

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,
PLAINTIFF(s),**

v.

**BRIAN DAVID HILL,
DEFENDANT.**

CASE NO: CR19000009-00

MOTION FOR JUDGMENT OF
ACQUITTAL OR NEW TRIAL PURSUANT
TO Rule 3A:15 BASED UPON NEW
EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY
PROSECUTION, EVIDENCE
WARRANTING NEW TRIAL OR
ACQUITTAL

**MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL
PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE
WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY
PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL**

Respectfully submitted with the Court,

This the 28th day of August, 2022.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Defendant

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

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a New Trial pursuant to **Virginia Rules of the Sup. Ct. 3A:15** based upon new evidence not previously submitted to this court, and new evidence not previously known to this Court which disproves the elements of guilt presented by Martinsville Police Department in its original charge on September 21, 2018 (See **Exhibit 0**, Copy of Arrest Warrant and Criminal Complaint in original General District Court charge), prosecuted by both the City of Martinsville and Commonwealth of Virginia, the Plaintiffs’.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6, as well as the Supreme Court of Virginia case law authorities of *Commonwealth v. Tweed*, 264 Va. 524, 570 S.E.2d 797 (Va. 2002), (the “Tweed standard”), and *Odum v. Commonwealth*, 225 Va. 123, 301 S.E.2d 145 (Va. 1983), (the “Odum standard”). This Court does have lawful jurisdiction and authority to act on this motion, provide an evidentiary hearing to both parties, request the

Commonwealth Attorney to respond to the motion, and then this Court can come to a conclusion whether Defendant's request for a new trial should be granted or his request for a judgment of acquittal should be granted in lieu of new trial if the Court finds the new evidence sufficient to disprove enough elements of the Commonwealth's criminal prosecution that no criminal conviction can be sustained, that no criminal conviction can stand even with a trial by jury. The burden of evidence for a judgment of acquittal is likely higher of a standard and burden than the burden of proof standard for requesting a new trial.

Odum standard: *Odum v. Commonwealth*, 225 Va. 123, 124 (Va. 1983) ("1. Motions for new trials based on after-discovered evidence are within the discretion of the Trial Judge, are not favored, are considered carefully and cautiously, and are reluctantly awarded. 2. The movant for a new trial for after-discovered evidence bears the burden to prove the evidence (a) was discovered after trial, (b) could not have been discovered earlier by reasonable diligence, (c) is not merely cumulative, corroborative or collateral, and (d) is material and should produce opposite results on new trial.").

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With the new evidence Exhibits 1-28, pages 317 attached thereto this motion, any reasonable juror would find Brian David Hill not guilty beyond a reasonable doubt and a rational trier of fact will even find him not guilty upon preponderance of the evidence, even under the preponderance of the evidence standard.

See **Exhibit 0** ARREST WARRANT and CRIMINAL COMPLAINT for the basis of the originating arrest and criminal complaint against Brian David Hill, dated September 21, 2018, in the General District Court.

EXHIBIT INDEX PAGE 2 OF 317 of **Exhibit 0**, ARREST WARRANT said in the originating charge that Defendant was charged with: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”

EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: “was medically and psychologically

cleared.” Charged by Officer Robert Jones of Martinsville Police Department aka City of Martinsville and Commonwealth of Virginia.

The criminal complaint and arrest warrant has three elements which can be disproven. **Brian David Hill never plead guilty even when filing a motion to withdraw appeal.** See **EXHIBIT 15**, a copy of the Trial Court’s record of:

“ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING”.

EXHIBIT INDEX PAGE 137 OF 317. See stricken words marked out: “DEF

~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDG GDC, PAY

COURT COSTS.”. The court did not consider withdrawing appeal a guilty plea.

Defendant is still entitled to his rights to new trial or judgment of acquittal.

Under both the Virginia Constitutional law and United States Constitutional law and what it requires for all criminal cases, regardless of whether the charge is a misdemeanor or felony, all criminal defendants are presumed innocent until proven guilty and must be proven guilty beyond a reasonable doubt. This includes the requirement that ALL ELEMENTS of a crime which is charged against an innocent person must be proven beyond a reasonable doubt to the satisfaction of a trier of fact or triers of fact before a criminal conviction can be sustained and made final.

Yes, Defendant did withdrawn his appeal, see **Exhibit 16**, EXHIBIT INDEX PAGES 138 through 150, but he did preserve his Constitutional and legal rights to challenge his criminal charge and conviction collaterally or in any other way with

future evidence acquired. He did preserve his right to prove his actual innocence, that was why the Honorable Giles Carter Greer or his clerk marked out (stricken from the record) that Defendant plead guilty because the Defendant did not plead guilty but simply entered an Alford Plea, and an Alford Plea can later be contested if new evidence surfaces which proved that the criminal conviction was erroneous because the prosecution was done in error. Defendant entered an Alford Plea in the Circuit Court when he had withdrawn his appeal. He maintained his innocence but at the time accepted that he could have been convicted at jury trial in November, 2019. Now with new evidence and changes of Virginia law regarding admissibility of evidence, Defendant is confident he can be found not guilty by a jury of his peers. New trial is warranted here.

ELEMENTS OF CRIMINAL OFFENSE DISPROVEN

Here are the elements which can be disproven upon a rational trier of fact even with the Plaintiffs' nude photographs of Brian David Hill that the prosecution has at their side of the criminal case since the Trial in General District Court:

1. Element 1: Brian Hill was not medically cleared and was not psychologically cleared. Citation: EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: "was medically and psychologically cleared."

(EXHIBIT 0, EXHIBIT INDEX PAGE 4 OF 317)

2. Element 2: Intent is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had:
“intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”

(EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)

3. Element 3: Obscenity is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had:
“intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.”

(EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317) – Note: Because Brian Hill was not medically cleared as previously assumed by Martinsville Police, obscenity cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and psychologically cleared before he was arrested for indecent exposure.

This motion, the attached exhibits, and its STATEMENT OF THE FACTS will also prove fraud on the court and/or factual innocence to at least one or more elements of the charged crime, as the very fraud aka the elements of guilt is based upon the element of: “He was medically and psychologically cleared.” Upon proving to this Court that Defendant was not medically and psychologically cleared as previously asserted by the City of Martinsville and Commonwealth of Virginia,

it draws every element of guilt into jeopardy except the fact that Brian David Hill was found naked at night in arguably and allegedly in a public place which was a deserted walking trail with nobody on that trail, and only one vehicle went by Hooker Street (same name as Hooker furniture company) as the CRIMINAL COMPLAINT affidavit had said somebody saw a: “naked white male that had been seen running on Hooker St from Church St.”. Not trying to stand by and display genitals, only seeing a naked man running. When somebody naked is only seen running and never masturbating, there is no obscenity in any regard. There is no evidence of a purpose for appealing to the prurient interest in sex in the entire incident. The officer Robert Jones of Martinsville Police Department who also did not identify himself simply turned on a flashlight and Defendant ran away, also showing that Defendant did not attempt to masturbate and did not ever attempt to engage in sexual gratification. As Defendant is proving in this motion that he was not medically and psychologically cleared, and so by proving that he was not medically and psychologically cleared, all three elements are disproven and a conviction cannot be sustained. **It would be an error of fact, error of law, and an abuse of discretion to convict Brian David Hill of this crime after the Circuit Court reviews over this motion, it's STATEMENT OF THE FACTS, it's exhibits, it's case law and legal arguments, and review over the merit of the arguments.** The Commonwealth is free to respond to this motion and they should

respond to this motion. The conviction should be overturned, the charge should be thrown out or a new trial must be had. Defendant requests a new trial or judgment of acquittal under the Tweed Standard and Odum Standard, or any other standard which can be applied under the authorities of the Supreme Court of Virginia.

The request for judgment of acquittal or new trial is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019. See **Exhibit 0** for the original Arrest Warrant and Criminal Complaint. See **Exhibit 15**, EXHIBIT INDEX PAGE 137 OF 317 for the “ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING”, the judgment of conviction for the charged crime.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS, EXHIBITS, and arguments in this motion** concerning new facts of not being medically and psychologically cleared as previously assumed by law enforcement which were not known at the time of the criminal conviction and would also be spoliation of evidence by the Commonwealth and/or by Sovah Health Martinsville and/or by Martinsville Police Department. These STATEMENT OF FACTS warrant a judgment of acquittal, or a New Trial, or an evidentiary hearing to make a determination on the new facts and allow both sides to present additional arguments, and responses or any additional

evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of being innocent of multiple essential elements of the charged crime, meaning that the Virginia law and Local Law was never violated on September 21, 2018. This proves that a conviction cannot be sustained with the new evidence as a matter of law. Defendant kindly and respectfully asks that the Honorable Giles Carter Greer review over all evidence, exhibits, and arguments in this motion and not ignore it. Please do not ignore any of this, Defendant has the evidence Brian David Hill is innocent and the judgment of acquittal or new trial is warranted.

STATEMENT OF FACTS

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

Element 1: Brian Hill was not medically cleared and was not psychologically cleared. Citation: EXHIBIT INDEX PAGE 4 OF 317 of CRIMINAL COMPLAINT said in the originating charge that Defendant was: “was medically and psychologically cleared.” (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)

This STATEMENT OF THE FACTS contains 53 paragraphs, pages 12-47)

1. See **Exhibit 1**, a 6-page letter (EXHIBIT INDEX PAGES 6 through 11) regarding the fact that Brian Hill’s behavior was a medical emergency and not a

criminal act. Entitled: “A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL’S FAMILY (7-16-2022)”. This statement of the fact is regarding a letter and report prepared by Stella and Kenneth Forinash who are also citizens of the City of Martinsville. They believe it was a medical emergency and not a criminal act based on the evidence, questions, and issues in the criminal case since the very beginning.

2. When Officer Robert Jones told the General District Court in affidavit, in CRIMINAL COMPLAINT that Defendant was: “was medically and psychologically cleared”, that was not the truth. See **EXHIBIT 0**, EXHIBIT INDEX PAGE 4 OF 317. Defendant has the medical documentation and financial documentation from the local hospital to prove all of it. Even documentation from Virginia Medicaid which is an agency of the Commonwealth.

3. Defendant has evidence that blood was drawn from his arm at the local Hospital (**Exhibit 2**) according to the billing records from Sovah Health Martinsville, aka the “local hospital” which gave Officer Robert Jones the false impression of being medically and psychologically cleared which the Officer Robert Jones stated in his initial charge (**EXHIBIT 0**). According to the first page of **EXHIBIT 2** after the **EXHIBIT 2** page marker, \$66 dollars was charged for usage of a “1 CATH IV”, processing #230633, Medical supply. **EXHIBIT 28** is a scanned photocopy of the mailing envelope of what contained the billing records and was sent by mail by Sovah Health Martinsville, Patient billing department or

whatever it is called. It was sent on July 26, 2022, went through U.S. Postal Service processing through GREENSBORO NC 270 on "27 JUL 2022 PM 4 L" (from time stamped and location stamped notation) and was received on July 29, 2022. The billing records were obtained after request for them made in letter in **EXHIBIT 27**, "LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF MONDAY", "JULY 11, 2022".

4. See **Exhibit 3** for the terminology of what CATH IV means in the billing record. **EXHIBIT 3** is sourced from the NATIONAL CANCER INSTITUTE of the National Institute of Health (NIH), an agency of the USA Government, a credible source. It said from the NIH, that a "peripheral venous catheter" is a "device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids. Brian Hill said blood was drawn from his arm in his original 2255 motion." See affidavit filed by Defendant in Document #179, **EXHIBIT 23**, EXHIBIT INDEX PAGES 260 through 288.

5. This Circuit Court does not have a document numbering system like the Federal Courts of the United States of America do where every legal document has a case number, where every pleading has its own unique document number, page

range except for when records are transmitted to Court of Appeals of Virginia, and bottom footer or upper header with each page of date filed for easy citation. So Defendant is filing as **EXHIBIT 17**, a **three page TABLE OF CONTENTS index of all court filings by the Clerk of the Court** from pages 1 – 59 (GD PAPERWORK, 01/09/2019), all the way until pages 2296 – 2296 of this Trial Court’s record (LETTER - TO CT OF APPEALS-ENTIRE FL, 05/25/2022). The judge in this Circuit Court can use the TABLE OF CONTENTS as an index in asking the Clerk to find the appropriate court records cited and documents cited necessarily for arguments in this motion for new trial or judgment of acquittal. This index can also be used for purposes of further citation upon any appeal of granting or denying this motion by Defendant.

6. The claims by Defendant about the blood vials were argued and asserted in pro se motions Defendant had filed prior to filing the motion to withdraw appeal (See court record filing: “MOTION - DISCOVERY”, pages 329 which is page 5 of that particular pleading, filed: 07/26/2019). The billing record proves that the medical equipment or applicator or device was used to have drawn blood from the arm of Defendant at the “local hospital” on the same day but prior to his arrest for the charge of indecent exposure. This is backed by the medical records submitted by Defendant (See **EXHIBIT 18**, Sovah Health Martinsville, Hill, Brian D, Friday, September 21, 2018, 7806761243). See last page of **EXHIBIT 18**, EXHIBIT

INDEX PAGE 163 OF 317, where it said: “Corrections: (The following items were deleted from the chart)” and also said: “ED Physician Record - Electronic - Page 4/4, MM7806761243 SOVAH Health - Martinsville, Job 23328 (05/17/2019 13 34) - Page 7 Doc# 2”. It said different assortment of lab testing was ordered which ordering those specific lab tests would not have happened if blood was never drawn in the first place from Mr. Hill’s arm before his arrest by Martinsville Police.

7. That last page of medical records had said: “The following items were deleted from the chart)”. That means \$66 or more (if any other billed item was also used) was charged to Brian Hill’s account at the local hospital and was likely billed to Medicaid (Medicaid fraud or waste???) for a device or applicator to draw blood, and lab tests were ordered from those blood samples, but then not only were there no completion of ordered laboratory tests but they were to be deleted from the medical chart of the patient, which that patient is Brian David Hill. Lab testing was either covered up for whatever reason or the “local hospital” was negligent. The following lab tests were ordered:

a. 04:48 09/21 04:16 COMPREHENSIVE METABOLIC

PANEL+LAB ordered. EDMS

b. 04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO

DIFF+LAB ordered. EDMS

c. 04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS

d. 04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS

e. 04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered.

EDMS

f. 04:54 09/21 04:16 URINALYSIS W/REFLEX TO
CULTURE+LAB ordered. EDMS

8. Again, See **EXHIBIT 1**. Kenneth and Stella Forinash created a 6-page letter to the U.S. District Court and a copy is being filed with this Circuit Court with questions regarding whether this is a medical emergency or a crime. They believe it was very important for the Court and the Commonwealth Attorney to read every page as they also believe Defendant is factually innocent of his charge on September 21, 2018, because of not being medically cleared as assumed by the Officer Robert Jones at the time he charged Defendant. Take a good look at it. This also supports Brian's claim of innocence because what happened to Defendant on September 21, 2018 was not a crime, **IT WAS A MEDICAL EMERGENCY, A MEDICAL EMERGENCY**. No crime had been committed that day because it was a medical emergency. There was no medical clearing because of no laboratory results from ordered tests which would have been essential to proving whether or not Defendant was cleared of any substance, gas, drugs or any medical issue which may have caused the incident on September 21, 2018.

9. Citation from **EXHIBIT 1: "A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL'S FAMILY (7-16-2022)...** Police receive a call at 4 in the morning. A 28 year old man was running down a walking trail in Martinsville, VA in the nude at 4 AM in the morning. Why? Was he intentionally trying to be obscene or was this an emergency? Police find out that he is on the sex registry and is on probation. He is treated like a criminal, arrested and put in jail. The judge ignores his mom's testimony about carbon monoxide poisoning in their apartments and how this affected both of them for 11 months at the time of this incident... **(1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)**... Here is a person with autism, brittle diabetes with seizure history and OCD walking & running on a walking trail miles from his home by himself in the nude for hours, is this normal or abnormal behavior? Why did this arresting police officer not know that Brian had diabetes requiring insulin when glucose is high or glucose tabs when it is low? Did he do an investigation? How can a person with a medical history of type 1 diabetes (brittle diabetes) with seizure history since the age of 2, PDD diagnosis since the age of 3, autism spectrum disorder diagnosis since the age of 4 suddenly be "Medically cleared"? Why did this arresting police officer not know that Brian had type 1 diabetes requiring insulin or glucose tabs? Why did he not know that Brian had OCD? Did Brian not tell him? Was

Brian so far out of it mentally that night that he did not even know that he was diabetic himself? Where was the glucose monitor that Brian always takes with him when he leaves his house to go walking? Where were the emergency glucose tabs that he always keeps in his camera bag when he leaves his house? Where were his insulin pens he always takes with him if his blood glucose is high?” Citation is just a portion of the six page document but very important.

10. It is a fact that Brian Hill exhibited mental confusion (**EXHIBIT 20**) which was brought up in transcript IN **EXHIBIT 21**, PAGE 33 of that transcript. Citation: “...*Talking with him, the time frame didn't really add up to me at that point.*” That officer did not think Defendant made sense or that his story didn't add up. If Defendant was not medically cleared, then the officer should not have taken Defendant's statements as coherent at face value and should have treated his statements as incoherent such as delirious (**EXHIBIT 7**, EXHIBIT INDEX PAGE 66 OF 317) or psychosis (**EXHIBIT 19**). These statements never should have been accepted by the police at face value and used against Defendant to charge him with indecent exposure. The whole charge was nonsense when they didn't know for a fact whether Defendant Brian Hill was medically cleared or not.

11. The Officer Robert Jones claimed in affidavit that Defendant was medically and psychologically cleared but later admitted under oath in federal court that he did not obtain Defendant's medical records and didn't even know

for a fact that Defendant was diabetic. He didn't even know something as important as Defendant being a type one brittle diabetic at high risk of diabetic seizures, diabetic coma, nerve damage, kidney damage, eye damage, and low blood sugar which can lead to seizure or death. This officer transported Defendant to jail without even knowing Defendant was diabetic. Yeah, that sounds really convincing that Officer claimed Brian Hill was medically cleared but didn't even know Defendant was diabetic at the time of arrest. Don't take my word for it, see the federal filed court transcript for yourself.

12. IN **EXHIBIT 21**, PAGE 34 of that transcript (Q was the questions asked by Attorney Renorda Pryor and A was the answers given by Officer Robert Jones under oath). Citation: "...*Q Did he also tell you that he was a diabetic as well? A I do not recall him telling me that, no. Q Did he tell you that he was also OCD? A Not that I recall.*" Officer did not know Defendant was diabetic but claimed Defendant was medically cleared and psychologically cleared. Not even the hospital told this officer that Defendant was diabetic. **Very stupid and incompetent for Dr. Brant Hinchman to not tell Officer Jones that Defendant was diabetic, a type one diabetic. That decision could have killed Defendant in custody.**

12. IN **EXHIBIT 21**, PAGE 34 and 35 of that transcript (Q was the questions asked by Attorney Renorda Pryor and A was the answers given by Officer Robert Jones under oath). Citation: "...*Q Okay. Did you get those reports*

from -- the medical reports? A No, I did not do a subpoena for his hospital records. Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night? A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.” Did you just read what the officer admitted? He never asked for the medical records or hospital records or anything of that nature. He never asked the doctor if Defendant had any serious medical conditions, like type one brittle diabetes???. The officer was ignorant because he never investigated the medical issues of Defendant, didn’t even know of Defendant’s medical issues. So how exactly is the officer correct in his own claim that Defendant was: “was medically and psychologically cleared.” (**EXHIBIT 0**, EXHIBIT INDEX PAGE 4 OF 317). This does not sound like he was cleared at all. Officer wasn’t aware of anything except being released by the hospital without laboratory tests being completed after being ordered. Sounds like a cover up to me, a cover up or a big medical neglect (Medicaid fraud or waste?) mistake by Dr. Brant Hinchman. Needs to be investigated by State Police.

13. Also the billing record said: “1 IV HYDRATION 1ST HR” was ordered at \$585.00. Brian Hill was dehydrated and needed hydration from the nursing staff at the “local hospital”. Hydration through IV tubes for the 1st hour would not have been billed to Brian Hill’s medical billing account at the “local hospital” at \$585.00 if Defendant was not dehydrated. Dehydration also can lead to becoming

delirious, and can also lead to hallucinations. Not only can carbon monoxide poisoning (**EXHIBIT 22**) cause Defendant to have psychosis (**EXHIBIT 19**) and hallucinations (See pages 160 and 161 of Circuit Court records, received by Clerk, Hon. Ashby R. Pritchett on July 22, 2019 9:30AM, sourced from the Centers for Disease Control (CDC), of the USA Government), but dehydration at the time of Brian Hill's hospitalization after being questioned by Officer Robert Jones and arrest, dehydration can cause hallucinations and delirious mental confusion.

14. **EXHIBIT 7**, EXHIBIT INDEX PAGE 66 OF 317 proves to this Court from the NATIONAL CANCER INSTITUTE (federal government agency/organization) that delirium can be caused by dehydration. Supported by the billing record in **EXHIBIT 2**. Delirium can cause "hallucinations and changes in attention span, mood or behavior, judgement". Brian Hill was not medically cleared, and statements obtained by Law Enforcement from Defendant at the time of arrest were incoherent as the hospital hydrated the body of Defendant and gave him sodium chloride, an electrolyte according to the billing record in **EXHIBIT 2**.

15. Even if this Court can legally ignore the carbon monoxide exposure of Defendant for almost a year due to not having the Carboxy-hemoglobin levels at the time of arrest, the medical records and billing records shown that Brian Hill had to be hydrated by IV tubes in the first hour he was in the "local hospital", again see the entry: "1 IV HYDRATION 1ST HR" was ordered at \$585.00. The

hospital felt that it was necessary to hydrate the dehydrated man before he was arrested. The statements obtained by Martinsville Police were obtained before Defendant was taken to the “local hospital”. There may not be a statement about dehydration in the medical records (**EXHIBIT 18**) but there was usage of a body hydration by IV in the first hour of his hospital visit by IV fluids which is listed in the billing record. Billing records actually sometimes tells more details or information than the medical records, in some cases, like in this case. Every medical procedure and every item ever used has to be counted for billing purposes, accounting purposes.

16. The Officer said in its criminal complaint charge that: “He was medically and psychologically cleared.” That is not true. The officer may believe that was true at the time, but the facts do not make beliefs true. The facts show that the officer’s belief was not true.

17. It is a fact that Martinsville Police Investigator Robert Jones did not ever obtain a copy of Hill’s medical records (**EXHIBIT 21**, PAGE 35 of that transcript citation: “...**Like I said, I did not get his records. They normally do, but I do not have that...**”). Didn’t know any medical facts prior to his complaint.

18. Here is why. The billing record (**EXHIBIT 2**) and Mr. Hill’s affidavit (**EXHIBIT 23**) proven blood was drawn from Defendant’s arm. That it caused the lab tests to be ordered including blood alcohol levels. Those tests can also be used

to find any narcotics, drugs, substances, or gases (E.G. CarboxyHemoglobin) in the blood of Defendant's body while at the hospital. EXHIBIT INDEX PAGE 163 OF 317, **EXHIBIT 18**. Defendant was not thinking straight as medical noted: "The history from nurses notes was reviewed: and my personal history differs from that reported to nursing." So medical said in Page 4 Doc# 2 (ED Physician Record - Electronic - Page ¼, MM7806761243 SOVAH Health - Martinsville) of **EXHIBIT 18**: "my personal history differs from that reported to nursing". Mental confusion. Defendant couldn't keep his words correct with the mental confusion.

19. There are contradictions in the medical record dated 9-21-2018. One entry said: "*Constitutional: This. is a well developed, well nourished patient who bdh is awake, alert, and in no acute distress.*" Page 6 of #181-11. That contradicts the entry in the **EXHIBIT 2** billing record of \$585 charged to patient account. There appears to be contradictions and/or cover ups and/or neglect in the medical record (**EXHIBIT 18**). The billing record said hydration was given to Petitioner at the hospital "1ST HR" while the medical record mentions nothing about dehydration despite the \$585 billed for first hour of hydration by usage of IV fluids. If Brian was perfectly "*well developed, well nourished patient who bdh is awake, alert, and in no acute distress*" then why was blood drawn from his arm with no completed lab tests? And why was "1 IV HYDRATION 1ST HR" hooked

up to Brian's arm by IV and billed at \$585.00, aka "IV THERAPY", "092118 23B781 0780"?

20. Also it said in the billing record in the entry: "2 58-IV SOLUTIONS, 092118 21B597 0715 1703 63, J7030, 1 IV NAACL .9% 1000ML, 157.00". IV "NAACL" stands for Sodium chloride 23.4% injection which is used to replenish lost water and salt in your body due to certain conditions (eg, hyponatremia or low salt syndrome). It is also used as an additive for total parenteral nutrition (TPN) and carbohydrate-containing IV fluids. A sodium chloride IV is a mixture of fluids and sodium chloride administered intravenously to restore fluid balance. **Sodium chloride is used to treat or prevent sodium loss caused by dehydration, excessive sweating, or other causes. Sodium is an electrolyte that regulates the amount of water in your body. Sodium also plays a part in nerve impulses and muscle contractions.**

21. Brian Hill was not truly medically cleared, that is a lie. Let's compare medical records, shall we.

22. Medical record of November 19, 2017, See **EXHIBIT 9**. Lab tests were ordered. Brian Hill was there for more hours than his hospital visit on September 21, 2018. Both hospital visits concerned fall and/or injury. Brian was detained by police around or in a creek meaning he fell into the creek before he was detained and was injured before being detained, injured and fell just like his hospital visit in

November, 2017 with more lab work and results while the visit in September, 2018 had no lab tests completed after being ordered. His hospital visit on the date of arrest was very short and did not have lab results proving negative on anything abnormal. Total difference between the two Emergency Room medical records. Proves neglect by example from the same hospital. See **EXHIBIT 18**.

23. See the financial records from Medicaid claims records concerning Brian David Hill. The cost of his hospital visit on 11-19-2017 was a lot more expensive than his hospital visit on 09-21-2018. See **EXHIBIT 4**, Virginia Medicaid Claims History For Member Name: Brian Hill. Lab results were tested completely on November, 2017, while the hospital did not have on any record as to lab testing done on September, 2018. There was no lab results. Either covered up or neglect by medical personnel at the local hospital. The same “local hospital” which falsely and/or erroneous claimed to have cleared the Defendant mentioned in charging document **EXHIBIT 0**. **EXHIBIT 4** is thanks to Defendant filing a FOIA request with Virginia Medicaid requesting those records, see **EXHIBIT 26**, URGENT "LETTER TO MEDICAID REQUESTING RECORDS REGARDING FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF LAB WORK ORDERED ON SEPTEMBER 21, 2018", "SATURDAY, JULY 16, 2022".

24. There are two transcripts this Court should be made aware of relevant and material to the arrest of Brian David Hill for the supervised release violation on the exact same basis as the ARREST WARRANT and CRIMINAL COMPLAINT in **EXHIBIT 0**. Both transcripts come from two hearings held in the U.S. District Court for the Western District of Virginia, dated December 26, 2018, and May 14, 2019. One hearing was the arraignment and the other hearing was regarding the release of Brian David Hill on bond conditions pending the case in the Middle District of North Carolina. Without his family asking for a mental evaluation, the Court on its own suspicions had directed and ordered a mental evaluation of Brian David Hill for competency and possibly sanity at the time of the incident. Those two transcripts are important and are of the record concerning the supervised release violation and must also be made known to the Virginia Courts. U.S. Probation Officer Jason McMurray thought Brian Hill may not have been mentally right in the head at the time of his arrest and his hunch was right. **Brian Hill was exposed to carbon monoxide which can cause brain damage and hallucinations and psychosis (EXHIBIT 19)**.

25. See **EXHIBIT 5**, USA v. Brian David Hill - 7:18-MJ-00149, December 26, 2018, Supervised Release Revocation Hearing. Transcript completed on May 2, 2022.

26. See **EXHIBIT 6**, USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.

27. Last piece of evidence that Brian David Hill was not medically cleared on September 21, 2018, is a complaint and investigation case letters from a redacted government agency from a redacted government employee, two redacted government employees. Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022. See **EXHIBIT 8**. A government agency is currently investigating Dr. Brant Hinchman, MD, doctor who was in charge of the EMERGENCY ROOM medical shift at that time in that “local hospital” which erroneously and fraudulently medically and psychologically cleared Defendant. Defendant was not medically cleared and should not have been considered medically cleared, because not all medical facts were made known at the time he was released to police and jail. No laboratory tests were completed after being ordered. **Talk about waste and medical waste, possibly Medicaid fraud or medical fraud, Medicaid paid for waste of blood being drawn then disposed of without warning, without preservation of that biological evidence, yet Medicaid was billed. Waste and fraud. State Police must investigate.**

28. Defendant had filed a complaint against this individual Dr. Brant Hinchman, MD, and Defendant had filed a complaint against the associated/involved nurses as well for medical neglect and lying to Martinsville

Police about Brian Hill being medically and psychologically cleared. This investigative agency has a right to prevent anybody (even the Corrupt U.S. Attorney and Corrupt Commonwealth Attorney) from interfering with and fettering with such investigation including investigators. Fettering with this investigation may be a crime in the Commonwealth of Virginia once an investigation has started. So Defendant is filing a copy of this letter, REDACTED, to protect the identity of the agency and protect its “Regional Manager” from any threats, blackmail, bribery, intimidation, obstruction, or contempt of their investigation procedures.

29. After the completion of investigation procedures, Defendant promises to file the non-redacted copies with this Court in lieu of the redacted copies in **EXHIBIT 8** once the agency’s investigation is completed, and provide a copy with the Commonwealth Attorney’s Office and a copy with the judge. This is not just a government agency, but has the legal standing and authority to suspend the license of this medical doctor. If the findings are medical neglect or even possibly as far as Medicaid fraud or Medicaid wasteful procedures or hospital lying to police, then this further proves that Defendant was not medically cleared. Thus cannot be convicted of indecent exposure, cannot be criminally held culpable for indecent exposure because he was not medically cleared as charged. Cannot be held culpable for this charge as the evidence of lack of medical clearing is enough to

throw the entire case out as an unfounded criminal charge against an innocent man.

Brian David Hill = Innocence.

30. There is evidence of a cover up or neglect of the laboratory results ordered but later deleted from the chart. Officer Robert Jones admitted under oath at the revocation hearing that: "...I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that." See **EXHIBIT 21**, PAGE 35 of that transcript citation. Renorda Pryor, the defense attorney had asked this officer: "Was there any tests dealing with his blood alcohol content or anything of that nature?" That officer did not have any of Defendant's medical records, saying they normally do the lab work but he did "not have that". The Officer who charged Defendant with the indecent exposure charge did not have any of Defendant's medical records while saying under oath without proof that Defendant was medically and psychologically cleared. That is perjury in federal court, that may be considered perjury in Virginia for that claim in ARREST WARRANT when under oath or affirmation which is a contradiction of the facts. Saying under oath or affirmation that Brian Hill was medically and psychologically cleared but didn't know that he was a type one brittle diabetic, didn't know about the laboratory results saying they normally have them but he doesn't have Defendant's medical records. Didn't know they were deleted from chart. This officer lied under oath, Defendant was not medically cleared, and that was a LIE, BIG FAT LIE.

31. So lab work is normally done in Emergency Room visits as ordered in Defendant's medical record file but in Defendant's case the lab work ordered was to be deleted from the chart at a later time despite the billing record from Sovah Health Martinsville proving that a device or applicator or IV Kit and CATH IV was used to draw blood from Defendant's arm causing lab tests to be ordered, then deleted from the chart. Attorney Renorda Pryor got some good answers from the U.S. Attorney's witness, Officer Robert Jones of Martinsville Police Department who charged Defendant in the General District Court (**EXHIBIT 0**). The Circuit Court needs to ask him further questions regarding his claim that Defendant was medically and psychologically cleared but the lab tests were ordered and never completed. Not medically cleared. When Officer Jones said they normally do the lab work (or tests) but he doesn't have that, he believed lab work was done but Officer Jones's beliefs do not make them true. Not medically cleared as charged in element.

32. Regardless of this REDACTED government agency investigation (**EXHIBIT 8**) sanctioned to investigate the medical issues on arrest date of September 21, 2018, investigating Emergency Room doctor Brant Hinchman, MD, Defendant has proven that he was not medically cleared. The doctor lied to or gave false impression to police officer Robert Jones on September 21, 2018 about Defendant being medically cleared. No lab tests were completed after being

ordered. Medicaid billed, lab work ordered, but later deleted, Sounds like a cover up which is Medicaid fraud and/or medical fraud. Brian David Hill is actually innocent of indecent exposure because he was not medically cleared, and he has to be medically cleared and psychologically cleared (being checked out fully) prior to being held criminally culpable which includes the obscenity element of the crime and the intent element of the crime. Both cannot be met unless Brian David Hill was proven beyond a reasonable doubt as to being medically and psychologically cleared as charged under oath or affirmation by the Officer Robert Jones of Martinsville Police Department.

33. Because the lab tests were ordered, the billing record shown IV was paid for to draw blood, as well as IV for hydration and sodium chloride IV for hydration of dehydrated Brian Hill as hydration IV as well as “1 IV NACL .9% 1000ML” would not have been charged in the billing record if hydration IV “1 IV NACL .9% 1000ML” were not used. It proved that blood was drawn as Defendant had claimed, but the lab tests were to be deleted from the chart, covered up or neglect or both. It had proven that Defendant was not medically cleared as one of the basis of elements of the **EXHIBIT 0** charge.

34. Theoretically, Defendant could have been manipulated at night to have been drugged, somebody could have injected any kind of drug or narcotic or substance inside of him orally or by injection needle. Defendant having autism

could have accidentally smelled chemical bath salts and it could have triggered what had happened. Brian said in **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 3 of 11, EXHIBIT INDEX PAGE 292 OF 317: “...**At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches**”. Defendant said he thought he was drugged. And **the Commonwealth of Virginia and City of Martinsville, aka the Commonwealth Attorney cannot disprove Brian David Hill may have been on a drug, narcotic, gas, substance, anything**. These statements were written on September 27, 2018. Six days reportedly after Defendant was arrested. Not psychologically cleared, his statements at that time sounded bazaar and goes along with the carbon monoxide gas poisoning (**EXHIBIT 22**) theory. Carbon monoxide gas found in Apartment of Brian David Hill has been proven with evidence of Pete Compton witness letter, the photographs of the white residue and damage in Defendant’s apartment and the carbon monoxide gas induced damage to his apartment had got worse while Defendant was in jails in late September 2018, October 2018, November 2018, December 2018, and January 2019 until the source of the carbon monoxide gas had been removed. Carbon monoxide gas had been proven, the levels had not been documented due to lab work ordered but then deleted from the chart of Defendant’s medical records.

35. Defendant also made statements in writing in the year 2018 which had proven to any rational investigator or trier of fact that he was not mentally and medically cleared. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “On September 20, 2018, Thursday, **some of my memories may have been blacked out**. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction motion...My **mom had also noticed that my doors were not being kept locked**, I was **psychologically afraid to sleep in my bed**. Sometimes **sleeping on the couch and I had a bad feeling something bad would happen to me**.” **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “**ON SEPTEMBER 18th, 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction**. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a tuesday. **Likely surveiling me**.” Defendant having paranoid statements or paranoid delusions at the time after his arrest and carbon monoxide or certain drugs or medications can cause such mental health issues. **Not medically cleared, a lie by the Martinsville Police in its EXHIBIT 0 charge. Defendant was not medically cleared by a long shot.**

36. Somebody who was drugged or was on alcohol can easily be manipulated or have uncontrolled impulsive behavior of taking nude photos of themselves in the days of technology with cheap cameras (without cell phones) and cell phones. Anybody who is drunk, intoxicated, or on a drug could easily take nude photos of themselves smiling or acting insane or any of the sort. Or somebody can easily take photos of somebody in the nude if they were intoxicated. Brian in the nude photographs presented at the bench trial on December 21, 2018 in General District Court, not jury trial, was not acting normal, was acting erratic, and had acted crazy, in a way which normal people do not even act unless that person was under an intoxication. **It is clear Brian was not medically cleared no matter what the Commonwealth argues in rebuttal.** The local hospital did not medically clear him, heck one month after Defendant was presumably medically cleared, and he was diagnosed by a FORENSIC PSYCHIATRIST “DR. CONRAD DAUM” (**EXHIBIT 19**) as to having a “PSYCHOSIS” (**EXHIBIT 19**) which such information was not made known to the court ordered mental evaluation ordered by the General District Court. He was diagnosed with that in October, 2018.

37. Except forensic psychiatrist Dr. Conrad Daum knew something wasn't mentally right with Defendant but he didn't have the laboratory testing to prove Defendant's psychosis was caused by intoxication because the lab tests were to be

deleted from the chart (**EXHIBIT 18**). Either a criminal cover up or medical neglect and waste of Medicaid tax payer funds to charge for a blood drawing procedure but refuses to complete the purpose(s) of such procedures.

38. **EXHIBIT 10** is the exhibit entitled: “Police: Naked Man High On Bath Salts Chases Down Car”, “MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH”, and “Police say a man was high on the synthetic stimulant known as bath salts when he was naked and chased a car down the street in central Pennsylvania.”. A criminal on the streets could have easily influenced Defendant outside at night to sniff bath salts and then runs around naked. This is only an example exhibit, but it brings many theories to an issue which can never be rectified because Defendant can never be medically cleared on the day and time of his arrest for indecent exposure. All because lab results were never completed after being ordered.

39. He is actually innocent of indecent exposure because he had acted intoxicated and the **nude photographs of Defendant shows him acting wild or crazy outside at night which would normally happen to an intoxicated person, and that can never be fully proven or disproven because the “local hospital” medically neglected Brian David Hill and/or covered up the lab results.** They drew the blood, billing record proven it, but never completed the lab tests including blood alcohol testing.

40. Attorney Renorda Pryor thought after hearing about or seeing the nude photographs of Brian that Defendant may have been on drugs or alcohol aka intoxicated. That was why she asked a specific question which was reported by the Transcript (**EXHIBIT 21**, PAGE 35 of that transcript citation). The transcript said: “Q Was there any tests dealing with his blood alcohol content or anything of that nature?” question asked by Atty. Pryor, the witness Robert Jones said: “A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.” Attorney Renorda Pryor even suspected at the time of the arrest that Defendant may have been on drugs or alcohol or was drugged into taking nude photographs of himself. The laboratory testing results would have shown intoxication. That would open up the legal defense of intoxication to the criminal charge by the Commonwealth. The police OFFICER who charged Defendant in **EXHIBIT 0** thought it was important in the ARREST WARRANT and CRIMINAL COMPLAINT affidavit (**EXHIBIT 0**) for indecent exposure to say that Brian David Hill was medically and psychologically cleared, because if Defendant was not “medically and psychologically cleared” then this creates a huge problem, a huge medical conundrum and legal conundrum in the prosecution’s bid for proving that Defendant may or may not have been obscene and may or may not have had the intent to violate Virginia code and local ordinance of indecent exposure.

41. In the medical record dated September 21, 2018 (**EXHIBIT 18**), the discharge paper given to the police / jail was different than the discharge paper in the medical record dated November 19, 2017 (**EXHIBIT 9**). The discharge paper also proves that Defendant was not checked for all issues before claiming he was medically cleared. The hospital contended that Brian was medically cleared but instructed the police / jail in the discharge paper that Defendant should see his private physician the next day, the jail never let him see any physician the next day, and never let him see the jail physician the next day. The discharge paper (**EXHIBIT 18, EXHIBIT INDEX PAGE 157 OF 317, Page 1 Doc# 1; Discharge Instructions - Scanned - Page 1/3**) said: **FOLLOW UP INSTRUCTIONS Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care**". Because the Martinsville City Jail never provided any checkup and never did any drug testing of Defendant, they have no right at all to claim that Defendant was medically cleared, there is no basis for that belief or claim contending of being medically cleared. They never drug tested him, never did any lab work after ordering lab work while Officer Robert Jones tells the United States District Court under oath in transcript (**EXHIBIT 21, PAGE 35**) that "they normally do..." lab work but they don't have that. **The claim in police complaint affidavit are a fraud in this case**, they lied, and the Defendant was not medically cleared. The

other emergency room visit in 2017 had lab work completed for THAT emergency room visit. So they cannot use the excuse not to expect lab work in an emergency room visit. Martinsville is in the wrong here, officer is in the wrong here.

42. Again the officer definitely defrauded the court when he claimed medically cleared. Again the transcript said in citation: "...I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that." See EXHIBIT 21, PAGE 35 of that transcript citation. Renorda Pryor, the defense attorney had asked this officer: "Was there any tests dealing with his blood alcohol content or anything of that nature?". The officer lied or had an untruthful belief or delusional belief when he gives the impression they normally do blood alcohol testing or drug testing or any lab testing before arresting somebody. The Defendant was not medically cleared and the belief of Robert Jones in his CRIMINAL COMPLAINT is not the truth. Arrest was defective, complaint was defective.

42. The Commonwealth Attorney and Martinsville Police Department needs proof that Defendant was medically and psychologically cleared at the time of his arrest. The police officer who charged Defendant had thought it was important to note in the CRIMINAL COMPLAINT that Brian David Hill was "medically and psychologically cleared" by the local hospital. That is not true. That is a lie. Once Defendant proves that the medical clearing was a lie, a falsehood, a blatant

disregard for the truth, then the basis in the ARREST WARRANT and CRIMINAL COMPLAINT in **EXHIBIT 0** is based on a falsehood. If Defendant was not medically cleared as charged in September 21, 2018, then the whole basis for such charge was erroneous and is not based on fact. Culpability cannot be attained without proof of full medical clearing including any evidence of clean and healthy laboratory testing results. It is based on theory of alleged guilt, not fact. It was the officer's belief that Defendant was medically and psychologically cleared at the time of Defendant's arrest. That belief is not true, it is not a fact. The officer cannot prove it as fact once the hospital decided to delete from the chart its orders for laboratory testing after Defendant was detained for indecent exposure and brought to the local hospital. The officer believed lab work was done but the lab work was never done even when Defendant had begged for drug testing, saying in affidavit that he may have been drugged, EXHIBIT INDEX PAGE 292 OF 317. Beliefs of Officer Robert Jones do not make it true, it is a belief, not the truth. **The officer MUST TELL THE TRUTH. OFFICER ROBERT JONES MUST TELL THE TRUTH OR HE LIED IN THE ARREST WARRANT.** The beliefs of this police officer does not make it true.

