

# **VIRGINIA:**

*In the Court of Appeals of Virginia on Wednesday the 17th day of January, 2024.*

Brian David Hill, Appellant,  
against Record No. 0289-22-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 0290-22-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 1424-22-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 1425-22-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 0313-23-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 0314-23-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

Brian David Hill, Appellant,  
against Record No. 0317-23-3  
Circuit Court No. CR19000009-00

Commonwealth of Virginia, et al., Appellees.

From the Circuit Court of the City of Martinsville

On October 27, 2023, and December 1, 2023, came the appellant, in proper person, and filed motions requesting leave to file an opening brief in his appeals for Record Numbers 0313-23-3, 0314-23-3, and 0317-23-3. The Commonwealth has not filed a response to either motion, and the time to do so has expired. *See* Rule 5A:2(a)(2).

The appellant contends he was not given an opportunity to file an opening brief in the three identified appeals.<sup>1</sup> He asks the Court to reset the briefing schedule for those appeals.

Upon review, the motion is denied. The Court received the record in the three identified appeals on June 14, 2023, and sent the parties a record acknowledgment on that same date. Under Rule 5A:19(b)(1), the appellant's opening brief was due not later than Monday, July 24, 2023. And under Rule 5A:19(b)(4) any motion for an extension of time to file the opening brief was due not later than Thursday, August 3, 2023. Nothing in the Court's consolidation order indicated that appellant could not or should not file a timely opening brief in the three identified appeals. Moreover, his requests for relief are untimely.

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<sup>1</sup> Appellant further contends that he was not afforded an opportunity to respond to the Commonwealth's previous motion to consolidate all his pending appeals. In granting the Commonwealth's motion to consolidate, the Court noted that appellant had not responded to the motion and his time to do so had expired. *See* Rule 5A:2(a)(2).

Upon further consideration, the Court dismisses the appeals in Record Numbers 0313-23-3, 0314-23-3, and 0317-23-3 because no opening brief has been filed. *See* Rule 5A:26 (“If an appellant fails to file a brief in compliance with these Rules, this Court may dismiss the appeal.”).

A Copy,

Teste:

A. John Vollino, Clerk

By:

A handwritten signature in black ink, appearing to be 'M. ...', written over a horizontal line.

Deputy Clerk