

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, Appellant Brian David Hill hereby state to Appellee(s) the statement of facts as under penalty of perjury,

1. I am Brian David Hill, Appellant in the case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3.

2. I am typing this Declaration/Affidavit in support of the Appellant’s MOTION FOR LEAVE OF COURT TO FILE ONE MORE APPELLANT OPENING BRIEF AND/OR MODIFY JUNE 30, 2023 ORDER. The purpose of this Declaration/Affidavit, is to inform the Court of Appeals of Virginia and of Appellees of the recent developments in my contempt of court charge which were favorable to Appellant but Appellant had to comply with a six-month cooldown period due to the emotions and things which led up to what was said in Appellant’s three notices of appeal in CAV cases no. 0313-23-3, 0314-23-3, 0317-23-3 then it had caused the contempt of court charge on Filed Date: 02/21/2023, then it was issued on February 24, 2023. Appellant is not a lawyer and isn’t a licensed attorney. The dates sounded a little confusing so I had thought I was charged on February 24, 2023, but the charge documents were issued on February 24, 2023, according to the Online Case Information System (OCIS) 2.0 researched by my family.

3. On or about February 21, 2023, a summons or show cause or charge was filed and then on February 24, 2023, the summons process was issued on February

24, 2023, (*OCIS 2.0 can get confusing just looking at the printout*) I was charged with criminal contempt of court for essentially accusing the Hon. Giles Carter Greer (Circuit Court Judge in Martinsville) of fraud in three notices of appeal filed in February 2023. Case number for that contempt case was: CR19000009-01.

4. On October 23, 2023, the last hearing in the contempt case had resulted in a favorable decision for Appellant. Appellant had complied with not filing any documents with the clerk or the judge for six months. The special prosecutor had not shown up at that particular hearing likely because the prosecutor and my court appointed attorney Fred Smith had filed a joint motion for dismissing the contempt case. Judge Greer was nice and polite when I was at the hearing, he was professional as a judge. He was professional at every hearing. Fred Smith was the one who asked to approach the bench then approached the bench after he was approved to do so, to file the motion with the judge directly, and the judge took time to read over the document then orally gave the indication that the case was dismissed. Then Fred and I had left the courtroom. The contempt case was clearly dismissed and was disposed of in the legal system.

5. On or about October 20, 2023, I had met with Fred Smith, and he had explained the situation. It was clear that the special prosecutor and Fred Smith were both pushing to dismiss my contempt charge. He did suggest or advise not to file anything in the Court of Appeals of Virginia yet until after the hearing, and that he

would speak with Justin Hill, counsel for Appellees, regarding the holding off on filing issue. So, he would make sure that the special prosecutor or Justin Hill, whoever he has to inform or ask the question, would indicate that I can start filing again without issue.

6. What led up to the emotional remarks or arguments made in the three notices of appeal was over discovering in February 2023, from Public Information Officer Kendall Davis (See pages 4211-4219 of the Record of the Trial Court), that Police Chief acknowledged the existence of the body-camera footage at one time and then the police recorded body-camera footage had been deleted after multiple court orders including both General District Court and Circuit Court were not complied with, they were not followed by Commonwealth Attorney Glen Andrew Hall. Mr. Hall even deceived the U.S. Probation Office by never providing a copy of the body-camera footage to the U.S. Attorney Office and U.S. Probation Office during initial investigation over my supervised release violation charge, because that body-camera footage possibly would have shown me intoxicated (Carbon Monoxide) or not looking well for somebody who the officer assumed at the time that I was medically and psychologically cleared when the evidence shown that I wasn't fully medically and psychologically cleared with a lot of deficiencies. Deficiencies such as no confirmed laboratory tests, no MRI, no EEG, tachycardia without explanation or investigation by Emergency Room as to why, and no

diabetic blood sugar glucose reading/test despite me being a type 1 diabetic as I take insulin every day. I was angry and emotional at the time, and after the Honorable Judge Greer denied my motion (See page 4277 of the Record of the Trial Court), I typed up accusations which are not a lie but were likely considered a personal attack which led to the contempt charge (See pages 4278-4327 of the Record of the Trial Court). I did go too far in that. I do have the First Amendment of the U.S. Constitution, freedom of speech. I never threatened, I never disrupted his proceedings, but I did say things in those notices of appeal which did cause the contempt of court charge. I do not wish to make that mistake again. All I want is justice and that has always been my intent.

7. My goal originally has always been for seeking justice and what I felt would be the right courses of action in my criminal case in the Circuit Court. I did get emotional. I did write an apology letter to Judge Greer after the contempt charge was filed. I did have the cooldown period which was a good idea, and the special prosecutor wanting me not to file for six months but my appeals are still active, that was the best idea by both attorneys for me to cool down for six months. The cooldown period of six months was the best idea and suggestion from Attorney Fred Smith after being in contact with the special prosecutor. I didn't break the contempt law because of the First Amendment to the United States Constitution protects freedom of speech as long as I don't threaten harm and that I don't

encourage lawbreaking (of course though I am not a lawyer), but I did get emotional and that led me to saying things about the judge in my notices of appeal which landed me in hot water. I didn't lie, I believe I told the truth but did so in an emotional way which emotions can lead to saying things which can get me in trouble.

