

**EMERGENCY REQUEST TO THE HONORABLE GOVERNOR  
GLENN YOUNGKIN OF VIRGINIA AND SECRETARY OF THE  
COMMONWEALTH OF VIRGINIA**

Sunday, March 19, 2023

**ATTN: Governor Glenn Youngkin**

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CC: Secretary of the Commonwealth

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Hon. Governor Glenn Youngkin and Secretary of the Commonwealth,

I, Brian David Hill, citizen of this great Constitutional Commonwealth of Virginia, hereby make this EMERGENCY REQUEST for the Governor of Virginia and the Secretary of the Commonwealth, and I make these statements under penalty of perjury subject to Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty”.

I am innocent of my charge of indecent exposure on September 21, 2018. It is a misdemeanor charge. I never plead guilty at all, and when I filed a motion to withdraw my appeal in November 2019, I preserved my right to collaterally attack my wrongful conviction, I preserved and maintained my innocence and right to file something proving my innocence at a later time. The judge entered my plea as an Alford Plea where I withdrawn my appeal but did not plead guilty because of entering what other states would consider as an Alford Plea. An Alford Plea means that the criminal defendant would have the burden of disproving the material elements of his/her charge in order to be acquitted. If elements of guilt are disproved, then there is no basis for a criminal conviction, and such criminal conviction would be fraudulent under the standards set by the Supreme Court of Virginia and the U.S. Supreme Court.

See Moore v. Commonwealth, 202 Va. 667, 670 (Va. 1961) (“It is elementary in this State, except when modified by statute, that **the accused**

in a criminal case is presumed to be innocent until his guilt has been proven beyond a reasonable doubt; that the burden rests upon the Commonwealth to establish such guilt; and this burden never shifts. Every material element of the offense charged must be proved in order to find the defendant guilty. Sutherland v. Commonwealth, 171 Va. 485, 494, 198 S.E. 452; Adkins v. Commonwealth, 200 Va. 238, 243, 105 S.E.2d 164; 5 Michie's Jur., Criminal Procedure, Sec. 54, pages 400 et seq; 7 Michie's Jur., Evidence, Sec. 35, pages 368 et seq.”).

I believe fraud is involved in the elements of my charge. I will explain herein how this is fraud. A Governor can use extraordinary reasons such as prosecutorial fraud and spoliation of evidence by the Commonwealth's Attorney as justification for an Absolute Pardon.

I am innocent because of three things on the record of the Trial Court. I will ask my family member or friends to provide to you a link to the record of the Trial Court from the Court of Appeals of Virginia. So that the pardons/clemency staff can review over the record of the Trial Court. It doesn't include the most recent filings, but it includes enough on the record to prove my statements to be true and warrant that extraordinary circumstances exist for an Absolute Pardon.

I request that the waiting period be waived for requesting an Absolute Pardon and that the Department of State Police in Virginia conduct a full investigation into the crime/crimes committed by G. E. Eddie Cassady of Martinsville Police Department, Robert Jones of Martinsville Police Department, Glen Andrew Hall of Martinsville Commonwealth's Attorney, Scott Albrecht of Martinsville Commonwealth's Attorney and was formerly my court appointed attorney as Assistant Public Defender for Martinsville, former Clerk Ashby R. Pritchett, and Hon Giles Carter Greer the judge of the Circuit Court for the City of Martinsville.

I believe all of them are involved in a crime or crimes. I believe there is a criminal conspiracy and this conspiracy wishes to keep me wrongfully convicted of indecent exposure, a simple Class 1 misdemeanor charge. I am innocent of it and I have proven on the record of the Trial Court that I am

innocent of indecent exposure. I have legally proven it with clear and convincing evidence. The only issue was that I was naked but the intent was unknown but evidence has surfaced in 2019, 2022, 2023, and different pieces of evidence was filed with the Circuit Court asking for relief. Every-time I asked the Court for relief, the Hon. Giles Carter Greer denies every motion without fully explaining why he denies each motion. Like the court orders denying each of my post-conviction relief motions doesn't explain in great detail, but is usually a one page order denying every motion. Some of them used the lack of jurisdiction basis or ground.