43. The **EXHIBIT 0** charge was not based on fact but a falsehood. Brian David Hill was not medically and psychologically cleared, that is a lie. Brian could have been given any kind of drug or narcotic while he was out on the Dick and

Willie passage walking trail at night, he could have been drugged while walking at night from his residence to the walking trail where Defendant reportedly got naked and took nude photos of himself. **No lab tests, they were covered up, sorry.**

44. **FOR EXAMPLES:** At the time of his arrest, Defendant could have been on Purple Drank. At the time of his arrest, Defendant could have been on Krokodil. At the time of his arrest, Defendant could have been on Phencyclidine (PCP). At the time of his arrest, Defendant could have been on Bath Salts. At the time of his arrest, Defendant could have been on Devil's Breath. At the time of his arrest, Defendant could have been on Methamphetamine. At the time of his arrest, Defendant could have been on crack Cocaine. At the time of his arrest, Defendant could have been on Heroin. At the time of his arrest, Defendant could have been on fentanyl. At the time of his arrest, Defendant could have been on ANYTHING. The police didn't get proof for a fact whether or not Defendant was on any drug or not, Defendant was not cleared for a fact and of truth. Truthfully the Defendant could not have been cleared without a drug test or breathalyzer or any of those police pushed for tests. The police didn't do any mandatory drug testing on Defendant at the time of his arrest, like a bunch of morons, then claim under oath or affirmation that Defendant was medically and psychologically cleared. LIE, LIE, AND LIE, LIE. **Beliefs are not material facts. Officer Jones had the belief of being medically and psychologically cleared but as a police officer,** he didn't have

any evidence of those claims, they are just beliefs. Beliefs are not the truth. The beliefs of Officer Robert Jones are not the truth, this officer must tell this Court the truth.

45. The Commonwealth Attorney cannot disprove it or prove it because the Defendant had not been factually medically and psychologically cleared at the time of his arrest, which that claim in CRIMINAL COMPLAINT was a belief but it was not true. Being diagnosed with a “PSYCHOSIS” (**EXHIBIT 19**) a month after his arrest draws the entire “local hospital” medical clearing into serious questions.

46. Defendant is ACTUALLY INNOCENT because he has not been medically and psychologically cleared, that is a fact before this Court.

Element 2: Intent is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had: “intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.” (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317)

47. Because Brian Hill was not medically cleared, intent cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and lab results should have shown completely clean results of no drugs or gas poisonings before he was arrested for indecent exposure. See the Witness Letter from Kenneth Forinash. See the Witness Letter from Stella B. Forinash. Again, SEE **EXHIBIT 1**: “A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN

HILL'S FAMILY (7-16-2022)". Witness letters were filed in support of the MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL filed earlier this year. The Court can ask for those letters.

Element 3: Obscenity is necessary to convict Defendant of the charged crime in ARREST WARRANT which claimed Defendant had: "intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present." (EXHIBIT 0, EXHIBIT INDEX PAGE 2 OF 317) – Note: Because Brian Hill was not medically cleared as previously assumed by Martinsville Police, obscenity cannot be proven until there is 100% undeniable proof that Brian David Hill was medically cleared and psychologically cleared before he was arrested for indecent exposure.

48. Brian Hill said under penalty of perjury to this Court in affidavit that he never masturbated. Citation: "I never masturbated, I told the police the truth. When I was seen... seen by a passing vehicle, I never masturbated." (EXHIBIT 25, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, Page 4 of 6, EXHIBIT INDEX PAGE 305 OF 317). Because Defendant was not truly medically cleared, he cannot be obscene and wasn't in his medical capacity or even mental capacity to even have his behavior construed as to any obscenity if it even exists which it does not. He was not coherent. He was likely intoxicated but that cannot be determined either way as the lab tests were never completed after being ordered, on record in this case (EXHIBIT 18). Defendant never masturbated and was not medically

cleared at the time, he was not being obscene. Was never under the totality of circumstances to infer that Defendant had an intent or purpose being an appeal to the prurient interest in sex. See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974); *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at *2 (Va. Ct. App. Nov. 19, 2013)(unpublished).

49. There are articles of autistic children wandering away from home and found naked in public places or naked outside of the home. Of course with Defendant he had not had a history of this type of behavior, but his autism had regressed to that of autistic children because nobody knew in 2018 that Brian Hill was exposed to carbon monoxide gas until 4 months after his arrest (**EXHIBIT 22**, Pete Compton ACE Chimney business witness letter). Anyways, Defendant has autism and the Carbon Monoxide (“CO”) gas exposure regressed his autism to the point of that of a child. The mental evaluation ordered by the General District Court in November, 2018 under Dr. Rebecca Loehner did not know about the carbon monoxide gas exposure from October 5, 2017, until Defendant leaving the home in late September 20, 2018, and was arrested on September 21, 2018. The mental evaluation ordered by the General District Court in November, 2018 under Dr. Rebecca Loehner did not know about the psychosis diagnosis from Dr. Conrad Daum (**EXHIBIT 19**) a forensic psychiatrist and thus the GDC was not aware of that diagnosis during that evaluation. That evaluation was misled and needs to be

reordered by the Circuit Court upon new trial. Autistic children have the tendency of walking around naked and wandering away from home and in a lot of cases, found naked, just like Defendant was found naked by police. **Should autistic children face criminal liability or mental help programs??**

50. Defendant is filing four different articles of autistic children or autistic teens found naked either in public or was found naked by police, and one such exhibit regards an article on **“How to Stop Your Autistic Child From Taking Their Clothes Off”, “Medically reviewed Pilar Trelles, MD”**. See **EXHIBIT 12**. Autism is a neurological regression from people who behave normally and such normal people have no neurological damage or disability. Carbon monoxide or anybody drugging Brian Hill outside can cause such a regression to wandering around naked in public, especially at night. A MEDICAL DOCTOR may be necessary to testify in this case. Defendant recommends and suggests that the Hon. Giles Carter Greer order a medical expert at Commonwealth’s expense to review Defendant’s behavior in his charge and the medical evidence as well as mental health evidence submitted by Defendant. See **EXHIBIT 11**: “Autistic boy, 13, found naked in house filled with human feces and dead rodents: police”. Here is another autistic person found naked in a public place article. See **EXHIBIT 13**: “Naked girl found walking along I-5 near Ashland”, “A girl who is believed to be autistic was found

walking naked along the shoulder of Interstate 5 on Sunday north of Ashland.

Oregon State Police say she appeared to be in her late teens and couldn't

communicate". See **EXHIBIT 14** citation: "Motorists called police around 6 a.m.

after noticing the child **in the middle of the roadway with no clothes** near Apache

Road and Price Road... **The child is autistic,**" Many situations of somebody with

autism found wandering away from home naked. Not every case reported by news media.

52. Until the passage of Virginia law Virginia Code § 19.2-271.6 which

came into effect in the year of 2021, **The Circuit Court did not take autism**

spectrum disorder into consideration due to Stamper v. Commonwealth, 228 Va.

707 (1985) which was nullified by the new law in the year of 2021. **Instead this**

Court had treated Defendant's MEDICAL EMERGENCY as a criminal matter.

See Kenneth and Stella Forinash's letter to the Court, **EXHIBIT 1**. Defendant's

autistic behavior of wandering away from home and being found naked had not

been repeated (**EXHIBIT 21**, PAGE 35 of that transcript citation) since his arrest

after the removal of the source of the Carbon Monoxide gas (**EXHIBIT 22**), so the

Court and authorities should have no concern that Defendant could do this again as

the issue of carbon monoxide had ceased since late January, 2019. Thanks to Pete

Compton the hero. Defendant has not ran around naked since then. The carbon

monoxide long-term in 2018 had regressed his behavior of autistic spectrum

disorder at that time into that of an autistic child, similar to the above referenced exhibits of example articles.

53. Brian Hill is actually innocent of all three elements of his criminal charge. If the Circuit Court is still not convinced, they should hold an evidentiary hearing, ask the Commonwealth Attorney for a response, and appoint an attorney to represent Defendant in this case to fully demonstrate factual innocence to warrant New Trial in this Court or Judgment of Acquittal to prevent a fundamental miscarriage of justice. Convicting an innocent man of violating the indecent exposure statute is a miscarriage of justice.

**LEGAL ARGUMENT AS TO WHY CIRCUIT COURT HAS THE
JURISDICTION, AUTHORITY, AND CASE LAW TO JUSTIFY THE
RELIEF SOUGHT BY GRANTING THIS MOTION AND EVEN HOLDING
AN EVIDENTIARY HEARING**

1. The judge's reasoning why possibly considering to deny this type of post-conviction motion: Citation of Rule 1:1 - Finality of Judgments, Orders and Decrees, Va. R. Sup. Ct. 1:1 ("(a)Expiration of Court's Jurisdiction. - All final judgments, orders, and decrees, irrespective of terms of court, remain under the control of the trial court and may be modified, vacated, or suspended for twenty-one days after the date of entry, and no longer. The date of entry of any final judgment, order, or decree is the date it is signed by the judge either on paper or by electronic means in accord with Rule 1:17. (b)General Rule: Orders Deemed Final.

- Unless otherwise provided by rule or statute, a judgment, order, or decree is final if it disposes of the entire matter before the court, including all claim(s) and all cause(s) of action against all parties, gives all the relief contemplated, and leaves nothing to be done by the court except the ministerial execution of the court's judgment, order, or decree.”).

2. However due to the rights of criminal defendants under the U.S. Constitution and Virginia Constitution, (court rules cannot override the Constitution and its protections of criminal defendants) Rule 1:1 does not bar reopening a final criminal judgment or conviction of a case when new evidence is filed with the Court, evidence that was not previously known or discovered. New evidence which proves that a final judgment is erroneous or that a final judgment cannot be sustained based on new evidence can bring jurisdiction to the Circuit Court to act on a motion challenging a final judgment or criminal conviction. Again see Odum standard: *Odum v. Commonwealth*, 225 Va. 123, 124 (Va. 1983) and Tweed standard: *Commonwealth v. Tweed*, 264 Va. 524, (Va. 2002).

3. Also the Supreme Court of Virginia, rules of the Court has a rule on a motion for a new trial or judgment of acquittal if the evidence is enough to show that the Commonwealth cannot sustain a criminal conviction. All elements of a criminal charge must be met before a criminal conviction can be entered constitutionally as part of due process of law. See Rule 3A:15 - Motion to Strike or

to Set Aside Verdict; Judgment of Acquittal or New Trial, Va. R. Sup. Ct. 3A:15 (“(c)Judgment of Acquittal or New Trial. The court must enter a judgment of acquittal if it strikes the evidence or sets aside the verdict because the evidence is insufficient as a matter of law to sustain a conviction. The court must grant a new trial if it sets aside the verdict for any other reason.”).

4. As to the psychosis diagnosis (**EXHIBIT 19**) by the forensic psychiatrist Dr. Conrad Daum of Piedmont Community Services directly involving the statements given by Defendant regarding what happened on September 21, 2018 and why he was naked and taking photos of himself around that time, that diagnosis may be a defense under Va. Code 19.2-271.6 - Evidence of defendant's mental condition admissible; notice to Commonwealth (“A. For the purposes of this section: "Developmental disability" means the same as that term is defined in § 37.2-100. "Intellectual disability" means the same as that term is defined in § 37.2-100. "Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality. B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of

evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.”)

5. Let us examine the Tweed Standard and Odum standards which both have a similar requirement for new trials and judgment of acquittal if the new evidence is enough to disprove the elements of guilt presented by the Commonwealth of Virginia which may require acquittal by dismissal of case.

A PARTY SEEKING A NEW TRIAL LEGAL STANDARDS

6. A party who seeks a new trial based upon after-discovered evidence bears the burden to establish that the evidence (1) appears to have been discovered subsequent to the trial; (2) could not have been secured for use at the trial in the exercise of reasonable diligence by the movant; (3) is not merely cumulative, corroborative, or collateral; and (4) is material, and such as should produce opposite results on the merits at another trial. The litigant must establish each of these mandatory criteria.

7. To satisfy first criteria, the evidence of proving not being medically cleared as stated in the STATEMENT OF THE FACTS was all discovered after the trial in the General District Court on December 21, 2018.

8. To satisfy second criteria, the evidence could not have been secured for use at trial because of ineffective assistance of counsel in violation of the Sixth Amendment of the U.S. Constitution. As well as non-existence of Va. Code 19.2-271.6 until its passage in 2021 legislative session. All court appointed lawyers Matthew Scott Thomas Clark, Lauren McGarry, and Scott Albrecht did not ever secure any evidence proving that Defendant was not medically cleared as when charged by Martinsville Police. Evidence could not have been secured pro se because at the time a lawyer was appointed, any pro se filings were ignored by the Circuit Court, any evidence filed pro se would have been disregarded and ignored, it was ignored for a fact. So the evidence could not have been secured prior to trial because of ineffective assistance of counsel and the Circuit Court ignored all pro se motions and ignored all pro se evidence while counsel was appointed. So ineffective counsel is the cause. See: Dominguez v. Pruett, 756 S.E.2d 911 (Va. 2014). Shaikh v. Johnson, 666 S.E.2d 325 (Va. 2008). See: Byrd v. Johnson, 708 S.E.2d 896 (Va. 2011). If counsel were effective in securing this evidence, Defendant never would have been convicted in the first place because he is factually innocent since he was never truly medically cleared. The entire claim by

Officer Robert Jones that Defendant was medically and psychologically cleared was based on only a belief, not based on a fact, not based on evidence, not based on the truth, it was only based on a belief by this police officer.

9. To satisfy third criteria, that it “is not merely cumulative, corroborative, or collateral”, it is not merely just evidence but it proves directly that lab work was ordered, but lab work was never completed and was deleted from the chart. It was covered up. It proved that Defendant was dehydrated at the time he was at the hospital (See **EXHIBIT 2**, EXHIBIT INDEX PAGE 13 OF 317). He was asked about why he was out there naked before he was transported to the hospital. His statements could not have been coherent. Lab work was ordered but never completed and at Sovah Health Martinsville’s fault. Sovah Health Martinsville is the local hospital where they gave Officer Robert Jones the false impression and belief that Defendant was medically and psychologically cleared. So the evidence proves to any reasonable trier of fact that the Defendant was never medically cleared, and it jeopardizes every other element of the charged crime. The indecent exposure statute was never meant to criminalize medical emergencies and never meant to criminalize those found naked in public without the intent and without the obscenity elements needing to be met. Otherwise that statute can criminalize an elderly person with dementia or Alzheimer’s disease or mentally handicapped person found naked in public. It would criminalize those with severe mental

handicaps, it would criminalize those with brain damage, and it would criminalize an elderly critically ill person. The purpose of the indecent exposure statute was only to penalize flashers, and those who purposefully want to expose themselves in public for the purpose of masturbation and to appeal to the prurient interest in sex, genital excretions, etc etc. Obscenity is required to convict somebody with indecent exposure to protect the elderly and medically impaired people from being convicted wrongfully of indecent exposure charges. It creates a balance of law where it protects the public from sexual acts in public but at the same time it protects medical emergencies from being criminally liable. So this evidence proves that the hospital did draw blood, billed Medicaid for procedures, but did not complete the procedure of conducting laboratory tests and spoiled the blood. Then deleted the ordered lab tests from the chart. Evidence proved that a redacted government agency is investigating Dr. Brant Hinchman and once the investigation is complete the results can be given to the court and would also be considered new evidence based on the government findings. Government trumps corrupt Glen Andrew Hall.

10. “The ‘obscurity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d 607, 608 (Va. App. 2005)(en banc); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App.

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

11. To satisfy the last element, “(4) is material, and such as should produce opposite results on the merits at another trial.” The last element is satisfied because it is directly material that Defendant was not medically and psychologically cleared. That is in the CRIMINAL COMPLAINT and is the direct element of alleged guilt. It made the Circuit Court and General District Court believe or be given the wrong impression that Defendant was purposefully out nude in public with good health and was caught by law enforcement, then made claims as to why he was nude out in public which those claims could not be verified and thus Defendant was arrested and treated as though his claims were only a mere excuse as to why he was out there in the nude. The judge didn’t believe Defendant at the time. New evidence changes the outcome of facts and law and should change the outcome in this case.

12. However, Defendant was not medically and psychologically cleared and was given medical procedures not mentioned in the medical record dated

September 21, 2018. There are two medical records. One from November 19, 2017, and September 21, 2018. The medical record from 2017 shown a lot of procedures done including laboratory testing and ECG reading showing Sinus Tachycardia. There were no lab tests and no ECG tests done on September 21, 2018. No lab work done after hearing from police that he was out there naked taking photos of himself. Whether out of emotional anger or whatever the reason may be, the hospital did order lab testing and IV Kit was used and other IV tools, however the assortment of lab tests which were originally ordered were to be deleted from the chart without explanation. The police officer who charged Defendant with indecent exposure had the belief without any hard evidence that Defendant was “medically and psychologically cleared”. That belief has now been dashed, that belief has been proven untrue. It is an error of fact and an error of law to convict Brian David Hill of indecent exposure. Doesn’t matter about the nude photographs when dehydration has been proven by IV fluids of hydration and electrolytes were documented in the **EXHIBIT 2** and **EXHIBIT 28** records. Defendant’s statements weren’t coherent.

13. Now it is documented by billing record that procedures were conducted which were not noted in the medical records. Dehydration was not noted in the medical records dated September 21, 2018. Brian David Hill gave statements about the man wearing the hoodie threatening to kill Brian’s mother if he didn’t take his clothes off in a public place and take photographs of himself. Those statements

were given before the hospital visit, and during the hospital visit when Defendant was accused of lying by Officer Robert Jones. However, Robert Jones is NOT A MEDICAL DOCTOR, AGAIN, OFFICER ROBERT JONES OF MARTINSVILLE POLICE DEPARTMENT IS NOT A MEDICAL DOCTOR. He accused Defendant of lying while Defendant was being pumped with electrolyte of sodium chloride and hydration. So defendant was dehydrated and was questioned by Officer Jones about the guy wearing the hoodie while Defendant was dehydrated and then the officer admitted in Federal Court that he never got the medical records, never spoke with Dr. Brant Hinchman in any detail about Defendant's serious medical issues like Type 1 brittle diabetes and OCD as well as his proof that he did indeed had autism spectrum disorder. The whole criminal case was built on beliefs and fraud, the only truthful thing was that Brian David Hill was found naked on a deserted but public walking trail at night. There is no evidence of sexual gratification. There is evidence showing no medical clearing as lab testing was ordered but to be deleted from the chart which thwarts the standards of usually mandatory or pushed drug testing for those accused of being drunk or on drugs aka intoxication in public. Why did Martinsville Police not drug test the Defendant that night when he was found not making any sense? Why did Martinsville Police assume that Defendant had any lab work from the hospital but refused to subpoena for those medical records and yet had the belief without any

proof that Defendant was medically and psychologically cleared? Why did the mental evaluation ordered by the General District Court in this criminal case in a SEALED evaluation report not know that in (October) “10/24/2018 9:51 AM to 10:23 AM” a forensic psychiatrist of Piedmont Community Services diagnosed Defendant with having psychosis but that was omitted from the sealed mental evaluation study? Why does the mental evaluation study by Dr. Rebecca Loehner in the SEALED evaluation report by Court Order in November, 2018 have no mention of the psychosis diagnosis from Piedmont Community services from a forensic psychiatrist licensed Doctor in **EXHIBIT 19**? Why did Attorney Scott Albrecht not inform Dr. Rebecca Loehner at the time in the SEALED evaluation report about the psychosis diagnosis from Piedmont Community services from a forensic psychiatrist licensed Doctor in **EXHIBIT 19**? Was the Judge in the General District Court misled or was defrauded when he was not made aware of the psychosis when he found Defendant guilty of indecent exposure? Was Dr. Rebecca Loehner in a court ordered evaluation in the General District Court misled or was defrauded when she was not made aware of the psychosis when the judge found Defendant guilty of indecent exposure? It is clear that Brian David Hill was not psychologically right in the head and so he was not psychologically cleared and was not medically cleared. The hospital did a very poor job and that is why they are under investigation by REDACTED government agency which has the authority to

suspend or revoke the license of Emergency Room doctor Dr. Brant Hinchman of the local hospital who lied to the police officer or gave the police officer the wrong impression of being medically and psychologically cleared.

14. Again, he was not mentally right in the head when he made these statements: Brian said in **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 3 of 11: “...*At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches*”. Defendant said he thought he was drugged. And the Commonwealth of Virginia and City of Martinsville, aka the Commonwealth Attorney cannot disprove Brian David Hill may have been on a drug, narcotic, gas, substance, anything. Defendant also made statements in writing in the year 2018 which had proven to any rational investigator or trier of fact that he was not mentally and medically cleared. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction motion...My mom had also noticed that my doors were not being kept locked, I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something bad would happen to me.”. **EXHIBIT 24**, Case 1:13-cr-00435-TDS, Document 153, Filed 10/17/18, Page 2 of 11, EXHIBIT INDEX PAGE 291 OF 317: “ON SEPTEMBER

18th, 2018, Somebody was in the thicket at the end of my neighbor's property and branches moved whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a tuesday. Likely surveilling me.” These statements were written on September 27, 2018. Six days reportedly after Defendant was arrested. Not psychologically cleared, his statements at that time sounded bazaar and goes along with the carbon monoxide gas poisoning (**EXHIBIT 22**) theory. Carbon monoxide gas found in Apartment of Brian David Hill has been proven with evidence of Pete Compton witness letter, the photographs of the white residue and damage in Defendant’s apartment and the carbon monoxide gas induced damage had got worse while Defendant was in jails in late September 2018, October 2018, November 2018, December 2018, and January 2019 until the source of the carbon monoxide gas had been removed. Carbon monoxide gas had been proven, the levels had not been documented due to lab work ordered but then deleted from the chart of Defendant’s medical records.

15. It is clear that Defendant was not medically and psychologically cleared based on all of the material and relevant evidence not just with Exhibits supportive of this motion and attached to this motion. Defendant made paranoid statements and statements of being drugged and having blacked out memories in an affidavit to the Federal Courthouse in September 27, 2018 STATUS REPORT. It was mailed to the wrong address and had to be re-mailed in October of 2018. Therefore

it was clear that Defendant was not mentally in his right state of mind. With the passage of Virginia Code § 19.2-271.6. “Evidence of defendant's mental condition admissible; notice to Commonwealth”, it is clear under law that the psychosis, his weird psychological writings in his September 27, 2018 STATUS REPORT filed in October, 2018, it is all relevant and material as well as admissible to the Circuit Court as admissible evidence. This evidence proves that Defendant was not psychologically and medically cleared as asserted by Martinsville Police Officer Robert Jones.

16. This means the requirement under the Tweed Standard and Odum Standard (Supreme Court of Virginia) that the evidence could not have been secured or be made available at the time of Trial (Citation in part: “...(2) could not have been secured for use at the trial in the exercise of reasonable diligence by the movant”) because at that time it was not admissible until the passage of Virginia Code § 19.2-271.6 in the year of 2021. So prior to the passage of that law, psychosis could not have been admissible as evidence in any year prior to the passage of that statute. The evidence is now all admissible and material or relevant or both. The mental evaluator Dr. Rebecca Loehner who conducted the mental evaluation as ordered by the General District Court in this case, was not aware of Defendant’s written statements which sounded paranoid and exhibited psychosis six days after his arrest on September 27, 2018, see **EXHIBIT 24** which is federal

court document #153. Dr. Conrad Daum was not aware of Document #153 but nevertheless thought that Defendant had exhibited an “unknown psychosis” which such psychosis and hallucinations can be caused by carbon monoxide gas (**EXHIBIT 22**) which was proven by Defendant, just not the levels were proven. Defendant made the same statements about the guy in the hoodie in Document #153 and the same statements made to Dr. Conrad Daum to even be given such diagnosis of “psychosis”, see **EXHIBIT 19**.

17. It is clear that all **STATEMENT OF THE FACTS** and all arguments made in this motion support the relief sought. Either a new trial must be had or judgment of acquittal doing away with this criminal charge as unfounded and cannot legally sustain a criminal conviction as a matter of law. The facts being proven to disprove multiple elements of the prosecution’s case by the City of Martinsville and Commonwealth of Virginia warrant that it is an error of fact and error of law to sustain a criminal conviction, because constitutionally the Virginia Constitution and U.S. Constitution requires that all elements of a crime must be met with clear and convincing evidence beyond a reasonable doubt before a jury can convict a criminal defendant. The defendant is presumed innocent, Defendant was presumed innocent until proven guilty beyond a reasonable doubt. All elements must be met, that is a requirement of case law and constitutional law. All

elements have not been met, element of being medically and psychologically cleared has not been met.

18. It is a fundamental miscarriage of justice to convict Defendant any longer in this Circuit Court. The General District Court had no basis to convict the Defendant because all elements of the offense had not been proven by the Commonwealth Attorney. Martinsville Police had the belief Defendant was medically cleared and mentally/psychologically cleared. That is not true. Beliefs under affidavit do not make them true.

19. The U.S. Supreme Court has supported the emphasis that all state courts must not convict people who are factually innocent of a crime otherwise it is a clear and convincing miscarriage of justice and actual prejudice against an innocent person. See Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

20. This Court has no right to deny this motion on the procedural default or procedural ground that it lacks jurisdiction using Rule 1:1 of the Rules of the Supreme Court of Virginia as an excuse. The judge cannot deny this motion on the excuse that it claimed it may lack jurisdiction because it would create a fundamental miscarriage of justice and prove the courts are broken convicting innocent people and demanding legal fees be paid by innocent people for crimes they are not guilty of which is contrary to justice and contrary to Constitutional law

and remedy. Due process of law requires that this Court corrects its errors of fact and errors of law. It is not justice, it is tyranny to convict innocent people without mercy.

21. See *Settles v. Brooks*, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008) (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”).

22. See Constitution of Virginia; Article I. Bill of Rights; Section 8.

Criminal prosecutions

CITATION: Section 8. Criminal prosecutions. That in criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, and to call for evidence in his favor, and he shall enjoy the right to a speedy and public trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty. He shall not be deprived of life or liberty, except by the law of the land or the judgment of his peers, nor be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense.

23. See Constitution of Virginia; Article I. Bill of Rights; Section 8.

Criminal prosecutions

Section 11. Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases.

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

24. Due process of law requires that this Court act on this motion, due process of law requires that the Commonwealth Attorney be ordered to respond to the claims, arguments, and evidence made in this motion. Due process requires that evidence not be ignored by this Court.

25. If a judge ignores the evidence, it is a due process violation. See *Hunter v. United States*, 548 A.2d 806, (D.C. 1988) (“Because the trial court improperly ignored evidence bearing on appellant's competence to enter a guilty plea, we reverse and remand to the trial court for further proceedings.”) *Lafferty v. Cook*, 949 F.2d 1546, 1555 n.10 (10th Cir. 1992) (“the inquiry on habeas is whether the state court denied the defendant his right to due process by ignoring evidence, including evidence at trial”). *Raghav v. Wolf*, 522 F. Supp. 3d 534, 538 (D. Ariz. 2021) (“Immigration Court violated his due process rights by ignoring evidence of his conditions in India and erroneously applying the law.”). *James v. Bradley*, 19-870-pr, 2 (2d Cir. Mar. 31, 2020) (“James brought this action alleging that Bradley violated his right to procedural due process by ignoring evidence at the hearing that purportedly showed that the tested urine was taken from someone other than James.”).

26. See *Schlup v. Delo*, 513 U.S. at 327 — 28. *Settles v. Brooks*, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in *Schlup* explained that an actual innocence claim in the context of seeking to have a

procedural default "forgiven" so as to have the procedurally defaulted claims reviewed on the merits is a "gateway" claim. In other words, the claim of actual innocence in the Schlup context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my procedural default in the State courts and consider my procedurally defaulted claims on their merits.** Schlup, 513 U.S. at 315.”)

27. Defendant must be adjudged as acquitted or given a new trial under the Tweed Standard and Odum Standard pursuant to Va. R. Sup. Ct. 3A:15, “Rule 3A:15 - Motion to Strike or to Set Aside Verdict; Judgment of Acquittal or New Trial”. **Defendant should not be denied relief here. He has disproven three elements of the crime, because Defendant has the proof that he was not medically and psychologically cleared.** Mental health evidence which wasn’t admissible prior to the year of became admissible after the year of 2021. Defendant can fully prove to this Court that he was not psychologically cleared as charged and was not medically cleared as charged. Defendant is not guilty of indecent exposure and cannot be convicted because he was not medically cleared, and the Commonwealth can never prove otherwise. They cannot prove otherwise, Defendant is never guilty and cannot and should not be convicted of indecent exposure regardless of whether it is a local ordinance or state statute. **There are legal standards required to secure a**

criminal conviction of consequences for a crime committed. No crime was committed on September 21, 2018, and no conviction can be secured with three elements of the charge in jeopardy. Sustaining this criminal conviction is an error of law, error of fact, errors of fact, and is a grave and fundamental miscarriage of justice. It is no justice at all, it is a fabrication of justice, and it is fake justice, not even worthy of a criminal record, not even worthy of State Police notation of a criminal record. Conviction of an innocent man is true obstruction of justice by the Commonwealth.

CONCLUSION

1. It is clear that Defendant was not medically and psychologically cleared as charged on September 21, 2018 as proclaimed in **EXHIBIT 0** ARREST WARRANT and CRIMINAL COMPLAINT.

2. It is clear that not all elements of guilt are met, referring to the elements of the charged crime presented by the Commonwealth Attorney Glen Andrew Hall representing City of Martinsville and Commonwealth of Virginia. Defendant was not medically and psychologically cleared as charged. Defendant was not with a clean bill of health. The officer didn't even subpoena for medical records but asserted under oath or affirmation in CRIMINAL COMPLAINT page 3 that Defendant was medically and psychologically cleared. That was a big fat lie.

Officer Jones lied in oath or affirmation or was based on an erroneous belief not based on facts. Defendant was not cleared in the aspect of the charge element.

3. Because Defendant was not medically cleared, intent can never be established even under a trier of fact's broad discretion which such discretion over intent cannot be successfully challenged on appeal alone. However, the evidence that Defendant had psychosis and made paranoid statements and statements of being drugged but lab work which was ordered were deleted by the hospital without a valid explanation or excuse after lab work was ordered on September 21, 2018, on the date of Defendant's arrest. Intent can never be proven and any reasonable juror would find that intent cannot be proven without first fully medically and psychologically clearing the Defendant with a clean bill of health which would include completed laboratory testing and laboratory results. Since there are no completed laboratory testing and laboratory results, **AT THE FAULT OF THE HOSPITAL** who gave Officer Robert Jones a false impression or belief that Defendant was medically and psychologically cleared when he in fact wasn't according to the evidence and the passage of Virginia Code § 19.2-271.6 in the year of 2021.

4. Defendant said under federal affidavits that he never masturbated and never had sexual gratification. Defendant also tried to show similar arguments in the General District Court trial that he had no sexual gratification. Defendant never

had any sexual gratification because Defendant was not medically and psychologically cleared. Defendant may have been on any street drug or illegal drug or carbon monoxide gas or anything that night at the time he was found naked by Martinsville Police. They never drug tested him but said he was medically and psychologically cleared. That is a proven lie, there is no lab work, and there are no drug tests, no evidence that Defendant had a clean bill of health, not without the laboratory testings checking the levels in his blood. No lab tests were completed, no drug tests were done by Martinsville Police. Defendant can never be proven to have been medically and psychologically cleared as that is a lie, it is only a belief without any supporting evidence proving it. No facts proving medical clearing. Defendant was not cleared and no such impression should have been made of such as that is false statements in a police report. False statements of medical clearing, false statements of being psychologically cleared. It is false at no fault of Defendant. The fault lays at Sovah Health Martinsville. The fault lays at Dr. Brant Hinchman who should be charged with making a false report or contributing false impressions to the police report with Martinsville Police Department or giving false statements or giving false impressions to Martinsville Police Department. Dr. Brant Hinchman of Sovah Health Martinsville aka the local hospital should be tried in court for lying or misleading law enforcement, possibly intentionally. Defendant must be let go and Defendant must be acquitted of this charge, and no

charges should ever result again from September 21, 2018. Defendant was not proven to have been medically cleared without the laboratory forensic lab work and blood alcohol testing. The hospital screwed things up. Defendant should be acquitted of this conviction and charge dismissed at once, the Commonwealth knows that Defendant is innocent of his charge. Scott Albrecht knew Defendant was innocent but did a very poor job at the Trial in the General District Court. Court appointed attorney Scott Albrecht was right all along when he told Defendant that he was innocent of indecent exposure. However, he did a poor job on everything else, except his encouragement to Defendant that he was innocent of his charged crime. That is all folks.

5. The element of Defendant being “medically and psychologically cleared” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it or support it.

6. The element of Defendant making “an obscene display” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it. Meritless because obscenity or intent of obscenity cannot be proven without 100% proof of a clean bill of health by the hospital including lab testing results when already ordered and blood already drawn.

7. The element of Defendant intentionally making “an obscene display” in **EXHIBIT 0** as charged without clear and convincing evidence by Martinsville Police Department and Sovah Health Martinsville hospital, it was meritless, baseless, frivolous, and without evidence to prove it. Meritless because obscenity or intent of obscenity cannot be proven without 100% proof of a clean bill of health by the hospital including lab testing results when already ordered, blood drawn.

8. Defendant is innocent, he was not cleared, he was not being obscene, and he had no intent. Unless the Commonwealth of Virginia and City of Martinsville can prove otherwise to the claims, Statement of the Facts, Exhibits, and arguments made in this motion, this Court should grant this motion for judgment of acquittal or order a new trial by jury, without any unnecessary delay.

EXHIBITS LIST

EXHIBITS #	PAGES #	DESCRIPTION
EXHIBIT 0	1-4	PHOTOCOPY OF ARREST WARRANT AND CRIMINAL COMPLAINT IN GENERAL DISTRICT COURT - 09-21-2018
EXHIBIT 1	5-11	A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL’S FAMILY (7-16-2022) – By Kenneth Forinash and Stella Forinash
EXHIBIT 2	12-16	SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018

EXHIBIT 3	17-18	Definition of peripheral venous catheter - NCI Dictionary of Cancer Terms (cancer.gov) printout by family
EXHIBIT 4	19-21	Virginia Medicaid Claims History For Member Name: Brian Hill - Claims For 11/19/2017 And 9/21/2018
EXHIBIT 5	22-45	USA v. Brian David Hill - 7:18-MJ-00149, December 26, 2018, Supervised Release Revocation Hearing. Transcript completed on May 2, 2022
EXHIBIT 6	46-64	USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.
EXHIBIT 7	65-66	Definition of delirium - NCI Dictionary of Cancer Terms (cancer.gov) printout by family
EXHIBIT 8	67-69	REDACTED government letters. First page Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022.
EXHIBIT 9	70-85	Medical records from Sovah Health Martinsville (local hospital), dated Sunday, November 19, 2017.
EXHIBIT 10	86-91	Article printout by family, Entitled: "Police: Naked Man High On Bath Salts Chases Down Car", "MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH"
EXHIBIT 11	92-103	Article printout by family, Entitled: ""Autistic boy, 13, found naked in house filled with human feces and dead rodents: police""
EXHIBIT 12	104-115	Article printout by family, Entitled: "How to Stop Your Autistic Child From Taking Their Clothes Off",

		“Medically reviewed Pilar Trelles, MD”.
EXHIBIT 13	116-120	Article printout by family, Entitled: “Naked girl found walking along I-5 near Ashland”
EXHIBIT 14	121-135	Article printout by family, Entitled: “Tempe police locate guardians of boy found naked, alone Tuesday morning”
EXHIBIT 15	136-137	ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING
EXHIBIT 16	138-150	MOTION TO WITHDRAW APPEAL
EXHIBIT 17	151-155	TABLE OF CONTENTS of COURT RECORDS OF CIRCUIT COURT filed by Clerk, Hon. Ashby R. Pritchett, dated 05-26-2022 07:00:33 EDT
EXHIBIT 18	156-163	Medical records from Sovah Health Martinsville (local hospital), dated Friday, September 21, 2018.
EXHIBIT 19	164-170	Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018.
EXHIBIT 20	171-175	Scanned Photocopies of returned attempted mailings from Martinsville city Jail due to mental confusion caused by carbon monoxide gas exposure - Case 1:13-cr-00435-TDS Document 181-9 Filed 07/22/19 – Note: There is no L. Richardson Preyer Federal Building in Martinsville city.
EXHIBIT 21	176-257	USA v. Brian David Hill - 1:13-CR-00435-1, September 12, 2019, SUPERVISED RELEASE REVOCATION HEARING.

		Transcript completed on Nov. 4, 2019.
EXHIBIT 22	258-259	Witness Letter from Pete Compton; ACE Chimney business & Wildlife, dated: June 13, 2019
EXHIBIT 23	260-288	JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO GOVERNMENT'S/RESPONDENT'S DOCUMENTS #156, #157, AND #158 - Case 1:13-cr-00435-TDS, Document 179, Filed 06/24/19, 28 Pages
EXHIBIT 24	289-300	STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018, RE-MAILED ON OCTOBER 10, 2018
EXHIBIT 25	301-307	Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence in case, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, 6 Pages
EXHIBIT 26	308-312	URGENT!!!! LETTER TO MEDICAID REQUESTING RECORDS REGARDING FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF LAB WORK ORDERED ON SEPTEMBER 21, 2018 - SATURDAY, JULY 16, 2022
EXHIBIT 27	313-315	LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING

		RECORDS OF HIMSELF - MONDAY, JULY 11, 2022
EXHIBIT 28	316-317	Scanned photocopy of envelope containing "EXHIBIT 2: SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018"

317 pages total, EXHIBIT INDEX PAGES

**REQUEST FOR COURT TO PROVIDE EQUITABLE RELIEF AND ANY
OTHER RELIEF**

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding that three elements (medically cleared, intent, obscenity) of the criminal charge on September 21, 2018 in **EXHIBIT 0** were meritless, frivolous, baseless, and without clear and convincing evidence to support that;
2. That the Circuit Court consider ordering a new trial or permanent judgment of acquittal for the criminal charge of Brian David Hill in **EXHIBIT 0**, charged on September 21, 2018, for multiple required elements of guilt lacking the required evidence necessary for a conviction of that charged crime;
3. That the Circuit Court consider vacatur or modification of the wrongful conviction dated November 18, 2019 (**EXHIBIT 15**), and consider a New Trial by Jury or

Judgment of Acquittal dismissing this case against Brian David Hill with prejudice for lack of evidence to sustain a conviction;

4. That the Circuit Court waive and discharge any and all pending legal fees ever taxed, levied, or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
5. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
6. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This
the 28th day of August, 2022.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill
Defendant



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



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 28th day of August, 2022, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206
--	---

Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Martinsville, VA 24114 Email: apritchett@vacourts.gov
--	---

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

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c/o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Defendant

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

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



**EXHIBIT 0: PHOTOCOPY OF
ARREST WARRANT AND CRIMINAL
COMPLAINT IN GENERAL DISTRICT
COURT - 09-21-2018
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News



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CR19000009

(5)

WARRANT OF ARREST—MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Martinsville
CITY OR COUNTY

General District Court Criminal Traffic
 Juvenile and Domestic Relations District Court

Martinsville

City County Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 09/21/2018 DATE did unlawfully in violation of Section

13-17/18.2-387 Code or Ordinances of this city, county or town: intentionally make an obscene display of the accused's person or private parts in a public place or in a place where others were present.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

SGT. R.D. JONES MPD, Complainant.

Execution by summons permitted at officer's discretion. not permitted.

09/21/2018 05:35 AM
DATE AND TIME ISSUED

Courtney D. Reid
 CLERK MAGISTRATE JUDGE
Courtney D. Reid

*Case
Appealed
Plaintiff's & Remove
H*

VIRGINIA
of Martinsville Circuit Court
Clerk's Office.
Received and Filed this the
9th Day of January 2019
at 12:21 P.M.
Taxes: [Signature]

**DNA SAMPLE (on file)*

CASE NO. C18-3138

ACCUSED:
Hill, Brian David
LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2
ADDRESS/LOCATION
Martinsville, VA 24112

To be completed upon service as Summons
Mailing address Same as above

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
W	M	MO. DAY YR. 05/26/1990	FT. IN. 6' 00"	150	BLU	BRO

SSN [REDACTED]
DL# [REDACTED] STATE

Commercial Driver's License
CLASS 1 MISDEMEANOR

- EXECUTED by arresting the Accused named above on this day:
- EXECUTED by summoning the Accused named above on this day:
- For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

9/21/18 0538
DATE AND TIME OF SERVICE

R Jones, ARRESTING OFFICER

22 MPD 113
BADGE NO., AGENCY AND JURISDICTION

for _____ SHERIFF

Attorney for the Accused:
Pub. Def.

Short Offense Description (not a legal definition):
INDECENT EXPOSURE

Offense Tracking Number:
690GM1800003560

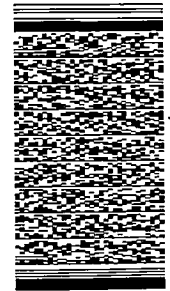
FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code:
OBS-3713-01

L

*9.21.18
4:00 PM*

Hearing Date/Time
10-05-18 (BT)
3:00 PM

12-21-18
10:45 AM



LOCAL

EXHIBIT INDEX PAGE 3 OF 317

The Accused was this day:

[] tried in absence [X] present

Hall

[X] PROSECUTING ATTORNEY PRESENT (NAME)

Alkove

[X] DEFENDANT'S ATTORNEY PRESENT (NAME)

[] NO ATTORNEY [] ATTORNEY WAIVED

[] If convicted, no jail sentence will be imposed

[] INTERPRETER PRESENT

[] Certified pursuant to § 19.2-190.1.

