contacted Brian's court appointed attorney offering their assistance and have not heard back from him. Who is the Rutherford Institute? Here is a link to their webpage: <https://www.rutherford.org/about>

[REDACTED]@rutherford.org> Tue, Jan 7, 2014 at 3:33 PM
To: Dan Johnson [REDACTED]@pandaunite.org>
C: [REDACTED]@rutherford.org>, [REDACTED]@rutherford.org>

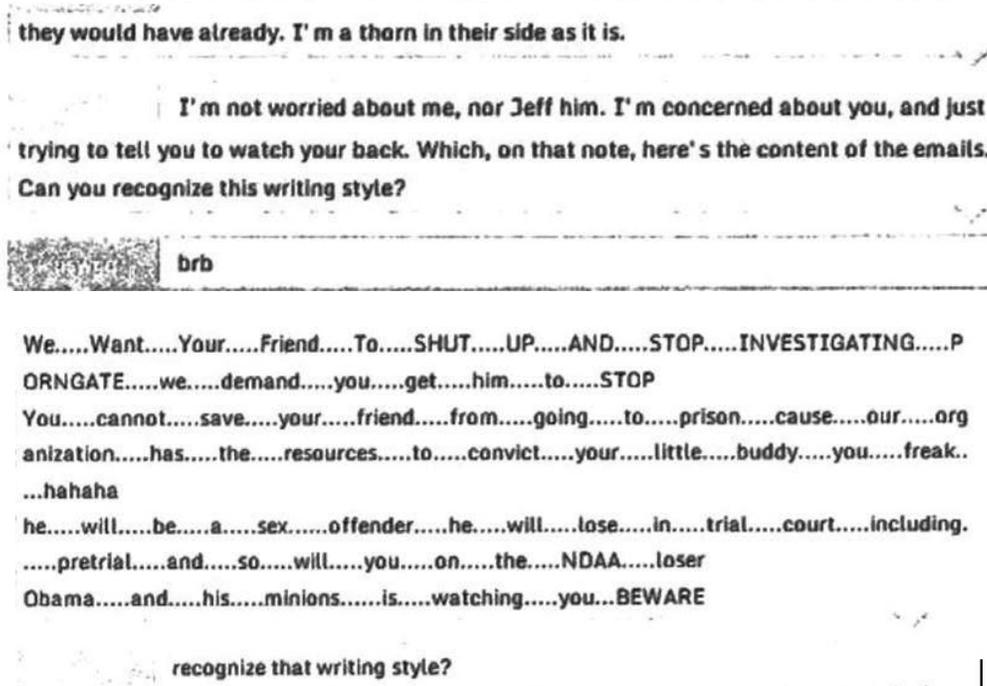
Dan, at this point, we have offered our assistance to Brian's court-appointed attorney and are waiting to hear back from him on where things stand. You're welcome to mention that we have offered our assistance in the case in any PR you do, but beyond that, I don't have an update yet and I don't want to discourage the family from getting the word out. We'll be in touch as soon as we know more on the legal front.

Who is Dan Johnson from Brian's grandparents' investigation?

He was a friend of Brian's in 2012 and 2013. They worked on the NDAA together (the part that is unconstitutional). Brian David Hill (below).

David Hill had concerning an encrypted chat Hill had with witness Dan Johnson of "People Against the NDAA" (PANDA or PANDAunite), somewhere between approximately late 2012 to 2013. Dan Johnson had reported to Hill to have received a threatening email with the words "We.....Want.....Your.....Friend.....To.....SHUT.....UP.....AND.....STOP.....IN VESTIGATING.....PORNGATE.....we.....demand.....you.....get.....him.....to...

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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.

Screenshot of the Susan Basko Declaration of facts concerning Actual Innocence of Brian D. Hill. Source: Federal Court Docket entry, U.S. District Court for the Middle District of North Carolina, Case 1:13-cr-00435-WO, Document 46, Filed 09/30/14, Page 1 of 3.

WARNING: Someone is Trying to Set Up Liberty Activists Using Child Porn

This a warning to all of our members, readers, supporters, and to the general liberty movement.

Please be extremely careful with email, and do not open any attachments from anyone who you don't know, or from any suspicious email, such as tormail. And even if it seems to be from someone you know, take the time to read the email address carefully, to see if it is from a Tormail account, or other anonymous email service. It could be someone impersonating someone you know, to trick you into opening files with child-porn on them.