In September 12, 2019, Officer Robert Jones of Martinsville Police Department who had charged me with indecent exposure on September 21, 2018 was asked questions by attorneys on both sides in Federal Court, in the U.S. District Court for the Middle District of North Carolina in Winston-Salem, NC in front of the Hon. Thomas David Schroeder.

Officer Jones admitted that I was not being obscene when I was naked. Attorney Renorda Pryor asked him that question. It was omitted from the court transcript but four witnesses filed affidavits in the federal court admitting that Officer Jones admitted that I was not being obscene when I was naked. There were other witnesses offered such as officers of the court but Judge Schroeder refused to ask for their testimonies under penalty of perjury. Those witnesses are U.S. Probation Officer Jason McMurray, and Attorney Renorda Pryor. Both are considered officers of a court.

Officer Robert Jones charged me with intentionally making an obscene display. **Pages 1-3 of the Record.** He also said or insinuated in the elements of his charge against me, Brian David Hill that:

1. Material Element 1: I was medically and psychologically cleared and then was arrested;
2. Material Element 2: I was acting or behaving in some way which was “intentionally making an obscene display...”;
3. Material Element 3: I had the intent to do so.

Here are the three things on the record of the Trial Court. What my

claims in this Affidavit and EMERGENCY REQUEST, and can be backed by certain pages of the record.

**Disproving element 1: I have evidence which disproves the element that I was “medically and psychologically cleared”**

The record has this evidence. The clemency staff can investigate **pages 2355-2748 of the record of the Trial Court.**

Officer Jones said under his standards of me being medically cleared that they do lab work and other stuff as said in the court transcript for September 12, 2019. The lab work was deleted from the chart as admitted by the medical record under Dr. Brant Hinchman. That wasn't true.

The hospital never finished the ordered lab tests despite blood being drawn. Also I was under carbon monoxide poisoning and that was proven in **2767-3490 of the record of the Trial Court.** It is all there in the record, the proof is there, and the judge has this evidence from the record itself. Yet did nothing to try to set a new trial and done nothing to try to set aside the conviction and did nothing to acquit me.

**Disproving element 2: I was acting or behaving in some way which was “intentionally making an obscene display...”**

Officer Jones did admit that I was not making an obscene display. It was omitted from the transcript and evidence of this omission is in the record of the Trial Court. The Hon. Giles Carter Greer could have subpoenaed Robert Jones to ask him under oath in his courtroom about his statements he made under oath in federal court. If the officer admits again that I was not being obscene, then the entire charge of indecent exposure was based on a FRAUD since saying I was not obscene under oath but charged me with being obscene is a fraudulent charge, it is a charge based on false pretenses. That does make me actually innocent altogether. See **3991-4012 of the record of the Trial Court.**

Officer Robert Jones can admit to you that I was not being obscene.

Officer Jones can admit to you the facts that he was never told that I was a type 1 (brittle/uncontrollable) diabetic. My health can easily cause me to have a diabetic seizure while I was in the back of the police car being transported from the hospital to the jail because Dr. Brant Hinchman never informed Officer Robert Jones that I was a diabetic. The hospital never checked by diabetic blood glucose or blood sugar on September 21, 2018. I was not medically cleared and I was not being obscene either.

Any reasonable juror may ask, why was Brian out there naked on a walking trail away from people until some vehicle saw Brian at one point of the walking trail since it was closer to a road at one area.

My answer would be under penalty of perjury, that I was under carbon monoxide gas exposure between October 5, 2017 until I left the home late at night on September 20, 2018 and was arrested on September 21, 2018.

