

In The
Supreme Court
Of Virginia

Brian David Hill,

Complainant,

v.

Hon. Giles Carter Greer.

Respondent.

**SUMMARY BRIEF FOR THE JUDICIAL INQUIRY AND REVIEW
COMMISSION**



Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505
c/o: Rbhill67@comcast.net; Roberta Hill



Pro Se Appellant
Dated February 21, 2023

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JusticeForUSWGO.NL

**SUMMARY BRIEF for the complaint filed with the JUDICIAL INQUIRY
AND REVIEW COMMISSION dated February 21, 2023**

Brian David Hill, files this SUMMARY BRIEF for the complaint filed with the JUDICIAL INQUIRY AND REVIEW COMMISSION dated February 21, 2023.

This will be a short number of pages explaining what Canons of Judicial Conduct for the State of Virginia were believed to have been violated by the Hon. Giles Carter Greer.

1. CANON 1. A JUDGE MUST BE IMPARTIAL

Judge Greer is not acting impartial when evidence was given to him from City Public Information Officer Kendall Davis and new Police Chief Rob Fincher proving that evidence was destroyed after two court orders regarding discovery. One of them were filed by Hon. Giles Carter Greer. The other court order from the General District Court proves that Glen Andrew Hall has a history of not complying with court orders when a court order may hurt the criminal case by Glen Andrew Hall the Commonwealth's Attorney. At the same time this judge pushed for a capias against Brian David Hill for a failure to appear while he was imprisoned at the time, he was accused of not appearing at a hearing, when the Clerk Jean P. Nunn knew that Brian Hill was at Butner NC which is a federal prison. So, the judge and Mr. Hall both pushed for a capias for failure to appear while Jean Nunn the Deputy Master Clerk disagreed with the judge because the Clerk knew the facts of the situation so she determined that Brian Hill could not have failed to appear. The argument is that this very same judge had evidence of willful violation of court

orders, willful non-compliance by attorney Glen Andrew Hall, Esq. and this very same judge refused to push for any *capias* against Glen Andrew Hall and refused to push for any contempt proceedings. So, this judge is acting one sided, against Brian David Hill and is not acting impartial. He does not enforce any court orders against a contemnor if that contemnor is the Commonwealth's Attorney. This allows them to violate any law they want; they can freely refuse to follow any court order they want and never get in any trouble for it. This breeds vigilantism and anarchy. This is not good for a judge to freely allow somebody to violate his court orders and not enforce them equally. That is evidence of a reasonable inference that Hon. Giles Carter Greer is partial and is not acting impartial as the Constitution mandates it, that a judge must enforce the laws and court rules on all parties of a case regardless of status or education or race or anything.

Judge Greer was warned about the Commonwealth Attorney allowed to become a lawbreaker who can never be punished or sanctioned for any law breaking. He was given this exact case law authority by the U.S. Supreme Court.

Olmstead v. United States, 277 U.S. 438, 485 (1928) (“Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law

the end justifies the means — to declare that the Government may commit crimes in order to secure the conviction of a private criminal — would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.”)

Hon. Giles Carter Greer is promoting anarchy with the Commonwealth’s Attorney, he is inviting that no law or rule has to be followed, while enforcing the laws and rules and court orders on the defendant. This is one sided and is not impartial as mandated by Constitutional law. Remember: **Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen.**

H. Bias or prejudice:

Judge Greer has committed bias or prejudice when he refuses to enforce court orders on the Commonwealth’s Attorney but was ready to push for a capias along with the Commonwealth’s Attorney against the criminal defendant Brian David Hill. He is refusing to apply the law equally to all parties. If he were impartial, then he would enforce the law on all parties.

N. Avoiding favoritism

Judge Greer is favoring Glen Andrew Hall because he is giving this attorney special privileges of being allowed to violate the law, violate court orders, destroy evidence and/or cover up evidence aka spoliation evidence with impunity even after prior court orders asking for the very same evidence,

2. CANON 2. A JUDGE MUST UPHOLD THE PUBLIC TRUST

Judge Greer is sending the message in the public court record to the American people, to every citizen of the Commonwealth, that the law is not equal and will not apply to everybody but will apply to whoever he wants it to apply to. That is unconstitutional behavior and causes a lack of public trust. When a judge is okay with lawbreaking from one party, it creates distrust and disfunction of the entire judicial machinery. The law cannot be openly violated. If a party is permitted to violate court orders, then this creates a reasonable inference of collusion or acceptance of fraud on the court. This creates the public perception that this judge cannot be trusted and every single person will fear going in front of this judge in any case where it may include attorneys he will protect from sanctions or any repercussions or consequences for breaking the law and violating any court order.

Hopefully this commission can set things straight and make sure that this judge needs to be ethical, he needs to enforce the court orders on all parties or he is showing favoritism to Glen Andrew Hall who was caught destroying evidence in response to multiple court orders. That is contempt of court, Glen Andrew Hall was proven as a contemnor. Judge needs to do the right thing or he has created a rigged judicial process, a one-sided judicial system where one party can freely destroy evidence and can do so in any or every case. This means the law under this judge has no merit and has no enforcement. The law is weak or cannot stand when it is not enforced. The law has to be applied to all parties of a case unless law actually says a party can ignore the law which of course may violate the Fourteenth Amendment's equal protection of the laws.

Respectfully Filed/Submitted on February 21, 2023,

BRIAN DAVID HILL

Pro Se

Brian D. Hill
Signed

Brian D. Hill



U.S.W.G.O.

Brian David Hill – Ally of Qanon
Founder of USWGO Alternative
News

310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505

Pro Se Appellant

<https://JusticeForUSWGO.wordpress.com>

<https://JusticeForUSWGO.nl>

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**



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

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF
MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,)
)
v.)
)
BRIAN DAVID HILL,)
Defendant.)

CASE NO: C18-3138

ORDER

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

- (1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;
- (2) A copy of any criminal record of the accused; and
- (3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

[Signature]
Judge

I ASK FOR THIS:

[Signature]

Scott Albrecht, Esq. (VSB #88411)
Office of the Public Defender
P.O. Drawer 31
Martinsville, VA 24114
T: (276) 666-2206 ext. 106
F: (276) 666-8929
salbrecht@mar.idc.virginia.gov
Counsel for Defendant

Michael McPherson
Retained for
Bond Hearing
10-12-18
9:45a

SEEN and Agreed :
[Signature]

Attorney for the Commonwealth
City of Martinsville, Virginia
P.O. Box 1311
Martinsville, VA 24112
T: (276) 403-5470

RECEIVED
DATE/TIME 11-28-18 11am
BY D. Collier D. Clark
MARTINSVILLE GENERAL DISTRICT COURT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.


It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6th day of February, 2019.

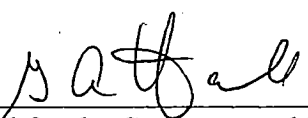


Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
Martinsville, VA 24114
276-666-2206
276-666-8929 (fax)
salbrecht@mar.idc.virginia.gov

SEEN:


Counsel for the Commonwealth

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

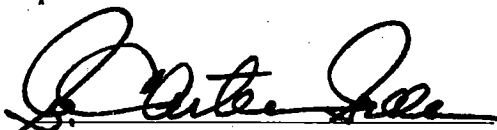
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.

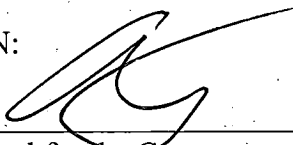

Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
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276-666-2206
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salbrecht@mar.idc.virginia.gov

SEEN:


Counsel for the Commonwealth