

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

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

CASE NO: CR19000009-00

v.)

BRIAN DAVID HILL,)
DEFENDANT.)

**DECLARATION OF BRIAN DAVID HILL OF
NEW EVIDENCE CONCERNING PUBLIC
DEFENDER ASSISTANT SCOTT ALBRECHT IN
SUPPORT OF MOTION FOR SET ASIDE OR
RELIEVE DEFENDANT OF JUDGMENT OF
CONVICTION OF CRIMINAL CHARGE
PURSUANT TO VIRGINIA CODE § 8.01-428(D),
VIRGINIA CODE § 8.01-428(A) AND VIRGINIA
CODE § 8.01-428(B) ON THE BASIS OF FRAUD
UPON THE COURT, CLERICAL FACTUAL
ERRORS**

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DEFENDER ASSISTANT SCOTT ALBRECHT IN SUPPORT OF MOTION FOR SET
ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL
CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-
428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE
COURT, CLERICAL FACTUAL ERRORS**

Respectfully filed/submitted with the Court,

This the 13th day of February, 2023.

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

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, criminal defendant Brian David Hill hereby state as follows to the Circuit Court for the City of Martinsville under penalty of perjury,

1. I am Brian David Hill, criminal defendant in this case. I am a party to this litigation. CASE NO: CR19000009-00. I had filed the “MOTION FOR SET ASIDE OR RELIEVE DEFENDANT OF JUDGMENT OF CONVICTION OF CRIMINAL CHARGE PURSUANT TO VIRGINIA CODE § 8.01-428(D), VIRGINIA CODE § 8.01-428(A) AND VIRGINIA CODE § 8.01-428(B) ON THE BASIS OF FRAUD UPON THE COURT, CLERICAL FACTUAL ERRORS” on January 26, 2023. This Declaration is based on recently discovered evidence.

2. On September 21, 2018, I was appointed a Public Defender by the General District Court due to being considered indigent which is also termed as In Foruma Pauperis in the Federal Court system. The Assistant Public Defender who represented me was Scott Albrecht. He had first met with me in Martinsville City Jail along with an assistant after the Public Defender was appointed, after I was arrested and was considered indigent.

3. Yesterday, my mother Roberta Hill was researching people to contact as I am considering filing a FOIA Lawsuit against Kendall Davis, Public Information Officer for the City of Martinsville, and against Martinsville Police Department. I am considering filing a FOIA lawsuit if no written response in a certain number of

days, or if my FOIA Request is refused even after me filing my addendum and declaration under penalty of perjury which is also an addendum to my original FOIA Request.

4. I am aware that Roberta found in the Staff Directory at the City of Martinsville website, just out of curiosity, an Assistant Commonwealth Attorney named Scott Albrecht. She shown this to me last night. The same name as the very attorney Scott Albrecht who was an Assistant Public Defender in the City of Martinsville, who represented me in General District Court and in the Circuit Court in my criminal case. I haven't yet confirmed whether this "Scott Albrecht" is the same Attorney Scott Albrecht who was supposed to represent me as my court appointed lawyer in 2018-2019, and if it is the same then I believe the Circuit Court would need to conduct an inquiry as to whether a conflict of interest exists in him assisting the Commonwealth Attorney Glen Andrew Hall who had prosecuted me after I was charged with a crime in this case, originally in the General District Court. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also *Holloway v. Arkansas*, 435 U.S. 475 (1978); *Dowell v. Commonwealth*, 3 Va. App. 555 (1987). I asked Roberta Hill to print out in PDF Format the Staff Directory webpage at: <https://www.martinsville-va.gov/Directory.aspx?did=25> and Wayback Machine archive at <http://web.archive.org/web/20230213050244/https://www.martinsville-va.gov/Directory.aspx?did=25> (text links/urls provided by Roberta Hill).

5. I hereby attach to this Declaration/unsworn-affidavit a true and correct printout of the web-link address at: <https://www.martinsville-va.gov/Directory.aspx?did=25>, 2 pages printout, of the Staff Directory • Martinsville, VA • CivicEngage. This is attached to this Declaration thereto.

6. I wasn't entirely trusting of Attorney Scott Albrecht because of past issues with court appointed lawyers in my Federal Case in the Middle District of North Carolina. In fact, I had gut feelings which led me to doing pro se things and filing things pro se. Including writing a letter in January 2019 and mailing a photocopy of the same to the Chief of Police requesting the body-camera footage.