Plea of Accused:

[X] not guilty [] Witnesses sworn

[] nolo contendere

[] guilty [] Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

[] Plea and Recommendation

And was TRIED and FOUND by me:

[] not guilty [X] guilty as charged

[] guilty of VCC

[] facts sufficient to find guilt but defer adjudication/disposition to

DATE AND TIME

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

[] A separate order for First Offender is attached and incorporated in this order.

[] Costs imposed upon defendant.

DATE

JUDGE

And was FOUND by me to be:

[] driving a commercial motor vehicle

[] carrying hazardous materials

[] I ORDER a nolle prosequi on prosecution's motion

[] I ORDER the charge dismissed [] with prejudice

[] conditioned upon payment of costs and

[] successful completion of

[] traffic school

[] mature driver school, § 16.1-69.48:1,

[] accord and satisfaction, § 19.2-151.

[] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

[] Guilty - upon a violation of a term or condition of a deferred adjudication/disposition.

I impose the following Disposition:

[] FINE [] CIVIL PENALTY of \$ with \$ suspended

[X] JAIL SENTENCE of 30 days imposed, [] of which days mandatory minimum, with suspended

for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

[] Serve jail sentence beginning [] on weekends only

[] Work release [] authorized if eligible [] required [] not authorized

[] Public work force [] authorized [] not authorized

[] on PROBATION for

[] VASAP [] local community-based probation agency

[] Monitoring by GPS/other tracking device

[] DRIVER'S LICENSE suspended for

[] Restricted Driver's License per attached order

[] Ignition Interlock for

[] RESTITUTION order incorporated

[] Restitution payment is a condition of suspended sentence

[] COMMUNITY SERVICE hours to be completed by

and supervised by

[] to be credited against fines and costs

[] Contact prohibited between defendant and victim/ victim's family or household members

[] Other:

.....

[] Reimburse Commonwealth for investigatory medical fees

[] Pay \$50 to the Court for Trauma Center Fund

[] Bail on Appeal \$

[] Remanded for [] CCRE Report []

.....

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA

SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,

FORFEITURES, PENALTIES OR RESTITUTION ARE NOT

PAID. Va. Code § 46.2-395.

12-21-2015

DATE

JUDGE

Offense Tracking Number: 690GM1800003560

FINE

LOCALITY \$

COSTS

223 LIQUIDATED DAMAGES

461 FIXED MISD FEE 61-00

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE 15-00

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113 DNR 38-00

233 15-00

121 TRIAL IN ABSENCE FEE

133 BLOOD TEST FEE

137 TIME TO PAY 10-00

192 TRAUMA CENTER FEE

202 WITNESS FEE

217 CT. APPT. ATTY 120-00

228 COURTHOUSE CONSTRUCTION FEE

234 JAIL ADMISSION FEE 25-00

243 LOCAL TRAINING ACADEMY FEE

244 COURTHOUSE SECURITY FEE 10-00

OTHER (SPECIFY):

241 5.00

TOTAL \$ 299-00

[] Stay of the proceedings pursuant to § 16.1-131.1

DATE

JUDGE

CRIMINAL COMPLAINT

RULES 3A:3 AND 7C:3

Commonwealth of Virginia

General District Court
 Juvenile and Domestic Relations District Court

Martinsville
CITY OR COUNTY

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

09/21/2018 in the City County Town

of Martinsville

I base my belief on the following facts: (Print ALL information clearly.)
 On the above date I responded to the area of Pine St. at the steps for the Dick and Willie Trail due to a naked white male that had been seen running on Hooker St from Church St. Officers were in the area of Hooker St and had not located the male. I walked down the steps to the trail where i herd foot steps coming towards me. I could see a person walking on the trail and they stopped. I signed my light on the male and he turned and ran. He was naked except for his shoes and socks. The male had items in his hand when he ran. I chased the suspect off the left side of the trail down a bank and into the creek. I was yelling stop and show me your hands during the chase. When the male was detained he was read Miranda and started talking about a black male in a hoodie made him get naked and take pictures of himself. He was transported to the hospital due to knee pain. While at the Hospital he stated that he was alone when he took the photos of himself and he gave Ofc. Warnick promising to view his camera. On the Camera was several photo of himself naked around the city. He was medically and psychologically cleared. He was arrested for indecent Exposure. Mr. Hill's clothing was located in his bag. All took place in the city.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.

The charge in this warrant cannot be dismissed except by the court, even at my request.

Sgt. R. Jones #220
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
 (PRINT CLEARLY)

[Signature]
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

09/21/2018 05:35 AM
DATE AND TIME

Courtney D Reid
[] CLERK [] MAGISTRATE [] JUDGE

x

Courtney D. Reid

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Hill, Brian David
LAST NAME, FIRST NAME, MIDDLE NAME

310 Forest St Apt 2

Martinsville, VA 24112

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		Mo.	DAY	YR.	FT.	IN			
W	M	05	26	90	6	0	150	BLU	BRN
SSN [REDACTED]									

Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by
 Commonwealth's attorney
 Law-enforcement agency having jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

DATE AND TIME AUTHORIZATION GIVEN

13-17 Indecent Exposure

**EXHIBIT 1: A MEDICAL
EMERGENCY NOT CRIMINAL by
BRIAN HILL'S FAMILY (7-16-2022) –
By Kenneth Forinash and Stella Forinash
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



A MEDICAL EMERGENCY NOT CRIMINAL by BRIAN HILL'S FAMILY (7-16-2022)

Police receive a call at 4 in the morning. A 28 year old man was running down a walking trail in Martinsville, VA in the nude at 4 AM in the morning. Why? Was he intentionally trying to be obscene or was this an emergency? Police find out that he is on the sex registry and is on probation. He is treated like a criminal, arrested and put in jail. The judge ignores his mom's testimony about carbon monoxide poisoning in their apartments and how this affected both of them for 11 months at the time of this incident. Carbon monoxide poisoning was discovered 4 months after this incident by a chimney expert. The judge ignores his probation officer's testimony about how Brian has autism, OCD and is a brittle diabetic, has known Brian for 4 years as his probation officer. This probation officer told the court Brian has been respectful of him for those 4 years and continued talking about being innocent of the first crime that put him on the sex registry. The judge takes the word of the police over the testimony of Brian's Mom & medical caretaker and Brian's federal court appointed probation officer who has known Brian and worked with Brian for 4 years and has copies of his medical records. Due to no investigation being done by the police department of Martinsville, VA and no medical test being done at the hospital that night, Brian, his family and the court does not know what his glucose was, what his carbon monoxide levels were from 11 months of carbon monoxide in his system or if there were drugs in his system. Did Brian leave the house alone or was he removed from his house and forced to be in the nude by someone else? Did he leave the house with nothing and was given the backpack and pink camera by someone he met on the walking trail that night? Looking at the hospital records to try to get some answers, Brian and his family found out that even though the hospital records clearly showed that Brian had diabetes requiring insulin and autism, there were no glucose results or no blood test results at all to tell us what his carbon monoxide level was or if there were any drugs or alcohol in his system. The hospital emergency room only kept him there for an hour, not enough time to

even tell what his mental condition was. Did Brian take those photos of himself or did someone else take them? Was this a result of his autism? Did this have something to do with his brittle diabetes? Did this have something to do with his OCD?

Brian and his family discovered at the probation hearing that the police who arrested Brian did not know that Brian had diabetes or OCD. He did tell the court that Brian told him that he had autism. He admitted to the court that he didn't have a lot of training in autism. Apparently Americans with disabilities is not important in this court because nothing was brought out about what the police did to aid Brian after he found out that Brian had autism nor was he asked if he believed that Brian had autism. (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)

This causes Brian's family and should cause the court to ask some important questions for justice to be done. Here is a person with autism, brittle diabetes with seizure history and OCD walking & running on a walking trail miles from his home by himself in the nude for hours, is this normal or abnormal behavior? Why did this arresting police officer not know that Brian had diabetes requiring insulin when glucose is high or glucose tabs when it is low? Did he do an investigation? How can a person with a medical history of type 1 diabetes (brittle diabetes) with seizure history since the age of 2, PDD diagnosis since the age of 3, autism spectrum disorder diagnosis since the age of 4 suddenly be "Medically cleared"? Why did this arresting police officer not know that Brian had type 1 diabetes requiring insulin or glucose tabs? Why did he not know that Brian had OCD? Did Brian not tell him? Was Brian so far out of it mentally that night that he did not even know that he was diabetic himself? Where was the glucose monitor that Brian always takes with him when he leaves his house to go walking? Where were the emergency glucose tabs that he always keeps in his camera bag when he leaves his house? Where were his insulin pens he always takes with him if his blood glucose is high? Where were his emergency cards telling others that he has diabetes

requiring insulin, autism and OCD? Where was his germ x hand sanitizer that he keeps with him at all times at home and away from home due to his OCD?

Even the prosecuting attorney said he was out there in the nude “for whatever reason”.

Was Brian in any condition to actually take those photos of himself? Where was Brian’s camera bag that he always takes with him when he leaves his house? Police said he had a back pack (not a camera bag). Brian’s family saw the back pack. Brian’s mom did not recognize it as belonging to Brian. Brian’s grandparents noticed that it was smaller than Brian’s backpacks are. Where did Brian get the backpack from? The camera the court showed at the hearing was a small pink camera. It was not Brian’s camera. Brian always takes a large black camera with him, extra batteries, extra sd cards, tripod, etc. Where were his camera, the batteries & extra sd cards and tripod? The police testified that Brian was wearing a ski cap. Brian never wears that type hat. Where did he get that cap? Every time Brian leaves the house, he is either wearing no hat or wearing a baseball type hat. We have thousands of photos taken of Brian David Hill from 2008-2022 of Brian with a large camera bag, large black camera, large backpacks, wearing a baseball cap or no cap at all. You will not find any photos of Brian with a pink camera or wearing a ski (cap) or with that particular backpack that he had that night. Brian’s family have never seen Brian take “selfies” of himself, only photos of flowers, animals, scenery (nature photos). How can police and the courts take a medical emergency (or perhaps that night Brian was a victim of a criminal act) and turn it into a crime he committed with jail, prison and 4 more years of probation? This court has not proven intent, and in every crime, there has to be “intent”.

ALL this court has proven is that a man age 28 who has brittle type 1 diabetes, seizure history, autism spectrum disorder and obsessive compulsive disorder was running down a walking trail in the nude in the middle of the night while his mom who is his paid care taker (paid for 5

hours per day 7 days a week) by a Virginia Medicaid waiver to assist this disabled man was at home asleep as was also his 2 emergency medical backups (his grandparents) were in 2 different homes asleep and not aware that Brian was out of the house by himself without any medical supplies at all carrying a backpack and a camera that didn't belong to him and wearing a cap that was not his (many photo proofs). The court can't explain why he was out there like that. He was on a walking trail (not a park – no play equipment) miles from his home. What were his intentions? The court did not prove if he had intentions to do this or what his intentions were. **(1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)**

Constitution? What does the constitution say? Section. 2. “The Trial of all Crimes, except in Cases of Impeachment, shall be by jury; and such Trial shall be held in the State where the said Crimes shall have been committed”.

https://billofrightsinstitute.org/primary-sources/constitution?qclid=EA1alQobChMItlHBs5z9-AIVoubjBx1cnwflEAAYASAAEgJkfvD_BwE

Amendment VI: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;“ This happened in Virginia not North Carolina. Probation officer was in Virginia, police officer was in Virginia, hospital is in Virginia, house with carbon monoxide was in Virginia and Brian lived in and is a citizen of Virginia.

Amendment VIII: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted“ Months in jail or prison, 4 more years of probation for someone with brittle diabetes, seizures, autism and OCD who was exposed to carbon monoxide poisoning in his home for 11 months and was set up with child porn on his computer in 2012 and innocent of the first crime is cruel and unusual punishment.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Ninth Amendment of the United States Constitution states that **the federal government doesn't own the rights that are not listed in the Constitution, instead, they belong to the people.**

The Tenth Amendment says that **the Federal Government only has those powers delegated in the Constitution**. If it isn't listed, it belongs to the states or to the people. Virginia now has a law that if a person has autism spectrum disorder, that must be taken in consideration in all criminal trials. This deals with "intent". Under Virginia Code 19.2-303.6. Autism Legal Rights.

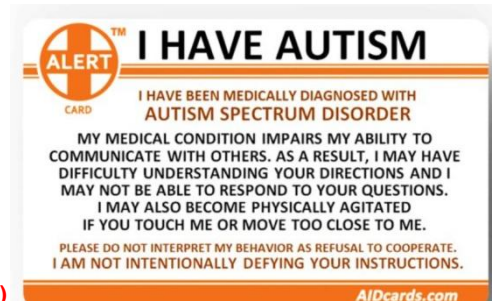


Brian Hill 9/12/2018 Black camera, baseball hat – camera bag - Brian in May, 2018 – black camera. Camera bag, baseball hat

Cards from Amazon, etc. similar to what Brian would carry but according to the arresting police officer, Brian did not have any of these on that night. His clothes were in the small backpack he was carrying that his mom did not recognize.



(1:13-cr-00435) Document 307 Attachments 1-10



Amazon photo for diabetic supplies (insulin pens, glucose meter, test strips)



BOVKE Travel Case for Diabetic Supplies, Storage Case for Insulin Pens, Glucose Meters, Test Strips,...



Walgreens Glucose Tablets Orange -...
\$1.79



ReliOn Fruit Punch Glucose T...
walmart.com



GERM X Hand Sanitizer.



Accessories at Ritz Camera. Free ...
ritzcamera.com

(1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)



Brian's camera bag in 2009



Brian getting ready to tour caverns in VA 7/13/2022

Brian did not have any emergency type 1 diabetic or autism cards with him, no emergency medical supplies, no camera supplies, red camera – not his large black camera he always takes with him. Had a small back pack, not his camera bag. He was wearing a ski cap, not his baseball cap. He did not tell the police or the hospital that he had type 1 brittle diabetes. He left his home in the middle of the night without his mom (medical caretaker), was walking miles from home on a walking trail without any clothes on his body, was sitting on benches – Brian is super conscious of germs (OCD), had no hand sanitizer with him. He was walking around where there are snakes & wild animals without anything to protect him. He had 2 flashlights. Did they belong to him or someone else? We don't know. Does the court know? There were no police investigations. Police didn't even talk to Brian's family. We thought we would find some answers from the hospital records. We found out that all blood tests were deleted, and the hospital had no records of Brian's blood test. We don't know if Brian's blood glucose was normal, high or low because even though the hospital has on record that he is type 1 diabetic who uses insulin, has autism & OCD. Hospital did no blood glucose test at all.

How can any court under these circumstances say that he is guilty of Indecent exposure? Every person who **intentionally** makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. INTENTIONALLY? What was his INTENT? Is a medical emergency considered "INTENT"? Does this medical emergency require months in jail and 4 more years probation? (1:13-cr-00435) Document 307 Attachments 1-10 Apr. 20, 2022)

**EXHIBIT 2: SOVAH HEALTH
MARTINSVILLE (LOCAL
HOSPITAL) BILLING RECORDS
OBTAINED JULY 19, 2022 –
DATED SEPTEMBER 21, 2018
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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EXHIBIT INDEX PAGE 13 OF 317

PATIENT NO: ██████████ 1243 SOVAH HEALTH BILLING DATE PAGE 1 02781
 MED REC NO: 370912 320 HOSPITAL DR 07/14/22
 GUARANTOR NO:
 PATIENT: MARTINSVILLE VA 241121900 ADMITTED DISCHARGED
 HILL BRIAN D 09/21/18 09/21/18

PAY TO ADDRESS: SOVAH HEALTH
 PO BOX 742401
 ATLANTA
 GA 303742401

BILL TO:
 HILL BRIAN D EMERGENCY FC=09
 310 FOREST ST INFORMATION BILL, SPECIFIED PERIOD OF TIME
 APT 2 FROM 09/21/18 THRU 09/21/18
 MARTINSVILLE VA 24112

DATE OF SERVICE	BATCH REF	F DEPT	S PROC	NDC/CPT-4/ HCPCS	QTY	SERVICE DESCRIPTION	CHARGES
258-IV SOLUTIONS							
092118	21B597	0715	170363	J7030	1	IV NACL .9% 1000ML	157.00
SUBTOTAL:							157.00
260-IV THERAPY							
092118	23B781	0780	800397	96360	1	IV HYDRATION 1ST HR	585.00
SUBTOTAL:							585.00
270-MED SURG SUPPLY							
092118	22B696	0718	232334		1	SENSOR FETAL O2	130.00
092118	22B696	0718	230760		1	CUFF B/P DISP	50.00
092118	22B696	0718	232781		1	OXISENSOR DISP	198.00
092118	22B696	0718	232295		1	TUBING HEPLOCK	32.00
092118	22B696	0718	230633		1	CATH IV	66.00
092118	22B696	0718	232137		1	TUBING SECONDARY	21.00
SUBTOTAL:							497.00
272-MED SURG SUPPLY/STERILE							
092118	22B696	0718	232646		1	KIT IV LATEX FREE	56.00
SUBTOTAL:							56.00
450-EMERG ROOM							
092118	22B696	0780	800388	9928525	1	ER VISIT LEVEL V	2555.00
SUBTOTAL:							2555.00

THANK YOU FOR CHOOSING SOVAH
 MARTINSVILLE FOR YOUR HEALTHCARE NEEDS

EXHIBIT INDEX PAGE 14 OF 317

PATIENT NO:	7806761243	SOVAH HEALTH	BILLING DATE	PAGE	2	02781
MED REC NO:	370912	320 HOSPITAL DR	07/14/22			
GUARANTOR NO:						
PATIENT:		MARTINSVILLE	VA 241121900	ADMITTED		DISCHARGED
HILL BRIAN D				09/21/18		09/21/18

DATE OF SERVICE	BATCH REF	F DEPT S	PROC	NDC/CPT-4/ HCPCS	QTY	SERVICE DESCRIPTION	CHARGES
636-DRUGS/DETAIL CODE							
092118	21B597	0712	123638	90714	1	TET\DIPHTOXOID PF J	137.00
SUBTOTAL:							137.00
771-VACCINE ADMIN							
092118	23B781	0780	800230	90471	1	IMMUNIZATION ADMIN	120.00
SUBTOTAL:							120.00
TOTAL ANCILLARY CHARGES							4107.00
TOTAL CHARGES							4107.00
PAYMENTS							.00
ADJUSTMENTS							.00
BALANCE							4107.00

THANK YOU FOR CHOOSING SOVAH
MARTINSVILLE FOR YOUR HEALTHCARE NEEDS

EXHIBIT INDEX PAGE 15 OF 317

PATIENT NO:	██████████243	SOVAH HEALTH	BILLING DATE	PAGE	3	02781
MED REC NO:	370912	320 HOSPITAL DR	07/14/22			
GUARANTOR NO:						
PATIENT:		MARTINSVILLE	VA 241121900	ADMITTED		DISCHARGED
HILL BRIAN D				09/21/18		09/21/18

DEPARTMENTAL CHARGE SUMMARY

DEPT	DESCRIPTION	AMOUNT
0712	PHARMACY	137.00
0715	IV SOLUTIONS - ADMIN	157.00
0718	MEDICAL SERVICES	553.00
0780	EMERGENCY SERVICES	3,260.00

REVENUE CHARGE SUMMARY

REV CD	DESCRIPTION	BILLABLE	NON-BILLABLE	TOTAL
0258	IV SOLUTIONS	157.00	.00	157.00
0260	IV THERAPY	585.00	.00	585.00
0270	MED SURG SUPPLY	497.00	.00	497.00
0272	MED SURG SUPPLY/STERILE	56.00	.00	56.00
0450	EMERG ROOM	2,555.00	.00	2,555.00
0636	DRUGS/DETAIL CODE	137.00	.00	137.00
0771	VACCINE ADMIN	120.00	.00	120.00

TOTAL CHARGES: 4,107.00

TOTAL PAYMENTS: .00

TOTAL ADJUST: .00

EXHIBIT INDEX PAGE 16 OF 317

SOVAH HEALTH		SOVAH HEALTH		3a PAT. CNTL # 7806761243		4 TYPE OF BILL 0131	
320 HOSPITAL DR		PO BOX 742401		b. MED. REC. # 000000370912			
MARTINSVILLE VA 241121900		ATLANTA GA30374		5 FED. TAX NO. 20-2028539		6 STATEMENT COVERS PERIOD FROM 092118 THROUGH 092118	
8 PATIENT NAME		9 PATIENT ADDRESS		a B10 FOREST ST, APT 2			
b HILL, BRIAN D.		b MARTINSVILLE		c VA		d 24112	
10 BIRTHDATE 05261990		11 SEX M		12 DATE 1 1		16 DHR 21	
31 OCCURRENCE CODE 11		32 OCCURRENCE DATE 092118		33 OCCURRENCE CODE A1		34 OCCURRENCE DATE 052690	
38 VIRGINIA PREM ELITE PLUSZ		39 CODE A3		40 VALUE CODES AMOUNT 410700		41 VALUE CODES AMOUNT	
PO BOX 4369		a		b		c	
RICHMOND, VA 23220		b		c		d	
42 REV CD. 0450		43 DESCRIPTION ER VISIT LEVEL V		44 HCPCS / RATE / HIPPS CODE 99285 25		45 SERV. DATE 092118	
0636		N449281021588ML1		90714		092118	
0771		IMMUNIZATION ADMIN		90471		092118	
47 TOTAL CHARGES 385000		48 NON-COVERED CHARGES		49			
0001		PAGE 001 OF 001		CREATION DATE 092618		TOTALS 410700	
50 PAYER NAME VIRGINIA PREM ELITE PLU		51 HEALTH PLAN ID		52 REL INFO Y		53 ASG BEN. Y	
54 PRIOR PAYMENTS 000		55 EST. AMOUNT DUE		56 NPI 1154419737		57 OTHER PRV ID	
58 INSURED'S NAME HILL, BRIAN D.		59 P.REL 18		60 INSURED'S UNIQUE ID 690024628015		61 GROUP NAME	
62 INSURANCE GROUP NO.		63 TREATMENT AUTHORIZATION CODES		64 DOCUMENT CONTROL NUMBER		65 EMPLOYER NAME	
66 DX S80211A S20319A F840 E119 F429 Z888		68		69 ADMIT DX		70 PATIENT REASON DX M25562 S80211A	
71 PPS CODE		72 ECI		73		74 PRINCIPAL PROCEDURE CODE DATE	
75		76 ATTENDING NPI 154673895		QUAL		LAST INCHMAN	
77 OPERATING NPI		QUAL		FIRST		BRANT	
78 OTHER NPI		QUAL		FIRST		LAST	
79 OTHER NPI		QUAL		FIRST		LAST	
80 REMARKS		81 CC a B3282N00000X		b B1W		c U	

EXHIBIT 3: Definition of peripheral venous catheter - NCI Dictionary of Cancer Terms (cancer.gov) printout by family for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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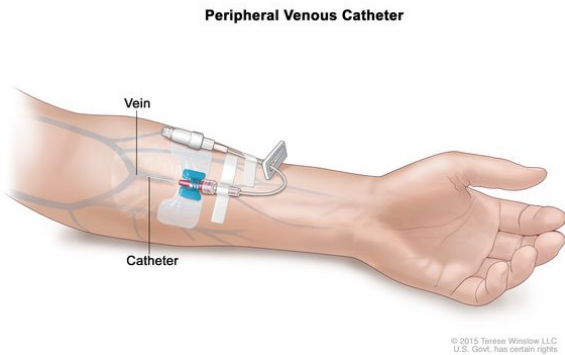




peripheral venous catheter

(peh-RIH-feh-rul VEE-nus KA-theh-ter)

A device used to draw blood and give treatments, including intravenous fluids, drugs, or blood transfusions. A thin, flexible tube is inserted into a vein, usually in the back of the hand, the lower part of the arm, or the foot. A needle is inserted into a port to draw blood or give fluids.



Peripheral venous catheter. A peripheral venous catheter is a thin, flexible tube that is inserted into a vein. It is usually inserted into the lower part of the arm or the back of the hand. It is used to give intravenous fluids, blood transfusions, chemotherapy, and other drugs.

Search NCI's Dictionary of Cancer Terms

Starts with Contains

Enter keywords or phrases

Search

EXHIBIT 4: Virginia Medicaid Claims History For Member Name: Brian Hill - Claims For 11/19/2017 And 9/21/2018 for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"

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Billing Provider National Provider Identifier (NPI)	Billing Provider Name	Servicing Provider National Provider Identifier (NPI)	Servicing Provider Name	Claim Number	Legacy Claim Number	Service From Date	Service Through Date	Paid Date	Primary Diagnosis Code	Primary Diagnosis Name	Claim Line	Pro- cedure Code	Procedure Name	NDC	Drug Brand Name	Billed Amount	Paid Amount	Claim Enc Code
1033143466	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$1,838.00	\$171.86	Total
1033143466	EDNA E EKUBAN-GORDON , MD	1033143466	EDNA E EKUBAN-GORDON , MD	T1804160138747BCPEPO	2018106923412601	11/19/2017	11/19/2017	3/23/2018	S0181XA	Laceration w/o foreign body of oth part	1	99285	EMERGENCY DEPT VISIT			\$1,450.00	\$122.22	Y
1033143466	EDNA E EKUBAN-GORDON , MD	1033143466	EDNA E EKUBAN-GORDON , MD	T1804160138748BCPEPO	2018106923412701	11/19/2017	11/19/2017	3/23/2018	S0181XA	Laceration w/o foreign body of oth part	1	12013	RPR F/E/E/N/L/M 2.6-5.0 CM			\$388.00	\$49.64	Y
1386720183	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$9,123.62	\$760.23	Total
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	1	96361	HYDRATE IV INFUSION ADD-ON			\$9,123.62	\$760.23	Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	2	80053	COMPREHEN METABOLIC PANEL					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	3	82962	GLUCOSE, BLOOD BY GLUCOSE MONITORIN					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	4	84443	ASSAY THYROID STIM HORMONE					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	5	85025	COMPLETE CBC W/AUTO DIFF WBC					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	6	71010	CHEST X-RAY 1 VIEW FRONTAL					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	7	70450	CT HEAD/BRAIN W/O DYE					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	8	12002	RPR S/N/AX/GEN/TRNK2.6-7.5CM					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	9	96374	THER/PROPH/DIAG INJ IV PUSH					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	10	99284	EMERGENCY DEPT VISIT					Y
1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	1386720183	Danville Regional Medical LLC dba Sovah Health-Dan	T1808200009661BCPEIR	2018232916719901	11/19/2017	11/19/2017	7/18/2018	E1165	Type 2 diabetes mellitus with hyperglyce	11	93005	ELECTROCARDIOGRA M TRACING					Y

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Billing Provider National Provider Identifier (NPI)	Billing Provider Name	Servicing Provider National Provider Identifier (NPI)	Servicing Provider Name	Claim Number	Legacy Claim Number	Service From Date	Service Through Date	Paid Date	Primary Diagnosis Code	Primary Diagnosis Name	Claim Line	Pro-cedure Code	Procedure Name	NDC	Drug Brand Name	Billed Amount	Paid Amount	Claim Enc Code						
1417262056	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$50.85	\$50.85	Total						
1417262056	PUBLIC PARTNERSHIPS, LLC	1417262056	PUBLIC PARTNERSHIPS, LLC	T1803140066 260BCPEPO	20180739 25265501	11/19/2017	11/19/2017	3/9/2018	Z139	Encounter for screening, unspecified	1	S5150	UNSKILLED RESPITE CARE, NOT HOSPICE			\$50.85	\$50.85	Y						
1891728564	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$173.00	\$44.25	Total						
1891728564	MAROON B KHOURY	1891728564	MAROON B KHOURY	T1804160243 055BCPEPO	20181069 33785201	11/19/2017	11/19/2017	3/28/2018	S0990XA	Unspecified injury of head, initial enco	1	70450	CT HEAD/BRAIN W/O DYE			\$143.00	\$36.48	Y						
1891728564	MAROON B KHOURY	1891728564	MAROON B KHOURY	T1804160243 056BCPEPO	20181069 33785301	11/19/2017	11/19/2017	3/28/2018	R0789	Other chest pain	1	71010	CHEST X-RAY 1 VIEW FRONTAL			\$30.00	\$7.77	Y						
1154419737	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$4,107.00	\$183.27	Total						
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460 549BCPEIR	20201789 34474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	1	99285	EMERGENCY DEPT VISIT			\$4,107.00	\$183.27	Y						
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460 549BCPEIR	20201789 34474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	2	90714	TD VACC NO PRESV 7 YRS+ IM	49281021588	TENIVAC 5-2/0.5ML SYRINGE			Y						
1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	1154419737	Danville Regional Medical LLC dba Sovah Health-Dan	T2006260460 549BCPEIR	20201789 34474401	9/21/2018	9/21/2018	2/19/2019	S80211A	Abrasion, right knee, initial encounter	3	90471	IMMUNIZATION ADMIN					Y						
1184674129	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$512.10	\$140.10	Total						
1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	T1903260234 915BCPEPO	20190859 26883002	9/21/2018	9/21/2018	10/9/2018	S83104A	Unspecified dislocation of right knee, i	1	A0429	AMBULANCE SERVICE, BASIC LIFE SUPPO			\$512.10	\$140.10	Y						
1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	1184674129	MARTINSVILLE CITY PUBLIC SCHOOLS	T1903260234 915BCPEPO	20190859 26883002	9/21/2018	9/21/2018	10/9/2018	S83104A	Unspecified dislocation of right knee, i	2	A0425	GROUND MILEAGE, PER STATUTE MILE					Y						
1427005008	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	\$874.00	\$82.90	Total						
1427005008	EMERGENCY COVERAGE CORPORATION	1154673895	BRANT D HINCHMAN , DO	T1811160170 283BCPEPO	20183209 20497302	9/21/2018	9/21/2018	10/5/2018	S80211A	Abrasion, right knee, initial encounter	1	99284	EMERGENCY DEPT VISIT			\$874.00	\$82.90	Y						
1427005008	EMERGENCY COVERAGE CORPORATION	1154673895	BRANT D HINCHMAN , DO	T1811160170 283BCPEPO	20183209 20497302	9/21/2018	9/21/2018	10/5/2018	S80211A	Abrasion, right knee, initial encounter	2	99053	MED SERV 10PM-8AM 24 HR FAC					Y						
Claim Enc Code= Encounter Claim through Managed Care (Yes or No)																					GRAND TOTALS	\$33,357.14	\$2,866.92	
NDC=National Drug Code																								

**EXHIBIT 5: USA v. Brian David Hill -
7:18-MJ-00149, December 26, 2018,
Supervised Release Revocation
Hearing. Transcript completed on
May 2, 2022
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 7:18-MJ-00149

December 26, 2018

Roanoke, Virginia

Supervised Release Revocation
Hearing

-v-

BRIAN DAVID HILL,

Before:

HONORABLE ROBERT S. BALLOU

UNITED STATES MAGISTRATE JUDGE

WESTERN DISTRICT OF VIRGINIA

Defendant.

APPEARANCES:

For the Plaintiff:

KARI KRISTINA MUNRO

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Roanoke, VA 24008
540-857-2907
kari.munro@usdoj.gov

For the Defendant:

RANDY VIRLIN CARGILL

Federal Public Defenders Office
Suite 420
210 First Street, SW
Roanoke, VA 24011
540-777-0880
randy_cargill@fd.org

Kelly Brown - FTR Recorder
Mary J. Butenschoen - Transcriber

PROCEEDINGS TAKEN BY FTR; TRANSCRIBED USING COMPUTER-AIDED
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INDEX

WITNESS NAME	PAGE
JASON McMURRAY	
Examination By The Court	5
Examination By Ms. Munro	8
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Examination By Mr. Munro	18

* * * * *

1 (Proceedings commenced 2:45 p.m.)

2 THE CLERK: *United States of America v. Brian David*
3 *Hill*, Case Number 7:18-MJ-149.

4 THE COURT: All right. Let the record reflect the
5 government is present by its counsel. The defendant likewise
6 is present along with counsel.

7 Mr. Hill, good afternoon. My name is Robert Ballou.
8 I'm a magistrate judge here in the Western District of
9 Virginia. We are here today in connection with a petition that
10 has been filed in the Middle District of North Carolina to
11 revoke the terms of your supervised release. You will recall
12 that you were sentenced down in the Middle District of North
13 Carolina on a -- on a charge -- I can't tell the date of the
14 original -- in November of 2014 on a charge of possession of
15 child pornography. Following a term of imprisonment you had
16 some supervised release to address, and the petition alleges
17 that you violated the terms of your supervised release.

18 Do you understand these things?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Let me begin, first of all,
21 by asking you to state your full name for me, please.

22 THE DEFENDANT: B-R-I-A-N.

23 THE COURT: Just tell me your name.

24 THE DEFENDANT: Brian David Hill.

25 THE COURT: All right. How old are you, Mr. Hill?

1 THE DEFENDANT: What was your question?

2 THE COURT: How old are you?

3 THE DEFENDANT: I'm 28 years old.

4 THE COURT: Okay. Do you take any medication?

5 THE DEFENDANT: Insulin, and I think it's Novolog and
6 Lantus.

7 THE COURT: All right. What do you take those last
8 two for?

9 THE DEFENDANT: Managing my type 1 brittle
10 diabetes.

11 THE COURT: All right. So all the medication you
12 take is for your diabetes; is that correct?

13 THE DEFENDANT: I also take medication for my carpal
14 tunnel.

15 THE COURT: Okay. All right. Is that all you take
16 medication for?

17 THE DEFENDANT: Piedmont Community Services did
18 prescribe me medication for anxiety.

19 THE COURT: Okay, for anxiety? Okay. What
20 medication is that?

21 THE DEFENDANT: I don't know the name.

22 THE COURT: Okay.

23 THE DEFENDANT: But it's -- I don't know.

24 THE COURT: Okay.

25 All right. Counsel, before we get too far into this

1 hearing, certainly no issue as it relates to identity; is that
2 right, Mr. Cargill?

3 MR. CARGILL: Correct, Your Honor.

4 THE COURT: All right. Before we get too far into
5 this hearing, I did meet with Mr. McMurray, who I think had
6 been supervising Mr. Hill in advance. I've got concerns about
7 Mr. Hill's ability to be able to participate in his defense, at
8 least at this state, so I'm going to call Mr. McMurray first
9 and address where we are in that regard.

10 Mr. McMurray, if you can come on up and be sworn.
11 You-all please have a seat, Mr. Hill.

12 JASON McMURRAY, CALLED BY THE COURT, SWORN

13 EXAMINATION

14 THE COURT: Mr. McMurray, if you could state your
15 full name for me and tell me who you're employed by.

16 A Jason McMurray. I am a United States Probation Officer
17 for the Western District of Virginia.

18 THE COURT: Are your caseload dealing with
19 supervising Brian David Hill?

20 A I have supervised, that's correct, Mr. Hill since
21 approximately July 9 of 2015.

22 THE COURT: All right. And Mr. Hill is sitting here
23 in the courtroom with his counsel?

24 A He is seated to Mr. Cargill's left, that's correct.

25 THE COURT: All right, very well. Tell me how you

1 came to be Mr. Hill's supervisor.

2 A Mr. Hill -- there was a petition for revocation of
3 supervised release filed prior to myself assuming supervision
4 in the Middle District of North Carolina. His previous
5 probation officer had filed that.

6 The Court in Middle District of North Carolina chose not
7 to revoke Mr. Hill's supervision; chose to continue him on
8 supervision, modifying his conditions so that he would have to
9 serve six months of home detention. And when he was released,
10 that's when I took over his case for supervision.

11 THE COURT: All right. And, of course, there's a
12 petition that's been filed in connection with some charges down
13 in the City of Martinsville, I believe?

14 A That's correct. He was arrested September the 21st, 2018,
15 in the City of Martinsville for indecent exposure.

16 THE COURT: All right. And have you expressed to me
17 some concerns about Mr. Hill's present mental capacity?

18 A Based on some letters I have received from Mr. Hill since
19 he was incarcerated, that is correct. I do have some concerns
20 for his mental capacity.

21 THE COURT: Tell me a little bit about those.

22 A Well, I'm in possession of four letters that were written
23 by Mr. Hill, or at least represented to be written by Mr. Hill.
24 And in the letters there's a recurring theme of a man in a
25 hoodie forcing Mr. Hill -- breaking into his house forcing

1 Mr. Hill to leave his home, strip nude, and walk.

2 He was -- if I may, he was found walking nude on a walking
3 trail in Martinsville on September the 21st, and these letters
4 state that an individual in a hoodie came after him, made him
5 strip down naked or they would go after his mother.

6 THE COURT: All right. And these are all written to
7 you after -- within the last three or four months?

8 A These were all addressed to me after he was arrested and
9 incarcerated in Martinsville. They all came from the
10 Martinsville City Jail.

11 THE court: All right. Has he expressed to you any
12 perception about his grasp of the -- kind of the overall world
13 around him and -- I'll state it another way.

14 The standard I need to deal with is whether he may be
15 suffering -- whether there's reason to believe that he's
16 suffering from a mental disease or defect that will affect his
17 ability to defend himself in connection with this particular
18 petition.

19 A Would it help if I read excerpts from the letters?

20 THE COURT: If you could just do that just so we can
21 know what the record will have.

22 A A letter I have here dated December 13, 2018, would you
23 like me to read the whole thing, Your Honor, or --

24 THE COURT: Not the whole thing. Just explain what's
25 in the letter and --

1 A In the letter, as I stated before, he -- he states that he
2 has done good under me as a probation officer "until the guy in
3 the hoodie came after me by going after my mom. I knew the
4 risks, and when I filed my 2255 motion and brief proving fraud
5 upon the court in proving their crimes puts a big target on my
6 back."

7 Another excerpt states, "They will probably kill Donald
8 Trump and his whole family or imprison them, all then do the
9 same thing to me and my whole family like the Nazis did in
10 Germany. The U.S. Attorney won't stop coming after me until I
11 die or rot in prison forever. They do not want my friends and
12 family to tell the truth, especially online."

13 THE COURT: All right. Okay, I think I understand
14 where things are.

15 Ms. Munro, any questions for Mr. McMurray?

16 MS. MUNRO: A couple, I think --

17 THE COURT: Sure.

18 MS. MUNRO: -- for the record as it relates to that
19 issue.

20 EXAMINATION

21 BY MS. MUNRO:

22 Q So I think you indicated you'd been supervising him since
23 2015?

24 A Yes, ma'am, that's correct.

25 Q Is that when he came to Martinsville?

1 A He was living in Martinsville prior to that when Officer
2 Burton was supervising him.

3 Q Okay. And why did he come to Martinsville, do you know,
4 from North Carolina?

5 A That's where his family was residing. His grandparents --
6 grandmother, grandfather -- and his mother all reside in
7 Martinsville.

8 Q And they still currently reside there?

9 A Yes, ma'am, that's correct.

10 Q And is that the family members with whom he's been
11 residing between 2015 and the present?

12 A That's correct. He was residing in a home with both
13 grandparents and a mother. And within the last year, year and
14 a half, the mother and Mr. Hill obtained their own housing, one
15 of -- it's a home, a duplex, that has a first floor and a
16 second floor. Mr. Hill resides on the bottom floor with his
17 own private entrance.

18 Q Okay. And then the family members who are upstairs are
19 who?

20 A It's just his mother.

21 Q Just his mother.

22 A Yes.

23 Q But as of a month or so ago, it was -- it also included
24 his grandparents?

25 A No, ma'am. That's -- that's not correct.

1 About a year, year and a half ago, give or take, Mr. Hill
2 and his mother moved out of the grandparents' home.

3 Q Okay. Now, you indicated that you had taken part in the
4 filing of a petition back in September of 2015 relating to some
5 violations down in North Carolina; is that correct?

6 A It was more of a notice of noncompliance than it was a
7 petition. Mr. Hill, part of his supervised release was that he
8 complete or participate in certified sex offender treatment,
9 which we referred him to treatment. And the treatment provider
10 found that he was not amenable to treatment. Mr. Hill does not
11 accept responsibility for the conviction, and that in a sex
12 offender treatment setting, that hinders the group.

13 So since he did not successfully complete the treatment, I
14 had to notify Middle District of North Carolina. The court
15 down there stated that if Mr. Hill was otherwise compliant that
16 we could allow him to remain on supervision, and he was. So he
17 continued his supervision.

18 Q But when you say he wasn't taking responsibility for the
19 underlying conviction, do you mean that child pornography
20 conviction in 2014?

21 A That's correct. That's correct.

22 Q I see. And around that period of time when you first met
23 and started supervising Mr. Hill, were you aware then whether
24 there were other instances in which he was doing a lot of
25 letter writing or posting on the internet in relation to his

1 criminal cases?

2 A He has engaged in that behavior for quite a while. Prior
3 to my taking over supervision of the case, he was filing
4 numerous motions in Middle District of North Carolina. That's
5 something he did quite often. I can't give you numbers or
6 exactly what it was, but that is something that he has done in
7 the past, is file motion after motion with the court.

8 Q I think one of the excerpts that you read indicated that
9 he believed that the U.S. Attorney, is what he described it as,
10 would keep coming after him until he was dead.

11 Has he made similar kinds of allegations against other
12 people involved in his prosecutions in the past?

13 A He has. Mr. Hill has spent a majority of his time
14 focusing on trying to get his underlying charge of having an
15 appeal, having it overturned. That is what he is focused on.

16 Q Okay. Has he focused on any particular individuals in
17 connection with that prosecution?

18 A Various individuals in the past. I cannot pronounce this
19 Assistant U.S. Attorney's name, but it's a recurring last name.
20 I could spell it, but I can't pronounce it, unfortunately. But
21 I would spell it if you'd like me to.

22 Q Sure, that would be fine.

23 A Assistant U.S. Attorney P-R-A-K-A-S-H, first name. Last
24 name R-A-M-A-S-W-A-M-Y. His spelling, of course.

25 Q Is it your interpretation that that's the same AUSA that's

1 listed in this petition that is currently before the Court as
2 the original prosecuting AUSA?

