

# EXHIBIT 1

**attached to: Motion to Reconsider the Order  
denying “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”**

**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](http://JUSTICEFORUSWGO.WORDPRESS.COM)



**Subject:** Re: Status of FOIA Request of Brian David Hill?

**From:** Kendall Davis <kdavis@ci.martinsville.va.us>

**Date:** 2/13/2023, 3:01 PM

**To:** ROBERTA HILL <rbhill67@comcast.net>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

## Kendall Davis

### Public Information Officer

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



---

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Sent:** Friday, February 10, 2023 4:48 PM

**To:** Kendall Davis <kdavis@ci.martinsville.va.us>

**Cc:** foiaouncil@dls.virginia.gov <foiaouncil@dls.virginia.gov>; stanleybolten@justiceforuswgo.nl <stanleybolten@justiceforuswgo.nl>; Lin Wood <lwood@linwoodlaw.com>

**Subject:** Re: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

My son Brian Hill plans to file a suit in General District Court next week. As courtesy, I am emailing you evidence attachment that Attorney Eric Monday had his contract with the City of Martinsville terminated in December, 2022.

I am emailing proof that Attorney Eric Monday was no longer the attorney effective January 2, 2023. You should know that, yet you are sending an old 2019 letter as if it is a current response, an old 2019th response from an attorney who was terminated for service for the City of Martinsville on January 2nd before my son's FOIA request was even filed on January 20, 2023. This sounds like fraud to me or misrepresentation to file an old letter as a response to a more recent FOIA request. I don't even think you read over the whole thing.

**See attachment file: [article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf](#): Council terminates City Attorney's contract. See [https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html)**

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

This is not a current response which you had sent digitally but a response from 2019 over an entirely different FOIA request in 2019 over a search warrant. My son was able to get that document from the Clerk, but the records are concerning police body-camera footage and it's unlawful destruction. Brian needs that record to prove in a court of law when the body-camera footage was illegally destroyed in his criminal case to prove FRAUD ON THE COURT. At this point the whole criminal case is a fraud anyways, and your all protecting lies and fraud over what??? My son had medical issues in 2018 and the police treated his medical issues and autism as a crime.

**My son will go ahead and file a lawsuit over not a current response but are filing a 2019 response over an entirely different matter.** My son says he plans to sue over this improper response which isn't even dated in the current year of 2023. Using a Eric Monday letter from 2019. Search warrants are different than records over body-camera footage. The courts have asked for the body-camera footage in three seperate orders and the corrupt former police chief G. E. Cassady kept stonewalling every request in violation of court orders. Your part of the cover up now, and this is documented for a court of law. **You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.**

On 02/10/2023 1:51 PM Kendall Davis <kdavis@ci.martinsville.va.us> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

## Kendall Davis

### Public Information Officer

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



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**From:** ROBERTA HILL <rbhill67@comcast.net>  
**Sent:** Friday, February 10, 2023 1:19 PM  
**To:** Kendall Davis <kdavis@ci.martinsville.va.us>  
**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**CAUTION:** This email originated outside the City of Martinsville's email system.  
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----- Original Message -----

From: ROBERTA HILL <rbhill67@comcast.net>

To: "mstrait@ci.martinsville.va.us" <mstrait@ci.martinsville.va.us>

Date: 02/10/2023 12:47 PM

Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

What is the status and case number of my son's FOIA Request dated January 20, 2023?

Brian faxed the FOIA request on January 20, 2023 but does not know if it has yet been assigned a case number yet.

They are attached.

1. Status Letter to City of Martinsville and Police on FOIA - February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;
2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter
3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks,  
Roberta Hill

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Attachments:

Brian Hill FOIA Request.pdf

149 KB

## EXHIBIT 2

**attached to: Motion to Reconsider the Order  
denying “MOTION FOR SET ASIDE OR  
RELIEVE DEFENDANT OF JUDGMENT OF  
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February 10, 2023

Brian David Hill  
 310 Forest Street, Apt. 1  
 Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth’s Attorney’s Office. If the Commonwealth’s Attorney’s Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200

Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to "evidence" and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to "un-destroy" an item.