No one here at Oath Keepers uses tormail or any other anonymous email service, so if you see an email purporting to be from Oath Keepers, or from anyone in leadership at Oath Keepers, from such an email service, **do not open it.**

<https://myemail.constantcontact.com/WARNING--Someone-is-Trying-to-Set-Up-Liberty-Activists-Using-Child-Porn.html?soid=1102755758632&aid=cu6pyplbO48>

There have been a string of anonymous attacks on liberty activists, all attempting to trick people into opening email attachments containing child-porn. We know of at least four such attempts within the past few weeks.

The first was when someone emailed Luke Rudkowski, Founder of We Are Change and tried to trick him into opening attached jpeg files containing child porn. Luke was able to use the "view" function of his email to see that the images were child porn and he did not open them.

Then, someone using a tormail account tried to do the same thing to Dan Johnson, Founder of People Against the NDAA (PANDA). Whoever emailed Dan Johnson pretended to be me, Stewart Rhodes, but using a Tormail account. Fortunately, Dan knew that I don't use Tormail, and therefore he did not open the attachments. Instead, he had a computer security expert examine the files, and that expert determined that they contained child porn. You can read more about that attack, and watch a video we made about it, [here](#).



Dan Johnson in this video

<https://www.youtube.com/watch?v=3TwLSinxRdk>

[REDACTED]@rutherford.org>

Tue, Jan 7, 2014 at 3:33 PM

To: Dan Johnson [REDACTED]@pandaunite.org>

C [REDACTED]@rutherford.org>, [REDACTED]@rutherford.org>

Dan, at this point, we have offered our assistance to Brian's court-appointed attorney and are waiting to hear back from him on where things stand. You're welcome to mention that we have offered our assistance in the case in any PR you do, but beyond that, I don't have an update yet and I don't want to discourage the family from getting the word out. We'll be in touch as soon as we know more on the legal front.

To Dan Johnson who was working with the Rutherford Institute to help Brian. They are telling Dan on Jan. 7, 2014 that they had contacted Brian's court appointed attorney offering their assistance and have not heard back from him. Who is the Rutherford Institute? Here is a link to their webpage:

<https://www.rutherford.org/about>

Sept. 30, 2014

Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEEN JR. in G-1: Case called for Sentencing as to BRIAN DAVID HILL on 9/30/2014; AUSA Anand Ramaswamy appeared on behalf of the Government. FAFPD Eric Placke appeared on behalf of the Defendant. Defendant present in custody. In light of Defendants pro se statements, Court allows FAFPD Placke to withdraw as counsel of record; Court to appoint substitute counsel; Court ordered all discovery material previously provided by the United States to be sealed and can only be viewed by substitute counsel; FAFPD Placke returned discovery material to AUSA Ramaswamy at the conclusion of this hearing; Court ordered Government to subpoena Susan Basko to appear at the sentencing hearing (see pleading 46); Court continued sentencing in this matter to 11/7/2014 at 3:00 p.m. in Greensboro, Courtroom 1; Status Conference set for 10/15/2014 at 2:00 p.m. (Court Reporter Joseph Armstrong.) (Welch, Kelly)

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

Set Hearings as to BRIAN DAVID HILL: Sentencing reset for 11/7/2014 03:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEEN JR. Status Conference set for 10/15/2014 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEEN JR. (Welch, Kelly)

Set/Reset Deadlines/Hearings

DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes. (Attachments: # (1) Envelope)(Welch, Kelly)

Main Document Declaration

Download PDF

Attachment 1 Envelope

Download PDF

CJA 20 Appointment of Attorney JOHN SCOTT COALTER for BRIAN DAVID HILL. NOTICE: Pursuant to 18 U.S.C. section 3006A(d)(4), approved CJA voucher forms will be posted to CM/ECF. Appointed counsel is responsible for requesting redactions to information contained within CJA vouchers. Signed by CHIEF JUDGE WILLIAM L. OSTEEEN JR. on 10/1/2014. (Attachments: # (1) CJA 20 Worksheets) (Daniel, J)

