

**LITIGATION HOLD LETTER** TO TRUIST BANK, SUNTRUST BANK, FDIC, AND ANY OTHER BANK RETAINING SPECIFIC RECORDS MATERIAL TO “THE CHIMNEY SWEEP” AND “MR. JACODY CASSELL”

- (1) RE: Brian David Hill v. Commonwealth of Virginia, U.S. District Court, Western District of Virginia, case no. 7:22-cv-00336;
- (2) RE: Brian David Hill v. United States of America, U.S. District Court, Middle District of North Carolina, case no. 1:22-CV-00074, 1:13-cr-435-1;
- (3) RE: Commonwealth of Virginia v. Brian David Hill, Circuit Court for the City of Martinsville, Commonwealth of Virginia, case no. CR19000009-00

SATURDAY, JULY 23, 2022

<b><u>ATTN: Aaron M. Ziglar</u></b> Dispute Resolution Specialist Office of the Attorney General 202 North 9th Street Richmond, Virginia 23219 Phone: (804) 786-1244 FAX: (804) 225-4378 <a href="mailto:AZiglar@oag.state.va.us">AZiglar@oag.state.va.us</a>	<b><u>ATTN: Eric H. Ferguson, Esq.</u></b> RHODES & FERGUSON ATTORNEYS AT LAW 305 S. Main Street Rocky Mount, VA 24151 <a href="mailto:eferguson@fergusonlaw.net">eferguson@fergusonlaw.net</a> Phone: 540-483-5234 FAX: 540-483-5763
<b><u>ATTN: Truist Bank</u></b> 214 N Tryon St Charlotte, NC 28202	<b><u>ATTN: Federal Deposit Insurance Corporation</u></b> 550 17th Street, N.W. Washington, D.C. 20429
<b><u>ATTN: SUNTRUST BANK</u></b> PO BOX 305183 NASHVILLE, TN 37230-5183	<b><u>All Federal and State Courts listed herein</u></b>

To Whom it may Concern,

I would like to respectfully request a litigation hold of evidence and records with TRUIST Bank, SunTrust Bank, and the bank which Mr. JaCody Cassell (owner) or any authorized agent for the business named “THE CHIMNEY SWEEP” cashed in or

LITIGATION HOLD LETTER TO BANKS, FDIC

withdrawn from a \$300 check from Roberta R. Hill, check dated October 5, 2017.

This is the business which the records would show that somebody from this company had cashed in the check or withdrawn the money from the check:

The Chimney Sweep  
1590 Blue Bend Road  
Rocky Mount, Virginia 24151  
(540) 483-2468

This is a litigation hold letter. This letter will be filed in two federal cases and one state case. So this litigation hold letter is being filed with the banks and with the FDIC by Brian David Hill by and through Roberta R. Hill ([rbhill67@comcast.net](mailto:rbhill67@comcast.net)) as Petitioner Brian David Hill cannot use the internet and must use a filing representative to file and communicate electronically on behalf of Brian David Hill over this matter.

The litigation hold letter has attached a check stub record of \$300 being paid for to a business entity known as "THE CHIMNEY SWEEP", the check dated October 5, 2017, and was paid from the bank account of Roberta Ruth Hill on October 6, 2017 (when the money had left her account) at the time while under SunTrust bank, now is known as TRUIST. So the obtained record received on July 23, 2022 was given to Brian Hill by Roberta Hill as evidence. The bank should also be aware of who cashed the check in, or can forward this LITIGATION HOLD LETTER to the bank which Mr. JaCody Cassell had cashed the \$300 check from Roberta Ruth Hill to pay for a service from this chimney company in Rocky Mount, Virginia. A photograph of the \$300 check stub with the check number, also referenced in the bank statement of Roberta Hill's bank account, will be included as attached to this letter.

I am proceeding In Forma Pauperis in all three listed cases and cannot afford the fees for this litigation hold letter. It will be up to the U.S. Attorney Office who prosecuted me and the Commonwealth Attorney who prosecuted me to investigate the issues I have raised in this litigation hold letter, and to deal with the legal costs for retention of evidence subject to *Brady v. Maryland*, 373 U.S. 83 (1963); and *Giglio v. United States*, 405 U.S. 150 (1972).

Under the Bank Secrecy Act, all banks have to retain check records and bank records for at least five (5) years. Brian Hill, the Petitioner in two cases and criminal defendant in the Circuit court case asks the bank for retention of specific records beyond

## LITIGATION HOLD LETTER TO BANKS, FDIC

the five year retention period of the Bank Secrecy Act until the litigation of the foregoing listed three cases (two are federal, one is state) have been resolved and disposed of under the Federal Rules of Evidence, Federal Rules of Civil and Criminal Procedures, and Rules of the Virginia Courts.