3 A I'll have to view the petition to double check.

4 Q Okay. It's possible, though; is that correct?

5 A It is possible, but I'll have to review the petition.

6 Q And you indicated that he was charged in Martinsville with
7 indecent exposure. Was he tried?

8 A This just occurred last Friday. I'm not privy to the
9 court documents, as I don't think they have been filed. I know
10 that he had planned to plead not guilty. In my view of the
11 online Virginia court website, it appears that he pled not
12 guilty but was found guilty, sentenced to 30 days in custody,
13 which was tantamount to time served, and he's now in our
14 custody.

15 Q Okay. And do you know whether or not he made any
16 statements at the time of his arrest in Martinsville about this
17 man with the hoodie?

18 A I can speak to the arresting officer's report in which he
19 stated that a man in a hoodie forced him to leave his home and
20 undress.

21 Q Okay. And then finally, have you spoken with his family
22 members in connection with the instant petition in preparation
23 for the hearing today?

24 A I spoke with his grandfather a week ago Tuesday.

25 Q Okay. And so the Court understands, what have his family

1 members indicated, first of all, about his living arrangement
2 here in the Western District?

3 A They indicated to me last Tuesday -- well, "they" I mean
4 the grandfather -- indicated to me that they can't house
5 Mr. Hill due to his medical issues. He suffers from diabetes,
6 amongst other ailments, and they have been seeking an assisted
7 living environment if he were to qualify for one, but they
8 stated that they can't house him any longer.

9 Q I see. And when you say they, does that include his
10 mother, or did you not speak with his mother?

11 A I have not spoken with his mother in quite some time, but
12 his grandfather indicated that he would not have a place to
13 live. That's how I took it. Because when he called last
14 Tuesday, Mr. Hill was due in Martinsville City court on Friday,
15 his grandfather was concerned if he were to get out that Friday
16 where would he go, because he doesn't have a home.

17 Q Okay. And then finally, what do you understand about the
18 nature of his diabetes?

19 A Obviously, not a medical professional, but I have spoken
20 with his family numerous times about his diabetes. His
21 diabetes is very severe.

22 Q Okay.

23 A I'm -- I can't get into the scientific nature, but he does
24 suffer greatly from great spikes in blood glucose, I think, and
25 then it bottoms out. He does have a lot of issues with

1 diabetes.

2 Q Did his family members talk to you about whether they have
3 had, specifically, difficulty with those spikes and drops in
4 his diabetic condition?

5 A His mother told me on one occasion that she was going
6 downstairs to his portion of the domicile every morning very,
7 very early to check his blood sugar because there have been a
8 couple mornings that he -- he was having a hard time waking up.
9 So she would go down early to check his blood sugar to see if
10 he needed insulin or -- not insulin, but if he would need to
11 take some form of sugar supplement to get his blood sugar up.

12 Q Okay.

13 A Or opposite.

14 MS. MUNRO: Okay. All right. Nothing further.
15 Thanks.

16 THE COURT: Before you ask any questions,
17 Mr. Cargill, tell me about anything that you've seen with
18 respect to Mr. Hill in connection with his -- when you've
19 visited him in his home and his perspective on where he is in
20 life.

21 THE WITNESS: Well, I have been to Mr. Hill's home
22 numerous times, and, as I've stated previously, whenever I'd
23 ask him how he was doing, he was very polite and was always
24 welcoming. He could be sometimes hard to -- excuse me,
25 difficult to communicate with because he is on -- has been

1 diagnosed on the autism spectrum, so it's kind of difficult to
2 converse with him sometimes. But he's always been very polite
3 to me. Allows me to come in and do the home contact. He's
4 always obsessed about this 2255 motion that he discusses in
5 these letters trying to get his case overturned.

6 One thing in particular that stands out is his
7 obsessive-compulsive disorder, which the presentence report
8 from the Middle District of North Carolina highlights as a
9 prior diagnosis. He undertakes a -- what I would call a
10 handwashing routine every morning, and it -- and his mother has
11 verified this, for hours at a time. There have been times that
12 I've went by the residence at 10:30, 11 o'clock in the morning,
13 and he would come to the door covered literally head to toe in
14 soap suds as he was engaging in his routine. Actually, the
15 last home contact that I was -- I was there, there was standing
16 water in the kitchen. He was engaging in his handwashing
17 routine, and dozens and dozens, if not over a hundred slivers
18 and cakes of soap piled up indicating that he was engaging in
19 his handwashing routine.

20 That same day I went upstairs to speak with his
21 mother, and she indicated that he was continuously doing that
22 every morning. And you could see the effects of which in the
23 kitchen from the water and the damage that it had caused. It
24 seemed every time I was there that's what he was doing.

25 THE COURT: All right. Okay. That's all the

1 questions I have.

2 Mr. Cargill, does that prompt any questions you --

3 MR. CARGILL: Oh, just a few.

4 EXAMINATION

5 BY MR. CARGILL:

6 Q So during the time that you have supervised him,
7 Mr. McMurray, has he seen a mental health provider for
8 evaluation and --

9 A He was going to a counselor twice per month, is a
10 Dr. Preston Page that Mr. Hill's -- I think it's Medicaid that
11 he has. I'm not sure if it's Medicaid/Medicare -- that he was
12 seeing twice per month and that I had contact with to see his
13 progress from time to time.

14 Q How does the -- how does the mental health provider, how
15 does he or she feel about his mental state, or does the person
16 share --

17 A I have not spoken with Mr. Page since the last time I was
18 at his -- at Mr. Hill's residence. And after speaking with the
19 mother, I called Mr. Page and I said this was quite concerning.
20 And it was not very long before he was arrested for the
21 indecent exposure. And I spoke with Mr. Page about it, and
22 Mr. Page advised that -- that he was due to see him soon and
23 that if he felt that there needed to be a further referral,
24 perhaps the Piedmont Community Services, then that would be
25 undertaken, but that appointment did not occur.

1 Q So your -- to your knowledge, he has not been on
2 medication for any mental health issues.

3 A No, sir, it's -- it's been limited to his diabetes and
4 medication.

5 Q Do you know whether he was evaluated mentally in
6 connection with the state charge, the indecent exposure
7 charge?

8 A From my knowledge, they took him to the Martinsville
9 hospital the night of the arrest and they released him. I
10 don't know if that was more of a TDO type thing to gauge
11 whether he was a danger to himself or others or if it was more
12 mental health oriented. I do not have the answer to that. But
13 he was released that night and taken into custody.

14 Q But you have a general release that would allow you to get
15 any of those records; is that correct?

16 A Yes, sir.

17 Q Including any mental evaluation prepared in connection
18 with the state charge?

19 A Yes, sir, I could -- I could receive those, yes.

20 Q I checked the online court records myself, and it
21 indicates right at the very top in red that his state case was
22 appealed to circuit court effective today. Is that what you
23 found, too?

24 A I printed that out as well today, sir, and I noted the
25 same thing.

1 Q What does -- how does that affect his revocation in Middle
2 District?

3 A Not having worked for that court, I'm not sure I could
4 give you an answer, but I know that a conviction is not
5 required, that a revocation can take place based on offense
6 conduct alone at a preponderance of the evidence. I'm not sure
7 how Middle District of North Carolina would wish to proceed.

8 Q But in all events, since it's an active case in state
9 court, it will at least be, what, some sort of detainer?

10 A I don't have the answer to that.

11 Q I'll research that, all right.

12 A I know that a warrant hasn't been lodged as of this moment
13 because I would receive notification. I have not received that
14 yet. I'm not saying that it couldn't happen.

15 Q And he's always just -- in my limited -- he's exceedingly
16 polite, isn't he?

17 A Yes. He's always been polite, yes.

18 MR. CARGILL: All right. Thank you, sir.

19 THE COURT: All right. Any further questions,
20 Ms. Munro?

21 MS. MUNRO: Just one.

22 EXAMINATION

23 BY MS. MUNRO:

24 Q For how long was he seeing Dr. Page, do you know?

25 A He has seen Dr. Page pretty much for the duration that

1 I've supervised him.

2 Q Okay. So since 2015?

3 A Give or take, yes.

4 MS. MUNRO: Okay. All right, thank you.

5 THE COURT: Thank you very much.

6 Thank you, Mr. McMurray. You may step down.

7 All right. Before we go any further into this
8 initial appearance, I do have concerns about exactly where
9 Mr. Hill is from a psychological and psychiatric standpoint and
10 whether he does suffer from mental disease or defect that would
11 affect his ability to understand and participate in his
12 defense.

13 It's now further complicated by one of the things
14 that you just indicated, Mr. Cargill, and that is since he's
15 appealed his conviction down in City of Martinsville he's
16 entitled to a trial de novo on that issue down there. If he
17 is -- which is what I would prefer. If he is sent to an
18 evaluation at the -- with the Bureau of Prisons, that's going
19 to complicate his situation in Martinsville.

20 Do you know, Mr. Cargill, whether he was represented
21 by counsel?

22 MR. CARGILL: Mr. Hill advises that he was
23 represented by a public defender, Scott Albrecht. And
24 evidently -- and don't go into any details, Brian, but I think
25 Brian filed a notice of appeal pro se. I don't believe his

1 attorney --

2 THE COURT: Don't believe his attorney did.

3 MR. CARGILL: He also tells me, Your Honor, that
4 there was a competency evaluation conducted as part of his
5 state case but that it was a local -- someone visited him in
6 the jail.

7 THE COURT: Local evaluation.

8 MR. CARGILL: Yes.

9 THE COURT: All right. But my -- my initial concern
10 is that if -- if -- if Mr. Hill is correct that there was a --
11 if Mr. Hill believes and it's not in fact borne out that
12 someone made him do what he said what he's charged with doing
13 down in City of Martinsville, that's a problem from a mental
14 standpoint. And if he did it on his own volition and that's an
15 excuse, that's another problem that he's going to have to deal
16 with down in North Carolina. I think that we're much, much
17 better off understanding exactly where he is from a mental
18 health standpoint before he's sent back down there. I think he
19 has to be evaluated here because I can't ask him to make a
20 decision about having hearings up here because he's entitled to
21 a preliminary hearing, he's entitled to all that here in this
22 Court before he would go down to North Carolina, and I don't
23 think -- I don't think he can make a knowing waiver or knowing
24 decision to have those at this point.

25 So -- so Mr. Hill, let me ask you to stand up, if you

1 would, please, sir.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I've got significant concerns about
4 whether you presently suffer from a mental -- mental health
5 disease or defect that affects your ability to be able to
6 participate and actively assist your counsel in addressing the
7 issues that are raised in the -- in the petition.

8 I've also got -- does insanity defense apply on a
9 supervised release violation? I've never -- never had that
10 addressed.

11 MR. CARGILL: Oh, I'd say so, yes.

12 THE COURT: I would say so.

13 MR. CARGILL: Yes, sir.

14 THE COURT: So I've got significant concerns about --
15 about that as well. And so I'm going to -- I'm going to ask
16 you -- or I'm going to place you in the custody of the United
17 States Marshal, or United States Attorney General, and I'm
18 going to have you evaluated, have a full and complete and
19 thorough evaluation of your mental health situation so that
20 that can be addressed. If you need to have medication, you can
21 be placed on proper medication before you come back here to
22 address -- address these matters. And I'm going to ask that
23 they evaluate under both 4241 and also 4242 as well. That will
24 also significantly assist your counsel both here and down in
25 North Carolina if the matter goes back down to North Carolina.

1 Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. So I'm going to -- you're
4 probably going to be transferred to a facility either in North
5 Carolina or some other place nearby, we hope, for an
6 evaluation, and then you'll be brought back here. It could be
7 a couple or three months from now when you're brought back
8 here, but you'll be in a much better position for me to be able
9 to understand your situation when that occurs, all right?

10 So I'm going to leave you with Mr. Cargill to answer
11 any questions, which is better to be able to proceed in that
12 regard, and I'll get that order entered today, all right?

13 Ask your question to Mr. Cargill first before you ask
14 it of me.

15 THE DEFENDANT: What if I'm found not guilty in the
16 Circuit Court of Martinsville?

17 MR. CARGILL: That will play out. That will play
18 out.

19 THE COURT: All right. And -- all right.
20 Anything else I need to address, Ms. Munro?

21 MS. MUNRO: Nothing further.

22 THE COURT: Mr. Cargill?

23 MR. CARGILL: No. Thank you, Your Honor.

24 THE COURT: All right, very well. Court will stand
25 in recess.

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(The proceedings concluded at 3:12 p.m.)

CERTIFICATE

I, Mary J. Butenschoen, do hereby certify that the foregoing is a correct transcript of the electronic recording in the above-entitled matter.

_____/s/_____/ 5/2/2022
Mary J. Butenschoen, Transcriber

EXHIBIT 6: USA v. Brian David Hill - 7:18-MJ-00149, May 14, 2019, Competency/Detention Hearing. Transcript completed on May 2, 2022.

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 7:18-MJ-00149

May 14, 2019

Roanoke, Virginia

-v-

Competency/Detention Hearing

BRIAN DAVID HILL,

Before:

HONORABLE ROBERT S. BALLOU

UNITED STATES MAGISTRATE JUDGE

Defendant.

WESTERN DISTRICT OF VIRGINIA

APPEARANCES:

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Kelly Brown - FTR Recorder
Mary J. Butenschoen - Transcriber

PROCEEDINGS TAKEN BY FTR; TRANSCRIBED USING COMPUTER-AIDED
TRANSCRIPTION

1 THE CLERK: *United States of America v. Brian David*
2 *Hill*, Case Number 7:18-MJ-149.

3 THE COURT: All right. Let the record reflect that
4 the government is present by its counsel. The defendant
5 likewise is present by counsel.

6 We're here for a couple of reasons today. The first
7 is since we were last together in your hill, Mr. Case -- or in
8 your case, Mr. Hill, excuse me. -- you were evaluated down at
9 Butner, and I've got the report back so we're going to have the
10 competency evaluation addressed and then for -- assuming that
11 he's found competent, to go forward we'll have his initial on
12 the supervised release violation.

13 Before I begin, I do want to address a couple of
14 things that are on the docket. There are two motions that are
15 on the docket. One is for me to disqualify myself, and the
16 other is for a -- for the government to produce copies of the
17 transcript of previous hearings.

18 There are a couple of things. Mr. Hill previously
19 filed an order, Mr. Cargill, or filed a motion to reconsider my
20 decision to have him evaluated, as well as he also filed an
21 order to request transcripts in a motion for summary judgement.

22 I entered an order in this case on January the 15th
23 indicating that he's not entitled to hybrid representation
24 where he cannot file his own motions since he's represented by
25 counsel, so I denied those motions without prejudice to bring

1 again. And I'm going to deny the present motions without
2 prejudice to bring again.

3 I'm -- I am going to specifically address the motion
4 to disqualify because I think that should be on the record.
5 The two grounds that were raised for me to disqualify myself
6 is, one, is that Mr. Hill previously had a civil case in this
7 court that was handled by Judge Kiser. I made a ruling on a
8 discovery issue that he took an interlocutory appeal to the
9 Fourth Circuit on. That civil case is 4:17-CV-27. The Fourth
10 Circuit dismissed that appeal as an -- as an interlocutory
11 appeal. The case was remanded. Judge Kiser ultimately entered
12 summary judgement in the case, and the Fourth Circuit affirmed
13 that decision. So I didn't have any involvement at all beyond
14 the -- beyond that.

15 The fact that someone takes an appeal to one of my
16 decisions is absolutely the right that they have, and I'm
17 always proud when anyone decides to exercise those rights as
18 set out under the Constitution. And it has no impact upon the
19 way in which I handle any other decisions, and so I don't find
20 that as grounds for me to disqualify myself.

21 The second is that under Rule 59 of the Federal Rules
22 of Criminal Procedure is that a decision that I make, any
23 litigant has the right to appeal that to the presiding district
24 court judge, and that's in conjunction with the two -- or the
25 three motions that were filed earlier that I denied because

1 they were filed improvidently by Mr. Hill pro se. And since
2 there was never an appeal to the presiding district judge in
3 this matter, I don't find that as grounds for me to disqualify
4 myself.

5 And so I'll address anything that the government or
6 Mr. Cargill that you think I need to address in connection with
7 those matters.

8 MS. DAY: Nothing from the government, Your Honor.

9 MR. CARGILL: Likewise, Your Honor.

10 THE COURT: Okay, very well.

11 All right. So I -- Ms. Day and Mr. Cargill, have
12 you-all received the report and the psychiatric evaluation as
13 it relates to Mr. Hill?

14 MS. DAY: Yes from the government, Your Honor.

15 MR. CARGILL: Yes, sir, I have, Your Honor.

16 THE COURT: Ms. Day, is there anything else that the
17 government would like to offer in connection with the
18 determination in competency?

19 MS. DAY: No, Your Honor.

20 THE COURT: Mr. Cargill?

21 MR. CARGILL: Likewise, Your Honor. I've reviewed
22 the report with Mr. Hill and have no additions or comments on
23 the report. I'd ask the Court to receive it and use it as the
24 basis for making its determination.

25 THE COURT: All right. Mr. Hill, I'll get you to

1 stand up. Is there anything that you would like me to consider
2 in connection with the -- whether you're competent to be able
3 to assist Mr. Cargill in connection with your matter today?
4 And then if you go back down to North Carolina to be able to
5 appear in front of the court down there?

6 THE DEFENDANT: I do promise to appear at every
7 hearing that is required of me.

8 THE COURT: Okay. All right. You understand -- so
9 right now all I'm considering is whether you're competent to
10 stand trial. Do you feel competent, you understand what
11 your -- what the allegations are in the petition as to what
12 you've allegedly done wrong to violate your supervised release?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. And you understand the role
15 of all the different players here, what Mr. Cargill does for
16 you? Are you satisfied that you know everything and that you
17 can help Mr. Cargill today?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Any lawyer that you're assigned down in
20 North Carolina, you can assist them as well?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay, very well.

23 All right. Well, having considered the psychiatric
24 report, having considered the appearance of Mr. Hill here in
25 court as well as the -- taking the comments of counsel, I do

1 find that Mr. Hill is competent to -- to stand trial and be
2 able to address these supervised release violations.

3 So Mr. Hill, let me address to you the supervised
4 release violations. First of all, you -- let me just have you
5 state your full name for me, please.

6 THE DEFENDANT: Brian David Hill.

7 THE COURT: Okay. And if you stand there normally
8 and talk to me so I can hear you, then -- then we'll be good.
9 So you don't need to lean down. I think that will be more
10 comfortable for you.

11 THE DEFENDANT: Okay, thanks.

12 THE COURT: All right. How old are you, Mr. Hill?

13 THE DEFENDANT: How old am I?

14 THE COURT: Yes, sir.

15 THE DEFENDANT: 28.

16 THE COURT: 28, all right. How do you feel today?

17 THE DEFENDANT: I feel all right.

18 THE COURT: Good. So you will recall, Mr. Hill, you
19 were previously sentenced down in the Middle District of North
20 Carolina on a federal charge of possession of child
21 pornography. You served -- I think you were sentenced to time
22 served and then you had a period of supervised release.

23 Do you recall all that?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. And some of the conditions

1 that you were obligated to follow is that you not commit
2 another federal, state, or local crime in connection with this
3 matter -- or not commit another federal, state, or local crime.

4 The petition that I have in front of me that was
5 filed down in the Middle District of North Carolina alleges
6 that on September the 21st of last year you were found in the
7 City of Martinsville walking without clothes, and you were
8 charged with indecent exposure down in the City of
9 Martinsville.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. On the strength of that
13 there's been a petition filed in the Middle District of North
14 Carolina for action on your supervised release.

15 Do you understand these things?

16 THE DEFENDANT: Yes.

17 THE COURT: Now, you do have a right to certain
18 hearings. You can make the government prove that you are Brian
19 David Hill. You can make the government offer sufficient
20 evidence for me to find that there's probable cause that you
21 are -- that you committed this offense, or you can waive those
22 hearings, the right to those hearings. You can have them all
23 down in North Carolina or -- or not.

24 Do you understand these things?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. Mr. Cargill, how do you wish
2 to proceed?

3 MR. CARGILL: We'd ask, Your Honor, that those
4 hearings be conducted in North Carolina, and we also are asking
5 at the appropriate time that he be permitted to self-report for
6 court in North Carolina.

7 THE COURT: Okay. All right. Any -- what's the
8 government's position as it relates to detention?

9 MS. DAY: Your Honor, we're not opposed to him being
10 released to report in North Carolina. We just ask that he be
11 put in third-party custody of his family who is here in court
12 today.

13 THE COURT: Okay. All right. So I do have a
14 preliminary hearing waiver. And Ms. Brown, let me have you
15 hand this over to Mr. Cargill.

16 So I've got a waiver form for you to sign, Mr. Hill,
17 that simply says you understand what your rights are to a
18 preliminary hearing. Do you want to waive the preliminary
19 hearing or hold them all down in North Carolina?

20 MR. CARGILL: Hold them all in North Carolina,
21 please, Your Honor.

22 THE COURT: So there's a separate form for that. Let
23 me give you a different form that is going to allow you to be
24 able to go to North Carolina and just begin this anew down
25 there.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. Do you understand that by
4 waiving your rights to hearings up here you're not admitting
5 that you've done anything wrong; you're not admitting that the
6 government is right; you simply are letting the case go down to
7 North Carolina and you'll address it all down there? Do you
8 understand those things?

9 THE DEFENDANT: Yes, I do, sir.

10 THE COURT: All right. And that's the way you wish
11 to proceed; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay, very well. So I'm going to print
14 out a form while we're -- while we're talking. In the
15 meantime, Mr. Cargill, tell me a little bit about the --

16 MR. CARGILL: Yes, Your Honor.

17 THE COURT: -- home plan.

18 MR. CARGILL: The plan, Your Honor, is that he would
19 return to his mother's home. His mother owns a duplex
20 apartment building in Martinsville. Roberta, who is nodding
21 her head, is the mother, and she lives in the upstairs
22 apartment. Brian lives in the downstairs apartment. She is
23 his paid caretaker through Public Partnerships, so she's home
24 all the time. And Brian does require fairly constant
25 supervision, and she's willing to take on that task, as she has

1 been doing for quite a number of years. And she's willing to
2 be the eyes and ears of the court and be the third-party
3 custodian and to provide transportation for Brian to North
4 Carolina for all of his court appearances.

5 THE COURT: Still on SSI; is that correct?

6 MR. CARGILL: He is on SSI.

7 THE COURT: And so she's a caretaker and gets some
8 benefit, or at least is paid something through SSI to make sure
9 that's taken care of.

10 MR. CARGILL: Correct, Your Honor.

11 THE COURT: Okay.

12 MR. CARGILL: And Brian has -- as the report notes,
13 he has brittle diabetes; he's autistic; he's OCD. He does --
14 he has seizures. So he does require fairly constant care.

15 As to the merits of this, Your Honor, he did suffer a
16 conviction in general district court. That's on appeal, and I
17 talked to his state lawyer, and a hearing is scheduled in July.
18 So if you allow him to self-report, it would allow him to
19 pursue his appeal and hopefully have that resolved before he
20 has his merits hearing in North Carolina.

21 And finally I note, Your Honor, that he has been in
22 custody on this because he's served his 30 days on the
23 misdemeanor. He got time served when he went to court on the
24 misdemeanor. So he has under his belt almost five months on
25 this revocation if he is eventually revoked. And by my count,

1 that might be midpoint of his guidelines -- guidelines if he's
2 found in violation.

3 So all in all, on Roberta's assurance -- and I note
4 also that his grandparents are here and they are very involved
5 in his life, and they are going to be hypervigilant about
6 taking care of Brian and making sure that this does not recur.

7 And I would note, Your Honor, he was on supervised
8 release for almost four years when this happened. He's -- his
9 term of supervised release is ten years.

10 THE COURT: A long term, yeah.

11 MR. CARGILL: Yes. So all in all, Your Honor, on
12 Roberta's assurance, I would ask the Court to release him on
13 terms so that he can appear voluntarily in North Carolina.

14 THE COURT: All right. Ms. Hill, can I get you to
15 come up, please. I'll just let you stand right there behind
16 the podium. How are you today, ma'am?

17 MS. HILL: Okay.

18 THE COURT: Good. Can you give me your name?

19 MS. HILL: Roberta Hill.

20 THE COURT: All right. Your son, does he go by Brian
21 or David?

22 MS. HILL: Brian.

23 THE COURT: Goes by -- your son is Brian?

24 MS. HILL: Uh-huh.

25 THE COURT: And he lives in this duplex arrangement

1 with you?

2 MS. HILL: Yes.

3 THE COURT: Does anybody else live there?

4 MS. HILL: Nope, just me and him.

5 THE COURT: Okay. And certainly no firearms --

6 MS. HILL: No.

7 THE COURT: -- or other dangerous instrumentalities
8 there?

9 MS. HILL: No.

10 THE COURT: How about animals?

11 MS. HILL: Yeah, two cats.

12 THE COURT: Two cats.

13 MS. HILL: Uh-huh.

14 THE COURT: Very well. And you-all live -- what's
15 your address?

16 MS. HILL: 310 Forest Street, Apartment 1, and
17 Brian's address is Apartment 2.

18 THE COURT: All right. And tell me, and that's in
19 Martinsville?

20 MS. HILL: Uh-huh.

21 THE COURT: And tell me the arrangement that you have
22 in connection is Brian's SSI. You're a caretaker or --

23 MS. HILL: I'm his payee and I'm his caretaker,
24 yes.

25 THE COURT: Okay. Does he listen to you?

1 MS. HILL: Most of the time, yes.

2 THE COURT: So in federal court, what -- what a bond
3 means, if you're admitted to bail, is that -- and I have a
4 third-party custodian, as Mr. Cargill said, you become the eyes
5 and the ears of the court. And the obligations that I ask you
6 to fulfill are, one, to make sure that Brian gets to court when
7 he's supposed to and he's on time and in place and ready to go.

8 You're going to be given a time -- we may have to
9 reach out to you, but when to appear down in the Middle
10 District of North Carolina.

11 MS. HILL: Okay.

12 THE COURT: And it will be your obligation to make
13 sure he gets down there in any subsequent court appearances.

14 Likewise, it's your obligation to make sure that he
15 abides by the terms of my pretrial release, and we ask that you
16 do that. And I will typically set on unsecured bond and then
17 ask the third-party custodian to co-sign that. In other words,
18 that you have a little skin in the game, if you will, to make
19 sure that your son abides by the terms of pretrial release.

20 If he does not, your obligation is to call
21 Mr. McMurray, who I think you know already, and notify him even
22 if you know that may send Brian back to jail. Do you
23 understand that?

24 MS. HILL: Right.

25 THE COURT: Can you do that?

1 MS. HILL: Yes.

2 THE COURT: That's a hard call for a mom to make.

3 MS. HILL: Yeah.

4 THE COURT: But you can do that.

5 MS. HILL: Yes.

6 THE COURT: Okay. And otherwise anything else you
7 think I need to know, Mr. Cargill?

8 MR. CARGILL: No, I don't think so, Your Honor.

9 THE COURT: Ms. Day?

10 MS. DAY: No, Your Honor.

11 THE COURT: Do you have any questions for me,
12 Ms. Hill?

13 MS. HILL: No.

14 THE COURT: Okay. All right, very well.

15 Thank you very much.

16 MS. HILL: Thanks.

17 THE COURT: Okay. So Mr. Hill, I'm going to set
18 terms and conditions of release. I think you-all have the
19 waiver form there. You've signed that; is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: All right, very well. So I'm going to
22 set terms and conditions of release that you can -- I'm going
23 to set a \$25,000 unsecured bond to be co-signed by your mom as
24 a third-party custodian. Understand that if you violate I'll
25 have you taken into custody by the marshal and detained until

1 this matter is resolved. Likewise, if you commit a federal,
2 state, or local crime while on my pretrial release, that's a
3 separate federal offense for which you can be separately
4 indicted and face a prison term over and above what you already
5 face.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: All right, very well. So you are to live
9 at the 310 Forest Street address. I think you're in Apartment
10 2. Your mom is going to be third-party custodian. No
11 dangerous instrumentalities, no weapons in your residence, nor
12 can you possess any. You cannot have -- you and your mom will
13 have to consent to a warrantless search of your residence to
14 assure that you're abiding by the terms of pretrial release.
15 You are -- no alcohol, no illegal drugs, no controlled
16 substances without the -- without a valid prescription. As
17 well, report any contact you may have with law enforcement and
18 cooperate with your probation officer in all respects.

19 No travel outside the Western District of Virginia,
20 other than the Middle District of North Carolina. So you can
21 travel within the Middle District of North Carolina. I believe
22 your court hearing is going to be in Greensboro, but you can
23 travel, certainly, across the border for those purposes.

24 Do you understand those things?

25 THE DEFENDANT: Yes.

1 THE COURT: All right. The other conditions that I'm
2 going to -- that I'm going to place on you is I'm going to
3 place a curfew since this is an event that happened at night,
4 and understand that you're to be in every night by 7 o'clock
5 and can't go out before 8 o'clock in the morning. I want
6 you-all to be able to go to doctor's appointments and do what
7 you do during the day.

8 No need to be out at night, Ms. Hill.

9 And likewise, for the short-term until things are
10 taken care of down in North Carolina, because of some of the
11 underlying matters, I'm going to have a no internet prohibition
12 at this point in time, all right?

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: I think you have a no internet
16 prohibition under your terms and conditions now, in any event,
17 but I'm going to reiterate that, all right?

18 Does that cover everything, Mr. McMurray?

19 PROBATION OFFICER: Your Honor, I recommend mental
20 health conditions.

21 THE COURT: That's right. I also want you to
22 report -- today is on Tuesday -- by the end of next week, so I
23 think that's 10 days, to the local Community Services Board,
24 Ms. Hill, to be evaluated for ongoing mental health treatment.
25 I think that would be really helpful, and I want you to be able

1 to get connected and get the treatment that you need and to
2 continue with that. And so be evaluated within ten days.

3 If Mr. McMurray does not already have an
4 authorization to allow you to be able to get your records, I'm
5 going to have you sign one and so that he can get the records
6 from the Community Services Board to assure that you're getting
7 the treatment. He doesn't need -- he's not getting them to be
8 able to see what you're talking about, but to assure that
9 you're complying with all the treatment recommendations.

10 Do you understand?

11 THE DEFENDANT: Yeah.

12 THE COURT: Any questions about that?

13 THE DEFENDANT: No.

14 THE COURT: All right. Ms. Hill, does that make
15 sense? Is there anything else you think I need to add?

16 MS. HILL: Oh, he needs a letter from his -- showing
17 that he's been released from jail for his SSI reinstated.

18 THE COURT: So he's going to have bond paperwork for
19 that purpose, so he'll have a copy of his bond paperwork, all
20 right?

21 All right. Ms. Day, anything further?

22 MS. DAY: No, Your Honor.

23 THE COURT: Mr. Cargill?

24 MR. CARGILL: No. Thank you, Your Honor.

25 THE COURT: And is he at Western Virginia?

1 THE MARSHAL: No, sir. He should be released from
2 here. He was brought over by Central Virginia today with
3 everything.

4 THE COURT: But you-all can release him from here?

5 THE MARSHAL: Yes, sir.

6 THE COURT: Okay. So he's going to have some
7 paperwork to sign here, and then he'll be released from the
8 marshal's service downstairs on the second floor. I've got a
9 couple more matters to take up, but then after that you-all
10 can -- and don't go anywhere, Ms. Hill, because you're going to
11 need to sign that paperwork as well. But then after that you
12 can work your way on down to the second floor, all right?

13 Thank you very much. Good luck to you, Mr. Hill.

14 MR. CARGILL: Good luck, Brian.

15 THE DEFENDANT: Thank you.

16 THE MARSHAL: Just to make sure, Your Honor, we're
17 releasing him directly to the custody of his mother or can we
18 just release him?

19 THE COURT: Into the custody of his mother.

20 THE MARSHAL: Okay, thank you.

21 (The proceedings concluded at 2:50 p.m.)

22 **CERTIFICATE**

23 I, Mary J. Butenschoen, do hereby certify that the
24 foregoing is a correct transcript of the electronic recording
in the above-entitled matter.

25 _____/s/_____ 5/2/2022
Mary J. Butenschoen, Transcriber

EXHIBIT 7: Definition of delirium - NCI Dictionary of Cancer Terms (cancer.gov) printout by family for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM





delirium

(deh-LEER-ee-um)

A mental state in which a person is confused and has reduced awareness of their surroundings. The person may also be anxious, agitated, or have less energy than usual and be tired or depressed. Delirium can also cause hallucinations and changes in attention span, mood or behavior, judgement, muscle control, and sleeping patterns. The symptoms of delirium usually occur suddenly, last a short time, and may come and go. It may be caused by infection, dehydration, abnormal levels of some electrolytes, organ failure, medicines, or serious illness, such as advanced cancer.

More Information

[Delirium](#)

Search NCI's Dictionary of Cancer Terms

Starts with Contains

EXHIBIT 8: REDACTED government letters. First page Letter dated June 9, 2022 and second letter in this exhibit dated July 20, 2022.

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM





Director

[Redacted]

[Redacted]

June 9, 2022

Brian D. Hill
c/o Roberta Hill
310 Forest Street, Apt 2
Martinsville VA 24112
rbhill67@comcast.net
VIA: E-MAIL

Re: Case # [Redacted] – Brant Hinchman, MD

Dear Brian Hill,

The [Redacted] received your report concerning the above referenced individual or regulated facility. Thank you for bringing this matter to our attention. This case is currently pending assignment to an investigator. If the investigator has questions for you, they will contact you. In the meantime, if you have questions, my email address is [Redacted].

Please note the following:

- [Redacted] is required to give the licensee under investigation a copy of the report that you filed.
- [Redacted] investigations are strictly confidential. [Redacted] cannot provide you with copies of the investigative report or evidence collected, and I am not permitted to update you on what I discover during the investigation.
- [Redacted] does not have the legal authority to order a health care provider to pay reimbursement or damages to patients, and we are unable to advise you regarding any legal action you may contemplate.
- The length of time needed for an investigation varies based on a number of factors, including the complexity of the case, the availability of witnesses/records, and the total investigative workload.

When the investigation is complete, it will be forwarded to the relevant health regulatory board for its review. The Board will determine if there was a violation of law or regulation, and whether disciplinary action should be taken. You will receive a written response directly from the Board informing you of the Board's decision. For more information about investigative and disciplinary procedures, see our web page at [Redacted] If you lack access to the internet, you can call [Redacted] or [Redacted] to request a brochure.

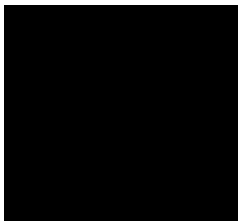
I appreciate your cooperation and patience.

Sincerely,

[Redacted]
Regional Manager

[Redacted]

Presorted
First-Class Mail
US Postage Paid
Richmond, VA
[Redacted]



Brian D. Hill
c/o Roberta Hill
310 Forest Street, Apt 2
Martinsville VA 24112

Director

TEL
FAX

July 20, 2022

Brian D. Hill
c/o Roberta Hill
310 Forest Street, Apt 2
Martinsville, VA 24112

rbhill67@comcast.net
VIA: E-MAIL

Re: Case # [REDACTED] – Brant Hinchman, MD

Dear Brian D. Hill,

The [REDACTED] received your report concerning the above referenced individual or regulated facility. Thank you for bringing this matter to our attention. I have been assigned to investigate. If I have questions for you, I will contact you. If you need to submit additional information or wish to schedule an interview, my email address is [REDACTED].

Please note the following:

- [REDACTED] is required to give the licensee under investigation a copy of the report that you filed.
- [REDACTED] investigations are strictly confidential. [REDACTED] cannot provide you with copies of the investigative report or evidence collected, and I am not permitted to update you on what I discover during the investigation.
- [REDACTED] does not have the legal authority to order a health care provider to pay reimbursement or damages to patients, and we are unable to advise you regarding any legal action you may contemplate.
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When the investigation is complete, it will be forwarded to the relevant health regulatory board for its review. The Board will determine if there was a violation of law or regulation, and whether disciplinary action should be taken. You will receive a written response directly from the Board informing you of the Board's decision. For more information about investigative and disciplinary procedures, see our web page at [REDACTED]. If you lack access to the internet, you can call [REDACTED] to request a brochure.

I appreciate your cooperation and patience.

Sincerely,

[REDACTED]

[REDACTED]

Presorted
First-Class Mail
US Postage Paid
Richmond, VA
[REDACTED]

[REDACTED]

Brian D. Hill
c/o Roberta Hill
310 Forest Street, Apt 2
Martinsville, VA 24112

EXHIBIT 9: Medical records from Sovah Health Martinsville (local hospital), dated Sunday, November 19, 2017.

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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HILL, BRIAN

EXHIBIT INDEX PAGE 71 OF 317
ID: 000370912 19-Nov-2017 10:06:44

Memorial Hospital of Martinsville

27years

Vent. rate 105 bpm

Sinus tachycardia

Male Caucasian

PR interval 158 ms


Possible Left atrial enlargement

QRS duration 92 ms

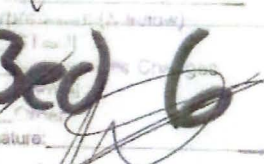
Borderline ECG

Room: 

QT/QTc 328/433 ms

Loc: 15 

P-R-T axes 64 64 52

Time: 10:07
Signature: 

T HILL, BRIAN D

MM7805836274 PRE ER MM.ER
11/19/17 0850 UNKNOWN, UNKNOWN
DOB: 05/26/90 27 M MR# MM00370912
Sovah Health - Martinsville

Visit: MM7805836274

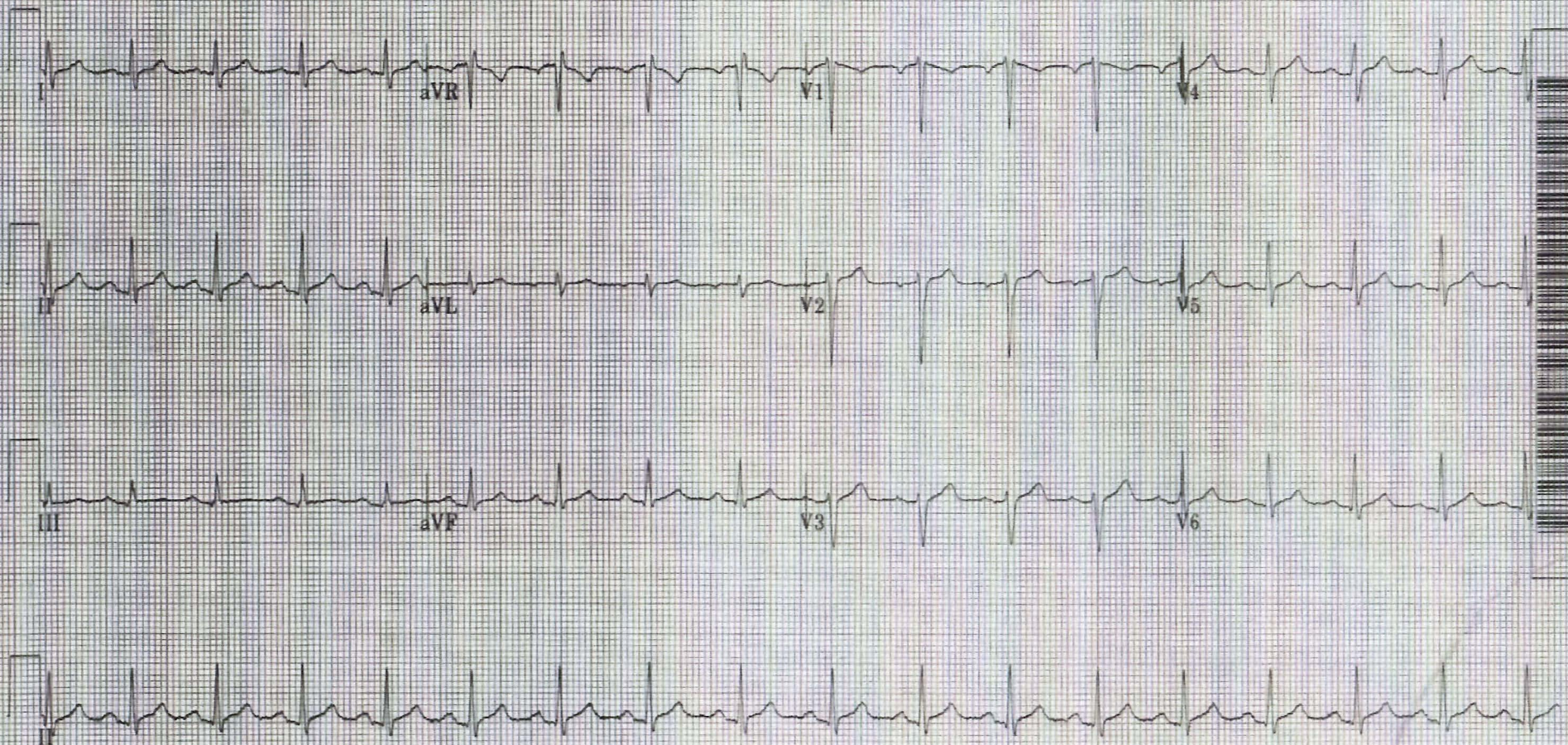
Secondary ID: MM216937

Referred by: EKUBAN-GORDON, EDNA

Order no.: 211490013

Unconfirmed

CHEST PAIN



100 Hz 25.0 mm/s 10.0 mm/mV

4 by 2.5s + 1 rhythm ld

MAC55 010B

12SL™ v241 HD

P/N 2009828-024

GE Healthcare

PRINTED IN U.S.A.