#3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

Public Information Officer

City of Martinsville



# EXHIBIT 3

**attached to: Motion to Reconsider the Order  
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**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

**From:** ROBERTA HILL <rbhill67@comcast.net>

**Date:** 2/13/2023, 3:37 PM

**To:** "Hon. Jean P. Nunn, Clerk of the Court" <jnunn@ci.martinsville.va.us>

**CC:** Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>,  
"stanleybolten@justiceforuswgo.nl" <StanleyBolten@justiceforuswgo.nl>,  
"kenstella2005@comcast.net" <kenstella2005@comcast.net>, Ken & Stella Forinash  
<kenstella@comcast.net>, "Hon. Giles Carter Greer (Judge)" <cgreer@ci.martinsville.va.us>

(case no. CR19000009-00) Forward email of response to Brian David Hill's FOIA Request.

My son may write a short formal pleading about the new evidence surfaced from Kendall Davis at a later time. If he does, I will email you that. It does prove cover up of body-camera footage.

Thanks,  
Roberta Hill

on behalf of Defendant (since he cannot use the internet):

Brian David Hill

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

----- Forwarded Message -----

**Subject:**Re: Status of FOIA Request of Brian David Hill?

**Date:**Mon, 13 Feb 2023 20:01:11 +0000

**From:**Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>

**To:**ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>

My apologies, I attached the wrong document. I had used Eric Monday's previous letter as a reference to format my response to your request, and accidentally uploaded the wrong file.

Here is the correct document, you should be receiving it in the mail this week.

Please be assured that the previous email was not the response to your FOIA request.

**Kendall Davis**

**Public Information Officer**

**(O)276-403-5379**

**(M)276-734-0164**

**[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)**



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**Cc:** [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) <[foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov)>; [stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl) <[stanleybolten@justiceforuswgo.nl](mailto:stanleybolten@justiceforuswgo.nl)>; Lin Wood <[lwood@linwoodlaw.com](mailto:lwood@linwoodlaw.com)>  
**Subject:** Re: Status of FOIA Request of Brian David Hill?

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**See attachment file: article\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html.pdf: Council terminates City Attorney's contract. See [https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article\\_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html](https://martinsvillebulletin.com/news/local/council-terminates-city-attorneys-contract/article_3050f0a0-7bd3-11ed-a1a7-3361f9f28edb.html)**

Also My son and I reviewed over the letter but that response was not to the current FOIA request but to a FOIA request made in 2019 over an entirely different thing. Brian isn't just any member of the public, his lawyer had court orders for the body-camera footage and yet the Police have repeatedly refused to comply with those court orders. Your all breaking the law to protect those who illegally destroyed evidence which would have proven my son innocent of indecent exposure.

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and this is documented for a court of law. **You are complicit in the cover up of evidence destroying body-camera footage which multiple courts had asked for.**

On 02/10/2023 1:51 PM Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)> wrote:

I was able to get a response to his request this afternoon. Here is a digital response, I'll send one via mail on Monday morning.

Kendall Davis

Public Information Officer

(O)276-403-5379

(M)276-734-0164

[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)



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**From:** ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>  
**Sent:** Friday, February 10, 2023 1:19 PM  
**To:** Kendall Davis <[kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us)>  
**Subject:** Fwd: Status of FOIA Request of Brian David Hill?

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----- Original Message -----

From: ROBERTA HILL <[rbhill67@comcast.net](mailto:rbhill67@comcast.net)>  
To: "[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)" <[mstrait@ci.martinsville.va.us](mailto:mstrait@ci.martinsville.va.us)>  
Date: 02/10/2023 12:47 PM  
Subject: Status of FOIA Request of Brian David Hill?