7. While I was at Martinsville City Jail and I believe it was around sometime in November 2018, he spoke with me in the jail about him pushing to get the discovery including the photographs of me naked. He told me I was innocent and said that being naked is not illegal because I was not being obscene, that was why I later did case law research when I was in Western Virginia Regional Jail after I was found guilty in General District Court. Scott Albrecht told me that me and him would go over the photos together of me to see under the legal determination if I was aroused in the photos of me naked. Clearly there should have been review over all discovery evidence before the Trial on December 21, 2018. I do not recall ever going over the photos with him to see if we can make any determination. I do not remember, I am trying to remember and I cannot, I do not believe he and me ever

went over the discovery evidence before the Trial in the General District Court on December 21, 2018. The first time I saw the introduced evidence of the printouts of the photos of me in the nude by the Commonwealth Attorney Glen Andrew Hall was at the Trial in the General District Court. I had also filed a pleading in the General District Court about what me and Scott Albrecht talked about, about him telling me that I was innocent. I had filed it in the GD paperwork on November 29, 2018, filed by the Clerk of the General District Court. I did try to mail it out on November 26, 2018 from the jail where I was at the time, and it was filed by the Clerk on November 29, 2018, so technically it was filed on November 29, 2018.

8. There were funny things going on during the Trial in the General District Court. Like Scott Albrecht shown no case law about obscenity being required to have me found guilty of Virginia Code § 18.2-387. See *Romick v. Commonwealth*, Record No. 1580-12-4 (Va. Ct. App. Nov. 19, 2013), *Moses v. Commonwealth*, 45 Va. App. 357, 360, 611 S.E.2d 607, 608 (2005) (en banc), etc etc. He did read the statute of obscenity, and Glen Andy Hall did argue that the defendant “was not charged with obscenity”, I remember Andy Hall saying those words that I “was not charged with obscenity”. I remember him arguing those words. Later on, when I re-read the Arrest Warrant against me, it did charge me with intentionally making an obscene display. So, Mr. Hall was trying to argue a mis-argument in the General District Court. The judge heard me testify under penalty of perjury making

statements about the man wearing the hoodie. Scott Albrecht did ask the Officer Robert Jones if Brian approached anybody and that person screaming “oh my God!” and the officer admitted that I didn’t. Officer Jones’s testimony did support the fact that I was not obscene because in the totality of circumstances I was not trying to appeal to the prurient interest in sex. However, my family members who were present at my Trial watched Scott Albrecht as he argued my case and thought he was kind of letting Glen Andy Hall walk all over him and dominating the Trial proceeding. My mother told me the opinion about him letting Andy Hall kind of dominate the Trial, my grandparents thought he was not doing a good job as an attorney, so this Court may want to question Roberta Hill, Stella Forinash, and Kenneth Forinash. They thought he was kind of a poor lawyer meaning a lawyer who did a poor job defending me, that he wasn’t a good trial attorney.

8. After the judge found me guilty in General District Court, I whispered or said in a low voice to Attorney Scott Albrecht that I wanted him to appeal the decision and told him that I want to appeal it in fear that my supervised release would be violated. Then he said in response that: “your supervised release is already revoked”, and then I was taken away by the officers. I was upset at Scott Albrecht. This Court can also review over the “PUBLIC DEFENDER TIME SHEET”, and I believe it was filed in General District Court on December 21, 2018. It said the total number of hours he spent out of court was 1 hour, and the

time “In Court” was only 20 minutes. A very short Trial in the General District Court. He didn’t really spend a lot of time in the case according to his filed “PUBLIC DEFENDER TIME SHEET” in the General District Court. Scott Albrecht was a terrible lawyer and I had wondered why he was.

9. I am not sure if Scott Albrecht ever filed a notice of appeal, as I tried to get it mailed off my pro se notice of appeal the same day I was found guilty, that I had asked him to do verbally. In fact, the record of the General District Court shown that I had initiated a pro se written notice of appeal in the General District Court which would have brought the case to the Circuit Court, this very case itself, it was me who pushed a pro se written notice of appeal to the Circuit Court and then there was another notice of appeal form with the signature of Scott Albrecht who was supposed to do what I had asked him to do and appeal the decision. It seemed like me trying to file the appeal pro se caused him to have his signature in a form notice of appeal document as I see from the record. This attorney seemed sketchy to me, I didn’t 100% trust him and my trust meter started lowering after I had to file a written notice of appeal. Scott Albrecht told me I was innocent and did nothing illegal but I was found guilty by the judge, why??? I do believe he was right but he didn’t handle the case the right way and that made me skeptical about my own lawyer.

10. I will admit he did a great job getting me released on bond/bail conditions which I complied with to the letter. I will admit he did push for three court orders in my criminal case for discovery. However, he was deficit in any push for sanctions or enforcement. He never pushed to compel compliance with those court orders, even though he is supposed to be an officer of the court at those times. Albrecht never pushed for sanctions for destruction of evidence, and Matthew Scott Thomas Clark never pushed for sanctions for destruction of evidence. Albrecht never pushed for any inquiring into non-compliance with the very court orders he pushed for. He didn't do his duty as an officer of the Court, he pushed for court orders but when they were not being complied with because of no body-camera footage being turned over to defense counsel or I was never given any indication of ever receiving the body-camera footage or copy of the same.