SDVAH Health - Martinsville
MM00370912 MM7805836274
Job: 12468 (07/02/2019 14:03) - Page 35 - Doc# 14
EKG Scanned Page 4/4

SOVAH HEALTH - MARTINSVILLE
 320 HOSPITAL DRIVE - P.O. BOX 4788
 MARTINSVILLE, VA 24112 (276)666-7360
 CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

PAGE:1

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

CMAX: MM00370912~MM7805836274~LABDATA~20171123~LABDISMM1001869144~COCMMH~COCVAE~LAB.COCMMH~

PATIENT: HILL, BRIAN D	ACCT #: ██████████	LOC: MM.ER	U #: MM00370912
REG DR: EKUBAN-GORDON, EDNA MD	AGE/SX: 27/M	ROOM:	REG: 11/19/17
	DOB: 05/26/90	BED:	DIS:
	STATUS: DEP ER	TLOC:	

*****POINT OF CARE*****

Date	-----11/19/17-----			
Time	1006	0943	Reference	Units
POC GLU	429 H 435 H		(65-100)	MG/DL

*****HEMATOLOGY*****

Date	11/19/17			
Time	1007		Reference	Units
WBC	11.6 H		(4.5-11.0)	K/UL
RBC	5.32		(4.50-5.90)	M/UL
HGB	15.8		(14.0-17.5)	G/DL
HCT	46.0		(35.0-49.0)	%
MCV	86.5		(80-96)	UM3
MCH	29.7		(27-32)	PG
MCHC	34.3		(32-37)	G/DL
RDW	13.1		(11.5-14.5)	%
RDW-SD	41.1		(35.1-43.9)	fl
PLT	241		(140-440)	K/UL
MPV	10.8 H		(7.4-10.4)	fl
SEGS %	84 H		(37-80)	%
SEG ABSOLUTE	9.77 H		(1.5-6.8)	K/UL
LYMPH %	10		(10-50)	%
LYMPH ABSOLUTE	1.10		(1.0-4.0)	K/UL
MONO %	6		(0-12)	%
MONO ABSOLUTE	0.64		(0.2-1.0)	K/UL
EOS %	0		(0-7)	%
EOS ABSOLUTE	0.05		(0.0-0.5)	K/UL
BASO %	0		(0-2)	%
BASO ABSOLUTE	0.04		(0.0-0.2)	K/UL
IG %	0.3			%
IG ABSOLUTE	0.0		(0.0-0.1)	

Patient: HILL, BRIAN D **Age/Sex:** 27/M **Acct#**MM7805836274 **Unit#**MM00370912

09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97% ; Weight 91.63 kg; Height 5 ft. 10 in. (177.80 cm); 11/19 11
 09:46 11/19 mkk
 10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A; 11/19 mkk
 12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A; 11/19 pt3
 09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm) 11/19 11
 09:46 patient has OCD and had to do his "routines" prior to coming, has been about 4 hours since injury occurred 11/19 mkk

Glasgow Coma Score:

11/19
 12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor Response: obeys commands(6). Total: 15. 11/19 eeg

Laceration:

11/19
 12:11 Wound Repair of 3cm (1.2in) subcutaneous laceration to forehead. Linear shaped.. No foreign body noted. Distal neuro/vascular/tendon intact. Anesthesia: Wound infiltrated with 3 mls of 1% lidocaine w/ Epi. Wound prep: Simple cleansing with betadine. Skin closed with 6 1-0 Prolene using Staple gun. Dressed with pressure dressing. Patient tolerated well. 11/19 eeg

MDM:

11/19
 09:27 MSE Initiated by Provider. 11/19 eeg
 12:12 Differential diagnosis: abrasion, closed head injury, concussion, contusion, dislocation, fracture, laceration, multiple trauma, sprain, Substance abuse. Data reviewed: vital signs, nurses notes, lab test result(s), radiologic studies. Data interpreted: Cardiac monitor: Normal rate. Counseling: I had a detailed discussion with the patient and/or guardian regarding: the historical points, exam findings, and any diagnostic results supporting the discharge/admit diagnosis, lab results, radiology results, the need for outpatient follow up, to return to the emergency department if symptoms worsen or persist or if there are any questions or concerns that arise at home. Response to treatment: the patient's symptoms have markedly improved after treatment. 11/19 eeg

11/19
 09:46 Order name: POC GLU; Complete Time: 09:57 11/19 EDMS
 09:56 Order name: CMP; Complete Time: 10:53 11/19 eeg
 09:56 Order name: Complete Blood Count W/auto Diff; Complete Time: 10:53 11/19 eeg

11/19
 09:56 Order name: Thyroid Stimulating Hormone; Complete Time: 10:53 11/19 eeg

11/19/17 12:14 Discharged to Home. Impression: Head Laceration/ Open wound of head, Hyperglycemia, unspecified.

- Condition is Stable.
- Discharge Instructions: Head Injury, Adult, Facial Laceration, Hyperglycemia, Easy-to-Read, Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read.

- Medication Reconciliation form.
- Follow up: Private Physician; When: 2 - 3 days; Reason: Wound Recheck.
- Problem is new.
- Symptoms have improved.

Order Results:

Lab Order: POC GLU; SPEC'M 11/19/17 09:46

Test: POC GLU; Value: 435; Range: 65-100; Abnormal: Above high normal; Units: MG/DL; Status: F; Updated: 11/19 09:46

Lab Order: CMP; SPEC'M 11/19/17 10:11

Test: SODIUM; Value: 131; Range: 135-145; Abnormal: Below low normal; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: POTASSIUM; Value: 4.4; Range: 3.5-5.0; Abnormal: ; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: CHLORIDE; Value: 96; Range: 98-109; Abnormal: Below low normal; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: CARBON DIOXIDE; Value: 26; Range: 20-30; Abnormal: ; Units: MMOL/L; Status: F; Updated: 11/19 10:24

Test: ANION GAP; Value: 9.0; Range: 1-10; Abnormal: ; Status: F; Updated: 11/19 10:24

Test: CALCIUM; Value: 9.0; Range: 8.5-10.3; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:24

Test: BLOOD UREA NITROGEN; Value: 7; Range: 5-25; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:34

Test: CREATININE; Value: 1.01; Range: 0.90-1.30; Abnormal: ; Units: MG/DL; Status: F; Updated: 11/19 10:34

Test: GLOMERULAR FILTRATION RATE; Value: 102; Abnormal: ; Status: F; Updated: 11/19 10:34

Test Note: 11/19 10:34 T nbsp;; Non-African American

Test: GLOMERULAR FILTRATION RATE-AA; Value: 118; Abnormal: ; Status: F; Updated: 11/19 10:34

Test Note: 11/19 10:34 T nbsp;; African American. eGFR UNITS: ml/min/1.73m². *eGFR >= 60 = Normal GFR or mild decrease in GFR *eGFR 30-59 = Moderate decrease in GFR (Stage 3 CKD) *eGFR 15-29 = Severe decrease in GFR (Stage 4 CKD) *eGFR <15 = End-stage kidney failure (Stage 5 CKD) The equation has not been validated in patients >70 YRS OLD.

Test: TOTAL PROTEIN; Value: 7.8; Range: 6.0-8.0; Abnormal: ; Units: G/DL; Status: F; Updated: 11/19 10:34

Test: ALBUMIN; Value: 4.3; Range: 3.2-5.5; Abnormal: ; Units: G/DL; Status: F; Updated: 11/19 10:34

Test: ALB/GLOB RATIO; Value: 1.2; Range: 1.2-1.7; Abnormal: ; Units: RATIO; Status: F; Updated: 11/19 10:34

Test: GLOBULIN; Value: 3.5; Range: 2.5-3.9; Abnormal: ; Units: G/DL;

Status: F; Updated: 11/19 10:34
 Test: BILIRUBIN, TOTAL; Value: 0.50; Range: 0.20-1.00; Abnormal: ;
 Units: MG/DL; Status: F; Updated: 11/19 10:34
 Test: SGOT/AST; Value: 27; Range: 10-42; Abnormal: ; Units: IU/L;
 Status: F; Updated: 11/19 10:34
 Test: SGPT/ALT; Value: 21; Range: 10-60; Abnormal: ; Units: IU/L;
 Status: F; Updated: 11/19 10:34
 Test: ALKALINE PHOSPHATASE; Value: 74; Range: 42-121; Abnormal: ;
 Units: IU/L; Status: F; Updated: 11/19 10:34
 Test: GLUCOSE, SERUM; Value: 459; Range: 65-100; Abnormal: Above
 upper panic limits; Units: MG/DL; Status: F; Updated: 11/19 10:39
 Test Note: 11/19 10:39 T nbsp;; CRITICAL RESULTS CALLED ON 11/19/17 AT
 1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035 BY: CLIFTON,LYDIA C
 Lab Order: Complete Blood Count W/auto Diff; SPEC'M 11/19/17 10:11
 Test: WHITE BLOOD CELL; Value: 11.6; Range: 4.5-11.0; Abnormal: Above
 high normal; Units: K/UL; Status: F; Updated: 11/19 10:18
 Test: RED BLOOD CELL; Value: 5.32; Range: 4.50-5.90; Abnormal: ;
 Units: M/UL; Status: F; Updated: 11/19 10:18
 Test: HEMOGLOBIN; Value: 15.8; Range: 14.0-17.5; Abnormal: ; Units:
 G/DL; Status: F; Updated: 11/19 10:18
 Test: HEMATOCRIT; Value: 46.0; Range: 35.0-49.0; Abnormal: ; Units:
 %; Status: F; Updated: 11/19 10:18
 Test: MEAN CELL VOLUME; Value: 86.5; Range: 80-96; Abnormal: ; Units:
 UM3; Status: F; Updated: 11/19 10:18
 Test: MCH; Value: 29.7; Range: 27-32; Abnormal: ; Units: PG; Status:
 F; Updated: 11/19 10:18
 Test: MCHC; Value: 34.3; Range: 32-37; Abnormal: ; Units: G/DL;
 Status: F; Updated: 11/19 10:18
 Test: RELL CELL DISTRIBUTION WIDTH; Value: 13.1; Range: 11.5-14.5;
 Abnormal: ; Units: %; Status: F; Updated: 11/19 10:18
 Test: RDW STANDARD DEVIATION; Value: 41.1; Range: 35.1-43.9;
 Abnormal: ; Units: fl; Status: F; Updated: 11/19 10:18
 Test: PLATELETS; Value: 241; Range: 140-440; Abnormal: ; Units: K/UL;
 Status: F; Updated: 11/19 10:18
 Test: MEAN PLATELET VOLUME; Value: 10.8; Range: 7.4-10.4; Abnormal:
 Above high normal; Units: fl; Status: F; Updated: 11/19 10:18
 Test: SEGMENTED NEUTROPHIL PERCENT; Value: 84; Range: 37-80;
 Abnormal: Above high normal; Units: %; Status: F; Updated: 11/19 10:18
 Test: SEGMENTED NEUTROPHIL ABSOLUTE; Value: 9.77; Range: 1.5-6.8;
 Abnormal: Above high normal; Units: K/UL; Status: F; Updated: 11/19
 10:18
 Test: LYMPHOCYTE PERCENT; Value: 10; Range: 10-50; Abnormal: ; Units:
 %; Status: F; Updated: 11/19 10:18
 Test: LYMPHOCYTES ABSOLUTE; Value: 1.10; Range: 1.0-4.0; Abnormal: ;
 Units: K/UL; Status: F; Updated: 11/19 10:18
 Test: MONOCYTE PERCENT; Value: 6; Range: 0-12; Abnormal: ; Units: %;
 Status: F; Updated: 11/19 10:18
 Test: MONOCYTE ABSOLUTE COUNT; Value: 0.64; Range: 0.2-1.0; Abnormal:
 ; Units: K/UL; Status: F; Updated: 11/19 10:18
 Test: EOSINOPHIL PERCENT; Value: 0; Range: 0-7; Abnormal: ; Units: %;
 Status: F; Updated: 11/19 10:18
 Test: EOSINOPHIL ABSOLUTE; Value: 0.05; Range: 0.0-0.5; Abnormal: ;
 Units: K/UL; Status: F; Updated: 11/19 10:18
 Test: BASOPHIL PERCENT; Value: 0; Range: 0-2; Abnormal: ; Units: %;

Status: F; Updated: 11/19 10:18
 Test: BASOPHIL ABSOLUTE; Value: 0.04; Range: 0.0-0.2; Abnormal: ;
 Units: K/UL; Status: F; Updated: 11/19 10:18
 Test: IMMATURE GRANS PERCENT; Value: 0.3; Abnormal: ; Units: %;
 Status: F; Updated: 11/19 10:18
 Test: IMMATURE GRANS ABSOLUTE; Value: 0.0; Range: 0.0-0.1; Abnormal:
 ; Status: F; Updated: 11/19 10:18
 Lab Order: Thyroid Stimulating Hormone; SPEC'M 11/19/17 10:11
 Test: THYROID STIMULATING HORMONE; Value: 1.29; Range: 0.34-5.60;
 Abnormal: ; Units: uIU/ML; Status: F; Updated: 11/19 10:48
 Lab Order: POC GLU; SPEC'M 11/19/17 10:13
 Test: POC GLU; Value: 429; Range: 65-100; Abnormal: Above high
 normal; Units: MG/DL; Status: F; Updated: 11/19 10:13

Radiology Order: Chest 1 View - Portable

Test: Chest 1 View - Portable
 SOVAH HEALTH - MARTINSVILLE Name: HILL,BRIAN D ; RADIOLOGY DEPT Phys:
 EKUBAN-GORDON,EDNA MD ; 320 HOSPITAL DR DOB: 05/26/1990 Age: 27 Sex:
 M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
 276-666-7223 Exam Date: 11/19/2017 Status: DEP ER ; FAX #:
 276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
 REASON: ; 000898111 CHEST 1 VIEW - PORTABLE Chest Tightness ;
 PORTABLE CHEST ; HISTORY: Seizure. ; COMPARISON: 11/10/2015 ;
 FINDINGS: The heart size and configuration are within normal limits ;
 for age and portable technique. The lungs are clear. There is no ;
 evidence of pleural effusions or pneumothorax. No acute bony ;
 abnormality. ; IMPRESSION: No evidence of acute cardiopulmonary
 disease. ; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
 at 1424 ** ; Reported by: DR. MAROON B KHOURY ; Signed by:
 KHOURY,MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist: KYLEA
 ANN KEATTS ; Transcribed Date/Time: 11/19/2017 (1146) ;
 Transcriptionist: MMTRSPSB ; Orig Print D/T: S: 11/19/2017 (1424) ;
 Reprint D/T: 11/19/2017 (1424) BATCH NO: N/A ;
 Radiology Order: CT Head w/o Contrast
 Test: CT Head w/o Contrast

SOVAH HEALTH - MARTINSVILLE Name: HILL,BRIAN D ; RADIOLOGY DEPT Phys:
 EKUBAN-GORDON,EDNA MD ; 320 HOSPITAL DR DOB: 05/26/1990 Age: 27 Sex:
 M ; MARTINSVILLE, VA 24112 Acct: MM7805836274 Loc: MM.ER ; PHONE #:
 276-666-7223 Exam Date: 11/19/2017 Status: DEP ER ; FAX #:
 276-666-7591 Radiology No: ; Unit No: MM00370912 ; EXAMS: EXAM
 REASON: ; 000898114 CT HEAD W/O CONTRAST ; UNENHANCED HEAD CT ;
 HISTORY: Head injury. ; COMPARISON: 11/10/2015 ; TECHNIQUE: This CT
 examination was performed using one or more of the ; following dose
 reduction techniques: automated exposure control, ; adjustment of the
 MA and/or KV according to patient size, and/or use ; of iterative
 reconstruction techniques. ; Axial CT images were obtained through
 the brain without the use of ; intravenous contrast. ; FINDINGS:

There is no evidence of acute infarct, intracranial ; hemorrhage, or
 mass effect. Ventricles and sulci are normal for the ; patient's age.
 Calvarium is intact. Visualized portions of the ; paranasal sinuses
 and orbits are normal. ; IMPRESSION: Negative for acute intracranial
 process. ; ** Electronically Signed by MAROON B KHOURY on 11/19/2017
 at 1424 ** ; Reported by: DR. MAROON B KHOURY ; Signed by:
 KHOURY,MAROON B ; ; CC: EDNA EKUBAN-GORDON MD ; ; Technologist:

Discharge Instructions for: Brian Hill

HILL, BRIAN D
 MM7805836274 PRE ER MM.ER
 11/19/17 0850 UNKNOWN. UNKNOWN
 DOB: 05/26/90 27 M MR# MM00370912
 Sovah Health - Martinsville



Sovah Health Martinsville

320 Hospital Drive
 Martinsville, VA 24112
 276-666-7237

11/9/17
 97
 98.1
 18.

**Emergency Department
 Instructions for:**

Hill, Brian D

Arrival Date:

Sunday, November 19, 2017

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

Care provided by: Ekuban-Gordon, Edna, MD

Diagnosis: Head Laceration/ Open wound of head; Hyperglycemia, unspecified

DISCHARGE INSTRUCTIONS	FORMS
Head Injury, Adult Facial Laceration Hyperglycemia, Easy-to-Read Stitches, Staples, or Adhesive Wound Closure, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: 2 - 3 days; Reason: Wound Recheck	None
SPECIAL NOTES	
None	

Suicide National Hotline: 1-800-273-8255 (800-273-TALK)

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

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

Brian D Hill

Brian Hill
MRN # MM00370912

Belletronaw, RN

ED Physician or Nurse
11/19/2017 12:14

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you

Discharge Instructions for: Brian Hill

had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

MEDICATIONS:

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

TESTS AND PROCEDURES

Labs

CMP, Complete Blood Count W/auto Diff, Thyroid Stimulating Hormone, POC GLU, POC GLU

Rad

CT Head w/o Contrast, Chest 1 View - Portable

Procedures

Blood Sugar, 12 Lead EKG, Laceration

Other

Seizure precautions, Accucheck, Cardiac Monitor, Apply to Pt, Pulse ox continuous, Oxygen at 2 L/NC, IV saline lock, EKG ED, Laceration repair set up

Chart Copy



EMERGENCY DEPARTMENT RECORD

Nurse's Notes

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6

Private MD:

Diagnosis: Head Laceration/ Open wound of head;Hyperglycemia, unspecified

Presentation:

11/19

09:08 Presenting complaint: Patient states: had a seizure this morning due to low blood sugar, laceration to head per pt, bleeding controlled. 11

Airway is patent with good air movement. The patient is breathing without difficulty. The patient is pink, warm and dry. Heart rate is within normal limits. Patient is alert and oriented to person, place and time, Patient is moving all extremities appropriately.

11/19

09:08 Acuity: Urgent (3)

11

Historical:

- Allergies: Ranitidine;

- Home Meds:

1. Unable to Obtain

- PMHx: OCD; autism; Diabetes - IDDM;

- Sepsis Screening:: Sepsis screening negative at this time.

- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient's primary language is English. The patient's preferred language is English.

- Family history:: Reviewed and not pertinent.

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

- Suicide Screening:: Have you recently had thoughts about hurting yourself or others? No.

- Tuberculosis screening:: No symptoms or risk factors identified.

Screening:

11/19

09:41 Fall Risk: Total Points: Med. Risk (25-44);. Abuse Screen: Patient verbally denies physical, verbal and emotional abuse/neglect. There are no cultural/spiritual considerations for care for this patient. mkk

Assessment:

11/19

09:38 Complains of pain in face Pain does not radiate. Pain currently is 7 mkk

out of 10 on a pain scale. The level of pain that is acceptable is 0 out of 10 on a pain scale. General: Appears in no apparent distress, comfortable, well developed, well nourished, well groomed, Behavior is appropriate for age, cooperative, pleasant. Neuro: Reports headache. Neuro: Reports seizure due to low blood sugar. EENT: Denies. Cardiovascular: Denies. Respiratory: Denies. GI: Denies. GU: Denies. Derm: Denies. Musculoskeletal: Denies. Injury Description: Laceration sustained to face is clean, 0.5 to 2.5 cm long, not bleeding, was sustained 4-6 hours ago.

11/19
09:38 Method Of Arrival: EMS mkk

Vital Signs:

11/19
09:08 BP 131 / 76; Pulse 118; Resp 20; Temp 98.2; Pulse Ox 97% ; Weight 11
91.63 kg; Height 5 ft. 10 in. (177.80 cm);
11/19
09:46 mkk
11/19
10:59 BP 124 / 73; Pulse 93; Resp 18; Pulse Ox 100% on R/A; mkk
11/19
12:57 BP 119 / 67; Pulse 97; Resp 19; Pulse Ox 98% on R/A; pt3
11/19
09:08 Body Mass Index 28.98 (91.63 kg, 177.80 cm) 11
11/19
09:46 patient has OCD and had to do his "routines" prior to coming, has mkk
been about 4 hours since injury occurred

Glasgow Coma Score:

11/19
12:16 Eye Response: spontaneous(4). Verbal Response: oriented(5). Motor Response: obeys commands(6). Total: 15. eeg

ED Course:

11/19
08:51 Patient arrived in ED. knm
11/19
09:09 Rapid Initial Assessment completed. 11
11/19
09:27 Ekuban-Gordon, Edna, MD is Attending Physician. eeg
11/19
09:41 Patient has correct armband on for positive identification. Placed in mkk
gown. Bed in low position. Call light in reach. Side rails up X2.
Adult with patient. Seizure precautions initiated. NIBP on. Pulse ox
on.
11/19
09:41 No physician assisted procedures were completed. mkk
11/19
10:01 Inserted saline lock: 20 gauge right arm blood drawn from IV and sent mkk
to lab per order.
11/19
10:08 EKG Done By ED Tech 10:06 Reviewed by Physician Edna Ekuban-Gordon MD.bh

11/19
10:40 Critical Lab Value: Patient Name verified: Brian Hill, Patient DOB 11

Verified May 26, 1990 Critical value glucose 459 reported read back to reporting lab personnel, and reported to Dr. Edna Ekuban-Gordon MD.

11/19
10:59 Assist provider with laceration repair Set up tray. mkk
11/19
11:53 Troncoso, Priscilla, RN is Primary Nurse. pt3

Administered Medications:

11/19
10:59 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; mkk
11/19
12:59 Follow up: Response: No adverse reaction; IV Status: Completed pt3
infusion
11/19
11:02 Drug: NovoLIN R 7 units {Co-Signature: mkk (Michaela Karet RN).} ll
Route: IVP; Site: right arm;
11/19
12:58 Follow up: Response: No adverse reaction pt3

Point of Care Testing:

Blood Glucose:
11/19
09:40 Glucose Value: 489; mkk
11/19
09:43 Glucose Value: 435; mkk
11/19
09:40 test repeated mkk
Ranges:

Output:

11/19
11:28 Urine: 600ml (Voided); Total: 600ml. dab

Outcome:

11/19
12:14 Discharge ordered by Provider. eeg
11/19
12:57 Discharged to home ambulatory, with family. pt3
12:57 Instructions given to patient, parent, Instructed on discharge instructions. follow up and referral plans. . Patient and/or family voiced understanding of instructions using teach back method.
12:57 The patients' shirt, pants, shoes, socks and underwear were sent with the patient.
12:57 Discharge Assessment: Patient
12:57 Discharge Assessment: Patient has no functional deficits.
12:57 Discontinued IV lock intact, bleeding controlled, pressure dressing applied, No redness/swelling at site.
11/19
13:24 Patient left the ED. jkp

Signatures:

Harrison, Rindi, RN RN ll
Ekuban-Gordon, Edna, MD MD eeg

EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 27 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 11/19/2017

Time: 08:51

Account#: MM7805836274

Bed ER 6

Private MD:

ED Physician Ekuban-Gordon, Edna

HPI:

11/19

11:49 This 27 yrs old White Male presents to ER via EMS with complaints of eeg
Fall Injury.

11/19

11:49 Onset: The symptoms/episode began/occurred today. Associated eeg
injuries: The patient sustained injury to the head. Associated signs
and symptoms: Loss of consciousness: the patient experienced no loss
of consciousness. Severity of symptoms: in the emergency department
the symptoms are unchanged. Pain Management: Patient denies pain. The
patient has experienced similar episodes in the past, a few times.
The patient has not recently seen a physician. Family report history
of low blood sugar, general low will have seizure episode when the
blood sugar is low. Blood sugar was obtained by mom at 20 repeat 40
was subsequently given some oral glucose and brought here for further
evaluation. Patient denies any headache palpitation no neck pain and
stiffness. Admits to feeling like himself..

Historical:

- Allergies: Ranitidine;

- Home Meds:

1. Unable to Obtain

- PMHx: OCD; autism; Diabetes - IDDM;

- Sepsis Screening:: Sepsis screening negative at this time.

- Social history:: Tobacco Status: The patient states he/she has
never used tobacco. The patient's primary language is English. The
patient's preferred language is English.

- Family history:: Reviewed and not pertinent.

- Exposure Risk/Travel Screening:: Patient has not been out of the
country in last 30 days. Have you been in contact with anyone who
is ill that has traveled outside of the country in the last 30
days? No.

- Suicide Screening:: Have you recently had thoughts about hurting
yourself or others? No.

- Tuberculosis screening:: No symptoms or risk factors identified.

- The history from nurses notes was reviewed: and I agree with what
is documented up to this point.

ROS:

11/19

11:52 Eyes: Negative for injury, pain, redness, and discharge, ENT: eeg
 Negative for injury, pain, and discharge, Neck: Negative for injury,
 pain, and swelling, Cardiovascular: Negative for chest pain,
 palpitations, and edema, Respiratory: Negative for shortness of
 breath, cough, wheezing, and pleuritic chest pain, Abdomen/GI:
 Negative for abdominal pain, nausea, vomiting, diarrhea, and
 constipation, Back: Negative for injury and pain, MS/Extremity:
 Negative for injury and deformity. All other systems are negative,
 except as documented below. Skin: Positive for laceration(s), of the
 face. Neuro: Negative for dizziness, headache, weakness. Psych:
 Negative for depression, alcohol dependence, homicidal ideation,
 suicide gesture.

Exam:

11/19

11:53 Eyes: Pupils equal round and reactive to light, extra-ocular motions eeg
 intact. Lids and lashes normal. Conjunctiva and sclera are
 non-icteric and not injected. Cornea within normal limits.
 Periorbital areas with no swelling, redness, or edema. ENT: Nares
 patent. No nasal discharge, no septal abnormalities noted. Tympanic
 membranes are normal and external auditory canals are clear.
 Oropharynx with no redness, swelling, or masses, exudates, or
 evidence of obstruction, uvula midline. Mucous membrane moist Neck:
 Trachea midline, no thyromegaly or masses palpated, and no cervical
 lymphadenopathy. Supple, full range of motion without nuchal
 rigidity, or vertebral point tenderness. No Meningismus.
 Chest/axilla: Normal chest wall appearance and motion. Nontender
 with no deformity. No lesions are appreciated. Cardiovascular:
 Regular rate and rhythm with a normal S1 and S2. ,no jvd No pulse
 deficits. Respiratory: Lungs have equal breath sounds bilaterally,
 clear to auscultation and percussion. No rales, rhonchi or wheezes
 noted. No increased work of breathing, no retractions or nasal
 flaring. Abdomen/GI: Soft, non-tender, with normal bowel sounds. No
 distension or tympany. No guarding or rebound. No evidence of
 tenderness throughout. Back: No spinal tenderness. No
 costovertebral tenderness. Full range of motion. MS/ Extremity:
 Pulses equal, no cyanosis. Neurovascular intact. Full, normal range
 of motion. Neuro: Awake and alert, GCS 15, oriented to person,
 place, time, and situation. Cranial nerves II-XII grossly intact.
 Motor strength 5/5 in all extremities. Sensory grossly intact.
 Cerebellar exam normal. Normal gait., slow, but appropriate Psych:
 Awake, alert, with orientation to person, place and time. Behavior,
 mood, and affect are within normal limits.
 11:53 Constitutional: The patient appears alert, awake, non-diaphoretic.
 11:53 Head/face: Noted is a laceration(s), that is linear, 3 cm(s).
 11:53 Musculoskeletal/extremity: Extremities: all appear grossly normal,
 with no appreciated pain with palpation, ROM: intact in all
 extremities, Circulation is intact in all extremities. Sensation
 intact.
 11:53 Psych: Behavior/mood is cooperative.

Vital Signs:

11/19

SOVAH HEALTH - MARTINSVILLE

PAGE:2

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MARTINSVILLE, VA 24112 (276)666-7360

CLIA NO. 49D0231853 RT CLIA NO. 4D0661287

RUN DATE:11/23/17

DISCHARGE SUMMARY FOR MEDICAL RECORDS FOR LABORATORY

Patient: HILL,BRIAN D		#MM7805836274	(Continued)
*****CHEMISTRY*****			
Date	11/19/17		
Time	1007	Reference	Units
BUN	7	(5-25)	MG/DL
CREATININE	1.01	(0.90-1.30)	MG/DL
eGFR NON-AA	102 (A)		
(A) Non-African American			
eGFR AA	118 (B)		
(B) African American.			
eGFR UNITS: ml/min/1.73m2.			
*eGFR >= 60 = Normal GFR or mild decrease in GFR			
*eGFR 30-59 = Moderate decrease in GFR (Stage 3 CKD)			
*eGFR 15-29 = Severe decrease in GFR (Stage 4 CKD)			
*eGFR <15 = End-stage kidney failure (Stage 5 CKD)			
The equation has not been validated in patients >70 YRS OLD.			
SODIUM	131 L	(135-145)	MMOL/L
POTASSIUM	4.4	(3.5-5.0)	MMOL/L
CHLORIDE	96 L	(98-109)	MMOL/L
CO2	26	(20-30)	MMOL/L
ANION GAP	9.0	(1-10)	
GLUCOSE	459 (C) *H	(65-100)	MG/DL
(C) CRITICAL RESULTS CALLED ON 11/19/17			
AT 1035 TO: RINDY LAPRADE/RB/CALLED X 2 SNCE 1035			
BY: CLIFTON,LYDIA C			
CALCIUM	9.0	(8.5-10.3)	MG/DL
TOTAL PROTEIN	7.8	(6.0-8.0)	G/DL
ALBUMIN	4.3	(3.2-5.5)	G/DL
AG	1.2	(1.2-1.7)	RATIO
GLOBULIN	3.5	(2.5-3.9)	G/DL
T BILI	0.50	(0.20-1.00)	MG/DL
SGOT/AST	27	(10-42)	IU/L
SGPT/ALT	21	(10-60)	IU/L
ALK PHOS	74	(42-121)	IU/L
TSH	1.29	(0.34-5.60)	uIU/ML
Patient: HILL,BRIAN D		Age/Sex: 27/M	Acct#MM7805836274 Unit#MM00370912

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RADIOLOGY DEPT
320 HOSPITAL DR
MARTINSVILLE, VA 24112
PHONE #: 276-666-7223
FAX #: 276-666-7591

Name: HILL, BRIAN D
Phys: EKUBAN-GORDON, EDNA MD
DOB: 05/26/1990 Age: 27 Sex: M
Acct: MM7805836274 Loc: MM.ER
Exam Date: 11/19/2017 Status: DEP ER
Radiology No:
Unit No: MM00370912

EXAMS: 000898111 CHEST 1 VIEW - PORTABLE
EXAM REASON: Chest Tightness

PORTABLE CHEST

HISTORY: Seizure.

COMPARISON: 11/10/2015

FINDINGS: The heart size and configuration are within normal limits for age and portable technique. The lungs are clear. There is no evidence of pleural effusions or pneumothorax. No acute bony abnormality.

IMPRESSION: No evidence of acute cardiopulmonary disease.

** Electronically Signed by MAROON B KHOURY on 11/19/2017 at 1424 **
Reported by: DR. MAROON B KHOURY
Signed by: KHOURY, MAROON B

CC: EDNA EKUBAN-GORDON MD

Technologist: KYLEA ANN KEATTS
Transcribed Date/Time: 11/19/2017 (1146)
Transcriptionist: MMTRSPSB
Orig Print D/T: S: 11/19/2017 (1424)

BATCH NO: N/A

PAGE 1

Signed Report

**EXHIBIT 10: Article printout by family,
Entitled: “Police: Naked Man High On
Bath Salts Chases Down Car”, “MARCH
11, 2013 / 9:49 AM / CBS
PITTSBURGH”**

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
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LOCAL NEWS >

Police: Naked Man High On Bath Salts Chases Down Car



MARCH 11, 2013 / 9:49 AM / CBS PITTSBURGH

ALTOONA, Pa. (AP) - Police say a man was high on the synthetic stimulant known as bath salts when he was naked and chased a car down the street in central Pennsylvania.

Online court records don't list an attorney for 35-year-old Douglas Leary III, of Altoona, who was arrested after a woman in the car called 911 to report the man's behavior early Saturday morning.

Court records show Leary faces a preliminary hearing April 10 on charges including indecent exposure, open lewdness and resisting arrest.

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Altoona police say Leary told them he was high on the drug, also known as MDPV or Blizzard, as they fought to control him.

Leary was treated at a hospital emergency room before he was released.

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First published on March 11, 2013 / 9:49 AM

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**EXHIBIT 11: Article printout by family,
Entitled: ““Autistic boy, 13, found naked
in house filled with human feces and dead
rodents: police””
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
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Autistic boy, 13, found naked in house filled with human feces and dead rodents: police

By Beth Stebner

NEW YORK DAILY NEWS • May 17, 2013 at 7:32 pm



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Police in Colorado Springs have cited the parents of an autistic teen who was found naked inside a home with human feces and rodents. He told police he didn't remember ever being allowed outside.

Listen to this article



A 13-year-old autistic boy was found naked in a Colorado house rank with human feces and dead rodents, authorities said Friday.

Officers in Colorado Springs discovered the teenager on Thursday during a welfare visit, only to find the boy wallowing in filth, and without clothes.



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He told authorities that he was an only child and was homeschooled, adding that he didn't remember ever being able to go play outside.

Neighbors confirmed to authorities that they hadn't seen the boy outside in several years, according to the Colorado Springs police blotter.

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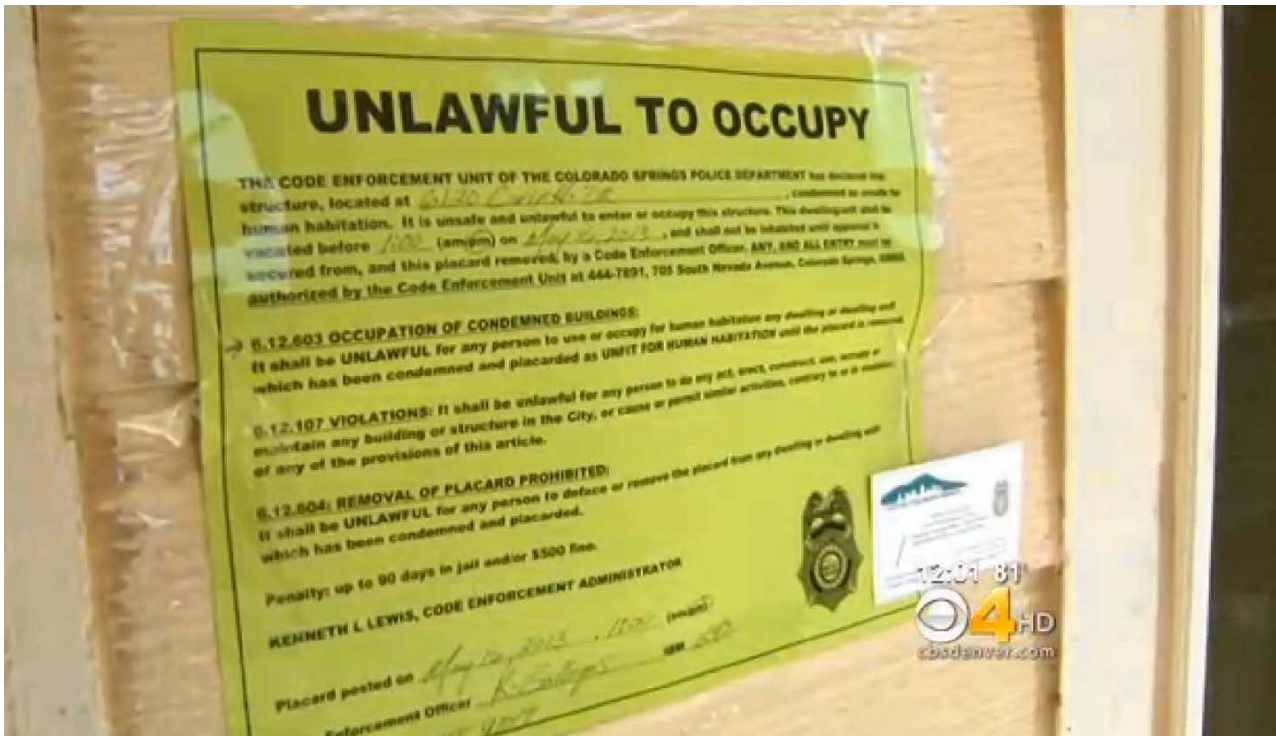
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Police immediately condemned the home and took the boy to a local hospital, where the Department of Health and Human Services took over the case. (denver.cbslocal.com)

The teenager was taken to a hospital and his case was taken over by the Dept. of Health and Human Services.

The boy's parents were not home at the time of the inspection.

[CBS Denver](#) reported that the house was deemed "unsanitary" and was immediately condemned.



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Charles Wingate, the boy's father and a former Colorado Springs city councilman, was arrested; he told a local news station that while there were some dead rodents, police were exaggerating the house's conditions. (Colorado Springs Police)

The boy's father, identified as Charles Wingate, served as a former city councilman for Colorado Springs. He resigned from the post 10 years ago after a number of felony charges were brought up against him.

Wingate told the [Denver Channel](#) that police had misinterpreted his son's statement. "He is not someone who likes to go outside a great deal," he told the station.

When asked about the conditions inside the condemned house, Wingate responded, "There are some rodents in the house ... feces all over the house? I don't believe that's an accurate statement."

He and his wife, Sharon Starkey, were arrested and face charges of child neglect, a misdemeanor.

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Cellphone video captures random attack on subway train, cops said.

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The victim was riding along E. 156th St. in Melrose at about 1:30 p.m. when the gunman and a second person jumped out of a gray Honda Pilot near Elton Ave.

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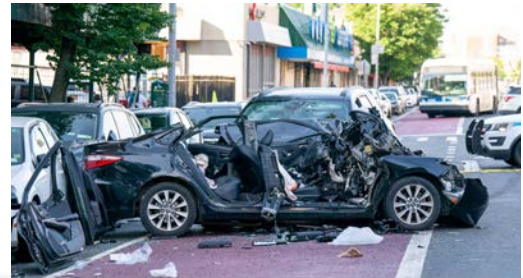
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**EXHIBIT 12: Article printout by family,
Entitled: Article printout by family,
Entitled: “How to Stop Your Autistic Child
From Taking Their Clothes Off”, “Medically
reviewed Pilar Trelles, MD”.**

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
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by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
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MENTAL HEALTH > NEURODEVELOPMENTAL DISORDERS > AUTISM > AUTISM & FAMILY LIFE

How to Stop Your Autistic Child From Taking Their Clothes Off

By [Lisa Jo Rudy](#) | Updated on May 23, 2022

✓ Medically reviewed by [Pilar Trelles, MD](#)

✓ Fact checked by [Nick Blackmer](#)

Parents of toddlers often worry about when their child suddenly takes all of their clothes off. Not only is public nudity frowned upon after infancy, but diaper-less children who are not [potty-trained](#) can cause a real mess.

While parents of typical children can usually resolve this issue at an early age, the same may not be true of parents of [children with autism](#). In some cases, the behavior may persist well beyond what is considered an acceptable age. This may not only cause problems at school but attract upsetting calls from parents or teachers.





Roberto Westbrook / Blend Images / Getty Images

This article explains why some children with autism have trouble keeping their clothes on. It also offers practical tips on how to help a child with autism stay dressed and learn new behaviors.

Why Children With Autism Undress

In most cases, children with autism remove their clothes because they're uncomfortable. This can occur even if you've chosen comfortable clothing made of soft, natural fibers.

The behavior tends to occur because children with autism often have sensory challenges that cause them to react strongly to tactile (related to touch) and even visual sensations. ^[1]

Among some of the examples:

A child with autism may be overly sensitive to scratchy seams and tags.



They may be reacting to itchiness caused by allergies.

They may find a new piece of clothing or a fabric pattern distressing.

The issue is complicated by the fact that children with autism don't respond to other people's reactions in the same way that typical kids do. They have limitations in their comprehension of emotional cues that typical kids can otherwise pick up. ^[2]

For example:

A child with autism may be less aware of others' expectations of them.

They may not be attuned to the idea of imitating their peers.

They may not understand what is being asked of them by frustrated adults.

They may not have the language skills to describe the discomfort they're feeling.

Recap

Children with autism may remove their clothes if they find the sensation uncomfortable or distressing. They may not understand what they are doing is inappropriate because they often lack the ability to comprehend the emotional cues of others around them. ^[2]

Related: [20 Ways to Help a Child With Autism to Manage Meltdowns](#)

How to Help Your Child Stay Dressed

Given the reality that a child with autism may have some difficulties keeping those clothes on, how should you as a parent or guardian respond?

There are a few routes you can take:

Identify and Adjust the Problem



discomfort or distress.

If your child is verbal, simply ask what is making them uncomfortable. But avoid general questions like "Are you uncomfortable?" Instead, ask if the piece of clothing is scratchy or tight. Be specific.

If your child is not verbal, try out several outfits and see which ones they are more responsive to and less responsive to.

When buying new clothes, remove all tags or anything that can press against the skin. Run your finger along the seams and hems, and snip off any burrs or loose strings you find.

If your child is responding to clothing that is too loose, find clothes that give a little squeeze. A less expensive option is to choose Lycra/spandex shirts, shorts, or leggings that provide a little compression. You can also opt for a more expensive compression suit or [weighted vest](#).

Related: [Autism](#), [Sensory Processing Disorder](#), and [Sensory Integration](#)

Use Behavioral Modification

If you can't identify a sensory cause for the behavior, the next step is to actively teach your child to keep their clothes on. This involves behavioral modification techniques that use positive reinforcement of appropriate behaviors and compassionate adjustment of inappropriate ones. ^[3]

There are several things you can do:

Teach your child using picture books like "Where Do Pants Go?" by Rebecca van Slyke.

Draw attention to how their peers stay dressed.

Create a sticker chart, awarding stars or stickers if your child keeps their clothes on for a specific amount of time.