City Attorney of Martinsville, Virginia,

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They are attached.

1. Status Letter to City of Martinsville and Police on FOIA - February 10, 2023(1).pdf: Brian's letter asking for status on his earlier filed FOIA request;
2. Letter to City of Martinsville and Police on FOIA - January 20, 2023(2).pdf: Brian's original FOIA request letter
3. {2023-01-20} [2].pdf: Transmission tickets proving receipt of FOIA request letter.

Thanks,  
Roberta Hill

---

Attachments:

Brian Hill FOIA Request.pdf

149 KB

# EXHIBIT 4

**attached to: Motion to Reconsider the Order  
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RELIEVE DEFENDANT OF JUDGMENT OF  
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VIRGINIA CODE § 8.01-428(A) AND VIRGINIA  
CODE § 8.01-428(B) ON THE BASIS OF FRAUD  
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**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



**STATUS LETTER TO HONORABLE GILES CARTER GREER  
(JUDGE);  
CLERK OF MARTINSVILLE CIRCUIT COURT**

Tuesday, February 14, 2023

<p>ATTN: Hon. Giles Carter Greer Presiding Judge Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:cgreer@ci.martinsville.va.us">cgreer@ci.martinsville.va.us</a></p>	<p>ATTN: Hon. Jean P. Nunn Clerk of the Court Martinsville Circuit Court 55 W. Church Street Martinsville, VA 24114-1206 Phone: (276) 403-5106 Fax: (276) 403-5232 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a></p>
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CC: Glen Andrew Hall, Esq. At [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us) (City of Martinsville, Commonwealth of Virginia, Commonwealth's Attorney);

Hon. Giles Carter Greer (Judge) and Hon. Jeanie P. Nunn (Clerk),

I apologize for the amount of filings I been asking Roberta Hill to send to the Circuit Court electronically to file for me, but evidence is evidence, there is a lot of prima facie evidence to satisfy my burden of proof for proving fraud on the court which is believed to have been perpetuated on this Court's judicial machinery by Glen Andrew Hall, and I now have my final response to my FOIA Request since February 13, 2023. I will not need to file any FOIA lawsuit and have no need to ask any more FOIA questions at this time. I received the answers I need from a credible person from Martinsville Police Department, the Police Chief, and the evidence proves **Element 2** within the **Statement of the Facts** in support of my Motion on January 26, 2023.

The Clerk should also be in receipt of a pdf file named: **Brian Hill FOIA Request.pdf**, attached to an email from Kendall Davis, Public Information Officer, City of Martinsville, [kdavis@ci.martinsville.va.us](mailto:kdavis@ci.martinsville.va.us), (O)276-403-5379, (M)276-734-0164. This Court can contact him at any time or even the Police Chief for any further inquiry from this Honorable Circuit Court. Roberta

Hill forwarded that exact email with the attachment. Hopefully the Clerk is well in receipt of this pdf file and filed it in the record of the Circuit Court/Trial Court. Before I go any further in this letter.

At this point I have no more of a need to make any more filings until the Circuit Court makes a decision or orders me to appear before an Evidentiary Hearing or Inquiry Hearing or any hearing over the matters on my Motion for relief from judgment or setting aside judgment; the Motion which was filed on January 26, 2023.

I am sure you have already been emailed by Roberta Hill about a 3-page response to my FOIA Request dated January 20, 2023. The same FOIA Request letter filed as **Exhibit 12** in support of my Motion. See **EXHIBIT PAGE 202-209 OF 337, EXHIBIT 12, URGENT LETTER TO MARTINSVILLE POLICE DEPARTMENT AND CITY OF MARTINSVILLE – FOIA REQUEST and Fax Transmission Tickets**).

I have reviewed over the response letter and have taken the time to review over it. I asked Roberta Hill to forward the emails to both the Clerk and to yourself your Honor, the Honorable Judge Greer. I wanted to make sure you have the source email and the answer document. That is the answer by the current Police Chief of the Martinsville Police Department.