The following Brian David Hill requests such records in the bank(s) be retained, preserved, and not destroyed and not be spoliated (spoliation):

1. Photocopy of the cashed in or withdrawn check from the company: "The Chimney Sweep" for the amount of \$300, check dated October 5, 2017, and cashed in on October 6, 2017 and was cashed in from any authorized agent of the company: "The Chimney Sweep" or Mr. JaCody Cassell (owner) of the company: "The Chimney Sweep".
2. Bank statements from both Roberta Ruth Hill in October, 2017, and any account statements regarding cashing in or withdrawing money from the \$300 check from any authorized agent of the company: "The Chimney Sweep" or Mr. JaCody Cassell (owner) of the company: "The Chimney Sweep".

These records are important as this person is a difficult witness who will not cooperate with Brian David Hill requesting that he testify in his criminal case in admitting to a simple mistake which changed the life of Brian David Hill by being subject long-term to carbon monoxide poisoning in Apartment 2 of 310 Forest Street, Martinsville, Virginia 24112, from October 5, 2017, until September 20, 2018, prior to the arrest of Brian David Hill on September 21, 2018.

The records help prove that Mr. JaCody Cassell through his legal counsel Mr. Eric Ferguson had lied about never doing any chimney work and never doing any estimate to Aaron Ziglar of the Dispute Resolution Unit, a office of the Attorney General Office for the Commonwealth of Virginia. Case no. 953850. Lied about conducting no estimate and not doing any work at the residence of Roberta Hill. \$300 was paid to The Chimney Sweep and retention of those records is necessary for the litigation in all three cases.

The purpose is to help prove the actual innocence of Brian David Hill for his charge of indecent exposure on September 21, 2018, in the General District Court for the City of Martinsville, appealed to the Circuit Court for the City of Martinsville. As any evidence of carbon monoxide induced intoxication is a recognized criminal defense of "intoxication" which can cause incidents such as indecent exposure. Not just proving actual innocence for the state charge, but also to help prove actual innocence in the

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Federal Court in petitioning for Writ of Habeas Corpus in the Western District of Virginia by federal 2254 motion. As well as proving actual innocence to the supervised release violation charge on November 13, 2018. All three cases will need preservation of these records due to the difficulty of witness from The Chimney Sweep to ever admit to the issue of metal tin being placed on top of the chimney flues blocking the exhaust of the gas hot water heater and gas radiator below Apartment 2, the gas appliances in Apartment 3. The blocking of the exhaust of gas ventilation at the top of the chimney had caused the carbon monoxide gas poisoning and carbon monoxide gas exposure of Brian David Hill from October 5, 2017, until September 20, 2018, prior to the arrest of Brian David Hill on September 21, 2018. The type of gas which was in the issue of carbon monoxide was “natural gas”. His mental health disorders of AUTISM SPECTRUM DISORDER, a neurological disorder, had worsened with the carbon monoxide exposure, prolonged exposure, long term exposure, had caused Mr. Hill to walk around naked outside at night on a deserted walking trail for hours causing the police to arrest this innocent man for indecent exposure, the police unaware of the carbon monoxide gas. A chimney business expert known as Pete Compton of ACE Chimney & Wildlife; Bassett, VA, found the metal tin blocking the exhaust flue or flues of the chimney, and that was on January 30, 2019.

The legal reasons for why retention of those financial records and check records are necessary for this difficult witness, Mr. JaCody Cassell. He is refusing to accept responsibility and refusing to cooperate with Brian Hill's repeated requests for him to voluntarily testify and admit to or admit that one of his employees had placed the metal tin on the chimney on October 5, 2017. Denying ever doing an estimate, denying ever conducting a service. Denied everything. He is a difficult witness and such difficult witness warrants preservation of the listed records until all three litigation cases listed herein are resolved.

The three cases which the litigation hold letter is regarding preservation of evidence for three different cases listed herein:

Title of case or case style:	Case number:	Courthouse:
Brian David Hill v. Commonwealth of Virginia	7:22-cv-00336	U.S. District Court, Western District of Virginia
Brian David Hill v. United States of America	1:22-CV-00074, 1:13-cr-435-1	U.S. District Court, Middle District of North Carolina
Commonwealth of Virginia	CR19000009-00	Circuit Court for the City of

LITIGATION HOLD LETTER TO BANKS, FDIC

v. Brian David Hill		Martinsville, Commonwealth of Virginia
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Brian did not wanted to take things this far but to prove actual innocence he must fight with every avenue he has at his disposal to clear his name of any misdoing on September 21, 2018. Brian must prove his innocence and therefore the records must be retained due to the witness Mr. JaCody Cassell being a difficult witness refusing to admit to anything which caused the metal tin to further cause the issue of carbon monoxide poisoning of Brian David Hill.

Thank You. Respectfully filed with the banks and FDIC, this the 23rd day of July, 2022.