Main Document CJA 20 - Appointment

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

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

<https://www.courtlistener.com/docket/4304407/47/united-states-v-hill/>

The 1st court appointed attorney would not let Brian or Brian's family see the discovery from the NC SBI report. Both attorneys had this information and the same prosecuting attorney who has been in Brian's case from 2013-2022 (The same one who admitted on 9/30/2014 in court ignoring all witnesses for Brian) had it too since Nov. 2013. Finally Brian, his mom & grandparents got to go to Greensboro, NC to Brian's 2nd attorney's office and read it together in January, 2015. Brian has put the results proving Brian is innocent and proving there was a Trojan horse or virus on Brian's computer on the federal court records in Middle District of NC & in Danville, VA from 2015-2018 (many times) because there was child porn loaded on it 11 months AFTER the police confiscated it in August, 2012. – From July, 2012 – July, 2013. Comparing the Mayodan police report from 2012 and the NC SBI report from 2013 and looking at Brian's false confession proves Brian is innocent. Court continues to ignore & deprive Brian of his constitutional rights and ignore the Americans with Disabilities LAWS.

We noticed that Brian's threats were in April, 2013. We started to look and found a video Brian (USWGO) put up about the Emule Virus in April 6, 2013 and some other articles he had written about it in other places. They were so upset that they sent him at least 2 emails admitting putting it on his computer with threats. One was on April 7, 2013 and April 20, 2013.

[Emule virus type has infected people around the entire world including .](https://www.youtube.com/watch?v=Xyy1wDioa_k)



https://www.youtube.com/watch?v=Xyy1wDioa_k

Apr 6, 2013 - Uploaded by USWGO Network

... alternative news former founder Brian D. Hill. The emule virus has infected computers around the entire ...

4/6/2013

From: <johnsnatchz@tormail.org>
Date: Sun, Apr 7, 2013 at 5:30 AM
Subject: You better watch out.....
To: admin@uswgo.com

You better watch out Brian...We are watching you...Having child porn planted on your hard drives and computer was only the beginning and we will set you up for violent sex crimes if you don't watch your back...Have fun becoming a sex offender...Police won't believe you no matter how much evidence you have that you been set up we know some people in the SBI who will make sure you are convicted. You will be shut up by being a sex criminal. Your friends Alex Jones, Dan, James, Sean, Alex, and others are next...BeWare!

4/7/2013



Brian Hill <admin@uswgo.com>

Your gonna get it

sallysamsong@tormail.org <sallysamsong@tormail.org>
To: admin@uswgo.com

Sat, Apr 20, 2013 at 11:58 PM

Your gonna get it...We know what your tryin to do....You'll regret ever being an investigative news reporter....Youll regret what you just did....better watch your back Brian....DONT REPORT ANY MORE ARTICLES OR TALK TO ANY REPORTERS ABOUT THIS CHILD PORN VIRUS OR YOU GONNA GET IT

4/20/2013 (threat email above)

No, there was no mention about how 2 attorneys admitted they were both ignoring all of Mr. Hill's witnesses. There is no mention that it was his grandparents and his mom who sent our witness letters to the court in September, 2014. It was also not mentioned that his grandparents told the judge at the September 30, 2014 hearing that Brian was innocent and his attorney never represented him. Also he fails to mention that Sue Basko is an attorney, and she still is. She is also a Lawyer for Independent Media, International work with Human Rights and Attorney and Counselor, U.S. Supreme Court. This is a link to her web page:

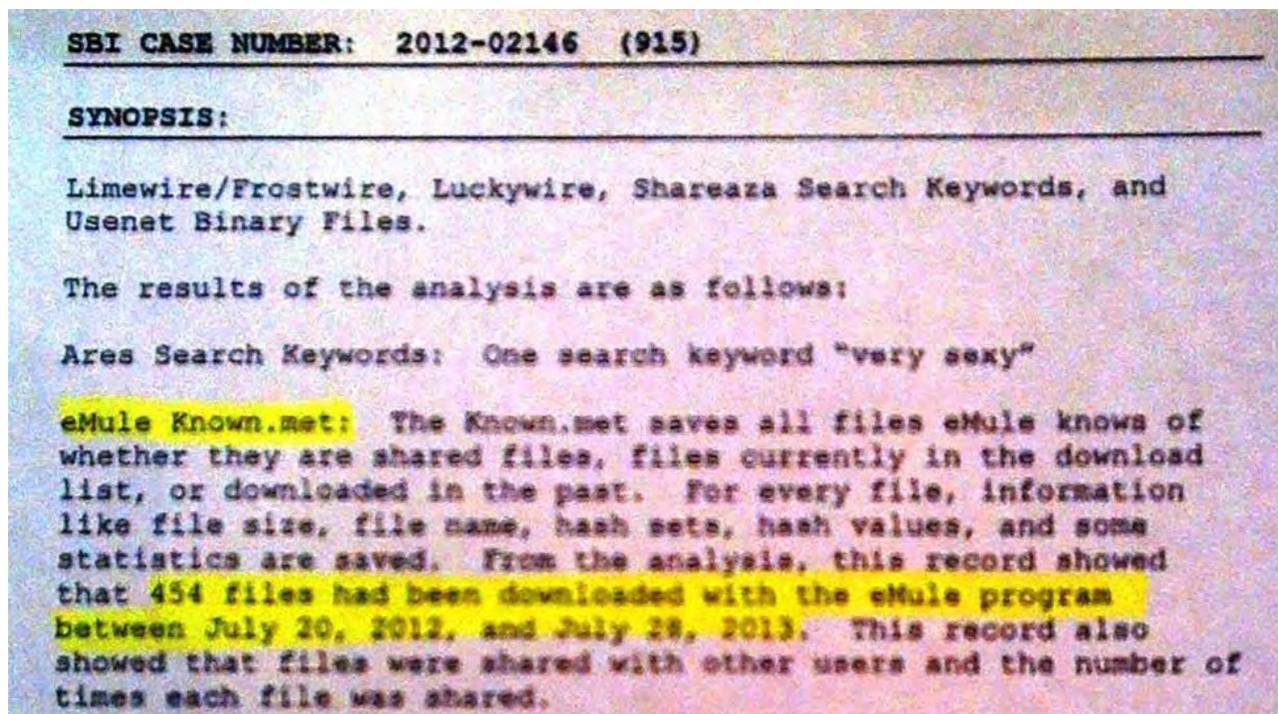
<https://www.linkedin.com/in/suebasko>

(Referring to Case 1:13-cr-00435-TDS Document 210 Filed 10/21/19 Page 1 of 27)

Petitioner is correct that there is an actual innocence exception to the one-year time limitation. *McQuiggin v. Perkins*, 133 S.Ct. 1924, 1928 (2013). However, to establish actual innocence, “a petitioner must show that it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt.” *Schlup v. Delo*, 513 U.S. 298, 327 (1995); see *McQuiggin*, 133 S.Ct. at 1935. “[S]uch a claim requires petitioner to support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence—that was not presented at trial.” *Schlup*, 513 U.S. at 324. Petitioner has not met this high burden.

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Brian appealed his case after he and his family saw the discovery in 2015 about the child porn (items of interest) being downloaded for a year (11 months of that year, this computer was with the police & the SBI)



NC SBI report – 454 files had been downloaded with emule program
July 20, 2012 until July 28, 2013 (Police took this computer on August 28, 2012)

Some proof documents Brian included as part of his proof. After reading all of this, **an expert medical witness should have been appointed to testify**. Family asked for this many times and a couple of his attorneys did too, the court denied that request.

<https://storage.courtlistener.com/recap/gov.uscourts.ncmd.64541.131.0.pdf>

Brian's medical history while in various jails in NC & Butner prison from Dec. 2013-Nov. 2014 Yet **judge refused to get a medical expert to testify in court** or to get any aids for Brian according to **the Americans with Disabilities laws**. (Is this because that would have hurt the government's case against Brian?). Does all of this mean that the federal courts, judges, jails & prisons are exempt from that law? See the PDF with more proof: "Brian's treatment in Jail Brittle Diabetes, Autism & OCD"

Brian's blood glucose results from June 1, 2014 – June 8, 2014:

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Low blood glucose resulting in a seizure on 5-26-2014 in Orange County Jail (There should be another document about this & how he was treated and the hell he went through not allowed to eat sugar).

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Brian's blood glucose results from May 14 – May 23, 2014

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Brian's blood glucose results from Dec. 20 – Dec 28, 2013 Jail in Winston Salem, NC

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Nothing about AUTISM on 12/20/2013 in Winston Salem, NC – Must have not read the medical records his family personally brought to the jail from where Brian lived in Martinsville, VA

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Brian's blood glucose results from Feb. 1 – Feb 7, 2014 Jail in Winston Salem, NC

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Brian's blood glucose results from Jan. 13 – Jan. 18, 2014 Forsyth Jail WS, NC

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Brian's blood glucose results from Jan. 26-Jan 31, 2014 Jail – Winston Salem, NC

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Brian's blood glucose results from Oct. 1 – Oct. 10, 2014 Orange County Jail

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Brian's blood glucose results from Oct. 22 – Oct. 21, 2014 in Orange County Jail;