Tools like sticker charts are a type of reward system ^[4] commonly used in [applied behavioral analysis \(ABA\)](#). ABA is a form of therapy that focuses



strategies specific to your child.

Find Practical Solutions

If neither clothing adjustments nor behavioral modifications help, you may need to find practical, short-term solutions. This involves making it physically impossible for your child to remove their clothes.

There are several ways to do this:

Put fasteners in the back so your child can't reach them.

Dress your child in layers so that it is harder to fully strip.

Buy footed outfits, like pajamas or onesies, and put them on backward.

Use a safety pin to block a zipper from being unzipped.

Replace snaps with more complex fasteners, such as hook-and-eye fasteners.

Recap

You can help a child with autism keep their clothes on by identifying and addressing the cause of their discomfort. You can also use positive reinforcement to reward a child for keeping their clothes on. As a stopgap measure, find clothes that are more difficult to remove.

Summary

Children with autism will sometimes take off their clothes if they find them uncomfortable or distressing. While this is also true of typical kids, children with autism may continue to do so at a later age. Part of the reason for this is that they don't pick up on emotional cues as typical children do. As a result, they may not comprehend that what they are doing is inappropriate.

You can help a child with autism keep their clothes on by identifying the cause of their discomfort. You can also teach the child to keep their clothes



As a stopgap, find clothes that or difficult to remove. You can also put their clothes on backward so they can't reach the fasteners.

A Word From Verywell

The good news is that the vast majority of children with autism do eventually learn to keep their clothes on. In the meantime, keep calm and focus on rewarding the child for appropriate behaviors rather than punishing them for inappropriate ones.

Punishing a child with autism for undressing does little to change behaviors—and may only escalate the situation by making you more upset.

Was this page helpful?

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**EXHIBIT 13: Article printout by family,
Entitled: “Naked girl found walking
along I-5 near Ashland”
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
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Case no. CR19000009-00, Circuit Court, City of Martinsville,
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Naked girl found walking along I-5 near Ashland

The Columbian

Published: June 16, 2013, 5:00pm

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ASHLAND, Ore. — A girl who is believed to be autistic was found walking naked along the shoulder of Interstate 5 on Sunday north of Ashland.

Oregon State Police say she appeared to be in her late teens and couldn't communicate.

[The Mail Tribune reports](#) she was taken to a Medford hospital. The 911 center was able to contact her guardian.

She was not injured and there was no evidence of a crime.

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**EXHIBIT 14: Article printout by family,
Entitled: “Tempe police locate guardians
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morning”
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
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Tempe police locate guardians of boy found naked, alone Tuesday morning



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Good Samaritans and police helped reunite a child with his family, after the child somehow got out of the home and was wandering in the street.



By: [Sonu Wasu](#)

Posted at 7:31 AM, Oct 27, 2020 and last updated 8:49 PM, Oct 27, 2020

TEMPE, AZ — A five-year-old child who wandered out of his home while his family was asleep on Tuesday morning is safe and with his family thanks to good Samaritans and quick police work.

Motorists called police around 6 a.m. after noticing the child in the middle of the roadway with no clothes near Apache Road and Price Road. Others pulled out, got the child out of the road, and put some clothes on him.

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"There's a little boy he's about 4-5 years old running around her," one man told a 911 dispatcher over the phone. That man was on his way to a doctor's appointment.

"He's outside running around, and he don't got any clothes on," the man told the dispatcher. "There's two cars that's talking to him right now. I tried to talk to him, but he just kept running around."

Records show the temperature was about 50 degrees at the time. The area is a busy commuter passage with the freeway nearby and the light rail down the street.

"Looks like he can't speak too well," the man added.

The child is autistic, a spokesperson with the Tempe Police Department told ABC15. Officers later learned that the child has a habit of taking his clothes off.

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Police issued a media alert Tuesday morning and posted informational fliers via their social media accounts after being unable to find the child's family. Within a couple of hours, someone recognized the child and reached out to his family, who reportedly lives in an apartment complex nearby.

"The child was only about 150 feet away from the residents," said Tempe police Detective Greg Bacon. He credited the media and the community for helping reunite the family.

Bacon said the child's mother was frantic when she learned her child was missing.

He said police do not plan on filing any charges against the family and said, more than anything, the family needed help and access to resources.

"Not everything is about punishment. Not everything is about writing tickets or arresting people, but what can we do as a police department to help this family," he said.

One of those resources is [CARE 7](#), the City of Tempe's crisis response agency.

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"We can provide so many resources to families that they just may not be aware of because they're caught up in the daily struggle of just surviving," said Kristen Scharlau, human services manager at CARE 7.

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EXHIBIT 15: ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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ORDER IN MISDEMEANOR OR TRAFFIC INFRACTION PROCEEDING

COMPLETE DATA BELOW IF KNOWN

MARTINSVILLE CIRCUIT COURT Circuit Court
MARTINSVILLE

Table with columns: RACE, SEX, BORN (MO, DAY, YR), HT. (FT, IN), WGT., EYES, HAIR. Values: W, M, 05, 26, 1990, 6, 00, 150, BL, BR.

SSN: [Redacted]

v. BRIAN DAVID HILL
310 FOREST ST, APT 1
MARTINSVILLE, VA. 24112

SEPTEMBER 21, 2018

NOVEMBER 15, 2019

OFFENSE DATE

TRIAL DATE

The Defendant was this day [] tried in absence [x] present

Attorney: CLARK, MATT [x] Appointed [] Retained

Original Charge: INDECENT EXPOSURE

Code Section: 18.2-387 [] State Code [x] Local Ordinance

Virginia Crime Code: OBS-3713-01 Offense Tracking Number: 690GM180003560

Plea:

- [x] Not Guilty [] Consent by Defendant to Waiver of Jury
[] Guilty as Charged [] Concurrence of Court and Commonwealth's Attorney
[] Guilty to Amended Charge [] Plea voluntarily and intelligently entered after defendant was apprised of his right against compulsory self-incrimination, right to confront the witnesses against him, and right to a jury trial.
[] Nolo Contendere

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 Virginia Crime Code: OBS-3713-01

Finding:

- [] Not Guilty [] Guilty of
[] Guilty as Charged [] Plea Agreement Accepted [x] Appeal/Withdraw/Affirm [] Appeal not timely filed
[] Facts sufficient to find guilt but defer adjudication/disposition to

DATE AND TIME

Charge: INDECENT EXPOSURE

Code Cite: 18.2-387 Virginia Crime Code: OBS-3713-01

Order:

- [] Nolle Prosequi [] Dismissed [] Dismissed with Prejudice [] Continued to [x] COSTS imposed
[] FINE [] CIVIL PENALTY of \$ with \$ suspended
[x] JAIL SENTENCE of 30 DAYS imposed, [] of which days mandatory minimum, with suspended for a period of, conditioned upon being of good behavior, keeping the peace, obeying this order and for paying fines and costs.
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.
[] Serve jail sentence beginning [] on weekends only
[] Work release [] authorized if eligible [] required [] Public work force [] authorized [] not authorized
[] on PROBATION for [] VASAP [] local community-based probation agency
[] DRIVER'S LICENSE suspended for
[] Restricted Driver's License per attached order [] Ignition Interlock for
[] Attached ORDER FOR RESTITUTION incorporated.
[] COMMUNITY SERVICE hours to be completed by and supervised by [] to be credited against fines and costs
[] Contact prohibited between defendant and victim/victim's family or household members
[] Reimburse Commonwealth for investigatory medical fees [] Pay \$50 fee to the Court for Trauma Center Fund
[] Registration pursuant to Code § 9.1-903 for offenses defined in § 9.1-902 is required.
[] Remanded for [] CCRE Report []
[] Bail on Appeal \$
[x] Other: DEF CHANGED HIS PLEA TO GUILTY AND AFFIRMED JUDGE GDC, PAY COURT COSTS.

11/18/19 DATE

[Signature] JUDGE

EXHIBIT 16: MOTION TO WITHDRAW APPEAL

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
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Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

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The logo for USWGO, featuring the letters 'U.S.W.G.O.' in a bold, white, sans-serif font with a slight 3D effect, set against a black rectangular background.



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

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

Date: 11/11/2019

Time: 7:58:49 PM

Number of pages: 11

Session duration: 8:53

Attn.: Commonwealth Attorney

To: Commonwealth Attorney

Recipient's number: T1-276-403-5478

Message type: Fax

Filename: C:\ProgramData\Venta\Fax & Voice 6\Out\Brian's motion to withdraw

Error Correction: Yes

File description: Brian's motion to withdraw appeal(4)Signed.pdf

Resolution: 200*200 dpi

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TESTE: [Signature]
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VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,
Plaintiff,
v.
Brian David Hill,
Defendant,
Criminal Action No. CR19000009-00
Motion to Withdraw Appeal

MOTION TO WITHDRAW APPEAL

COMES NOW criminal Defendant Brian David Hill ("Brian", "Hill") respectfully requests to withdraw the Appeal of the December 21, 2018, General District Court finding of guilty. However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence.

The reason for withdrawing his appeal is because he is facing a fixed jury trial where the cards are stacked against him. It will not be a fair trial and his legal innocence will not matter as various private lawyers had explained to Brian when Brian's family asked for free consultation with multiple private lawyers, to see if any had opinions differing from the court appointed lawyers.

One lawyer told Brian that his federal conviction will be brought up if Brian testifies on the stand, when testifying is necessary to show a defense that Brian has Autism Spectrum Disorder which would explain why Brian smiles in photos, because his Autism affects his behaviors and can cause incorrect or abnormal behaviors such as smiling or giving the inappropriate facial expressions or gestures

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

Commonwealth of Virginia,)	
)	
Plaintiff,)	Criminal Action No. CR19000009-00
)	
v.)	
)	
Brian David Hill,)	Motion to Withdraw Appeal
)	
Defendant,)	

MOTION TO WITHDRAW APPEAL

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during a situation of duress or in any other situation. Autism should not be legally treated as the same as normal behaviors because Autism behaviors differ from the normal set of expected human behaviors in a society. Such as after being threatened Brian didn't walk for miles to get to the Police Department but instead did exactly what the man in the hoodie had directed Brian to do or his mother will be killed, he presumed that if he didn't do what the man in the hoodie had said. Another lawyer said that his affidavits filed in federal court about his state case cannot be used. Another one said that Brian's allegation of fraud upon the court against the Commonwealth Attorney cannot be sustained because the evidence that may prove fraud by the Police Department cannot be used because of dual sovereignty where federal evidence concerning the same state charge of indecent exposure and is relevant to it cannot be brought up at the jury trial because of a claim of dual sovereignty, then hinting that Brian may face contempt of court for bringing the truthful allegations because of a technicality of dual sovereignty barring Brian from bringing up a map in the federal case showing where Brian allegedly took the pictures on September 21, 2018, which disproves Martinsville Police Department's fraudulent claim that Brian took photos all around the town, or all around the city when the evidence presented by the U.S. Attorney and witness Sergeant Robert Jones differs from his earlier claims to the psychologist which means fraudulent claims was told to both the psychologist of the mental evaluation at the General District Court level. Different lawyers gave slightly different opinions but all of them recommended that Brian withdraw his appeal because he would not win the jury trial even if he is legally innocent because the jurors would be biased and picked from the bible belt area and would automatically make their own personal determinations of Brian's guilt rather than the law's determination in the Appellate courts of record. They thought if Brian had faced a bench trial that he'd have a better chance at being found legally innocent of his



charge. Since there is no way possible for Brian to get a bench trial, the lawyers thinks Brian has a poor chance, which doesn't make any sense.

Brian was told he can't have this as evidence, he cannot have that as evidence. Brian doesn't seem to be getting anywhere and each lawyer just gives the same bad news, that because Brian was wrongfully convicted of possession of child pornography in a corrupt Federal Court in the Middle District of North Carolina that ignored evidence and wouldn't show Brian all of his discovery material before compelling him to falsely plead guilty, that his Writ of Habeas Corpus on the ground of actual innocence does not matter, and that his fraud upon the court allegations in his federal case that were unopposed also does not matter for his state case. All the jurors would hear is about Brian's "sex charge" when Brian testifies on the stand and he was told by one private lawyer that he cannot bring up to the jury that he is fighting his federal criminal conviction on the ground of actual innocence and fraud upon the court and both of them are not subject to statute of limitations, and that it can be used to discredit him as a witness because all felons are liars as one lawyer told Brian. It takes time for Brian to overturn his wrongful federal conviction but the state jury trial will not delay indefinitely for Brian to overturn his wrongful conviction in Federal Court so that then he can testify at the jury trial without facing that prejudice. Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction. His federal conviction cannot establish any facts or relevance as to why Brian was naked (but not obscene) on September 21, 2018. However when the jurors hear the words "possession of child pornography", any Christian will instantly turn on Brian and want him dead or to suffer, and want his house burned down. Because of the stigmatization of his "federal sex charge" of "possession", his actual innocence



will not matter, even if Brian is later found actually innocent of his wrongful federal conviction, if they hear those words, their ears turn off, their brains turn off, and their eyes turn off and they will refuse to hear or see any evidence except that Brian will be guilty because they will all believe that he is guilty when they hear the words of his federal conviction if Brian were to testify on the stand. He doesn't stand a chance, even if he is legally innocent. His pro se motions do not work because they force all motions through his attorney who isn't fighting for him. Brian submitted interrogatories to the Commonwealth's Attorney to ask for answers but his own lawyer will not submit interrogatories asking the same questions that were asked in Federal Court by Attorney Renorda Pryor, which would allow answers under oath before the trial and would give Brian a good chance at trying for a motion to dismiss based on the fact that Brian wasn't being obscene and obscenity is required in order for Brian to be found guilty of V.A. Code § 18.2-387. "Indecent exposure." Brian is legally innocent but the Jury will not recognize it if they are mainly Christians from the Bible belt, which highly likely will be Christians from the Bible belt. It doesn't matter what motions his friend Eric Clark (a legal expert from Kansas) tells Brian to file because any pro se motions he files or any interrogatories that he faxes to the Commonwealth Attorney will also be ignored because they were done pro se. He has been deprived of effective counsel every step of the way in his case, he doesn't stand a chance at jury trial. His former lawyer Scott Albrecht had never asked for the police body-camera footage while it was retained by Martinsville Police Department last year (*Brian also filed a motion for discovery for that body-camera footage but that was also ignored because it was filed pro se*), and Matthew Clark tells Brian that his letters to the Police Department asking for the body camera footage to be turned over to his lawyer doesn't matter, even though the body-camera footage would also help to show evidence of duress to the jury and show his autistic behaviors which



would be evident. His court appointed lawyers and private lawyers told him and his family that none of that matters, his legal innocence doesn't matter, none of the evidence matters. It is all one sided, a one sided jury trial that Brian would be facing. The prosecutor can use his autistic behaviors against him to make him look guilty but he isn't allowed to have a medical expert to testify to Brian's autism in his defense because the only defenses that will be accepted is if Brian were criminally insane (ruled mentally insane) and is declared cocoo, and that he would not be allowed to bring up anything from his Autism in his defense. They all practically said that if it was a bench trial, he would have a better chance at being found legally innocent for not being obscene, but Brian has no chance at a jury because it will all be fixed from what all lawyers have told Brian. Brian could debate with them all day long about how they are wrong about this and how they are about that, but Brian can't chance the minds of lawyers that are fixed to a certain belief or a certain repetitious ways of doing things a certain way all of the time, and that nothing else matters from this narrow way of doing things. Brian could file a motion to proceed pro se and try to set a new precedent on the way the rules work and that lawyers could have done this for Brian and could have done that for Brian, but then his Autism will work against him and make it difficult for Brian to present a case on his own during the jury trial as Brian is not a lawyer and has no Bar license, he doesn't have memorized the trial rules and rules of the court which puts him at risk of not knowing what he is doing, and if he is at risk of having an autistic meltdown, that would be used against him and put him in a worse situation. It is all fixed and Brian has no chance under a fixed jury trial. Since Brian is legally innocent, he can always file a Writ of Actual Innocence at a later time or ask a higher court to overturn his state conviction in General District Court on the basis of legal innocence since there is no time limit on actual innocence claims according to the U.S. Supreme Court on rulings for Writ of



Habeas Corpus petitions that are time barred but not time barred for actual innocence.

For the foregoing explanations above, Brian does not stand a chance, and because of his Autism his ability to present the case on his own (pro se) without any legal trial experience is a very good chance of losing and that his legal innocence would not matter to Christian Bible belt jurors. It would not matter to Christian Bible belt jurors even though Adam and Eve were naked but not sexual, and Noah was naked in the tent and his sons tried to cover him up and Noah got angry but was not sexual, and another bible story where Peter was fishing naked but wasn't sexual. However regular Christians would portray Brian's non-sexual nudity and confusing autistic behavior as sexual from their own religious perspectives. They wouldn't know of Brian's carbon monoxide exposure, they wouldn't know of Brian having a documented medical history of Mild Autism and would only know that at sentencing like that would matter, and they wouldn't know of Brian proving his innocence of possession of child pornography and be forced to tell the jurors under oath what his federal conviction was for but then would not be allowed to explain to the jurors that he had filed a Writ of Habeas Corpus petition in November 2017 for his actual innocence and was also attacking his conviction for fraud upon the court committed by the federal prosecution in violation of N.C. State Bar Rule 3.8.

For the foregoing explanations above, Brian would stand a better chance at a bench trial for his legal innocence or would stand a good chance of getting his case dismissed on not being obscene but his pro se motions are ignored and his lawyer refuses or fails to even try filing a motion to dismiss based on Brian's legal innocence on the obscenity requirement under Virginia persuasive case laws. There is no way Brian can legally push for a bench trial because the Commonwealth



Attorney pushed for jury trial, knowing that Brian will not get a fair trial and that his federal conviction can be used against him and prejudice the jurors one way or another. Legal innocence does not matter in a jury trial when the jurors can be prejudiced by a wrongful federal conviction that was and is currently being challenged on actual innocence and frauds upon the court under case law of Chambers v. Nasco, Inc. and other case laws. Brian would have won had it been a bench trial. Because of that reason, Brian has no choice but to withdraw his appeal from the General District Court, and consider finding other means to challenge his state case by other legal means he could use. He may even have to consider filing a Writ of Habeas Corpus in federal court for his state conviction in General District Court. Brian is having to weigh his options to ensure that his legal innocence is recognized and won't be barred by discrimination and prejudice on its face.

Then another lawyer who said that Brian did have a chance at being found innocent of indecent exposure, turned his back on Brian and refused to take the case at all because he spoke with Lauren McGarry who made a big deal out of somebody else's investigative work and blog post that doesn't even have the information on that blog for months after Brian's family requested that it be removed from Laurie's blog post on JusticeForUSWGO.wordpress.com. So that one lawyer refused to take the case because Lauren McGarry complained to him (this private lawyer) about somebody else's blog post from June or July of 2019. So Brian cannot even get a good lawyer to fight for him. Brian is screwed over, every way ever since the jury trial was started by the Commonwealth Attorney. Brian has had to beg for a pardon in his federal case for his actual innocence but Trump is being attacked so much by lies and deceit, Donald John Trump doesn't even have the time to consider pardoning Brian David Hill of his wrongful federal conviction on the basis of recognizing his actual innocence. Brian isn't going to



find a good lawyer that his family can pay for cheaply just so Brian can be found legally innocent and defeat his Supervised Release Violation in federal court over his legal innocence in this state case. One turned his back on Brian because of what one lawyer or two lawyers from the Martinsville Public Defender office had told him. Brian is screwed over in many ways and will never get a fair trial in this state case, EVER. Brian is having to consider asking for a non-local Virginia attorney away from the Bible belt and away from the Public Defender office, but then the cost will be unaffordable for a third party aka Brian's family to even pay to aid in Brian's winning this state case.

Brian's only chance to preserve his legal innocence is to withdraw his appeal in the Circuit Court, and just find another way to get a fair bench hearing to be found legally innocent of his state charge.

Brian has given a good series of explanations in this motion as to why he is withdrawing his appeal. He has other routes to prove his legal innocence and overturn his conviction in the General District Court. Brian doesn't to have to deal with any drama coming from the Martinsville Public Defender office over what one of Brian's friends had posted at JusticeForUSWGO.wordpress.com back in June or July 2019, but then removed those from the blog posting out of concerns from Brian's family that it would put a target on all of our backs. At this point, there is just no way any fair trial can happen in the City of Martinsville. Brian is requesting appeal be withdrawn and accepts the conviction in the General District Court, and will find other legal ways to overturn his wrongful conviction on December 21, 2018, in the Martinsville General District Court.

Also an argument suggested by Brian's family:

According to our US Constitution, Sixth Amendment - Rights of Accused in Criminal Prosecutions a defendant has a right to a speedy and public trial,



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

by an **impartial jury of the State and district wherein the crime shall have been committed**, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

It is now 21 or 22 days until Brian's jury trial. His attorney has not asked Brian who he would want to have as witnesses to represent him, has not tried to get a professional witness who understands and can explain to the jury how his autism caused him to leave the house and caused other things that night, and it is getting too close to time to prepare or arrange for these witnesses to appear. All cards are stacked against Brian and work for the prosecution which would explain why he wanted a jury trial, and Brian's court appointed attorney wanted a bench trial.

Brian and his family have contacted several local attorneys and found out from all that we live in a Bible belt so most jurors in this area will be offended by these photos. Taking photos of oneself in the nude is not against the law. These were taken in the dark when no one else was around, and the camera was in Brian's backpack at the time of arrest. Now these personal photos will be shown to many people without explaining that Brian has autism which is brain damage and similar to dementia and was under the influence of undetected carbon monoxide gas in his home for almost a year which caused Brian's health to worsen and caused a lot of physical damage to the ceiling above & walls around his fireplace from the gas hot water heater and gas boiler/furnace. The vent was blocked in the chimney. If Brian testifies, the prosecution then can bring up about a former charge, but Brian can't bring up that this charge is based on fraud upon the court and is being contested in court. With Brian's autism, he will most likely have a melt-down. This court appointed attorney wants Brian to testify and did not tell us what other attorneys have told us about this. This attorney has not discussed if he has obtained permission for Brian to have autism and type I insulin brittle diabetes supports in the court which is a federal law according to the Americans with Disabilities Act as well as instructions on how to question someone with autism in the court. He has not told Brian or his family what type of measure will be taken when they



question someone with autism. Brian has now accepted the fact that he will lose and so it is time to withdraw his appeal.

Hill respectfully files this Motion with this honorable Court, this the 11th day of November, 2019.

Respectfully submitted,

Brian D. Hill
Signed Signed

Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
I ask Qanon and Donald John Trump for Assistance (S.O.S.)
Make America Great Again
JusticeForUSWGO.wordpress.com
Amazon: The Frame Up of Journalist Brian D. Hill

This pleading had been transmitted by facsimile to the Office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on November 11, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112 and at Fax: (276) 403-5232. It has also been transmitted by facsimile to the General District Court at the Fax: Fax: (276) 403-5114 since granting of this motion to withdraw appeal sends the case record back to the General District Court.

CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of November, 2019, a true copy of the foregoing Motion/Pleading was transmitted by facsimile to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville,



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

Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia, Fax: 276-403-5478. Transmission ticket attached.

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



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

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon and Donald John Trump for Assistance (S.O.S.)

Make America Great Again

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Amazon: The Frame Up of Journalist Brian D. Hill

**EXHIBIT 17: TABLE OF CONTENTS
of COURT RECORDS OF CIRCUIT
COURT filed by Clerk, Hon. Ashby R.
Pritchett, dated 05-26-2022 07:00:33 EDT
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
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Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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ADDENDUM

MARTINSVILLE CIRCUIT
Commonwealth of VA

vs.

Case No.:CR19000009-00
HILL, BRIAN DAVID

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CAV: 05-26-2022 07:00:33 EDT

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I, Ashby R. Pritchett, Clerk of the Martinsville Circuit, certify that the contents of the record listed in the table of contents constitute the true and complete record, except for exhibits whose omission are noted in the table of contents, and are hereby transmitted to the Court of Appeals on May 25, 2022.

**EXHIBIT 18: Medical records from
Sovah Health Martinsville (local
hospital), dated Friday, September 21,
2018
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



Brian Hill
 MRN: MM00370912
 ACCT: MM7806761243

Sovah Health Martinsville

320 Hospital Drive
 Martinsville, VA 24112
 276-666-7237

7806761243

**Emergency Department
 Instructions for:**

Hill, Brian D

Arrival Date:

Friday, September 21, 2018

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

Care provided by: Hinchman, Brant, DO

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

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

National Hopeline Network: 1-800-784-2433

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

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

Brian D. Hill

Brian Hill

Jenica Tate, RN, BSN

ED Physician or Nurse
 09/21/2018 04:52

EMERGENCY DEPARTMENT RECORD

Physician Documentation
Sovah Health Martinsville
Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

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

09/21

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

Historical:

- Allergies: Ranitidine;

- PMHx: autism; Diabetes - IDDM; OCD;

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

- Social history:: Tobacco Status: The patient states he/she has never used tobacco. The patient/guardian denies using alcohol, street drugs, The patient's primary language is English. The patient's preferred language is English.

- Family history:: No immediate family members are acutely ill.

- Sepsis Screening:: Sepsis screening negative at this time.

- Suicide Risk Screen:: Have you been feeling depressed in the last couple of weeks? No Have you been feeling hopeless to the extent that you would want to end your life? No Have you attempted suicide or had a plan to attempt within the last 12 months? No.

- Abuse Screen:: Patient verbally denies physical, verbal and emotional abuse/neglect.

- Tuberculosis screening:: No symptoms or risk factors identified.

- The history from nurses notes was reviewed: and my personal history differs from that reported to nursing.

ROS:

09/21

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

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

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

FOLLOW UP INSTRUCTIONS

Private Physician

When: Tomorrow

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

Emergency Department

When: As needed

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

→ 806761243

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

MRN # MM00370912

X-RAYS and LAB TESTS:

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

MEDICATIONS:

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

TESTS AND PROCEDURES

Labs

None

Rad

None

Procedures

None

Other

Call ERT, IV saline lock

Chart Copy

7806761234

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

Exam:

09/21

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

Vital Signs:

09/21

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

09/21

05:01 BP 119 / 80; Pulse 106; Resp 16; Temp 98.2; Pulse Ox 99% ; Pain 0/10; jt
09/21

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

MDM:

09/21

04:04 MSE Initiated by Provider. bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh

ED course: Cleared from a psychiatric standpoint by Behavioral
Health. Patient will be discharged to jail. No new complaints.. Data
reviewed: vital signs, nurses notes. Counseling: I had a detailed

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

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

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

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once
 09/21
 04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml {Manufacturer: Grifols Therapeutics. Exp: 09/27/2020. Lot #: A112A. } Route: IM; Site: right deltoid; lb1
 09/21
 05:04 Follow up: Response: No adverse reaction lb1
 09/21
 04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; Delivery: Primary tubing; lb1
 09/21
 05:11 Follow up: IV Status: Completed infusion dr

Disposition:

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

Disposition:

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

Order Results:

There are currently no results for this order.

Signatures:

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

Ramey, Nicole		nmr
Bouldin, Lauren, RN	RN	lbl
Reynolds, Daniel R	RN	dr

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

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

EXHIBIT 19: Mental health medical records from Piedmont Community Services, concerning Dr. Conrad Daum patient visit on October 24, 2018 for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



BRIAN HILL (174826) [DOB: 5/26/1990]

DIAGNOSIS

Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder

WHODAS 2.0 General Disability

	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		



Piedmont Community Services

13 MOSS ST SOUTH
MARTINSVILLE, VA 24112

Client Name: BRIAN HILL	SSN/Acct #	██████████ / 174826
Address: 310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939	Date/Time:	10/24/2018 9:51 AM to 10:23 AM
Insurance:	Employee Name:	CONRAD DAUM / MD
Diagnosis:	Visit Type/CPT	Med Note [Jail] / Nonbill
DOB 5/26/1990		
Notes: Non-Face-to-Face Service		

HISTORY

Chief Complaint: Notes:

"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

History of Present Illness (HPI): Notes:

local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ills see med hx.

Past Medical / Family Medical / Social Hx: .

LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

Review of Symptons (ROS)

Constitutional: Notes:

sleeping ok

Eyes: Notes:

see ok

Ears, Nose, Mouth, Throat: Notes:

hear ok

Cardiovascular: Notes:

no chest pain

Respiratory: Notes:
breathing ok

Musculoskeletal: Notes:
no LBP

Integumentary (skin and/or breast): Notes:
no tattoos

Neurological: Notes:
seizure hx and diabetic foot neuropathy

Endocrine: Notes:
diabetes

Hematologic/Lymphatic: Notes:
no nodes

Allergic/Immunologic: Notes:
allergy see list

Genitourinary: Notes:
bladder frequency

Gastrointestinal: Notes:
GERD SX, episodic diarrhea

EXAM

Constitutional Vital Signs:

Musculoskeletal

Muscle strength and tone: Notes
ok

Gait and station: Notes
ok

Behavior

Appearance: Well-groomed

Activity: Normal

Attitude: Cooperative

Articulation (Speech): Normal Rate, Rhythm, Volume

Sensorium

Consciousness: Alert

Orientation: Full

Memory: Intact

Attention/Concentration: Adequate

Emotion

Affect: Comfortable and Reactive

Mood: Euthymic

Congruency: Congruent

Suicidal Ideation: None

Homicidal Ideation: None

Thought

Thought Process: Goal-directed

Thought Content: Delusional

Intelligence: Average

(based upon fund of knowledge, comprehension, and vocabulary)

Insight: Full

Judgement: Intact

Perception: Normal

Impression

Brief summary of present status of case: Notes
aims=0

DIAGNOSES

Current Diagnoses:

Effective Date : 10/24/2018

1 (F42.9) Obsessive-compulsive disorder, unspecified

Diagnosed By : **Diagnosed Date :**

Onset Date : **Previous Onset Date :**

Onset Prior to Admission:

R/O: No

Notes:

Date Updated: 03/21/2017

SNOMED: -

2 (F84.0) Autistic disorder

Diagnosed By : **Diagnosed Date :**

Onset Date : **Previous Onset Date :**

Onset Prior to Admission:

R/O: No

Notes:

Date Updated: 03/02/2016

SNOMED: -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition

Diagnosed By : **Diagnosed Date :**

Onset Date : **Previous Onset Date :**

Onset Prior to Admission:

R/O: No

Notes:

Date Updated: 10/24/2018

SNOMED: -

4 (F41.1) Generalized anxiety disorder

Diagnosed By : Diagnosed Date :

Onset Date : Previous Onset Date :

Onset Prior to Admission:

R/O: No

Notes: BRITTLE DIABETES

Date Updated: 10/24/2018

SNOMED: -

WHODAS 2.0 General Disability Assessment Date:

Raw Score: Avg Score:

Cognition:

Mobility:

Self-care:

Getting along:

Life activities:

Participation:

Psych Diagnoses & Status

Diagnosis: all

Status: Stable

Medical Diagnoses & Status

COLUMBIA ASSESSMENT

1) Wished to be Dead:

Have you wished you were dead or wished you could go to sleep and not wake up?: No

2) Suicidal Thoughts:

Have you actually had any thoughts of killing yourself?: No

6) Suicidal Behavior Question:

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

SUMMARY

Service Modality: Non-Face-to-Face Service

Current Medications:

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan

Medication Changes: .

Next Appointment: Date

prn


E/M Level: 5

E/M Score: 5

Employee Signature



10/24/18 2:51 PM
CONRAD DAUM - MD
MD



Supervisor's Signature
Approved by CDAUM on 10/24/18
CONRAD DAUM, MD, MD

EXHIBIT 20: Scanned Photocopies of returned attempted mailings from Martinsville city Jail due to mental confusion caused by carbon monoxide gas exposure - Case 1:13-cr-00435-TDS Document 181-9 Filed 07/22/19 – Note: There is no L. Richardson Preyer Federal Building in Martinsville city for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

GREENSBORO NC 274
PIEDMONT TRIAD AREA
01 OCT 2018 PM 5 L

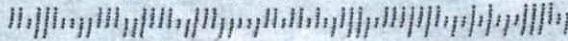


Clerk of the Court

EVIDENCE

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

REDIRECT TO FEDERAL DISTRICT
LEGAL MAIL CT



Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

GREENSBORO NC 274
PIEDMONT TRIAD AREA
09 OCT 2018 PM 5 L



ATTN: Mayor
City of Martinsville
300 Clearview Drive
Martinsville, VA 24112

RETURN TO SENDER

24112-170400

LEGAL MAIL

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24114

GREENSBORO NC 274
PIEDMONT TRIAD AREA
09 OCT 2018 PM 2 L



8
ATTN: U.S. Marshals Service
L. Richardson Preyer Federal Building
374 W. Market Street

Correct address
Resent
Oct. 27 2018
Brian D. Hill
Received

NIXIE 274 4C 1 0216/22/18
RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD
BC: 24114132626 *0280-00202-10-03

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

GREENSBORO NC 274
PIEDMONT TRIAD AREA
09 OCT 2018 PM 5 1



ATTN: Mayor
City of Martinsville
300 Clearview Drive
Martinsville, VA 24112

RETURN TO SENDER

24112-170400

LEGAL MAIL

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24114

GREENSBORO NC 274
PIEDMONT TRIAD AREA
09 OCT 2018 PM 2 1



8
ATTN: U.S. Marshals Service
L. Richardson Preyer Federal Building
374 W. Market Street

Correct
Address
Resent

Oct. 27, 2018

Brian D. Hill

Received
Oct. 26, 2018

NIXIE 274 4C 1 0218/22/18
RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD
BC: 24114132626 *0280-00202-10-03

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24114

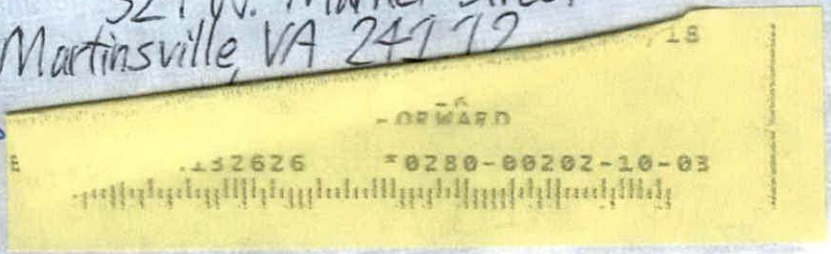
GREENSBORO NC 274
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8
ATTN: U.S. Marshals Service
L. Richardson Preyer Federal Building
324 W. Market Street
Martinsville, VA 24112

Correct
Address
Present
Oct. 27, 2018
Brian D. Hill
Received
Oct. 26, 2018

Handwritten initials 'ZS' and a checkmark.



Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

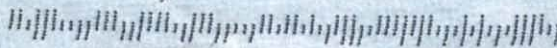
GREENSBORO NC 274
PIEDMONT TRIAD AREA
01 OCT 2018 PM 5 L



EVIDENCE

55 Church
Clerk of the Court
U.S. District Court
324 W. Market St. Ste. 1
Martinsville, VA 24112

REDIRECT TO FEDERAL DISTRICT
LEGAL MAIL CT



**EXHIBIT 21: USA v. Brian David Hill -
1:13-CR-00435-1, September 12, 2019,
SUPERVISED RELEASE
REVOCAATION HEARING. Transcript
completed on Nov. 4, 2019
for**

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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U.S.W.G.O.



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA) CASE NO. 1:13CR435-1
)
vs.)
) Winston-Salem, North Carolina
BRIAN DAVID HILL) September 12, 2019
_____) 3:37 p.m.

TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**
BEFORE THE HONORABLE THOMAS D. SCHROEDER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ANAND RAMASWAMY, AUSA
Office of the U.S. Attorney
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401

For the Defendant: RENORDA E. PRYOR, ESQ
Herring Law Center
1821 Hillandale Road, Suite 1B-220
Durham, North Carolina

Court Reporter: BRIANA L. BELL, RPR
Official Court Reporter
P.O. Box 20991
Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.
Transcript produced by computer-aided transcription.G1

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1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The
6 Government calls for hearing on a supervised release violation
7 United States versus Brian David Hill in 1:13CR435-1,
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the
14 Western District of Virginia, welcome, here on behalf of
15 Probation.

16 We're here today because the petition and the
17 supplemental report allege that Mr. Hill violated the terms of
18 supervision.

19 Did you receive a copy of the petition and the
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is
24 actually requesting a continuance of this matter today, Your
25 Honor. I believe it was -- I won't said filed because we don't

1 have an actual clerk's office here, but I think he did provide
2 it on I believe the 8th floor, Your Honor, and because of the
3 time that he drafted it, it seems like last night, he didn't
4 have an opportunity to file it. So he did provide it to me, a
5 copy, today.

6 He's asking for a continuance because his matter in
7 state court was actually -- his appeal hearing was continued to
8 December 2. It was in order -- the first hearing that he had,
9 I believe he -- his attorney was released from that. He has a
10 new attorney in state court, and so they continued it out to
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,
13 that he would like for his hearing to be heard -- in
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of
18 indecent exposure in Martinsville, Virginia. He appealed that
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1 **MS. PRYOR:** He's appealed it to their -- which would
2 be their next level, which would be their superior court. In
3 that case, when he went to court on -- I think that was two
4 weeks ago, they continued that matter to December 2 to be heard
5 at that time, and he now has a new attorney.

6 **THE COURT:** And what's the nature of that appeal?

7 **MS. PRYOR:** It is the underlining matters that are
8 here on this case.

9 **THE COURT:** I understand. Is it a de novo review, or
10 is it an appeal?

11 **MS. PRYOR:** It would be a de novo review, Your Honor.

12 **THE COURT:** All right. What was he found guilty of?

13 **MS. PRYOR:** He was found guilty of the charges that
14 he's here for today, Your Honor, which was in violation of
15 indecent exposure. I think it's 137 -- I think it's 20-137,
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17 **THE COURT:** According to the petition, it's Virginia
18 Code 18.2-387.

19 **MS. PRYOR:** I apologize, Your Honor. That's correct.

20 **THE COURT:** All right. Okay. Anything else on that?

21 **MS. PRYOR:** That's it, Your Honor. And then, of
22 course, you know, Your Honor, if you would not continue it,
23 we're prepared to proceed.

24 **THE COURT:** Well, I've also reviewed apparently today
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,
3 and I was referencing it as a continuance. Your Honor, I did
4 receive that. I believe it might be couched in the wrong -- in
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on
19 it, but the petition for notice of interlocutory appeal, it
20 would appear to the Government he's appealing Document 183,
21 that's in the second paragraph, which is the Court's order on
22 the motion to continue. That was a motion to continue by the
23 defense, which the Court granted and the Government didn't
24 oppose. So it would appear Mr. Hill's attempting pro se to
25 appeal an order that was in the Defendant's favor.

1 **THE COURT:** Hold on just a minute.

2 (Pause in the proceedings.)

3 **THE COURT:** Okay. What's your position on the other
4 motion? They want to continue this because he's appealing
5 Virginia -- the court's -- the trial court's determination.

6 **MR. RAMASWAMY:** I don't believe there is a motion --
7 unless it's one made orally, there is a motion to continue.

8 **THE COURT:** Do I have a written one?

9 **MS. PRYOR:** You do not have a written one, Your
10 Honor. That was an oral motion just now, Your Honor. That's
11 correct.

12 **THE COURT:** What's your view on that?

13 **MR. RAMASWAMY:** We would oppose, Your Honor. The
14 officer is here under subpoena. The Defendant is here. The
15 supervising officer is also here from Martinsville, Virginia.

16 **THE COURT:** Let me ask a question. When did the
17 court in Virginia rule?

18 **MS. PRYOR:** Your Honor, do you mind if I get a second
19 just to ask that question?

20 **THE COURT:** That's fine. I am going to want to know
21 when he took the appeal, too.

22 **MS. PRYOR:** Okay. Yes, Your Honor.

23 (Ms. Pryor conferred with the Defendant.)

24 **MS. PRYOR:** I apologize. Thank you, Your Honor.

25 Your Honor, he actually was found guilty on

1 December 21 of 2019. He filed a pro se appeal on December 21,
2 but it was mailed, so they did not have it couched as a pro se
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled
12 until May and then -- that's only because he went off -- and I
13 know that's probably longer than what you are asking me for,
14 but they sent him to Butner for competency. He came back in
15 May. They did couch the first hearing for May, and then they
16 continued that one because he released that attorney. And then
17 in July, he had a hearing, which is the one that you gave us
18 permission to continue to this date for that hearing, but then
19 that hearing was then rescheduled. He has another attorney who
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is dennen. The
22 standard before this Court on a potential revocation of a
23 petition is a preponderance standard, which is a different
24 standard. So even if he were found not to be guilty beyond a
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a
2 preponderance basis because that's the burden of proof. So it
3 is also a late-blooming motion, so on timeliness grounds as
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency
7 petitioner's notice of interlocutory appeal. To the extent
8 that's even pending before me, it's not an impediment to my
9 moving forward. He's purporting to appeal an order that, as
10 the Government says, was one I granted in his favor, extending
11 him more time to proceed. So he's not been harmed by that
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your
18 Honor.

19 **THE COURT:** Do you have access to his original
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the
25 charges that are here today.

1 **THE COURT:** All right. Mr. Hill, I need to speak
2 with you for a moment, if you would stand, please, sir.

3 How are you this afternoon?

4 **THE DEFENDANT:** I'm all right.

5 **THE COURT:** Good. Did you receive a copy of the
6 petition and supplement?

7 **THE DEFENDANT:** I did.

8 **THE COURT:** Did you review those with Ms. Pryor?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Do you understand the charge against you?

11 **THE DEFENDANT:** I am.

12 **THE COURT:** You may have a seat, sir.

13 The allegation in the petition is that Mr. Hill was
14 arrested by the Martinsville, Virginia Police Department for a
15 misdemeanor indecent exposure on September 21, 2018. He
16 reportedly was running around a public park nude at the time.

17 Does the Defendant admit or deny this allegation?

18 **MS. PRYOR:** He denies, Your Honor.

19 **THE COURT:** All right. Is the Government prepared to
20 proceed?