This answer document from the Chief of Police Rob Fincher proves that the Commonwealth Attorney Glen Andrew Hall and Attorney Scott Albrecht are both AT FAULT for unlawful destruction of the body-camera footage recorded by Officer Robert Jones of Martinsville Police Department, recorded on September 21, 2018.

The Police Chief said from what it sounded like in his response that they were supposed to be served with the legal documents of the lawsuit or be made aware of the lawsuit civil litigation or criminal litigation and that the body-camera footage is tied to that litigation as “evidence”, and was supposed to be marked as evidence so that it would not be deleted/spoliated indefinitely. It sounds to me like even though Robert Jones had filed the CRIMINAL COMPLAINT and ARREST WARRANT on September 21, 2018,



the Commonwealth Attorney did not designate the body-camera footage as evidence and there was no push to preserve that evidence either, despite the Court Orders which the body-camera is within the scope of those court orders. Two Court Orders were filed in the Martinsville judicial systems, before the deletion of the video file of the body-camera footage. It was not designated as evidence despite multiple letters being mailed to the former Police Chief G. E. Cassady. I am attaching what I found in my evidence box, I am attaching a photocopy of a “return receipt” and “certified mail receipt” and a photocopy of the typed letter mailed to Martinsville Police Department, to G. E. Cassady asking for the body-camera footage. See **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.**

See attachment to this letter thereafter: **Photocopy of return receipt and certified mail receipt.pdf**: 6 pages (six pages) of evidence documentation. First 2 pages are photocopy of signed return receipt (front and back) and certified mail receipt. Next two pages is the typed letter, a true photocopy of the mailed letter, same as what was filed earlier in the Circuit Court record and in **EXHIBIT PAGE 240-242 OF 337, EXHIBIT 15.** Then the next page is the scanned photocopy of the envelope Stella and Kenneth Forinash had used for the mailing with that letter. The last page is my originally written letter from FCI-1 Butner, North Carolina to Police Chief G. E. Cassady, dated January 19, 2019, but it does say “For Jason McMurray”. That printed photocopy must have been a photocopy where I hand written on that photocopy who it was for. So I had tried to mail a copy to USPO Jason McMurray. So he was aware of my letter to G. E. Cassady too, I assume.

Anyways if you review over the filed: **“Brian Hill FOIA Request.pdf”** dated February 10, 2023, and was filed with the Clerk yesterday, on February 13, 2023, also a copy was emailed to yourself, the Honorable Judge Greer. When you review over what was said, it does prove the substance of my filed: **“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”**.

I shall copy and paste some of what was said in that letter:

See Page 2 of 3 of response letter from Police Chief:

#3 In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

This proves that Glen Andrew Hall had violated or not complied with two court orders since the deletion of evidence was done after those orders, and that non-compliance or violation carried over to the third court order for discovery. Your Honor, you can check your two court orders dated February 6, 2019 and July 15, 2019. Then there is also the General District Court's order dated November 28, 2018. All of those orders were not complied with by Glen Andrew Hall, Esquire, Commonwealth's Attorney in this case.

Also once a criminal case is filed, the body-camera footage was supposed to be marked as evidence according to Police Chief Rob Fincher. It was not marked as evidence, the Commonwealth Attorney did not do this, Glen Andrew Hall didn't properly ask the Police Department to preserve the footage. He is at fault here along with G. E. Cassady.

I had proven to this Court and to you, your Honor, that I had mailed two letters to former Police Chief G. E. Cassady. Stella and Kenneth Forinash mailed a typed version asking for body-camera footage in March 13th/mailed on March 14, 2019. The signed return receipt attached to this letter proved receipt.

That letter and return receipt, the photocopy of that typed letter was the last mailing on March 14, 2019 sent to Martinsville Police Department or to Police Chief G. E. Cassady of Martinsville Police Department before the destruction of the body-camera footage on April 9, 2019. It was destroyed by deletion.