11. Now it all makes sense. If the same Scott Albrecht who had represented me, if this is the same attorney who seems to be named as the Assistant Commonwealth's Attorney, then this makes me suspect collusion between the Commonwealth Attorney and defense attorney even more. When I had filed the Motion asking for relief over fraud on the court on January 26, 2023, I had suspicions that it was either Scott Albrecht had colluded with the Commonwealth Attorney over destruction of body-camera footage and not pushing for compliance with those very court orders he pushed for, either collusion or ineffective assistance

of counsel meaning my counsel did a terrible job as an attorney and was deficient. If this “Scott Albrecht” who is an Assistant Commonwealth Attorney to Glen Andrew Hall, Esq. the Commonwealth Attorney, if this is the same attorney who had represented me in the General District Court, then it all makes sense to me why I was found guilty as charged. The Trial was rigged in my opinion to have me found guilty with a rigged defense attorney; this can be proven now with all of the deficiencies of Scott Albrecht. If this is the same Scott Albrecht, then I have no choice but to inform the Circuit Court that my Trial in the General District Court, I feel it was rigged against me. When my own court appointed lawyer who did a terrible job defending me, I am found guilty, no enforcement of court orders not complied with by Glen Andrew Hall that he pushed for as my defense attorney, no asking for sanctions for noncompliance with those court orders, and then a “Scott Albrecht” works for the very same prosecuting attorney who prosecuted me at the Trial in the General District Court on December 21, 2018, with Scott Albrecht as my defense attorney.

12. I have a right to feel suspicious. Seeing the same name “Scott Albrecht” working for the other side in my case, working for Glen Andrew Hall aka Andy Hall the Commonwealth Attorney who is the prosecuting attorney for my case in General District Court and in the Circuit Court.

13. My suspicions are warranted here. The argument is this to the best of my opinion and belief under penalty of perjury. If my lawyer did such a terrible job as the Trial attorney in the General District Court, meaning he is not a very good lawyer, then why is he hired by the Commonwealth Attorney and paid by the Commonwealth Attorney or whatever as that name is clearly shown in the Staff Directory for the City of Martinsville??? I don't know when he was hired and why he was hired, and don't know if it is the same Scott Albrecht but the odds are very remote that it could be a different attorney named Scott Albrecht. The possibility that it may be a different Scott Albrecht who happens to be an attorney, working in Martinsville or for the Commonwealth Attorney in Martinsville. If he was such a poor lawyer who did a poor job at my case, then why was he named as an Assistant Commonwealth's Attorney??? That would make him a traitor. This is unethical, this is unprofessional, this is a conflict of interest if it wasn't already. That makes me suspicious that I felt that he definitely took part in defrauding the court as claims I had brought up in my filed Motion on January 26, 2023.

14. I feel that it is warranted for the Honorable Circuit Court to conduct an inquiry of Glen Andrew Hall, Esquire about his: "Assistant Commonwealth's Attorney" named "Scott Albrecht". This is definitely a conflict of interest in my opinion. Glen Andy Hall needs to file a letter with the Court stating under penalty of perjury that Scott Albrecht needs to recuse himself from the prosecution team

regarding this criminal case. That would be ethical to me. Scott Albrecht needs to recuse himself if it is the very same Scott Albrecht. I am concerned here, extremely concerned.

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

Executed on February 13, 2023.



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



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**CERTIFICATE OF SERVICE, CERTIFICATE OF
FILING**

I hereby certify that a true and accurate copy of the foregoing Motion was emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) to have delivered this

(1) pleading and attachment of 2-page printout on the 13th day of February, 2023, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

Again, by having representative Roberta Hill filing this pleading and attachment of 2-page printout on his behalf, filing with the Court, through email address rbhill67@comcast.net, transmit 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 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Jean P. Nunn, 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 Martinsville, VA 24114 Email: jnunn@ci.martinsville.va.us
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading.

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
Signed

Brian D. Hill

Brian D. Hill

Defendant

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

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U.S.W.G.O.



See the two-page attachment to this pleading:

Filename: Staff Directory • Martinsville, VA • CivicEngage.pdf

Commonwealth's Attorney

[Directions](#)

Physical Address: [View Map](#)

55 W Church Street
Martinsville, VA 24112

Mailing Address:

P.O. Box 1311
Martinsville, VA 24112

Phone:

276-403-5470

Fax:

276-403-5478

Link: [Commonwealth's Attorney's Office Page](#)

Staff

Name	Title
Albrecht, Scott	Assistant Commonwealth's Attorney
Finn, Patrick	Assistant Commonwealth's Attorney
Hall, G. Andrew	Commonwealth's Attorney
Herrero, Alberto Z.	Deputy Commonwealth's Attorney
Russell, Emily	Assistant Commonwealth's Attorney

Victim Witness Program

[Directions](#)

Physical Address: [View Map](#)

55 W Church Street
Room 14
Martinsville, VA 24112

Mailing Address:

P.O. Box 1063
Martinsville, VA 24112

Phone:

276-403-5467 or 276-403-5469

Fax:

276-403-5468

Link: [Victim Witness Program Page](#)

Staff

Name	Title	Email
Laine, Joyce	Victim/Witness Program Assistant Director	Email Joyce Laine
Spangler, Vicky	Victim / Witness Program Director	Email Vicky Spangler

[Return to Staff Directory.](#)