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Brian was taken to **Cone Hospital** in Greensboro, NC (Where he spent 6 days in Feb. 1992 diagnosed with Type 1 insulin dependent diabetic) by the federal Marshalls while in court which prolonged his court date on **Nov. 7,**

2014. Page 19-21 – Marshalls were now upset with the Orange County, NC jail. Found out that Brian was telling the truth when he said he had not been given any insulin in the Orange County Jail on court days. He is almost ready to come home at this time. Document 131

Asking President Trump for a Pardon due to actual innocence on March 16, 2017. Page # 23-32. Doc 131

From: Brian David Hill

Fax ID: 276-790-3505

FOIA Appeal Case No. DOJ-AP-2017-002520

Bit of Evidence that Assistant Federal Public Defender DELETED exculpatory evidence prior to Jury Trial and prior to Pretrial Motions period, showing evidence that confidence in my Attorney was compromised causing false guilty plea to the Honorable U.S. President Donald J. Trump and The White House staff/aides Thursday, March 16, 2017 - 09:33 PM to 11:33 PM

I have now FAXED Evidence to The White House proving that the U.S. Attorney colluded with Mr. Eric David Placke the Public Pretender, to have me commit perjury and give up my right to prove my Innocence to a Jury of my Peers. This evidence will be presented in my FOIA Lawsuit as relevant to my FOIA Request asking for my discovery evidence to use in proving my Actual Innocence. Eric Placke has destroyed/deleted evidence that was in my favor. So was the U.S. Attorney who covered up, concealed, destroyed, or deleted evidence that would be in my favor. Two are birds of a feather, stick together.

My FOIA lawsuit will commence shortly once I find a good Attorney. Bad Faith U.S. Attorney doesn't want to release discovery records to me and allow me to give to independent forensic experts. You owe

Email Brian's grandparents sent to his mom after they discovered that Attorney Placke deleted all emails. Grandparents discovered this while forwarding these to Brian's mom for him to use in court. We guess after he deleted them, he could truthfully say he had no evidence and tell Brian's family if they did not tell Brian to plead "Guilty to Possession," he would get 20 years in prison. Note proof of Brian's diabetes above with no reference at all in jail records to having autism and OCD. Date March 16, 2017 – Proof of emails Brian's family sent to his attorney in 2013 & 2014. PAGE # 34-35 Document 131

An article warning about the child porn virus on (ALERT!!!: New virus that may be planting child porn to set people up as pedophiles) in April, 2013. Page # 40-52 Document 131

Copy of Transcript June 4, 2014. In this Mr. Placke brings out about a medical evaluation that was done, and the results were: autism spectrum disorder, etc. He said that Mr. Hill had requested new counsel and mentioned that Brian had returned from Butner. (Note: in the course of 11 months at the age of 23 (December, 2013 – November, 2014) Brian with autism was sent from a jail in Winston Salem, Greensboro, Hillsborough (back & forth) as well as the Butner Prison in Butner, NC for an evaluation by someone that when the family read her report are aware that she knows very little about autism. Ask an autism expert what he or she thinks about the federal court system doing this to someone who has been evaluated as having PDD at the age of 2 or 3 and autism at the age of 4.

When Brian spoke, he asked for an investigation to be done. He asked for a forensic expert. He said the Mayodan police could have planted files in his computer during the police raid & after they had removed his computer from his house. Judge Tilley asked Brian what proof does he have. Brian said that the proof is in the

audio files about what they said to him. (Note from Brian's family: We were never allowed to hear the tapes but read parts of Brian's confession. Before the police talked to Brian, his mom told the police that Brian had autism. Ask a professional in autism. A person with autism should never be alone during a police interrogation without an attorney present or someone who knows about autism. That is part of the Americans with Disability laws. A person with autism can easily become confused and start repeating word for word what the police said. We noticed terms that Brian has never used. This interrogation took place during lunch time the day after the police raid where many police touched everything in Brian's house (OCD). They did not test Brian's blood glucose or offer him a snack or a sugar drink. Two police interrogated him alone. If his blood glucose was low, it's like someone with a lot of alcohol in their system. Please don't take our word, have an expert in autism, diabetes & OCD to give their expert opinion.