  
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](http://JusticeForUSWGO.NL) or [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

SUNTRUST BANK  
 PO BOX 305183  
 NASHVILLE TN 37230-5183

PAGE 1 OF 2  
 63/B11/0175/0 /74  
 1000155990541  
 10/19/2017

ACCOUNT  
 STATEMENT

ROBERTA R HILL  
 310 FOREST ST APT 1  
 MARTINSVILLE VA 24112-4210

QUESTIONS? PLEASE CALL  
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ACCOUNT SUMMARY			
ACCOUNT TYPE	ACCOUNT NUMBER	STATEMENT PERIOD	TAXPAYER ID
EVERYDAY CHECKING	1000155990541	09/21/2017 - 10/19/2017	██████-6831
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
BEGINNING BALANCE	\$2,344.02	AVERAGE BALANCE	\$2,873.13
DEPOSITS/CREDITS	\$1,508.18	AVERAGE COLLECTED BALANCE	\$2,873.13
CHECKS	\$870.28	NUMBER OF DAYS IN STATEMENT PERIOD	29
WITHDRAWALS/DEBITS	\$670.06		
ENDING BALANCE	\$2,311.86		

DEPOSITS/CREDITS							
DATE	AMOUNT	DESCRIPTION		SR	BATCH		
09/22	712.46	ELECTRONIC/ACH CREDIT		30	64008949991		
		VA DMAS	PAYROLLJNL RA2482754				
09/25	25.40	POINT OF SALE CREDIT	TR DATE 09/22	82			
		REFUNDAMAZON.COM	SEATTLE WA 00000101				
09/29	.05	ELECTRONIC/ACH CREDIT		30	70010329180		
		Amazon Asi935247 EDI PYMNTS	OFA000100268898				
09/29	5.15	ELECTRONIC/ACH CREDIT		30	71002000056		
		Amazon Australia Services Inc.ACH/CRED					
		/ORGAC/GB37DEUT40508128305600/Payment#:	59540504 null				
09/29	18.57	ELECTRONIC/ACH CREDIT		30	70010328831		
		AMAZON.COM935692 EDI PYMNTS	OFA000100677296				
09/29	20.83	ELECTRONIC/ACH CREDIT		30	70010328712		
		AMAZON.COM935389 EDI PYMNTS	OFA000100498304				
09/29	.11	ELECTRONIC/ACH CREDIT		30	72003964873		
		AMAZON MEDIA EU SARL ACH/CRED					
		/ORGAC/GB51DEUT40508127304211/Payment#:	59391269 null				
09/29	.89	ELECTRONIC/ACH CREDIT		30	72003968814		
		AMAZON MEDIA EU SARL ACH/CRED					
		/ORGAC/GB08DEUT40508127304209/Payment#:	59233693 null				
09/29	3.93	ELECTRONIC/ACH CREDIT		30	72003965816		
		AMAZON MEDIA EU SARL ACH/CRED					
		/ORGAC/GB51DEUT40508127304211/Payment#:	59391790 null				
09/29	8.33	ELECTRONIC/ACH CREDIT		30	72003966442		
		AMAZON MEDIA EU SARL ACH/CRED					
		/ORGAC/GB24DEUT40508127304212/Payment#:	60023625 null				
10/06	712.46	ELECTRONIC/ACH CREDIT		30	78008232944		
		VA DMAS	PAYROLLJNL RA2496762				

DEPOSITS/CREDITS: 11 TOTAL ITEMS DEPOSITED: 0

CHECKS							
CHECK NUMBER	AMOUNT PAID	DATE	SR	BATCH	CHECK NUMBER	AMOUNT PAID	DATE
167	325.00	10/10	20	75241135	169	245.28	10/10
168	300.00	10/06	20	78221138			

CHECKS: 3

MEMBER FDIC

CONTINUED ON NEXT PAGE

TRUIST 

MC 306-40-06-60  
P.O. BOX 85052  
RICHMOND, VA 23285

RICHMOND VA 230

21 JUL 2022 PM 1 L



US POSTAGE MPITNEY BOWES



ZIP 23224 \$ 000.57<sup>0</sup>  
02 4W  
0000365842 JUL 21 2022

Received on  
July 23, 2022

ROBERTA RUTH HILL  
310 FOREST STREET APT. 1  
MARTINSVILLE, VA 24112

24112-421010



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✓ Track Your Expenses...

- Auto/Travel
- Business
- Charities
- Clothing
- Dependent Care
- Education
- Entertainment
- Food
- Home
- Insurance
- Medical/Dental
- Savings
- Taxes
- Utilities
- Other

Oct. 5, 2017

The Chimney Sweep

Three hundred

Duplicate is produced using soy-based materials.  
Images may appear light.

TAX DEDUCTIBLE ITEM

BAL. FOR'D	
ITEM AMOUNT	300.00
BALANCE	
DEPOSIT	
FOR'D	



no  
For enhanced security your account number will not be printed on this copy

NOT NEGOTIABLE