I refer back to Page 26 of the MOTION pending before your Court: See **Element 2: The Plaintiffs were ordered three separate times by two Courts in total (General District Court, Circuit Court) including this Court to have provided discovery evidence to the Defendant and/or to his court appointed attorney which includes any recorded statement of the Defendant made to law enforcement concerning the criminal charge; instead the Plaintiffs' had destroyed the discovery evidence of the police body-camera footage during the pendency of the criminal trial proceedings and litigation, then they demand a jury trial despite knowing that they destroyed evidence favorable to the Defendant in violation of three separate court orders which is CONTEMPT OF COURT; ..... 26.**

The body-camera footage should have never been deleted “**by the DVMS system on 4/9/2019**”. April 9, 2019. The Commonwealth Attorney was fully made aware by the Court two different times for Orders for Discovery prior to the evidence being deleted which falls within the scope of what was defined in those court orders; which is unlawful spoliation of evidence, and on the third order dated July 15, 2019.

The Police Chief is a credible witness and whoever he asked to look through the records of Martinsville Police Department. This credible witness has responded with very credible information. Proving that the body-camera **footage was deleted without being MARKED AS EVIDENCE, on April 9, 2019** while I was still in federal custody at the Federal Correctional Institution 1 in Butner, North Carolina.

**This proves Element 2 of the Statement of the Facts within my filed Motion on January 26, 2023.** This proves my claims beyond a reasonable doubt, prima facie evidence.

Since Element 2 has been satisfied, I ask you, your Honor, that you permit me to establish a Fact of an adverse inference meaning that I am permitted to establish a fact which I believe would have been proven with the spoliation of evidence purposefully by the Commonwealth's Attorney Glen Andrew Hall.

I shall cite the very adverse inference I would like the Circuit Court to adopt as a fact with the spoliation of the body-camera footage proven

through unlawful destruction of the material evidence within the scope of the Circuit Court order dated February 6, 2019 and July 15, 2019.

I shall copy and paste some of what was said in that letter:  
See Page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf:

**Proffered adverse Inference:** Defendant asserts under adverse inference that the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform. The body-cam footage would have shown footage not favorable to the Martinsville Police Department in how they handled the situation of a person with medical issues including a neurological disability of autism spectrum disorder and Type 1 brittle diabetes. That is what the Defendant is proffering to this Court as a fact of an adverse inference. Defendant is entitled to an adverse inference when the Plaintiffs had not complied with three court orders for discovery evidence materials and had destroyed evidence subject to those three court orders.

If this Circuit Court does adopt my proffered fact through an adverse inference due to the unlawful destruction of evidence within the scope of the multiple court orders, then I ask that the Honorable Circuit Court go ahead and establish the fact in my Statement of the Facts that “*the destroyed police body-camera footage would have proven that the Defendant was intoxicated, was dehydrated, and/or had exhibited behaviors which may be an indication of being intoxicated during the questioning of Brian David Hill as to why he was naked. That evidence which was destroyed would have shown Defendant being intoxicated or not in his right state of mind when Officer Robert Jones had spoken with the Defendant during the activation of his body-camera on his person, on his uniform.*”

The Honorable Court now has prima facie evidence/proof of **Element 2**

of the Statement of the Facts on the issue of fraud on the court by proving **Element 2**. See page 38-39 of 107 of MOTION filed January 26, 2023; Motion-Circuit-Court1-26-2023.pdf.

The response by the new Police Chief Rob Fincher shows that evidence was deleted/spoliation after a criminal case litigation, and that was not supposed to happen according to the Police Chief. The fault is within the Commonwealth Attorney Office and former Police Chief G. E. Cassady who was notified in writing three separate times. Two court orders, and the third court order after the destruction of the body-camera footage. The fault entirely would also include Scott Albrecht, Glen Andrew Hall, and former Police Chief G. E. Cassady. All three are at fault for the spoliation of evidence. I had proven that before this Court. Have I not proven this fact???

