

**VIRGINIA:**

**IN THE COURT OF APPEALS**

**BRIAN DAVID HILL,**

**Appellant,**

**Record Nos. 0289-22-3, 0290-22-3,  
1424-22-3, 1425-22-3,  
0313-23-3, 0314-22-3,  
and 0317-23-3**

**COMMONWEALTH OF VIRGINIA,**

**Appellee.**

**MOTION TO CONSOLIDATE**

The Commonwealth of Virginia, by counsel, moves the Court to consolidate Brian David Hill's appeals under record numbers 0289-22-3, 0290-22-3, 1424-22-3, 1425-22-3, 0313-23-3, 0314-23-3, and 0314-23-3. In support of this motion states the following:

1. Cases 0289-22-3 and 0290-22-3 are both appeals from the trial court's denial of two separate, but nearly identical motions for a judgment of acquittal or a new trial which collaterally attacked his 2018 misdemeanor indecent exposure conviction. On motion of the Commonwealth, this Court ordered those two cases to be consolidated on November 9, 2022.

2. Cases 1424-22-3 and 1425-22-3 are also both appeals from the trial court's denial of two additional motions for a judgment of acquittal or a new trial. On Hill's motion, this Court ordered those two cases to be consolidated on March 29, 2023.

3. All four of Hill's motions for a judgment of acquittal were denied by the trial court for lack of jurisdiction. Accordingly, they share not only a common nucleus of operative facts but also present the same legal issue: whether the trial court had jurisdiction over Hill's motions attempting to overturn his 2018 misdemeanor indecent exposure conviction.

4. Because all four of these matters present the same essential facts and legal questions, consolidating them will aid the decisional process and preserve judicial resources.

5. Furthermore, Hill has noted his appeal in cases 0313-23-3, 0314-23-3, and 0317-23-3. No record has been filed in those cases as of the date of filing this motion.

6. Upon information and belief, however, those three cases are also appeals from the trial court's denial of three similar motions for a judgment of acquittal or a new trial. Therefore, upon information and belief, those three cases also appear to present the same essential facts and legal questions as Hill's other four pending appeals.



**CERTIFICATE OF SERVICE**

On May 19, 2023, a copy of this motion was filed electronically with VACES and a copy mailed to Brian David Hill, appellant *pro se*, at 310 Forest Street, Apartment 2, Martinsville, Virginia 24112.

\_\_\_\_\_/s/\_\_\_\_\_  
Justin B. Hill  
Assistant Attorney General