I can prove that with the signed check signed by JaCody Cassell or his father of his business known as The Chimney Sweep. I can prove that with medical records from my emergency room hospital visit on November 19, 2017. I can prove it with the abnormally high blood levels. In Sovah Health medical records and Carilion Clinic medical record. I can prove that with photographs of the white residue on the chimney and in the fireplace, and I can prove it with the damage in the ceiling and damage to the wall around the chimney, all of it caused by carbon monoxide gas.

I can prove it with medical records that I had really bad diarrhea problem in 2018 which was so bad that I thought it was candida fungus and was having diarrhea attacks randomly to the point where I had to buy probiotics and was taking a medication assuming that it was stress which caused it. I even bought more expensive probiotics at places like Earth Fare; Walmart with Kombucha. I was buying and drinking a ton of probiotics and paying my SSI money into it and paying my food stamps into it. I still kept having really bad diarrhea. Medical records, Roberta Hill, Stella Forinash, and Kenneth Forinash can all confirm/verify this claim. I even had a colonoscopy in 2018, and there was no candida fungus. So if I didn't have candida, what did I have in 2018??? CARBON MONOXIDE.

I assert that I was intoxicated by an unknown substance or gas at the time I was naked on September 21, 2018. Then in 2019, I discovered that I was exposed to carbon monoxide gas. I believe it had started on October 5, 2017, when Roberta Hill my mother paid The Chimney Sweep \$300 by check and the TRUIST bank gave my mother a photocopy of the signed check. They verified that the check was signed for and the money was paid. \$300 was paid to install metal tin (without my mother's knowledge or consent, she assumed it was chicken wire) without Roberta Hill's knowledge (didn't know the flues were blocked); which blocked proper ventilation of gas appliances causing me and my mother to both suffer under carbon monoxide gas.

I have autism spectrum disorder. Younger people with autism spectrum disorder have a tendency to not want to wear clothes, wanting to be naked. I believe the carbon monoxide had caused me to take my clothes off on September 21, 2018. It used my autism spectrum disorder as it worsens other neurological and health issues. Any medical expert can speak with the clemency staff about that assessment. I would advise a carbon monoxide expert should be contacted about my behavior and examined under the expertise of that expert, as well as a Medical Doctor, autism expert.

**Disproving element 3: I had the intent to do so.**

The intent is negated when the lab work was deleted from the chart.

Also there was Brady Material which was illegally destroyed by the Commonwealth Attorney Glen Andrew Hall.

It was illegally destroyed on April 9, 2019, as reported by PIO Kendall Davis and sourced from Police Chief Rob Fincher of Martinsville Police Department. See **pages 4097-4099 of the record of the Trial Court.**

That would be the police body-camera footage. I believe it recorded me where any reasonable viewer who watches the body-camera footage would determine that I was intoxicated or was acting or behaving in a way which can indicate intoxication. Involuntary intoxication is a defense to a charge of

indecent exposure. Except the involuntary intoxication was the carbon monoxide gas. I didn't know until 2019, thus it was involuntary.

All of this can be proven and was in the record of the Trial Court.

The staff can investigate all evidence between **pages 2345-4103 of the record of the Trial Court.**

I am a victim of fraud, and the Court has been prejudiced by the fraud on the Trial Court.

Even the Court of Appeals of Virginia at one time was prejudiced by the fraud on the Trial Court. I believe Officer Robert Jones, Commonwealth Attorney Glen Andrew Hall, and possibly even G. E. Cassady are all involved with defrauding the court to convict an innocent autistic man, and that person is myself, Brian David Hill.

I have proven my innocence in the record of the Trial Court. This is enough evidence for the staff at the Secretary of the Commonwealth to determine that multiple material elements of my charge were disproved and I had also proved illegal destruction of evidence of the body-camera footage.

I am entitled to acquittal, I am entitled to an actual innocence verdict by the Secretary of the Commonwealth and by the Honorable Governor Glenn Youngkin. The supporting evidence on the record of the Trial Court supports my actual innocence claim.