Stella Forinash prepared a Microsoft Word draft file in .docx format of what was originally called a diagram draft page of a short summary of different issues concerning fraud on the court, the different issues in the criminal case showing a shaky or fraudulent foundation of the very criminal charge. I have decided to entitle it a **SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**; Prepared by Stella Forinash, edited and modified by Brian David Hill. This is a short summary, a few pages explaining in a nutshell the various issues of fraud which constituted a fraud upon the court by the Commonwealth's Attorney. It isn't just unlawful destruction of the body-camera footage, it wasn't just non-compliance with court orders. It is also about the police quickly charging Brian David Hill within a few hours or less on very shaky grounds without even a thorough investigation, and never verifying whether or not Brian David Hill was in fact medically and psychologically cleared when charged. All elements have been proven and satisfied to the satisfaction of this Honorable Circuit Court.

Brian David Hill = Innocence, because I am innocent, I can never be convicted of my charge on September 21, 2018, and should not be as it stands with the prima facie evidence and facts which had been laid out since **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. I have satisfied the burden of proof.

If the Circuit court still is not convinced that I have satisfied the burden of proof necessary of my motion for relief being granted, this Court is free to order an evidentiary hearing or mail interrogatories to the witnesses, and ask the Police Chief about the evidence deletion in 2019. This Court should conduct an inquiry on all of the issues in the filed Motion.

Then there is new evidence about Scott Albrecht which this Court has a duty to conduct an inquiry to determine if a conflict of interest did exist or exists right now regarding Scott Albrecht working for the prosecution after representing the very same criminal defendant. At least he should recuse himself from any involvement with Brian Hill's cases from the prosecution side since this same attorney had represented Brian Hill prior to being hired by the Commonwealth's Attorney Glen Andrew Hall.

Thank you for your time and attention to this matter.

Where We Go One We Go All (WWG1WGA), Nothing Can Stop What Is Coming (NCSWIC).




Brian D. Hill

God bless you,  
Brian D. Hill  
Defendant

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

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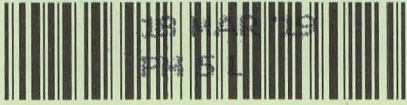
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
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January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1  
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509  
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

**Copy of note mailed with letter dated January 19, 2019**

**Chief of Police and Commonwealth Attorney in Martinsville,  
VA,**

**Please acknowledge receipt of letters. Please write response.**

**Thank you**

**Brian D. Hill**

**God bless you!**

**Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.**

KEN & STELLA FORINASH  
916 CHALMERS ST, APT A  
MARTINSVILLE, VA 24112

G. E. CASSADY, CHIEF OF POLICE  
MARTINSVILLE POLICE DEPARTMENT  
55 WEST CHURCH ST.  
MARTINSVILLE, VA 24112

Dear Chief of Police of Martinsville Police Dept.,

CC: Commonwealth Attorney, Case no. C18-3138,

55 West Church Street,

Municipal Building,

Martinsville, VA 24112,

For Jason McMurray

Martinsville Circuit Court case  
Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1

Old NC Hwy 75; P.O. Box 1000

Butner, N.C. 27509

JusticeForUSWGO.wordpress.com

U.S.W.G.O.

Dated January 19, 2019.

P.S. Brian Hill has Autism  
Spectrum Disorder in DMV  
handicap placard records.