21 **MR. RAMASWAMY:** Yes, Your Honor.

22 **THE COURT:** All right. You may call your witnesses.

23 **MR. RAMASWAMY:** Thank you. The Government would call
24 Robert Jones.

25 **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2 **THE COURT:** Before you begin, give me a chance to
3 look at one thing.

4 **MS. PRYOR:** Your Honor, may I have just one moment
5 with my client?

6 **THE COURT:** Yes, you may.

7 (Ms. Pryor conferred with the Defendant.)

8 **THE COURT:** Okay. I was just confirming that it's
9 Docket Entry 176, that the U.S. Court for the Western District
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be
11 competent. That appears to be the case.

12 **MS. PRYOR:** That is correct, Your Honor.

13 **THE COURT:** Thank you. All right.

14 Mr. Ramaswamy, you may proceed, sir.

15 DIRECT EXAMINATION

16 **BY MR. RAMASWAMY**

17 Q Would you state your name and occupation for the record,
18 please.

19 A Robert Jones, patrol sergeant in the Martinsville City
20 Police Department.

21 Q How long have you been with the Martinsville PD?

22 A Just over 17 and a half years.

23 Q And were you on duty on September 21st of last year?

24 A I was.

25 Q And what were your duties on that date?

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no
6 clothes on running down the side of the street at Hooker Street
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area
10 and were trying to locate that individual. I came from another
11 part of the town. As I came across, they were not having any
12 luck locating him. I went to an area of Pine Street. At the
13 dead end section of that, there is a set of steps that go onto
14 the walking trail that connects where the individual was first
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection
8 there where the trail splits off back towards the direction
9 where the individual had been seen. As I was coming up the
10 trail, I could hear footsteps coming towards me; at which
11 point, I stopped to see if the individual would come closer to
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

- 1 A By my flashlight.
- 2 Q And do you see the person that you saw that night?
- 3 A I do.
- 4 Q And is he in the courtroom?
- 5 A He is. It's the Defendant sitting at the table with his
6 attorney.
- 7 Q Mr. Hill?
- 8 A Correct.
- 9 Q Describe Mr. Hill when you saw him.
- 10 A When I shined my light on Mr. Hill, he was completely
11 naked other than a backpack, his tennis shoes and socks, and a
12 stocking cap.
- 13 Q How far away was he when you first saw him?
- 14 A About the length of the courtroom.
- 15 Q And when you -- after you saw him, what did you do?
- 16 A I yelled at him to stop. When I shined my flashlight on
17 him, he took off, which would have been where I was facing to
18 my left into the wood line and down the hill into the creek.
- 19 Q Did you see him holding anything?
- 20 A He did. He had a yellow flashlight in his hand and then
21 also another black object, which was later found to be another
22 flashlight in his other hand.
- 23 Q I'm sorry. After he ran down the hill and into the wooded
24 area, did you pursue?
- 25 A I did.

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight
6 had fallen. That was picked up by one of the other officers
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the
10 wooded area back to the patrol cars that met us at -- off of
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we
17 transported him to the hospital to get him checked out to make
18 sure he was okay. While there, he proceeded to explain to me
19 that the reason he was out there like that was because a male
20 subject -- a black male in a hoodie had threatened him and
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and
25 his family and told him that he needed to take these photos of

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person
3 knew his family?

4 A When questioning him if the male subject was with him when
5 he took the photos and stuff that were on the camera, he stated
6 he was not with him. And when questioned about that and why he
7 didn't come to see us and asked him -- he proceeded to explain
8 to us that this subject was working for law enforcement and
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography
11 charge -- that this unknown person was somehow affiliated with
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject
16 had given him the camera to go take the photos. I had seized
17 the camera during this time. A search warrant was issued for
18 it, and on the camera card -- on the SD card inside the camera
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as
11 Government's Exhibit 1, which is a two-page exhibit, a contact
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,
16 and on the photographs themselves, does there appear to be a
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins
23 with the word "Sanyo," and the first one at the top left of
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what
25 that is?

1 A That's the -- normally, that's the stamp that the camera
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in
17 relation to this trail, the Dick and Willie Passage. In your
18 further investigation or knowledge, were you able to determine
19 whether these photographs were taken in reference to that
20 trail?

21 A Further investigation from the initial incident, it looks
22 like all of these were taking place at the Greene Company right
23 behind the Mexican restaurant right in that area, Virginia
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.
2 There's several restaurants, a gas station right here in this
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as
19 Government's Exhibit 2. Do you recognize Government's
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.
23 Have you previously reviewed this in relation to the
24 photographs and file names?

25 A Yes, sir.

1 Q And as it describes in numbered sequence one through five,
2 does that accurately show, as to the files in Government's
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the
9 first number there, under No. 1, when do the photographs begin,
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as
13 Government's Exhibit 3, and I want you in reference to -- what
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia
16 Avenue over the bridge, along with the beginning of the walking
17 trail there for parking, the bike rack, and the little bulletin
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and
7 their parking lot, along with the Taco Bell old truck --
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is
12 there are also a Taco Bell truck with the B and final L missing
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location
16 of the photographs shown on the back -- the second page of
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --
20 Government's Exhibit 5. Would you tell us what's shown in that
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection
19 behind the gas station. The Wal-Mart intersection is here with
20 the stoplights. The signs for all the stores down there in the
21 strip mall just below Wal-Mart is here in the smaller, lower
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of
24 Government's Exhibit 6. Is there also a yellow sign with a
25 semicircular top about in the center near the bottom?

1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.
4 I think it's a Midas or Monro, something to that effect, and
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on
12 the right, you're pointing to where there's a Lowe's sign, in
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the
15 stoplight, the Monro Muffler shop is here, and the Wal-Mart
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer
18 just so I can see where they're pointing? I am unable to see
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where
23 the blue sign is. We've got the yellow building, which is the
24 muffler shop, tire shop there, and then just past that one with
25 this other brick building behind it is the Hill Chiropractic

1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the
2 apparent vantage point on Government's Exhibit 5 from which
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the
20 photos were originally started and a location of the time of
21 the original call that we received from dispatch and
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says
8 "arrest"? Is that accurate as to the place to which the
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and
12 where it shows the 911 call location was made, can you tell
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,
17 just so counsel has an idea, I can go until about 5:15 today.
18 So if you think you need to go beyond that, we'll have to make
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your
21 Honor. I am sorry to interrupt. I don't anticipate more than
22 two other exhibits, and my evidence will be all through this
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as
3 Government's Exhibit 8, and I ask that you take a moment and
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed
10 version that belonged to Mr. Hill that was on the camera when
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,
17 did you observe the properties for that four-page document I
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night
25 besides Mr. Hill?

1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were
3 you aware of other calls in reference to a naked person on that
4 trail or in that area?

5 A We have had other calls in the city in reference to a
6 white male running naked with a stocking cap on, which was
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in
9 this case?

10 A We've had, I know, two other calls for indecent exposure
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's
18 Exhibit 10, and ask that you take a look at that and see if you
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for
18 Government's Exhibit 1. For the remainder of the exhibits,
19 we'd asked that they be admitted, and I believe two of them are
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1 **MS. PRYOR:** Yes, Your Honor.

2 CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q Can you tell us -- I believe you stated that the call came
5 in around what time?

6 A Around 3:12 in the morning.

7 Q And was that the only call that you received?

8 A It was.

9 Q Okay. And at 3:12 in the morning, are any of the places
10 that's on the map, I believe Taco Bell, the Mexican
11 restaurants -- are those places open at that time?

12 A The Greene Company that has the Taco Bell delivery truck
13 is not open at that point. The Wal-Mart at that intersection
14 is still open. Other than -- as far as the Mexican restaurant
15 and the other restaurant right on the corner, they are not.

16 Q I believe there is a Roses as well on that corner as well?

17 A Correct.

18 Q And Lowe's as well?

19 A Yes.

20 Q And are those open at that time in the morning?

21 A No, ma'am.

22 Q And when you did proceed to arrest my client at that time,
23 how many people were around at that time?

24 A It was me and him when he was placed in handcuffs in the
25 woods. Another officer was coming down to us but had not made

1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill
9 through the vines and brush and, like I said, jumped over a log
10 into the creek out of my sight, which I was trying to give him
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the
15 daytime with many cars, of course, on this, but at 3:12 a.m.
16 when you were traveling, based on that call, did you see --
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was
19 not at that intersection. It was farther up the trail towards
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where
24 there's restaurants, some other businesses, and stuff like
25 that. Those were not open during this particular time. It

1 proceeds up past the access for the hospital and continues on
2 out to the Public Safety building, which is -- somebody's
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram
5 on -- I believe that's Government's Exhibit No. 7. The caller
6 that called in at 3:12 a.m., that was near I believe -- that
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger
9 King is a 24-hour laundromat and just around -- if you take a
10 right from there, you are in sight of the CVS that's open 24
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not
19 when I told him to stop; at which point, he went straight into
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a
22 flashlight and a book bag, and I believe you said one other
23 item?

24 A There was a backpack on him. He had a large flashlight,
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first
6 story as to what had -- the reason why he was out there that
7 late, he gave us permission to look at -- one of the officers
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is
10 that there was a male that was in a hoodie, that he was told
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,
16 during questioning him and trying to get some more information
17 about that -- he provided more information as to that male
18 subject with the hoodie was working for the people that were --
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to
23 me at that point. We made contact with his -- tried to make
24 contact with his mother that night. I don't know if anybody
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been
2 able to find out whether there were some threatening matters
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --
11 does the department train you on how to approach someone with
12 autism?

13 A We deal with some academy-wise and not much follow-up
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him
8 for mental health issues is the reason why they cleared him
9 psychologically, to make sure there was nothing going on there.
10 Once they do that, they do lab work and other stuff. I didn't
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or
22 not they were open in this time frame. Are there residences
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 RE-CROSS-EXAMINATION

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail
18 from, along with -- the original call that came in, the trail
19 actually runs right up the side of the road where the original
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the
25 scene there the first time?

1 **THE WITNESS:** The original call came in at 3:15, and
2 I had Mr. Hill in custody at 3:22.

3 **THE COURT:** Any further questions from counsel?

4 **MS. PRYOR:** No, Your Honor.

5 **THE COURT:** Thank you. You may step down.

6 (At 4:26 p.m. witness excused.)

7 **THE COURT:** Any other evidence?

8 **MR. RAMASWAMY:** Not from the Government, Your Honor.

9 **THE COURT:** Any evidence from the Defendant?

10 **MS. PRYOR:** Yes, Your Honor. I would like to call
11 Officer Jason McMurray, Your Honor.

12 **JASON MCMURRAY**, DEFENDANT'S WITNESS, being first duly sworn,
13 testified as follows at 4:26 p.m.:

14 DIRECT EXAMINATION

15 **BY MS. PRYOR**

16 Q Could you state your full name for the Court.

17 A Yes. Jason McMurray.

18 Q And where do you work?

19 A I'm a United States probation officer employed in the
20 Western District of Virginia in the Roanoke Division.

21 Q How long have you been with the police -- I mean the
22 probation office?

23 A Over 10 years.

24 Q Okay. And did you have the occasion to supervise
25 Mr. Brian Hill?

1 A Yes, sir, I have supervised him Mr. Hill since about
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,
4 has he had any infractions besides the one that we are
5 presently here for today?

6 A The only one was when shortly after he was released from a
7 prior revocation hearing, for which he was not revoked, he was
8 referred to sex offender specific treatment. After a short
9 time of enrollment, the counselor advised that he was not
10 amenable to treatment and recommended that he be terminated. I
11 advised the probation office in this district, who had, in
12 turn, advised the Court, and the determination was made that if
13 he was otherwise stable with no other concerns or issues, we
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health
17 treatment?

18 A He saw a private counselor named Preston Page that was
19 paid for by his Medicaid, I do believe. He maintained contact
20 with Mr. Page, and I would check with Mr. Page occasionally to
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have
25 you found -- have you found to determine that you do see some

1 level of weaknesses when it comes to -- when it comes to your
2 communication with him?

3 A Sometimes it can be difficult to communicate with
4 Mr. Hill. So I have on many occasions -- he resides with his
5 mother, and I have spoken with Roberta, is his mother's name,
6 to see how things are going. And Mr. Hill has always been
7 respectful. It is hard to communicate with him on --
8 sometimes, but I will speak with his mother, and I have spoken
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.
19 We have not spoken face to face or on the telephone regarding a
20 violation.

21 Q And other than this violation that we're here today,
22 Mr. Hill, to your recollection, has been in compliance with all
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until
25 his arrest.

1 Q Okay. Did you --

2 **MS. PRYOR:** Can I have one moment, Your Honor?

3 **THE COURT:** Yes.

4 (Pause in the proceedings.)

5 **BY MS. PRYOR**

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the
9 federal Government -- or, let me say, the probation office
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North
12 Carolina -- this district was filed, but I notified the
13 probation office, and they proceeded to request the violation
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --
16 once he was found guilty in Martinsville, did the Federal
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate
19 court in Roanoke for his initial appearance on the violation
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge
4 Ballou ordered that he be sent to Butner for a psychological
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go
7 through that process?

8 A He was not returned to court until May 14th of this year,
9 2019.

10 Q Okay. After he returned May 14th of this year, was he
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,
19 has he been in violation of that particular conditions of that
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on
23 that release on May 14, 2001 [sic], have you had a chance to
24 visit him at home?

25 A Yes, monthly.

1 **MS. PRYOR:** No further questions, Your Honor.

2 **THE COURT:** Any cross?

3 CROSS-EXAMINATION

4 **BY MR. RAMASWAMY**

5 Q You mentioned previously that Mr. Hill's sex offender
6 treatment or counseling was terminated because he was found not
7 to be amenable to treatment; correct?

8 A Yes, sir.

9 Q Do you know what the nature of that was?

10 A Yes, I do. Dr. Keith Fender of Radford Counseling advised
11 that in group treatment Mr. Hill was not accepting
12 responsibility for his underlining charge -- or conviction,
13 rather, and that that would be a detriment to the group, and
14 they determined that he should be removed from group, because
15 part of that is that you accept responsibility and you work
16 through what they call a workbook, which is a quite lengthy
17 piece of material. So it was determined to remove Mr. Hill
18 from the group.

19 Q And counsel asked you if you had spoke to Mr. Hill about
20 this incident. Did Mr. Hill admit the conduct in this
21 violation, the conduct of this hearing?

22 A We did not -- we have not spoken face to face. I have not
23 asked him whether he committed the offense. He had written
24 letters when he was in prison discussing the story that we
25 heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8
3 was the monthly supervision report for the month of
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we
10 receive timely every month from Mr. Hill, and it was
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the
13 conditions of his supervision, would that prevent him from
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but
16 our standing order in the Western District of Virginia would
17 require permission for someone to go to places that are
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the
22 daytime hours to go on the trail to take pictures of wildlife
23 and nature.

24 Q Now, the probation office's recommendation in this case is
25 revocation; correct?

1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very
13 quickly, which the workbook, as it's been explained to me, it
14 takes quite some time to complete. There are numerous phases
15 that you must go through, and it's not something that can be
16 completed without presenting the material to the group and
17 receiving feedback. It's not something that can be completed
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill
20 does inform you that he is traveling, or any of that nature;
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during
22 the day and night.

23 Q Okay. And so at one time, you guys were having some
24 issues in the same home that Mr. Hill lives in dealing with the
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same
20 professional come back out to review it because of some issues
21 that you stated?

22 A Yeah, there was another fireplace company that came out to
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you
25 of anything that might have been happening in the home at the

1 time?

2 A Yeah, he said that he found out that all three flues of
3 the chimney had been completely sealed off, and that means that
4 my furnace and hot water heater was venting out through our
5 apartments into -- he said that we would have had carbon
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got
24 a chance to come home after that particular -- after the first
25 time he was arrested?

1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and
5 hit his head on a desk in his office and managed to somehow get
6 back to his bedroom and fall asleep and whenever -- I set my
7 alarm at 4:30 in the morning to check on him, check his blood
8 sugar. I went down there. I saw all the blood on the pillow
9 and realized something had happened, checked his blood sugar,
10 treated an insulin reaction, and then I called 911 because I
11 didn't know what had happened to him, and I saw that there was
12 a gash above his eye. So the paramedics came out. They
13 recommended for him to go to the hospital. He refused to go in
14 the ambulance. So it took four hours for him to go through his
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that
17 occurred?

18 A That was during the winter, right after I first got the
19 chimney fixed to keep birds from going into the chimney. It
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to
14 explain something to him, he doesn't quite understand what I'm
15 saying, or he's unable to see my perspective, and sometimes he
16 will get a little upset about it, which isn't unusual for
17 people with autism. So I have to further explain things, or I
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two
23 or three different medications that never really helped him.
24 So we had -- Teacch was coming out to help a little bit with
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he
12 taking any -- do you recall if he took any medication for the
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to
19 the heater and the hot water heater, and he put a chimney cap
20 on the top. So we don't have any more problems with that.
21 And, plus, we got two carbon monoxide detectors in my apartment
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1 **MR. RAMASWAMY:** Yes, Your Honor.

2 CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q Ms. Hill, you're pretty familiar with your son's case;
5 correct?

6 A Yes.

7 Q He files things pretty frequently with the court?

8 A Yes.

9 Q Do you assist him with that?

10 A No. That's his -- I'm not even into legal stuff. He's
11 the one that works the legal information, other than I might
12 look up information for him.

13 Q You're saying you don't read what he files?

14 A Sometimes, not all the time because sometimes he's
15 impulsive, and he does it in the middle of night when I'm
16 sleeping, so, no.

17 Q Well, if he's filing things in the middle of the night,
18 does he have Internet access?

19 A No, he does not. He faxes.

20 Q He faxes them?

21 A Uh-huh.

22 Q Some of these things are -- they're filed online, though,
23 aren't they?

24 A No.

25 Q Are you familiar with his story that someone forced him to

1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of
21 carbon monoxide problem for which you're trying to relate
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that
24 time, that I didn't know what was going on, but I thought that
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I
15 believe you said, January of 30 of 2019, did you see some
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got
18 increasingly worse. The ceiling started falling down. I
19 didn't know what was going on because my apartment is right
20 above his, and I wasn't getting any water damage. So I thought
21 initially it has to be the foundation. So I called the
22 foundation place, and they could only come three months later.
23 So I waited for that, and they said it's not the foundation.
24 They thought maybe it's the chimney or the roof. I got a
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So
2 I got that done. That didn't stop it. So then I called a
3 fireplace expert out to take a look at it, and he found out
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things
6 that were affecting Mr. Hill during that time that you couldn't
7 figure out. Can you describe some of those things for the
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,
10 and he was extremely tired. I also was extremely tired, and I
11 didn't know why. I was complaining to my parents. So both of
12 us were complaining about things like not being able to think
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 RECROSS-EXAMINATION

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

1 time. So, I mean -- and my son was constantly complaining
2 about not being able to think. I can't really say that that
3 was inside the house or outside the house. It was just
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the
6 camera card time, he was outside for several hours on
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is
10 it?

11 A Well, from what I've read online, it can cause a lot of
12 different problems. That can -- it could affect your
13 neurological system. I also was having a lot of head shaking
14 going on. My parents noticed that. So it can affect
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the
23 violation is the Defendant committed the criminal violation of
24 the Virginia Code for indecent exposure. I have given the
25 Court the statute, but, here, if it had only been the phone

1 call and the arrest, that's one thing, but we have a series of
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the
5 photographs. They are taken from a distance. How does
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a
8 couple of things. One is the officer's testimony about
9 flashlights. He had two flashlights. And, second, in the
10 vantage point of the photographs themselves, note the proximity
11 of the ground, and it would be our contention the camera is
12 simply set on the ground and a timer is used. As a matter of
13 fact, some of them appear to be retakes. Where Government's
14 Exhibit 1, for instance, the top right photo, sanyo096, is too
15 dark, the next photograph in sequence sanyo097 is well lit. In
16 effect, it supports the inference that he repositioned the
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.
19 In every one of them, they appear to be taken with the camera
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct
23 itself -- I'm not at this point addressing anything else -- two
24 things. His initial story is clearly impossible, that someone
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report
2 to his probation officer is found on the same memory card with
3 him being shown as the author, the conduct for a registered sex
4 offender convicted of child pornography offenses to be naked,
5 not just exposing himself -- this would be a different matter
6 if Mr. Hill had simply been walking and chose to relieve
7 himself and could have technically violated the statute, but
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9 As shown on Government's Exhibit 7, the map with the
10 annotations, the photographs are taken some distance away, not
11 only from his residence, but where he was observed and reported
12 to the police naked and where he's arrested, that the duration
13 of the conduct, the nature of the conduct, photographing the
14 conduct for whatever reason all support the violation. We
15 would ask that he be found in violation.

16 **THE COURT:** All right.

17 Ms. Pryor?

18 **MS. PRYOR:** Thank you, Your Honor.

19 Your Honor, we, of course, would ask that he does not
20 be found in violation, Your Honor. As you've had the
21 opportunity to hear, Your Honor, the statute does indeed state
22 that every person who intentionally makes an obscene display or
23 exposure of his person shall be found guilty of a Class 1
24 misdemeanor.

25 Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the
2 intent of Mr. Hill. One of the elements that we are faced here
3 with is the intent element here. Your Honor, I believe that
4 the Government, one, has not provided the intent and, two, that
5 this Court has the opportunity to determine the facts that were
6 presented today to determine whether the intention of the party
7 was to make an obscene display or expose himself -- exposure of
8 himself.

9 Your Honor, you had the opportunity to hear from his
10 mother, who stated that at the time of this incident that there
11 has been evidence that there was some carbon monoxide that had
12 been displayed in their home, and based on that, Your Honor,
13 she went further to state that in her research, Your Honor,
14 when it comes to carbon monoxide, that based on that research,
15 that it does causes some level of delusion, some level of --
16 they even talked about -- she even discussed possibly that they
17 were beginning to have some headaches, that there were some
18 things that --

19 **THE COURT:** How do I rely on that in this hearing?
20 That's hearsay, and it's --

21 **MS. PRYOR:** It is hearsay.

22 **THE COURT:** I mean, it's not -- it's scientific
23 evidence, and there's no indication she's qualified to -- I
24 don't even know what her source was, whether it was Wikipedia
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the
2 effect of carbon monoxide.

3 **MS. PRYOR:** Your Honor, we do understand that, Your
4 Honor, but the factual part of what she did state was the
5 things that affected her, Your Honor, and the things that she
6 did, who has been his caretaker -- the things she saw affect
7 him.

8 So, Your Honor, we would state that there was some
9 level of affect that was going on that can be determined just
10 to Mr. Hill presently, Your Honor, that would show some level,
11 and then to actually have the evidence that there was some
12 carbon monoxide and to begin to start the process of fixing it.

13 So, Your Honor, we would state that Mr. Hill, based
14 even on this -- based on this statute, that the intent factor
15 has not been met here today, Your Honor, and that he should not
16 be found in violation of his release conditions, Your Honor.

17 **THE COURT:** Okay. I am going to find that the
18 preponderance of the evidence demonstrates that Mr. Hill did
19 violate the condition of release by violating the Virginia Code
20 18.2-387. As the officer testified, it's actually the local
21 version, but it's apparently the same statute, and that's what
22 he's charged with in that he did intentionally expose himself
23 and make an intentional either obscene display and actually
24 exposure -- intentional exposure of his person. The
25 photographs are evidence of that.

1 He's also seen, by the officer's independent
2 testimony, to have been naked at the time and was running
3 around the neighborhood. So I credit the testimony of Sergeant
4 Jones and find him to be credible and that about September 21,
5 2018, that the Defendant was naked and running around
6 Martinsville, Virginia, taking pictures, which are indicated in
7 the Government's exhibits.

8 As to the testimony about intent -- or the argument
9 about intent, the evidence on a preponderance basis
10 demonstrates that Mr. Hill intended to do this. The story
11 about him being forced to do this by another individual finds
12 no support in the record. It's also inconsistent with some of
13 the information that's testified to by Sergeant Jones, who -- I
14 went back and was just checking his testimony, who did say that
15 the other individual, the male, asked him to -- or demanded he
16 take pictures. There's no testimony by anybody that there was
17 any kind of threat like that made, and the camera that
18 allegedly was given to Mr. Hill to take these photos, it
19 strikes me as virtually impossible that it would contain a copy
20 of the Defendant's own court records. So that's inconsistent
21 with that story as well.

22 So I'm going to find the preponderance of the
23 evidence demonstrates the Defendant violated Virginia law by
24 indecently exposing himself at the time alleged. So I'm going
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.
3 He's a Criminal History Category I. This is a Class C
4 violation. The guidelines provide a 3- to 9-month advisory
5 imprisonment range. The most that can be imposed on him is 24
6 months.

7 As to supervised release, the original term of
8 supervised release available under the statute is, I believe, 5
9 years to life. He had had 10 years of supervised release
10 imposed by Judge Osteen, but the term that's available could be
11 5 years to life under the statute.

12 I will say it would be my intention to work off the
13 10 years and work -- and consider nothing more than the 10
14 years that Judge Osteen -- that's the maximum that I would
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another
2 date. I would be happy to hear from you as to an appropriate
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would
6 note, and I think you heard on testimony as well, that Mr. Hill
7 was on a federal detainer. I believe it began on December --
8 we tried to come to a date about, but I believe it was around
9 December 21 of 2018, and he was held into custody until May 14
10 of '19. So, Your Honor, that's give or take about 6 months
11 already.

12 This violation, as you note from the guidelines, Your
13 Honor, is a -- falls within that period of time, Your Honor. I
14 believe 6 months is, I believe, in the revocation that they
15 were asking for. It was around the middle, which would put us
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him
18 credit for time served for that particular time, to continue
19 him on supervised probation that you've -- I mean, I'm sorry,
20 supervised release, Your Honor, pending that, but, Your Honor,
21 I do believe that he has served and he was -- as we can recall,
22 he was on that detainer, Your Honor. He could not leave, of
23 course, or if he even -- with the bond. So we can conclude
24 that he definitely was on a federal detainer at that time. He
25 did get released on conditions from the Virginia -- from

1 Virginia, and so that would also conclude that he did have that
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him
4 credit for the time that he was sent to Butner as time-served
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually
7 called the Bureau of Prisons before so I could know that
8 answer. That was actually my question as well. Your Honor,
9 I'm not sure how that process works, and I was waiting on
10 someone to call me back from the Bureau of Prisons. And I
11 believe the attorney was supposed to call me back in order to
12 conclude that or give us an estimation of whether the Bureau
13 does consider time when you're determining competency, whether
14 that time is conclusive or does it even give them credit for
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would
17 like to, of course, get that answer, Your Honor, because as I'm
18 standing here asking for you to use it as credit, I can't
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,
24 that is the sentence that they have requested, but, Your Honor,
25 we would ask the Court for the bottom of the guidelines, Your

1 Honor.

2 I would remind the Court that he does have autism. I
3 remind the Court that he has OCD. I remind the Court that he
4 does have some debilitating health issues that he does have
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very
7 destruction to him as a person, who does see things and
8 perceive things, of course, differently than we do as being on
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your
16 Honor. He actually got out of Butner I believe it was around
17 February, and then he was -- then he went back to court, and
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in
20 February?

21 **MS. PRYOR:** He was released from Butner in February.
22 They sent him to another custody situation, I guess, just in
23 the process, and some things -- and this is why I bring this
24 up, too. Because of his autism, he has some issues in the jail
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in
2 another jail.

3 All in all, he didn't get back, of course, until
4 May 14, and so that's why I stand here and ask for the credit,
5 because I would hope that the Court would -- and I say that
6 because we do understand that you've made that he has violated
7 this, and based on that, there is a punishment that must go
8 with it; but, Your Honor, I would state because of his
9 condition and because of OCD and because of autism, the courts
10 and BOP, having to learn to deal with someone with autism, I
11 don't believe that they are there yet, which makes it difficult
12 on the person. And because of -- you know, because of that,
13 Your Honor, I would ask that if you do find that you want to
14 sentence him, there are some other alternative ways of
15 sentencing him. He's been successful, as you heard from his
16 probation officer, being at home, home detention where he
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see
19 what the Government's position is, but I don't know if they're
20 opposing. He's essentially been incarcerated now for close to
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1 **MS. PRYOR:** And so, Your Honor, there are some other
2 alternative ways of doing prison -- or doing punishment. As
3 you heard, Mr. Hill has been successful with being at home. He
4 can be placed on home detention. He can have an electronic
5 monitor. He can be placed on home detention for up to 6
6 months, even up to a year, if Your Honor so requires.

7 Him being at home, he has the opportunity to -- I
8 mean, he won't have the opportunity to leave. His family does
9 travel, and they do enjoy traveling. He won't have the
10 opportunity to travel, some of the things that he takes -- some
11 of the things that he enjoys doing.

12 Your Honor can also make it any other conditions
13 that, of course, Your Honor would provide, but, Your Honor, I
14 would ask because of what he -- because he's been successful
15 through his probation of showing that he is consistent about
16 sending his report, he's consistent about contacting them, he's
17 consistent about making sure that they know where he is at all
18 times, he's consistent about being respectful to the officer,
19 so I would state that having him at home with his family and
20 even if -- like I say, even if it's more closed in where he
21 cannot leave the home I think would still satisfy the
22 punishment that is here.

23 As you heard, he does -- I believe they stated that
24 he walks that trail even during the daytime. So he does enjoy
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2 So, Your Honor, I do believe that you can satisfy the
3 factors here of the condition of him being at home on
4 detention. Whether 6 months to a year, you can satisfy the
5 condition of whether it would be a deterrence because, as you
6 note, Mr. Hill does like to travel with his family. So that is
7 the deterrence, that he won't be able to travel.

8 And being with his autism, his mindset and what he
9 thinks is differently than what it is for us or any other
10 prisoner that we could sentence to custody. His punishment is
11 just the violation, being sentenced to -- him being violated.
12 That's the difference of the sentence that he gets here today.

13 So, Your Honor, I would just ask that you would
14 consider those other alternative ways of punishment today and
15 that you would sentence him within the guidelines but through
16 alternatives ways of doing it.

17 **THE COURT:** All right.

18 **MS. PRYOR:** Thank you.

19 **THE COURT:** All right. Mr. Ramaswamy?

20 **MR. RAMASWAMY:** Your Honor, I don't wish to
21 prolong -- I don't wish to speak so long that the Court is
22 going to miss any deadlines.

23 **THE COURT:** Well, how long do you want to speak?
24 What is it the Government's arguing for?

25 **MR. RAMASWAMY:** I would first say that the Defendant

1 is a registered sex offender who spent at least three hours out
2 that night naked, photographing himself for some unknown
3 reason. And the Court has also heard testimony that there were
4 other reports of a naked man in a stocking cap, and he's shown
5 wearing a stocking cap prior to this, and that there were no
6 such reports after Mr. Hill's arrest.

7 This is not Mr. Hill's first violation. He was not
8 revoked last time, and I'm not saying that would have been
9 appropriate; but on these facts, it is completely appropriate.
10 The probation officer is recommending the high end here. Under
11 the Chapter 7 limits and not going into Protect Act, I would
12 concur with that. I would ask the Court to sentence him to the
13 9 months. I don't know if whatever time he spent in the
14 evaluation counts. I can't say.

15 **THE COURT:** Should I take that into account? I mean,
16 he was essentially locked up for 6 months.

17 **MR. RAMASWAMY:** Yes. I'm not saying it's not
18 appropriate that the Court take it into account, but I don't
19 think simply telling Mr. Hill to stay at home and make him wear
20 a monitor -- he's proven he can't self-regulate. He's
21 consistently denied the offense conduct of the original
22 offense, of the other violation. It's always some nefarious,
23 outside force that makes Mr. Hill do things, now from someone
24 handing him a camera until, here, carbon monoxide. Mr. Hill
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with
6 what's in the reports as to his mental state. More than the
7 autism, there is the diagnosis of delusional disorder. That is
8 in his prior records. I think the Court has dealt with persons
9 with autism before, and that's a larger topic to get into than
10 here. I think we've all been considerate. The Government, the
11 Court, the Court in the original case, counsel has been
12 considerate of the Defendant's mental condition, but on this
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's
15 likely lower than someone without Mr. Hill's condition would
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in
18 Virginia? He's been convicted. What has he been sentenced to?
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would
8 like to say on your own behalf before I make a decision as to a
9 disposition of your case? Let me say to you that you have no
10 obligation to speak. You enjoy the right to remain silent
11 under our Constitution. If you wish to remain silent, I will
12 not hold that against you. On the other hand, if you would
13 like to say anything before I make a decision, this would be
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.
16 I would like to bring up that I have been involved in a 2255
17 motion since 2017. If I have to admit guilt to something I did
18 not do, I would be committing over five acts of perjury. So am
19 I going to be required by the probation office to commits acts
20 of perjury, because I kept saying under penalty of perjury, I'm
21 innocent? I filed something that the guilty plea cannot be
22 valid if I withdrew it. The 2255 is still pending before
23 this Court, and to force me to admit guilt to something I did
24 not do is detrimental and puts me at risk of multiple perjury
25 charges.

1 And the carbon monoxide -- I have a lot of proof,
2 Your Honor. I've got sinus tachycardia. I've got abnormal red
3 blood cell count, abnormal white blood cell count. All these
4 are in medical records, and the National Institute of Health --
5 my mom has documents from the National Institute of Health and
6 government agencies saying that carbon monoxide can be linked
7 to all kinds of problems that I had had last year, like
8 psychosis and hallucinations. And I have credible government
9 documents that all backs up everything I'm saying. That's why
10 I sent a letter to Martinsville Police Department on the
11 conduct, apologizing and saying that, look, carbon monoxide
12 caused this.

13 There might be a guy in a hoodie. There was a
14 threatening greeting card that my mother did receive that said
15 they will do a controlled action against my mother if she
16 doesn't stop putting stuff on YouTube. If she doesn't stop
17 what she's doing, they're going to commit a controlled action
18 against her. That was July 2018.

19 Your Honor, there's a lot more evidence that couldn't
20 be presented at this hearing. We needed more time. That's why
21 I filed the notice of interlocutory appeal. We would have had
22 witnesses to come and testify. We need more time, and I need
23 to go through the state appeal because I am actually innocent.
24 According to my lawyer, Scott Albrecht, the public defender of
25 Martinsville, he said, you are innocent because you did not

1 engage in obscene-type conduct. And that means, you know, I
2 never masturbated. I never did anything sexual. I was just
3 naked. So he said that I am legally innocent under the
4 Commonwealth of Virginia. That's why I'm appealing it so that
5 I could be found actually innocent, and I plan to file a motion
6 for the writ of actual innocence in Virginia. Even though it's
7 normally sent to -- you know, felonies, I'm going to try to
8 push for it, and I'm going to ask the Attorney General to have
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the
15 preponderance of the evidence that the Defendant violated the
16 valid conditions of his supervised release, and the violation
17 was willful and without lawful excuse. I'm going to order that
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply
20 under 3583(e) in this case, and one of the factors is the
21 nature and circumstances of the offense. Here, the Defendant
22 was exposing himself throughout the city of Martinsville, and
23 the photos are part of the record in this case, which indicate
24 how he exposed himself, which is proof of the exposure, which I
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of
3 the Defendant. I've considered the multiple factors here
4 indicated, including the Defendant's autism and his OCD, the
5 diabetes, his age.

6 And I'm concerned about deterrence because this is
7 the second hearing we've had on revocation. The exposure in
8 this case was intentional and purposeful. There's really no
9 way to explain otherwise. He's running around naked, taking
10 pictures of himself and posing for the pictures of his
11 genitals, and he's doing it in the open in the public. How he
12 would have thought he'd never have been caught by this is kind
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy
15 deference to the fact that I know he has autism. On the other
16 hand, he's extremely articulate in his various filings with the
17 court and his allocution. Mr. Hill is very capable of
18 explaining things. It may not always be rational, but he's
19 capable of explaining things. So I am trying to distance all
20 of that.

21 In this case, I'm taking into account the fact that
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from
3 now, roughly 3 months from now, because I am anticipating that
4 he should be getting credit for all of his time since
5 December 21st because he's been in federal custody. Whether
6 he's been at Butner being evaluated or wherever he was, he was
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding
9 that he's getting credit for his time since December 21. It's
10 also acknowledging that he's been in state custody before that
11 and was punished in state custody, but the violations of
12 supervised release, generally speaking, run consecutive to
13 state punishment. And in this case, I think that's an
14 appropriate punishment.

15 The willfulness of this violation is what still
16 strikes me. Even though I know he's autistic and he has
17 issues, it's hard to deny the willful, intentional conduct
18 here.

19 So I'm going to order that Mr. Hill be committed to
20 the custody of the United States Bureau of Prisons for 9
21 months. As I've said, that's with the intention that that
22 would essentially be running from December 21, 2018, to the
23 present because he would be getting federal credit for that
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the
5 attorney or -- once they do return my call, if they do not give
6 him credit for that 5 months that he was in custody, is that
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that
9 credit. So my sentence is based on the understanding that he
10 will be getting credit since then. What I guess I would tell
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the
14 Bureau of Prisons and be sure about that. If that's a problem,
15 let me know, and under Rule 35, I think it is, I will regard
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present
25 time. Is this a case where he can self-report, and is there

1 any objection?

2 **MS. PRYOR:** Your Honor, that would be my request,
3 Your Honor. His family did come all the way from Martinsville,
4 Virginia, and the probation officer and him have a great, great
5 relationship.

6 **THE COURT:** Let me ask: Is there any objection to
7 self-reporting?

8 **MR. RAMASWAMY:** For the Government, I do oppose it,
9 Your Honor. I understand Probation's position, if I'm not
10 mistaken, is he be allowed to self-report.

11 **THE COURT:** What is the Probation's view?

12 **THE PROBATION OFFICER:** Your Honor, he's followed
13 instructions thus far. I don't see why he wouldn't now.

14 **THE COURT:** Is he on location monitoring?

15 **THE PROBATION OFFICER:** No, sir, not at the present
16 time.

17 **MS. PRYOR:** Your Honor, we have no objection to him
18 being on location monitoring, but I would ask that he does
19 self-report. He's never had an issue with Probation.

20 **THE COURT:** I'm -- given the myriad of factors in
21 this case -- he's still living with his mother; right?

22 **MS. PRYOR:** He does.

23 **THE COURT:** I'm going to find he's not likely to flee
24 or pose a danger to the community under circumstances where
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to
5 ask, but I believe his next court date is December 3. I was
6 wondering, Your Honor -- it's really important to him that he
7 be able to attend that hearing -- if it could be a date after
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter
19 of logistics, if he were to be released to location monitoring
20 technology, that technology should be installed immediately.
21 We would request a -- that the Court agree to a short delay of
22 the installation of that, just given the logistics of him
23 traveling back to the Western District of Virginia and the
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1 **THE PROBATION OFFICER:** Your Honor, I think we can
2 take care of that Monday.

3 **THE COURT:** So you can add that to the condition,
4 that within 7 days that it be placed at the discretion of
5 Probation. How about that? Does that work?

6 **THE PROBATION OFFICER:** Thank you, Your Honor.

7 **THE COURT:** All right. So as long as he's on
8 location monitoring, I'll set it for Friday, December 6, noon,
9 report to the U.S. Marshal in Greensboro, if he hasn't received
10 a designation.

11 **THE PROBATION OFFICER:** I apologize, Your Honor.
12 Just for further clarification, is that a home incarceration or
13 a curfew? He would need to be placed under one of the three
14 programs as well.

15 **THE COURT:** Is there a recommendation?

16 **THE CLERK:** Is it a revision? An order of release or
17 a condition of his supervision?

18 **THE COURT:** Well, I don't know -- we'll figure out
19 that in a minute.

20 **THE PROBATION OFFICER:** I would simply recommend at
21 least a curfew. With GPS, you can order a curfew that's
22 restrictive enough to monitor his whereabouts throughout the
23 day.

24 **THE COURT:** Okay. That's a -- the case manager
25 raised a good question. This is actually not a condition of

1 supervision. I think this is going to be a release condition
2 so he can remain on his own. So the magistrate judge's order
3 on release will be modified to add a condition for location
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a
6 curfew that's at the discretion of the probation officer would
7 be --

8 **THE COURT:** I will add a curfew at the discretion of
9 Probation. Probation is doing an excellent job of working with
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to
25 file his notice of appeal.

1 **THE COURT:** For the record, just so that I've advised
2 him, make sure he's aware, if he does want to file a notice of
3 appeal, he must do so in writing within 14 days of the entry of
4 the Court's judgment. If he cannot afford the cost of his
5 appeal, he can ask the Fourth Circuit to waive the cost.

6 If you want to file the notice of appeal -- I haven't
7 entered a written judgment yet, but it only has to be entered
8 within 14 days of the written judgment.

9 **MS. PRYOR:** I understand. Thank you, Your Honor.

10 **THE COURT:** Ms. Hill, please keep an eye on your son.
11 I hope there won't be any problems between now and whenever he
12 gets a reporting date so that we don't have any further issues.
13 Okay.

14 **MS. PRYOR:** Thank you so much, Your Honor.

15 **THE COURT:** Good luck. I know it's a challenge.
16 All right. Anything further?

17 **MR. RAMASWAMY:** No, Your Honor.

18 **THE COURT:** All right. Please adjourn Court.

19 (END OF PROCEEDINGS AT 5:35 P.M.)

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1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF NORTH CAROLINA
3 CERTIFICATE OF REPORTER

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I, Briana L. Bell, Official Court Reporter, certify that the foregoing transcript is a true and correct transcript of the proceedings in the above-entitled matter.

Dated this 4th day of November 2019.