The office is free to ask any further questions and to compel witnesses to answer questions under penalty of perjury or have the State Police to obtain any necessary statements.

I have evidence of the problems dealing with the Hon. Giles Carter Greer, judge of the Circuit Court in the city of Martinsville, Virginia.

I have evidence that my court appointed lawyer, Scott Albrecht, had lost my case in General District Court on December 21, 2018, and he allowed

the unlawful destruction of the police body-camera footage on April 9, 2019. He never pushed for sanctions and never pushed for any contempt charges against Glen Andrew Hall for destroying Brady evidence and for violating one or more court orders re: discovery materials for the defense attorney.

I have evidence that he works for the prosecution. Glen Andrew Hall was in the trial in General District Court on December 21, 2018. Scott Albrecht at the time was Assistant Public Defender. I confirmed in 2023 that Scott Albrecht was the Assistant Commonwealth's Attorney working for Glen Andrew Hall the Commonwealth's Attorney. That is unethical and is a conflict of interest in my view. That gives the prosecution an unfair upper hand since Scott Albrecht could share anything he remembers about representing me as the defendant. Judge Greer was informed about this and he could care less. That is odd for a judge to allow ethics issues and a conflict of interest which is unethical. There appears to be some judicial corruption or buddy-buddies of some sort. It concerns me. He did push for recusal of the Commonwealth's Attorney after I was charged with contempt of court.

I also saw Scott Albrecht at the prosecution table when I first appeared for a hearing over my contempt of court charge. The hearing was March 3, 2023. Scott Albrecht seemed to recognize me and acted dumb in the hearing. So Scott Albrecht was confirmed by me and my family members who was present at the hearing on March 3, 2023, Albrecht was confirmed to be working for the prosecution, Glen Andrew Hall.

See OTHER - DECLARATION-SCOTT ALBRECHT 02/13/2023; pages 1 – 15; 021623 Addendum Appellate's letter; 01 MAN ADD 001.pdf.

I have proven that there is a conflict of interest. I have proven ethics issues. I have proven there are enough issues in my case where extraordinary circumstances do exist warranting an Absolute Pardon.

I addressed the ethics issues and accused Judge Greer of fraud and/or colluding with the fraud of the Commonwealth's Attorney in my three Notices of Appeal to the Court of Appeals of Virginia. Under the First Amendment and my intent was to only preserve issues for appeal, I



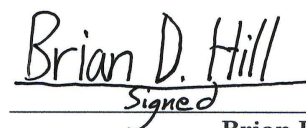
committed no crime. However the judge retaliated against my protected First Amendment U.S. Constitutional activity and seemed to have his Clerk Jeanie Nunn charge me with contempt of court on February 24, 2023.

This judge is trying to make sure by having the top Clerk charging me with contempt of court, that it thwarts my constitutional due process right to appeals protected by procedural due process clause of the Fourteenth Amendment of the U.S. Constitution. This judge knows I caught Scott Albrecht, I caught the judge protecting the fraud in his court, and I caught the fraud of multiple elements of my criminal charge. This judge is panicking because I had told the truth, I did the best I could to tell the truth, and tell what I believed to be what truthfully happened. For telling the truth with a bit of speculation or ranting, I got charged with contempt over that.

I am innocent of indecent exposure on September 21, 2018. There is enough evidence making me confident enough to swear under penalty of perjury that I am innocent of my charge in the Circuit Court for the City of Martinsville. I swear I was not medically and psychologically cleared. I swear I was not obscene, and had no intent to make an obscene display. I am innocent and face retaliation by Hon. Giles Carter Greer. I deserve an Absolute Pardon. I deserve to have my name cleared once and for all.

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

Executed on March 19, 2023.

  
Signed

Brian D. Hill

God bless you,  
Brian D. Hill

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

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