# EXHIBIT 5

**attached to: Motion to Reconsider the Order  
denying “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”**

**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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**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**

**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**

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



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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



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

**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](mailto:rbhill67@comcast.net) (due to

Probation Conditions of not being allowed to use the Internet) to have delivered this

Page **11** of **13**



(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](mailto:rbhill67@comcast.net), transmit a copy of this pleading to the following attorneys who represent the above parties to the case:

<p>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: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a></p>	<p>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: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a></p>
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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](mailto: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

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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**U.S.W.G.O.**



**See the two-page attachment to this pleading:**

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

# EXHIBIT 6

**attached to: Motion to Reconsider the Order  
denying “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”**

**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](http://JUSTICEFORUSWGO.WORDPRESS.COM)



**SHORT SUMMARY OF WHAT WAS PROVEN AS TO FRAUD ON THE COURT**

**Prepared by Stella Forinash, edited and modified by Brian David Hill**

**Case no. CR19000009-00, For Martinsville Circuit Court; Date: February 14, 2023**

1. Chimney people deny putting tin instead of screen on chimney causing carbon monoxide to go inside our home because no where for gas to escape 11 months (Oct. 2017) before my arrest. Denied coming to the house. Phone call logs/records & canceled check proves they did come and got paid. **See EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
2. Court appointed lawyer never introduces or pushes as evidence in the Court the expert testimony from the chimney expert who found the tin 3 months after my arrest (Jan. 2019) and immediately removed it explaining that the damage inside our home was caused by carbon monoxide coming from our natural gas hot water heater & natural gas boiler furnace into the house – nowhere else to escape. **See EXHIBIT APPENDIX PG. 18 OF 532 of EXHIBIT APPENDIX VOLUME I OF II (Pages 1 – 532) IN SUPPORT OF MOTION FOR JUDGMENT OF ACQUITTAL OR NEW TRIAL PURSUANT TO RULE 3A:15 BASED UPON NEW EVIDENCE OF SUSPECT JACODY CASSELL OF BUSINESS ENTITY: THE CHIMNEY SWEEP WHO CAUSED CARBON MONOXIDE POISONING INTOXICATION OF CRIMINAL DEFENDANT WARRANTING NEW TRIAL OR ACQUITTAL, filed on September 6, 2022.**
3. Doctor at hospital does not test the blood sugar from a type 1 brittle diabetic (Sept 2018) who was out walking for miles & hours in the middle of the night wearing no clothes. It is on hospital records that I am a type 1 diabetic (take insulin) with seizure history when glucose goes low; have autism & OCD. **See EXHIBIT PAGE 253-260 OF 337 of EXHIBITS 1-25 attached to: “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”**
4. They do other blood work, charge Medicaid for the blood work, then destroy the blood work without any result per hospital & Medicaid billing records. **See EXHIBIT PAGE 260 OF 337, EXHIBIT PAGE 88-91 OF 337, and EXHIBIT PAGE 248-249 OF 337 of EXHIBITS 1-25 attached to: “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”.**
5. I requested body camera footage, my family requested body camera footage, court appointed attorney requested body camera footage, court requested body camera footage. No one follows through. I discovered on 2-13-2023 body cam was not marked as evidence and destroyed after these entire request for it. **See pleading: Brian Hill FOIA Request.pdf,**

**Letter from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.**

6. Police who arrested me admits in court that I told him that I had autism. Also admits in court that after years of being a police officer, he has very little training in autism. Autism, type 1 (insulin dependent) diabetes and OCD are all covered under the Americans with Disabilities Act. I have medical proof from 1994 and from 2019-2023 that I have all 3 disabilities plus more. **See EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25 attached to: "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".**
7. Police who did the arrest admits in court he was not aware that I was a type 1 diabetic and have OCD. **Again, see EXHIBIT PAGE 39-40 OF 337 of EXHIBITS 1-25.**
8. Court appointed attorney does not give my full mental history around the time of the alleged crime to the one doing the mental evaluation. It is very clear on the records of the Piedmont Community Services that I was diagnosed (Explained by whom, date & the diagnosis). **See EXHIBIT INDEX PAGE 164-170 OF 317, 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. Filed with Clerk on August 31, 2022.**
9. Police did not investigate, just arrest. I was put in jail and punished due to a Medical emergency in the middle of the night while my caregiver and family were asleep. **See Element 1 in Statement of the Facts, Pages 22-36 of 107 in 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.**
10. Medical records – tachycardia (meaning resting blood pulse is over 100 which is abnormally high, indication of possibly a serious medical issue)- given oxygen – written on hospital records to see my doctor the next morning for more test. All of this ignored by police & court. **See Pages 56-57 of 107 in 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**
11. Former Assistant Public Defender Scott Albrecht does absolutely nothing to compel compliance with Court Orders for the discovery evidence materials directly material to the charged crime. Material evidence was deleted/destroyed by Martinsville Police Department not knowing that the destroyed evidence should have been marked as evidence because prosecuting Attorney Glen Andrew Hall and Scott Albrecht both didn't do anything despite the court orders for discovery. Both failed as officers of the court to do their duty and wasted the court's time by allowing destruction of evidence and allowing non-compliance with Court Orders. **See pleading: Brian Hill FOIA Request.pdf, Letter**