8. Hope that Appellees and the Court of Appeals of Virginia understand that I made an emotional error and that is what led up to the contempt charge. For good reasons. Because I did receive new evidence of proving that the body-camera footage was illegally destroyed in the response to my FOIA request and that letter was received in February, 2023. Then I had also found out that my former court appointed lawyer Scott Albrecht (Assistant Public Defender) does indeed work for the Commonwealth's Attorney Glen Andrew Hall (prosecutor) after I had suspected such before, I was charged with contempt (See pages 4257-4276 of the Record of the Trial Court). I was right about my suspicions when I had addressed this issue with the Court, with Judge Greer in writing. At two of the contempt of court hearings, I had personally seen my former defense lawyer Scott Albrecht walk into the courtroom and/or walked through one of the doors into the courtroom. It was him and he recognized me and my family. He quickly tried to enter the courtroom at as fast of pace as he could despite using crutches (he is disabled and/or handicapped with his legs). So, he knew that it is a conflict of interest for him to be

involved with Glen Andrew Hall and yet he represented me as my defense attorney after he was appointed by the Office of the Public Defender being appointed in my case. Scott Albrecht had represented me in my case in both General District Court and in the Circuit Court for the City of Martinsville. He was up to his eyeballs in asking the court for a discovery order. Both Judge Greer and the judge in General District Court had entered orders for discovery. Scott Albrecht did nothing to seek that the body-camera footage be marked as evidence and be preserved as evidence for my criminal trials. I believe personally that he somehow took part in the cover up or unlawful destruction of the body-camera footage after Scott sought court orders for discovery. Heck, he works for the prosecutor in Martinsville, Virginia, he works for Glen Andrew Hall. I have personally seen Scott Albrecht work at the prosecution table with another person, likely another prosecutor. So, I now know for a fact that Scott Albrecht works for the prosecutor Glen Andrew Hall and yet has filed nothing in my criminal case in the Circuit Court to recuse himself from involvement with Commonwealth's Attorney Glen Andrew Hall with my case. He was my attorney. He knows my case from the defense standpoint, he could have still retained notes of any kind involving my case and he can remember what we had discussed concerning my case. I am concerned of the issue that Scott Albrecht was part of my defense failing in General District Court so that he can switch sides at a later time to the prosecution. I am afraid honestly that he could have sabotaged

my criminal case, he could have sabotaged my defense, he could have sabotaged me getting the body-camera footage, he could have sabotaged me asking to be drug tested when I had first met him in Martinsville City Jail because I had blackouts and thought I was drugged by somebody, and he could have sabotaged anything where I can win in order to later join the prosecution team. I don't think it would be just my case. I had personally heard other inmates at Martinsville City Jail complaining about Scott Albrecht. I ignored their words at my own peril, because jail inmates can complain about stuff. So, I ignored the words of other inmates who spoke of Scott Albrecht representing them. I screwed up by believing he was going to have me found not guilty. He misled me, I was deceived, that is how I feel.

9. So now the Court understands why I said some things about Judge Greer in my notices of appeal and what led up to the contempt charge. I was emotional after finding out by clear and convincing evidence that the body-camera footage was illegally destroyed in non-compliance with multiple court orders for discovery. The court orders for discovery which Scott Albrecht had pushed for motions for discovery which led to those court orders. That same Scott Albrecht did nothing to protect the body-camera footage from being illegally destroyed. Then later I find out that he does indeed work for Glen Andrew Hall, the same prosecutor who did not even comply with the court orders asking for discovery and Brady materials under Brady v. Maryland. I felt like I had been betrayed by my Assistant Public

Defender, he works for the other side. I have seen him at the prosecution table, and when he sees me outside of the courtroom, he rushes away from where I can see him, as if he felt ashamed or embarrassed seeing me. I felt that he betrayed me, and he caused the body-camera footage to be illegally destroyed by doing absolutely nothing to try to protect the police recorded body-camera footage. I know for a fact that Scott Albrecht works for the prosecution at some point after he left the Public Defender Office. I did apologize in a letter to Judge Greer for my remarks in the notices of appeal. I was angry and emotional after I had seen enough evidence that it demonstrated to me that I was deceived by Scott Albrecht the former Assistant Public Defender who I thought represented me, he deceived me. I thought the body-camera footage was destroyed at some point in 2019 after I was told by Matthew Clark another court appointed lawyer, that the body-cam footage had been destroyed. I didn't know what exact date when it had been destroyed when I was first told by attorney Matthew Clark in 2019. I didn't know about Martinsville Police Department policy. It was thanks to that letter from the Public Information Officer and thanks to Police Chief Rob Fincher that now I know I was deceived by Scott Albrecht. I feel that he had deceived me or misled me and I was convicted of indecent exposure because he had not obtained all discovery evidence when he said to me about obtaining all discovery evidence, and he was deceitful in asserting to me that I would be found not guilty of indecent exposure because he told me that I

was not obscene. I have to lay out the facts as to why I got emotional which led up to my contempt of court charge. I rather be honest than hold it all inside which holding such emotions inside can cause emotional issues in the future. So, I have to tell the full truth in this affidavit and let it all come out. Now it is clear that I should have my right to my appeals. I was charged with contempt because of the things I had said because of my emotions which came from reviewing over evidence in February, 2023 which had caused me to believe that I had been deceived by my own lawyer who now works for the prosecution in my criminal case.

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

Executed on October 24, 2023 8:AM.



Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Defendant

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

Ally of Q

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