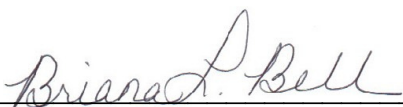

Briana L. Bell, RPR
Official Court Reporter

EXHIBIT 22: Witness Letter from Pete Compton; ACE Chimney business & Wildlife, dated: June 13, 2019 for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



To Whom This May Concern:

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

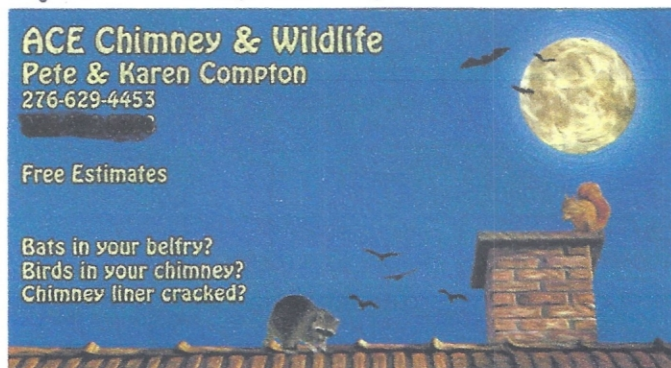
I then went outside and got my ladder to measure the chimney. This was when I found out that all 3 holes were covered with tin. Knowing that the gas boiler heater & gas hot water heater needed to be vented at all times, I immediately removed the tin covering the hole so carbon monoxide would no longer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

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

Pete Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



**EXHIBIT 23: JUNE 21, 2019 DECLARATION
OF BRIAN DAVID HILL IN OPPOSITION TO
GOVERNMENT'S/RESPONDENT'S
DOCUMENTS #156, #157, AND #158 - Case
1:13-cr-00435-TDS, Document 179, Filed
06/24/19, 28 Pages**

for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
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In the United States District Court
 For the Middle District of North Carolina

Brian David Hill,)	
Petitioner/Defendant)	
)	Criminal Action No. 1:13-CR-435-1
v.)	
)	Civil Action No. 1:17-CV-1036
United States of America,)	
Respondent/Plaintiff)	
)	
)	
)	

**JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION
 TO GOVERNMENT’S/RESPONDENT’S DOCUMENTS #156, #157, AND
 #158**

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", "Brian", or "Hill"), that is acting pro se and is proceeding pro se before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to report evidence and this Declaration to the United States District Court which can affect the outcome of the Supervised Release Violation ("SRV") charges in Documents #156, #157, and #158, in this criminal case. Evidence is attached below to this pleading.

If the United States Attorney wants to continue this SRV case as is their right, they are prosecuting a Violation based upon a criminal Defendant/Petitioner who has proven to the United States Probation Officer Jason McMurray that: (#1) he had been subject to carbon monoxide gas exposure according to a witness who is an expert on Chimney work; (#2) that the police had failed or refused to do a Laboratory blood test results or if there was Laboratory results they were likely

covered up or destroyed or concealed; (#3) that Sovah Hospital in Martinsville, Virginia had drawn blood and the record said they had ordered different Laboratory tests but instead Hill was arrested on September 21, 2018 so the staff wouldn't do the Laboratory results but instead that it would be Martinsville Police Department.

The evidence was given over to U.S. Probation Officer ("USPO") Jason McMurray ("McMurray") on June 20, 2019 during the June monthly home visit. A photocopy of the evidence that was given over to USPO McMurray is attached to this Declaration filing, along with a Declaration of Brian David Hill certifying that he had given such evidence to USPO McMurray on June 20, 2019 (with original signatures).

The evidence proves that Martinsville Police Department had committed the civil wrongdoing of negligence which caused an innocent man to be arrested then spend months in Martinsville City Jail, then only to be arrested again but by the U.S. Marshals Service to be sent to Western Virginia Regional Jail in December, 2018, then to be evaluated again at FCI-1 Butner, then FCI Petersburg, then Central Virginia Regional Jail, then released on Federal bond. All of that could have been avoided had the Martinsville Police Department done their job after the Hospital staff had drawn blood from Brian David Hill on September 21, 2018. The Lab tests being ordered by the Hospital in Martinsville, (citing Medical Records obtained from Hill "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", photocopy of the record given to USPO McMurray) but then the tests which were supposed to be ordered were "Deleted from the chart" because the Hospital will not do the Lab tests themselves when the patient is under police custody since the Martinsville Police Department conducts their own Laboratory

tests according to what I was told at the Medical Records office at Sovah Hospital in Martinsville.

This is a clear cut case of negligence on the part of both Martinsville City Jail and Martinsville Police Department. Had the Police Department and/or the Jail or Hospital conducted the “blood count” test, they would have either detected an abnormal blood cell count or any other signs/evidence of toxicity in the blood which can include exposure to carbon monoxide poisoning caused by exposure to carbon monoxide gas. The Martinsville Police Department on September 21, 2018, violated Hill’s rights under the Americans with Disabilities Act (“ADA”), lied to USPO McMurray about Hill recanting his statements made to the Police, failed or refused to conduct Laboratory test results after blood was drawn from Hill (*even the Medical Record shown that the blood count test and other test results would have been ordered by the Hospital had Hill not been arrested*), and their negligence led to the wrongful arrest warrant (Documents #156, #157, and #158) against Hill. The Police failed and refused to prove Hill’s claims about being possibly drugged which would have revealed possible carbon monoxide toxicity. They should have thought it was abnormal for an autistic man to be walking naked on a hiking trail at night with brittle diabetes and Autism Spectrum Disorder, abrasions all on Hill’s body, and not thinking straight.

REVIEW OF HILL’S PAST FILINGS

The Court can review what Hill had wrote on October 17, 2018 (Document #153). Hill felt like someone was watching him while he was mowing the yard on September 18, 2018 between the hours of 1-4 PM. He was talking on a talk show on September 19, 2018 about his federal case and the Americans with Disabilities Act. On September 20, 2018 some of his memories had been blocked out. He was under stress and anxiety. He was keeping his apartment doors unlocked, was

psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him.

Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. He explained "As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked", While at his house, he kept his doors unlocked according to document #153. He left his house at about 11 to go walking beside the road on the sidewalk.

He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 feet tall. This guy told Brian if he didn't do this, they (or he) would kill Brian's mother. Brian thought he might have been drugged.

At a later time not known to Brian or this Court until this year, Brian's family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his September 21, 2018th arrest on January 30, 2019. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide which can cause effects of impulsiveness and hallucinations and brain damage. According to the hospital, his blood glucose was fine in the early hours of Sept. 21 which meant that he could have forgotten to give himself an insulin shot the night before. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking or he is at risk of falling out into a diabetic seizure. He also was at risk of being attacked by a black bear or even coyotes. Why

would he walk naked at night when that is the time when dangerous animals can come out and maul him? Attack him? When he had no history of doing this kind of thing before? Abnormal behavior, abnormal thinking patterns? Carbon monoxide exposure? Hmmmmm

THE CONCLUSION

The failure of Martinsville Police Department testing for drugs or anything, or cover up or concealment of such report (*if such report exists or had existed at one time, which may be Obstruction of Justice by concealing the existence of such report if such report had existed*), led to the wrongful Supervised Release Violation charge and wrongful arrest of Brian David Hill. All of that time wasted, tax payers money wasted, judicial resources wasted, all because of carbon monoxide gas exposure of an autistic man. If Hill's apartment had not been big (compared to California efficiency apartments), Hill would have highly likely died, then instead of being arrested for abnormal behavior, Hill would have been sitting dead smelling like a corpse in his apartment with high toxicity in his blood. Carbon monoxide exposure can lead to brain damage, doing crazy abnormal acts, and can eventually lead to death if the exposure is not detected then deterred. Carbon monoxide can lead to impulsiveness (conducting acts without thinking of the consequences), hallucinations (one could think they are taking a bath or shower but instead it can be out in public or one can hallucinate a man in a hoodie?). The possibilities of what one can hallucinate based on how much exposure to a gas? Can somebody truly think rational and act rational when under carbon monoxide gas exposure?

Brian has been punished far too long and far too much when he is the victim of carbon monoxide exposure, and him and his mother had received threats.

One greeting card which Roberta Hill received with the same Method of Operation (“MO”) (same writing style) by an unknown assailant before the threatening greeting card had mentioned about that it was no fun feeling (or being) sick. What would the greeting card sender know that Brian’s mother was feeling sick? Was it referring to carbon monoxide exposure? Were they thinking of a biological attack against Brian’s mother? Why is the FBI refusing to investigate anything Brian mails them or faxes them? The threatening greeting card said that they will conduct a “controlled action” against Brian’s mother if she didn’t stop what she was doing (presumably they did not like Roberta putting stuff on YouTube and having her books for sale on Amazon). Both were before the Dick and Willie trail incident on September 21, 2018.

Brian is a pure fan of U.S. President Donald John Trump for his “drain the swamp” campaign slogan and a pure ally of QANON because the corruption within the U.S. Department of Justice and the Federal Bureau of Investigation caused the wrongful suffering of Brian David Hill for all of these years. Brian believes it is time to drain the swamp of the corrupt and non-empathic psychotic Government corruption and abuses of power. The abuses of power by U.S. Attorneys and other Government employees is out of control, the frauds upon the court by the Government will make people not believe anything in our federal courts anymore and will create distrust of our federal courts, the frauds have to stop, the court should go after the frauds. Brian doesn’t understand why they all haven’t been fired from their jobs and barred from all Government jobs as a repercussion for their corrupt actions and psychopathic behaviors. The SRV violation is another form of retaliation/revenge against Brian David Hill and they are ignoring USPO McMurray to go on a witchhunt that will likely last over a year (*compared to the last Supervised Release Violation charge in 2015*) over Hill fighting to prove his

actual innocence and exposing the fraud or frauds upon the Court. Even I have witnessed on watching Sean Hannity show on Fox News, that the FBI and the DOJ had engaged in the fraud upon the court to get a FISA surveillance warrant against U.S. President Donald John Trump for the Russian Collusion Delusion. The DOJ and FBI seem to have a long history of dirty tricks to win every criminal case, at whatever cost that may be, whether it be criminally illegal or legal.

What Dr. Graney is doing to me, what AUSA Ramaswamy is doing to me, what other corrupt Government officials are doing to me and trying to hurt me and ruin my life, they are acting the very same way towards our honorable U.S. President Donald John Trump, a corrupt and unaccountable bureaucracy. I and President Trump are being treated the same. We are being abused and attacked by the U.S. Department of Justice which is legally terrorizing us, our friends, and/or our families. Terrorizing anybody who wants to exercise their freedom of speech and freedom of press, to speak out against Government corruption, eugenics, and abuse of power that has gone unchecked since the September 11, 2001 attacks. Now they can abuse any Americans they want, take away all their Constitutional rights, and get away with it. Our checks and balances are disappearing more and more every single year.

Why is the U.S. Department of Justice continuing to terrorize me and my family????????????? This SRV violation charge based on already abnormal behavior which had never happened before, caused by carbon monoxide gas exposure, and the Martinsville Police Department's lack of empathy and they didn't even want to investigate whether I was drugged or not. They didn't want to find out that I had toxicity in my blood as caused by carbon monoxide exposure.

Their negligence led to me being jailed from September 21, 2018, all the way till May 14, 2019, then spending another 5 days in jail for the State case until I was

bonded out on State Bond conditions simply because I appealed it to the Circuit Court for trial do novo. All of the days I spent sitting in Jails and Butner prison and Petersburg prison, all because the Police Department failed or refused to test for toxicity in my blood. How stupid can that be? That stupidity is ruining my life and making me stressed out beyond imagination. Martinsville Police is acting just as bad as Mayodan Police Department? Wouldn't any reasonable person think that the SRV charge and the State charge has gone too far with the evidence?

I plan on suing Government people and Martinsville Police Department for negligence, suing for as much money as I can get including Attorney fees, any medical fees, any fees for removing the toxicity from my blood, suing them all including the U.S. Attorney for supporting the negligence of Martinsville Police Department. I may also sue United States Probation Supervisory Officer Edward R. Cameron for wasting my time by wrongfully petitioning for arresting me when all of this could have been avoided by proving my earlier claim last year that I was drugged which such Laboratory tests would have proven toxicity/poisoning in the blood stream due to carbon monoxide gas exposure. USPO Supervisory Officer Edward Cameron allowed Kristy Burton to lie on the stand multiple times (Document #137), committing her perjury, and USPO Cameron seems to be retaliating against me for simply for bringing up on record her fraud upon the court for lying on the stand, making a mockery of true justice, a mockery by both Kristy Burton and the Assistant U.S. Attorney. Mocking the true justice system by perpetuating this lawfare, legal warfare against me and dragging my family into this perpetual criminal case nightmare. Till this day, Kristy Burton still works as a U.S. Probation Officer, she has not once been punished for any crimes that she may committed under the guise of justice.

I plan on suing both the U.S. Probation Office in Greensboro, NC (not Jason McMurray since he never called for my revocation, Jason McMurray should be excluded from my future lawsuit or lawsuits depending on how bad the negligence is.), the U.S. Attorney office in Greensboro, NC, the Martinsville Police Department, and the Martinsville City Jail, all for wrongful imprisonment, ignoring evidence, ignoring and violating my disability rights, and negligence. They want to make my life a living hell by pushing to revoke my Supervised Release and me being charged in the State of Virginia all for being a victim of gas exposure, poisoning, and the Law Enforcement failed or refused to test for drugs which would have shown carbon monoxide and/or toxicity in the blood. The negligence had led to the witchhunt against me which is negatively affecting my family and my health.

From everything I had witnessed ever since the start of this federal criminal case, I have learned that Donald Trump and/or Sean Hannity was right about our Department of Justice, they are as corrupt, non-empathetic, abuse of power, and most detrimental to our Constitutional republic that I had ever seen since the Department of Justice was originally created by Congress. The Assistant U.S. Attorneys should share the blame for my wrongful suffering. All of the wrongful acts that they had done to me, being an innocent man in both my federal case and the Commonwealth/State case. Even case law shows that I cannot be guilty of indecent exposure without being obscene. I had to be obscene in order to be guilty of it, which is what both Virginia Circuit case laws, and my own lawyer said to me. I am innocent of the State charge and that was without the carbon monoxide exposure. That evidence just strengthens the innocence arguments in my favor.

I am tired of being punished over and over again, for my actual innocence. I shouldn't be punished for my State appeal either. I am tired of being punished

over my Pro Se work too. I am tired of being wrongfully convicted and then face revocation of Supervised Release on top of that while the laboratory results were either never conducted or were covered up just like the cover up of the State Bureau of Investigation forensic report on my criminal case in the Federal system. I am getting tired of being abused by the DOJ in a prosecutorial system that doesn't care about the American people but cares about power and putting us all in fear of retaliation and repercussions for speaking out. I done nothing wrong when I was a victim of carbon monoxide exposure. I need therapy, detoxification, and any other measures to get the carbon monoxide out of my body, not a revocation of my Supervised Release. I need healing, not jailing.

The only way for justice to be served is to find out what happened to the Laboratory report if there was one, and why the Martinsville Police Department failed or refused to find whether or not there was toxicity in my blood after they had found me on the Dick and Willie hiking trail, at night, naked, and abrasions on my body. Then investigate whether the negligence caused my wrongful incarceration.

Hill introduces three case laws in favor of Hill not being guilty of indecent exposure under Virginia Code § 18.2-387. In all three cases the convictions were reversed when the conduct did not rise to being obscene, because “it does not rise to the level of obscenity required under Code § 18.2-387, as defined in Code § 18.2-372.”

1. Kimberly F. Neice v. Commonwealth of Virginia, Record No. 1477-09-3 in the Circuit Court of Giles County
2. A. M. v. Commonwealth of Virginia, Record No. 1150-12-4 in the Circuit Court of Shenandoah County
3. Kenneth Samuel Moses v. Commonwealth of Virginia, Record No. 0985-03-3 in the Circuit Court of Richmond

None of those cases involving such acquittals are carbon monoxide cases. So should there be any criminal charges at all involving victims of carbon monoxide gas poisoning????? You be the Judge?

Respectfully filed with the Court, this the 21st day of June, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 1

Martinsville, Virginia 24112

Phone #: (276) 790-3505



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

I stand with QANON/Donald-Trump – Drain the Swamp

Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

Declaration of Brian David Hill on evidence/records given to USPO Jason McMurray of Roanoke, Virginia

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

MAY 11 11:00 AM
U.S. DEPT. OF JUSTICE

MAY 11 11:00 AM
U.S. DEPT. OF JUSTICE

I attach the following evidence in the following order in attachment to this pleading for this Honorable Court in support of the claims made this pleading and any arguments made in this pleading in regards to the Supervised Release Violation charge and therefore supports the opposition to Government's Documents #156, #157, and #158:

1. Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages **(original signatures)**
2. Photocopy of Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
3. Photocopy of Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
4. Photocopy of Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 12 pages.

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

Executed on June 21, 2019.

Respectfully submitted,

all the other
of the

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter
I stand with QANON/Donald-Trump – Drain the Swamp
Make America Great Again

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on June 21, 2019, service was made by mailing the original of the foregoing:

“JUNE 21, 2019 DECLARATION OF BRIAN DAVID HILL IN OPPOSITION TO GOVERNMENT’S/RESPONDENT’S DOCUMENTS #156, #157, AND #158”

by deposit in the United States Post Office, in an envelope, Postage prepaid, on June 21, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Suite 1, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th
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Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

7016 0600 0000 8319 9190

<p>Date of signing:</p> <p><u>June 21, 2019</u></p>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u> <i>Signed</i></p> <p>Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again</p>
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Declaration of Brian David Hill on June 19, 2019, regarding delivery of certain papers/records to United States Probation Officer Jason McMurray of Roanoke, Virginia – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I certify that on June 20, 2019, I had personally delivered, by hand delivery, the following papers to United States Probation Officer Jason McMurray of the Western District of Virginia, Roanoke division, while at my home at 310 Forest Street, Apartment 1, Martinsville Virginia:

1. Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1, United States District Court – Middle District of North Carolina – 2 pages
2. Sovah Health Martinsville (formerly Martinsville Memorial Hospital) Medical Records of Brian David Hill, dated September 21, 2018, requested on May 17, 2019, MRN: MM00370912, ACCT: MM7806761243 – 7 pages
3. Letter from witness Pete Compton regarding statements of both Brian David Hill's and Roberta Hill's residences at 310 Forest Street, Apartment #1 and Apartment #2, Martinsville, VA, being exposed to carbon monoxide gas – 1 page

Total is 10 pages.

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

Executed on June 20, 2019.

Signed, 
Brian D. Hill

Former U.S.W.G.O. Alternative News reporter
Phone #: 276-790-3505

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

delivery of records/papers - 1 of 2 - delivery of records/papers



Amazon: The Frame Up of Journalist Brian D. Hill

Witnessed by
Roberta Hill

310 Forest Street, Apartment 1, Martinsville, Virginia 24112

A handwritten signature in blue ink that reads "Roberta Hill". The signature is written in a cursive style and is positioned above a horizontal line.

Signature

delivery of records/papers - 2 of 2 - delivery of records/papers

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**Declaration of Brian David Hill on June 19, 2019, regarding Laboratory results
and Martinsville Police Department – Pursuant to criminal case no. 1:13-cr-435-1,
United States District Court – Middle District of North Carolina**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

After I was released on Federal bond in Roanoke, Virginia on May 14, 2019, one of those days in May, 2019, I had wanted to ask Sovah Health Martinsville (*formerly Martinsville Memorial Hospital, located at 320 Hospital Drive, Martinsville, VA 24112*) for the Medical Records including the Laboratory results. I asked for those records on May 17, 2019. All I got was seven (7) pages from what I had remembered. Another time thereafter, at a later day I went back to the Medical Records office and asked them to look for Laboratory results. One of the women who worked there called somebody or another office and asked about it, then she asked me if I was escorted there by police or if police were with me when I was at the Hospital. When I said that I was, she said that the Laboratory results would be with the Martinsville Police Department and that they do their own Lab test results.

On September 21, 2018, before I was arrested by Martinsville Police Department under officer Sgt. R. D. Jones, blood was drawn from me and placed into a vial or vials while at the Hospital, then I assumed I was being tested for drugs which I thought was appropriate considering that I thought I was drugged at the time.

The reason I need those Lab results is because they would have been able to tell either an abnormal blood cell count or found toxicity in the blood which would mean the evidence of the presence of a toxicity which can include carbon monoxide gas poisoning. The last page from Sovah Health Martinsville Hospital, "MM00370912 MM7806761243 SOVAH Health - Martinsville, ED Physician Record - Electronic - Page 4/4, Job 23328 (05/17/2019 13:34) - Page 7 Doc# 2", it stated that "COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS" would have been ordered which would have proven toxicity in my blood and thus I have the belief that if the Martinsville Police Department, on September 21, 2018, had they done the blood count lab tests, they would have proven my statements regarding my thoughts that I was drugged (*unaware at the time on September 21st that I had been living in my home during the time of carbon monoxide gas exposure all the way up until late night September 20, 2018 when I left my home at Apartment 2, 310 Forest Street, Martinsville, VA 24112*), then they would have eventually found out last year that I had carbon monoxide toxicity in my blood.

I had turned myself in to Martinsville City Jail on May 30, 2019, due to my

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lawyer Scott Albrecht (*at the time, when he was my lawyer*) instructing me that unless I withdrawn my Appeal of my criminal case to the Circuit Court, I would have to turn myself in and go back into custody at the State of Virginia until I was bonded out on June 4, 2019. I had informed my lawyer through phone (earlier by Fax) after I had turned myself into Martinsville City Jail, about the Laboratory results that I thought the Martinsville Police Department would have a record of since my blood was drawn last year (*around September 21, 2018*), as it would help prove carbon monoxide. He told me that the Commonwealth Attorney will also look for those records, and said that they may or may not exist.

On the day that I was released from Martinsville City Jail (June 4, 2019), my family informed me that my lawyer Scott Albrecht told them that there was no Laboratory Report in the Martinsville Police Department. My blood was drawn, and put into vials on September 21, 2018. usually when I see medical staff draw blood from me, it is normally to do Laboratory work, and can even be used for drug testing. So blood was drawn, the Police Department does their own Lab results from what the Hospital staff told me, and yet I had found out that the Police Department does not have any Lab results and the Commonwealth Attorney of Martinsville, VA, cannot find those Lab results. The last page I had received from Sovah Hospital asked for specific tests to have been ordered including a blood count test, and that would have proven to Martinsville Police Department that I had toxicity in my blood at the time that I was naked on the Dick and Willie hiking trail in Martinsville, VA, at night, around early September 21, 2018, and had abrasions/scrapes/scratches all on my body. I wasn't thinking straight because of the carbon monoxide gas exposure, yet the Police Department did not have any Laboratory results even though blood was drawn from me while at the Hospital.

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

Executed on June 19, 2019.

Signed, Brian D. Hill
Signed

Brian D. Hill

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

Phone #: 276-790-3505

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



Amazon: The Frame Up of Journalist Brian D. Hill

I stand by QANON/President-Trump and ask for QANON's help

06/19/2019 - 06:46 PM

Brian Hill
 MRN: MM00370912
 ACCT: MM7806761243

2

Sovah Health Martinsville

320 Hospital Drive
 Martinsville, VA 24112
 276-666-7237

7806761243

**Emergency Department
 Instructions for:**

Hill, Brian D

Arrival Date:

Friday, September 21, 2018

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

Care provided by: Hinchman, Brant, DO

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

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

National Hopeline Network: 1-800-784-2433

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

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

Brian D. Hill
 Brian Hill

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

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EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

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

09/21

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

Historical:

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

ROS:

09/21

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

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

2

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

FOLLOW UP INSTRUCTIONS

Private Physician

When: Tomorrow

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

Emergency Department

When: As needed

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

7 806761243

2

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

MRN # MM00370912

X-RAYS and LAB TESTS:

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

MEDICATIONS:

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

TESTS AND PROCEDURES

Labs
None

Rad
None

Procedures
None

Other
Call ERT, IV saline lock

Chart Copy

7806761234

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

Exam:

09/21

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

Vital Signs:

09/21

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

09/21

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

09/21

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

MDM:

09/21

04:04 MSE Initiated by Provider. bdh

09/21

04:50 Differential diagnosis: fracture, sprain, penetrating trauma, et al. bdh

ED course: Cleared from a psychiatric standpoint by Behavioral

Health. Patient will be discharged to jail. No new complaints.. Data

reviewed: vital signs, nurses notes. Counseling: I had a detailed

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

2

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

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

Dispensed Medications:

Discontinued: NS 0.9% 1000 ml IV at 999 mL/hr once
 09/21
 04:36 Drug: Tetanus-Diphtheria Toxoid Adult 0.5 ml (Manufacturer: Grifols Therapeutics. Exp: 09/27/2020. Lot #: A112A.) Route: IM; Site: right deltoid; lb1
 09/21
 05:04 Follow up: Response: No adverse reaction lb1
 09/21
 04:36 Drug: NS 0.9% 1000 ml Route: IV; Rate: 999 mL/hr; Site: right arm; Delivery: Primary tubing; lb1
 09/21
 05:11 Follow up: IV Status: Completed infusion dr

Disposition:

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

Disposition:

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

Order Results:

There are currently no results for this order.
 Signatures:

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

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Ramey, Nicole		nmr
Bouldin, Lauren, RN	RN	lbl
Reynolds, Daniel R	RN	dr

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

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

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To Whom This May Concern:

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

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

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

Pete Compton # 6-13-19

Pete Compton ACE Chimney & Wildlife; Bassett, VA

Phone 276-629-4453



EXHIBIT 24: STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018, RE-MAILED ON OCTOBER 10, 2018 for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM





Brian David Hill,
Petitioner
v.
United States of America,
Respondent

Case #
1:13-CR-435-1
1:17-CV-1036

STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

(2.) ON SEPTEMBER 18th, 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~at~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a Tuesday. Likely surveilling me.

(3.) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4.) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something ^{bad} would happen to me.

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~near~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~at~~ after the bridge..." "or they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be

I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't get on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~tor~~mail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the "hoadie" guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying "I have Autism, I have Autism, I have AUTISM, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism," maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism." I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building," after or before my answer to his "how do I know you even have Autism" was "it was in federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~accept~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act."

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I was being charged with "indecent exposure".
 I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f*ck you". At one point things cooled down and I was in a room with a Magistrate. She brought up about my federal criminal conviction and my 2015 probation violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you aren't doing anything about the drug dealers in my (or our) neighborhood" that the FBI aren't doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. ^{my friends}

(e)
Some information omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~did~~ didn't walk naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated, my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated;

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving, without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent, give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct, N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27th day of September, 2018. Brian D. Hill
Signed

CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27th 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECT or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

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Brian D. Hill
Signed

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

Clerk: Please send letter confirming receipt.

Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October ¹⁰ 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

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

Executed on October 10, 2018.

Brian D. Hill

Signed

U.S.W.G.O.

Brian David Hill

Martinsville City Jail (MCJ)

P.O. Box 1326, Martinsville, VA
24112

EXHIBIT 25: Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence in case, Case 1:13-cr-00435-TDS, Document 163, Filed 12/12/18, 6 Pages

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM





Brian David Hill,
Defendant/Petitioner,

Case no.
1:13-cr-435
1:17-cv-1036

v.

United States of America
Plaintiff/Respondant

Declaration of Brian David Hill in support of continuing
Supervised Release, towards innocence in case

NOW comes criminal defendant and 2255 Petitioner
Brian David Hill ("Brian", "Hill") with a Declaration in
support of his innocence/non-guilt in "Commonwealth of
Virginia v. Brian David Hill," case no. C18-3138, and
support of compliance with Supervised Release which
means it should continue instead of revocation.

Declaration

I, Brian David Hill, make/produce the following statements,
and subject to the penalties of perjury thereof:

(1.) After I was threatened by the guy wearing the hoodie to get naked ~~or~~ in public, take photos of myself, place them at the drop off point, a bench after Southern Finishing factory, or as he said they will "Kill your mother Roberta Hill" referring to her first and last name. It was after midnight on the Dick and Willie trail which became September 21, 2018, still at night. I took the photos of myself around the part of Dick and Willie where an warehouse called Greene Co. Inc. was, around that area. The warehouse seem abandoned, the hiking trail had trees, a lot of trees and hills. Nobody was on the trail, nobody walked the trail at night. I had worried that a drone may have followed me to ensure that I comply with the directives of the guy wearing the hoodie. I didn't want to take any chances in case there was any drones or anybody following me. At one spot, I mean the area around Greene Co. Inc., nobody around, parking area of hiking trail empty, plenty of trees for cover if I had to. I took my pictures with my camera, to satisfy them, to make sure that my mother was safe. I never masturbated at all. My OCD was really bad, hand washing and body washing routines. There was no warm water and soap out there. I was worried about high blood sugar and low blood sugar, I was worried about my mother. Had some sugar cans, so I wouldn't die of low blood sugar. I was on my own.

Nobody saw me for miles I think, till I got to the point of the Dick and Willie trail where Southern Finishing factory was. The road close to the trail where a vehicle went by and must of seen me. I put my hand over my mouth, that was my left hand as a signal to any vehicles that I was in trouble and couldn't talk, flash light in right hand when I was seen, flash light off when I was seen by a moving vehicle. Then a truck with a spotlight showed up, I didn't know who they were, never identified themselves. I was afraid I upsetted the guy in the hoodie or his people, so I grabbed my backpack and ran back down the trail, tripped over rocks beside the trail right where some abandoned factory or warehouse was close to the fire department. I tried to go back on the trail, saw a little red light, a guy turned on a flashlight, I was spottted so I ran and fell down the side of the trail, towards the creek, cuts all over my body, I likely hit my head. Then I was at the creek area, on a rock, the police where there, I finally realized that they were police and not goons working with or for the guy wearing the hoodie. I was handcuffed, told them "I was attacked", told them over and over again that I have Autism like "I have Autism... I have Autism... I have Autism..." I told the police that I wanted to speak with a detective. I felt relieved that it wasn't the guy in the hoodie or any goons.

Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism. I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(20) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

Attorney said that I can bring up about the guy wearing the hoodie. Said that under the law, I would have to have masturbated or be aroused in public to have committed indecent exposure. After he heard my story about the guy in the hoodie, he said taking pictures of myself is not illegal. So he argued that I am technically innocent, essentially. When the trial date comes I want to testify and hope I have a copy of this Declaration, explain my story about the guy in the hoodie who had threatened to kill my mother, tell the whole story. I am confident I will be found innocent. In the event that I am found not-guilty, I hope the detainer is reversed or that the Probable Cause hearing will dismiss the Supervised Release violation on the basis that I am found innocent in the Virginia criminal case. I pray that I am released promptly, in the event of an innocence verdict.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2018.

Brian D. Hill
Signed

Brian David Hill (Pro Se)
#302165
Martinsville VA City Jail
P.O. Box 1326
Martinsville, VA 24114
U.S.W.G.O.

Respectfully filed with the Court, this the 29th day of
November, 2018.

Certificate of Service

I, Brian David Hill, certify that I mailed the foregoing pleading by depositing in a prepaid envelope in the Institution's mailing system on December 3, 2018. Then under the In Forma Pauperis statute, I request that the Clerk of the Court file this pleading, then serve all parties to this case by Notice of Electronic Filing through the CM/ECF system which will notify such parties.

Brian D. Hill
Signed

Brian David Hill (Pro Se)
#302165
Martinsville City Jail
P.O. Box 1326
Martinsville VA 24114
55 West Church Street
Martinsville, VA 24112
U.S.W.G.O.

**EXHIBIT 26: URGENT!!!! LETTER TO MEDICAID
REQUESTING RECORDS REGARDING FINANCIAL
BILLING STATEMENTS OF SOVAH HEALTH
MARTINSVILLE; REQUESTING FINANCIAL
RECORDS OF BRIAN DAVID HILL, REQUESTING
RECORDS OF HIMSELF; RECORDS OF LAB WORK
ORDERED ON SEPTEMBER 21, 2018 - SATURDAY,
JULY 16, 2022**

for

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



**URGENT!!!! TWO WEEK DEADLINE FOR MY WRIT OF HABEAS
CORPUS REPLY TO RESPONSE REQUESTING DISMISSAL, NEED
RECORDS FAST!!!**

LETTER TO MEDICAID REQUESTING RECORDS REGARDING
FINANCIAL BILLING STATEMENTS OF SOVAH HEALTH
MARTINSVILLE; REQUESTING FINANCIAL RECORDS OF BRIAN
DAVID HILL, REQUESTING RECORDS OF HIMSELF; RECORDS OF
LAB WORK ORDERED ON SEPTEMBER 21, 2018

SATURDAY, JULY 16, 2022

ATTN: FOIA Coordinator, attention Nancy Malczewski 600 East Broad Street, Suite 1300, Richmond, VA 23219; FOIA@dmas.virginia.gov	Fax Number: 804-371-4981 Phone Number: 804-371-6391
CC: Sovah Health Martinsville 320 Hospital Dr, Martinsville, Virginia, 24112-1900	Phone Number: 276-666-7200

To Whom it may Concern,

I am filing this FOIA request for records regarding myself. Records of a financial nature regarding care conducted at Sovah Hospital on September 21, 2018, and November 19, 2017. Medicaid was either billed on September 21, 2018, or was paid for in 2019 when I was out of an institution in May, 2019, and may have been billed and asked that Medicaid pay for it, was it was an Emergency Room visit at the Hospital. However, the billing statement I am asking for is Medicaid paying for my Emergency Room visit at Sovah Hospital on September 21, 2018. May 26, 1990 is my date of birth.

I am Brian David Hill. I am currently a Medicaid enrolled individual who needs records concerning myself. Records of a financial nature as my mental health counselor suggested to me that obtaining certain billing statements and financial records will help me in proving my innocence to my state charge, by finding evidence of either cover up of ordered laboratory testing or medical neglect. I need these records to prove my innocence in my state charge and conviction of indecent exposure. I already have my

medical records but not the laboratory results as they said it was deleted from the chart, but the **financial records would prove either medicaid fraud if the lab tests were paid for by Medicaid but no lab work was produced after it was paid for, or it would prove that no lab tests were done at all and no financial costs were billed for lab work.** **Blood was drawn from Brian Hill's arm on September 21, 2018.** So there should be a billing statement for that, but was there a billing statement for the lab results or even the blood drawn out of Brian's arm? That is what I want to figure out.

I have a two week deadline started yesterday to file a reply to the Habeas Corpus response requesting dismissal of Habeas Corpus claiming no medical evidence of innocence but the records would help prove innocence of a medical nature, my only income is Social Security SSI disability and I go through that money every month, as needs based income. So I ask that any fees be waived since it is just small number of records and only two dates. I need those records to prove something, it is necessary to prove my actual innocence. If there are any fees and they cannot be waived, please inform me of the cost to obtain these records. They would be easy to search for since I am giving you my Social Security Number and other relevant information necessary to quickly find these records.

I would like to request copies of financial records regarding Medicaid being billed regarding Emergency Room visits billed for my account at Sovah Health Martinsville Hospital, records only concerning myself; I have a two week deadline which started yesterday, and I quickly need copies of certain dates of financial records regarding medical procedures done to me at this Hospital on two specific dates. Including drawing of blood from my arm, the lab tests ordered, and I want to know why it was removed from my chart after being ordered. Was it cover up by Dr. Brant Hinchman or neglect???

I am Brian David Hill, I was the patient in the EMERGENCY ROOM on the dates of both September 21, 2018, and November 19, 2017.

My Social Security number is [REDACTED]. My date of birth is [REDACTED]. I need a copy of these records for myself and for purposes of proving my actual innocence. As quick and cheaply as possible.

The financial records requested is regarding payment and date of payment for all procedures administrated and charged to me in my account for the Hospital. All procedures including (1) any medical procedures done including any laboratory work,

and blood being drawn from arm of Brian David Hill; (2) any medications given, any other financial transaction regarding any and all procedures billed as it was administered or was supposed to be administered to me while I was in the Emergency Room on both the dates of September 21, 2018, and November 19, 2017.

I already have my medical records as I had requested them in 2019. There is gaps in the medical records such as missing lab results and to be deleted from the chart, wasteful medical procedure such as drawing blood from the arm of Brian Hill but they did order the lab testing and later on it was to be deleted from the chart. I do not have a copy of my financial records regarding Hospital fees for every procedure conducted including drawing blood from the arm, and costs billed to me and my account at those times regarding any and all procedures done on both September 21, 2018, and November 19, 2017. I need these records for purposes of proving actual innocence. I need these records URGENTLY.

Please advise me on the cost to receive a copy of these records, records concerning myself. You can email them to Roberta Hill. Roberta Hill, my caretaker has authorization to receive these financial records by email in PDF Format or whatever file format you have available. Preferably in PDF Format. You can email these financial records concerning myself to Roberta R. Hill at rbhill67@comcast.net. A copy of these financial records are needed quickly. My mother and caretaker, she has authorization to receive my records.

My only income is SSI disability but with the limited deadline to obtain these records, I need these financial records and billing records of every procedure done to me and every procedure billed to Medicaid of my visit to the Emergency Room on the dates of September 21, 2018, and November 19, 2017. It is very important. The medical records which are helpful but are not financial records of the costs of the procedures and what procedures were administered and paid for. I need the financial part of the medical records. That would be accountants and the billing department which can help respond to my request. My insurance which is part of Medicaid was Virginia Premier. I think they were my provider back in 2018 and 2019.

My request also includes any billing statement made to me for the procedures done on those dates.

Please let me know the costs to obtain a copies of financial records regarding billing statements and the records regarding the costs/fees charged to my account at

Sovah Health Martinsville for being a patient on the dates of both September 21, 2018, and November 19, 2017. If Medicaid was charged, then they should have a copy of both the financial statements and laboratory testing results.

Also as part of my FOIA request, if Medicaid does have my laboratory testing results, the Hospital deleted them from the chart for my medical records there. If Medicaid has my lab testing results on September 21, 2018, please send them to me as I need to know about my blood levels. I was under Carbon Monoxide poisoning on the day I was found naked and was charged with indecent exposure. I was intoxicated at the time of my arrest and at the time I was found naked. The lab testing results would have proven this, it would prove defense of intoxication which would prove my innocence to indecent exposure. I need the lab results if Medicaid has a copy of it before it was to be deleted from the chart.

Thank You. Respectfully filed with Medicaid FOIA Office, this the 16th day of July, 2022.


Signed

Brian D. Hill

God bless you,
Brian D. Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505

**EXHIBIT 27: LETTER TO SOVAH
HEALTH MARTINSVILLE REQUESTING
FINANCIAL RECORDS OF BRIAN
DAVID HILL, REQUESTING RECORDS
OF HIMSELF - MONDAY, JULY 11, 2022
for**

attached to: “MOTION FOR JUDGMENT OF ACQUITTAL
OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED
UPON NEW EVIDENCE WHICH DISPROVES THE
ELEMENTS OF CHARGED CRIME BY PROSECUTION,
EVIDENCE WARRANTING NEW TRIAL OR
ACQUITTAL”
by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville,
Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM



LETTER TO SOVAH HEALTH MARTINSVILLE REQUESTING
FINANCIAL RECORDS OF BRIAN DAVID HILL, REQUESTING
RECORDS OF HIMSELF

MONDAY, JULY 11, 2022

Sovah Health Martinsville 320 Hospital Dr, Martinsville, Virginia, 24112-1900	Phone Number: 276-666-7200
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To Whom it may Concern,

I am Brian David Hill. I would like to request copies of financial records regarding my account at this Hospital, records only concerning myself as I may be under audit and I need copies of certain dates of financial records regarding medical procedures done to me at this Hospital on two specific dates.

I am Brian David Hill, I was the patient in the EMERGENCY ROOM on the dates of both September 21, 2018, and November 19, 2017.

My Social Security number is [REDACTED]. My date of birth is [REDACTED]. I need a copy these records for myself and for purposes of audit. As quick and cheaply as possible.

The financial records requested is regarding payment and date of payment for all procedures administrated and charged to me in my account for the Hospital. All procedures including (1) any medical procedures done including any laboratory work, (2) any medications given, any other financial transaction regarding any and all procedures done to me while I was in the Emergency Room on both September 21, 2018, and November 19, 2017.

I already have my medical records as I had requested them in 2019. I do not have a copy of my financial records regarding Hospital fees and costs billed to me and my account at those times regarding any and all procedures done on both September 21, 2018, and November 19, 2017. I need these records for purposes of being audited. I need these records URGENTLY.

Please advise me on the cost to receive a copy of these records, records concerning myself. I can pick them up in person or you can mail them to me. You can email them to Roberta Hill. Roberta Hill, my caretaker has authorization to receive these financial records by email in PDF Format or whatever file format you have available. Preferably in PDF Format. You can email these financial records concerning myself to Roberta R. Hill at rbhill67@comcast.net. A copy of these financial records are needed quickly.

My only income is SSI disability but with the possible audit, I need these records of my visit to the Emergency Room on the dates of September 21, 2018, and November 19, 2017. It is very important. The medical records which are helpful but are not financial records of the costs of the procedures and what procedures were administered and paid for. I need the financial part of the medical records. That would be accountants and the billing department which can help respond to my request.

My request also includes any billing statement made to me for the procedures done on those dates.

Please let me know the costs to obtain a copy of my billing statements and the records regarding the costs/fees charged to my account for being a patient on the dates of both September 21, 2018, and November 19, 2017.

Thank You. Respectfully filed with Sovah Health Martinsville, this the 11th day of July, 2022.


Signed
Brian D. Hill

God bless you,
Brian D. Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505

EXHIBIT 28: Scanned photocopy of envelope containing "EXHIBIT 2: SOVAH HEALTH MARTINSVILLE (LOCAL HOSPITAL) BILLING RECORDS OBTAINED JULY 19, 2022 – DATED SEPTEMBER 21, 2018"

for

attached to: "MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE WHICH DISPROVES THE ELEMENTS OF CHARGED CRIME BY PROSECUTION, EVIDENCE WARRANTING NEW TRIAL OR ACQUITTAL"

by Brian David Hill

Case no. CR19000009-00, Circuit Court, City of Martinsville, Virginia

Ally of Q, Former news reporter of USWGO Alternative News
JUSTICEFORUSWGO.WORDPRESS.COM




SOVAH
HEALTH
MARTINSVILLE

320 Hospital Drive
Martinsville, VA 24112

GREENSBORO NC 270

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0000377498 JUL 26 2022

Brian Hill
310 Forest St Apt 2
Martinsville VA 24112

Received on
July 29 2022
Brian D. Hill
signed

24112-421010