from Kendall David, Public Information Officer of City of Martinsville, filed with Clerk on February 13, 2023.

12. In 2023, it is discovered that a lawyer named "Scott Albrecht" has been found to be an Assistant Commonwealth's Attorney according to a printout from Staff Directory of the City of Martinsville, a local government website. Same name as the Assistant Public Defender Scott Albrecht who represented me, Brian David Hill, since the Public Defender was appointed as my counsel of record. See recently filed "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", filed on February 13, 2023.

■ Respectfully filed with the Honorable Circuit Court, on February 14, 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**

I hereby certify that a copy of the foregoing Pleading was transmitted, to the office of Glen Andrew Hall, Martinsville Commonwealth's Attorney, 55 W. Church Street, Martinsville, Virginia 24112, Email: [ahall@ci.martinsville.va.us](mailto:ahall@ci.martinsville.va.us), on this 14th day of February, 2023.

*Brian D. Hill*  
*Signed*  
\_\_\_\_\_  
Brian D. Hill

Brian D. Hill  
Defendant

# EXHIBIT 7

**attached to: Motion to Reconsider the Order  
denying “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”**

**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



Jeanie Nunn

---

**From:** Nancy Sherman  
**Sent:** Friday, February 01, 2019 10:35 AM  
**To:** Jeanie Nunn; Andy Hall  
**Subject:** RE: Brian David Hill

19-009

The Sheriff's Office confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.

---

**From:** Jeanie Nunn <JNUNN@ci.martinsville.va.us>  
**Sent:** Tuesday, January 29, 2019 2:43 PM  
**To:** Andy Hall <ahall@ci.martinsville.va.us>; Nancy Sherman <nsherman@ci.martinsville.va.us>; Scott Albrecht <salbrecht@mar.idc.virginia.gov> <salbrecht@mar.idc.virginia.gov>  
**Cc:** Judge Greer <cgreer@ci.martinsville.va.us>  
**Subject:** Brian David Hill

On January 28, at the request of the Commonwealth, the Judge directed me to issue a *capias* on Mr. Hill since he is in Federal Custody in Butner NC and the Commonwealth wanted it placed as a Detainer against him. In reviewing his file determining the reason to show for the *capias*, I knew it couldn't be failure to appear so I thought "REVOKE HIS BOND". However, Mr. Hill has never made bond, therefore, the indecent exposure charge should be listed in his file in the federal system and he should have a detainer against him anyway. The commonwealth may be able to contact Butner or possibly get the police department to check and make sure it is showing on his file that he has to be returned to us after completion of his fed time for the pending offense here.

Or Judge, if you have a particular charge you want me to issue a *capias* under and place a new detainer, please advise. Also, do I just continue this until next misdemeanor appeal day for a status review?

Thanks,

*Jeanie Nunn*  
**Certified Master Chief Deputy Clerk  
Martinsville Circuit Court  
P O Box 1206  
Martinsville, VA 24114**