The court: I will deny your motion for substitute counsel (LATER in Sept. 2014 read what an out of state attorney said and other proof. Mr. Placke was removed from Brian's case. Look at the court records over 3 months after this date while Brian with known autism kept being put in various jails for the next 5 months with severe type 1 diabetes causing him to lose a lot of weight. Read all of this. It's very enlightening. Page 56-68. Document 131

On this one, Brian displays his email at USWGO in 2013 after he received a threat email in April, 2013 from an anonymous person using tormail admitting they put child porn on Brian's computer & hard drives. Most of the time Brian had 1 or 2 hard drives with his computer as he was working on USWGO projects & interviews & researching things for articles he was writing for his website. His mom would come down from time to time and find Brian having a severe seizure at his computer. Brian was unconscious and would have died each time if mom had not come down and treated it. Ask a medical expert about that – some doctors & neurologist said in 2005 and other years that Brian had brittle diabetes (including recently at the Carillon Clinic). Brian had met Alex Jones in June 2012. The threat email said they had plans to set Alex Jones & others up. On the 2nd email, they threatened doing more to Brian if he said anything more about that child porn virus. Page 69-71. Document 131

You better watch out Brian...We are watching you...Having child porn planted on your hard drives and computer was only the beginning and we will set you up for violent sex crimes if you don't watch your back...Have fun becoming a sex offender...Police won't believe you no matter how much evidence you have that you been set up we know some people in the SBI who will make sure you are convicted. You will be shut up by being a sex criminal. Your friends Alex Jones, Dan, James, Sean, Alex, and others are next...BeWare!

APRIL 6 & APRIL 20, 2013

Your gonna get it...We know what your tryin to do...You'll regret ever being an investigative news reporter...Youll regret what you just did...better watch your back Brian...DONT REPORT ANY MORE ARTICLES OR TALK TO ANY REPORTERS ABOUT THIS CHILD PORN VIRUS OR YOU GONNA GET IT

Brian's grandparents sent this to Brian to send to the court in September, 2014 explaining that the child porn was a virus, not actual child porn. This just proved the threats was a virus that apparently contained some sort of child porn this person sending the threat had put on his computer in July, 2012. "Child porn investigations may snare the innocent" which was an article from Prison Education Guide by Christopher Zoukis. Page 79-89 Document 131

<https://www.courtlistener.com/docket/4304407/132/united-states-v-hill/> Document 132

Articles Brian's grandmother found: More than 1 out of 4 people wrongfully convicted but later exonerated. "Why do people confess? PAGES 2-4

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

Set Hearings as to BRIAN DAVID HILL: Sentencing reset for 11/7/2014 03:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Status Conference set for 10/15/2014 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly)

Set/Reset Deadlines/Hearings

Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1: Sentencing hearing as to BRIAN DAVID HILL held on 11/10/2014. AUSA Kyle Pousson appeared on behalf of the Government. Attorney Scott Coalter appeared on behalf of the Defendant. Defendant present in custody. For the reasons stated on the record, Court denied all pending pro se motions. (Court Reporter Joseph Armstrong.) (Welch, Kelly)

Sentencing

This would be talking about both of Mr. Hill's federal court appointed attorneys in 2014:

Under the Sixth Amendment, every Defendant has a right to Effective Assistance of Counsel.—"[T]he right to counsel is the right to the effective assistance of counsel." From the beginning of the cases holding that counsel must be appointed for defendants unable to afford to retain a lawyer, the Court has

So under ineffective counsel and pro se motions filed in the past, I ask the court to grant my request for **MOTION TO EXTEND TIME TO FILE APPEAL.**

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"The Sixth Amendment requires counsel to consult with the defendant concerning whether to appeal when counsel has reason to believe **either:**

If the defendant expressed his intention to appeal, and counsel decided not to file an appeal without having discussed the matter further with the defendant after he was sentenced, counsel's performance would be constitutionally deficient. *United States v. Witherspoon*, 231 F.3d 923 (4th Cir. 2000)." (emphasis added)

Absent finding either of those documents (Doc #43, 44) constitute a "Notice to Appeal", defendant asks the court to extend the time to file a notice of appeal as the defendant reasonably demonstrated an intent to appeal by filing those documents and counsel failed to discuss an appeal of the conviction and failed to file the notice of appeal timely as required by defendant's Sixth Amendment right which provides good cause to extend the time to file an appeal.

Brian D. Hill (pro se)
916 Chalmer St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

Case 1:13-cr-00435-TDS Document 55 Filed 01/12/15 Page 3 of 4

This investigation by Stella Burnette Forinash (Brian Hill's grandmother)