

# EXHIBIT 1

for

## APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News

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In The  
**Court of Appeals**  
Of Virginia

**Brian David Hill,**

*Appellant,*

v.

**Commonwealth of  
Virginia, City of  
Martinsville**

*Appellee.*

**ON APPEAL FROM THE CIRCUIT COURT  
FOR THE CITY OF MARTINSVILLE**

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF MOTION FOR  
SANCTIONS AND INQUIRY AGAINST JUSTIN HILL,  
ASSISTANT ATTORNEY GENERAL  
FOR POSSIBLY DEFRAUDING THIS COURT**



**Brian David Hill – Ally of Q and Lin Wood  
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*Pro Se Appellant*

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## DECLARATION

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, Appellant Brian David Hill hereby state to the Court of Appeals of Virginia and 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 have brought forth the motion entitled the “MOTION FOR SANCTIONS AND INQUIRY AGAINST JUSTIN HILL, ASSISTANT ATTORNEY GENERAL FOR POSSIBLY DEFRAUDING THIS COURT”, because I believe Appellees attorney Justin B. Hill had made a false statement or false statements regarding myself to the Court by saying: “...*That agreement did not prohibit his from filing anything in this Court*” (referring to Court of Appeals of Virginia) in regard to Justin Hill’s additional claim that: “*Upon information and belief, Hill agreed during the pendency of those contempt charges not to file any new motions in the Circuit Court.*” Justin B. Hill is the legal counsel representing Appellees in the foregoing appeals and is the Assistant Attorney General of Virginia according to his previous filing I have read.

3. The reason why I believe Justin B. Hill made a false statement or false statements is because I have hard evidence audio files which is irrefutable proving

that Justin B. Hill had made a false statement about there being no agreement prohibiting Appellant, which is myself, from filing anything in the Court of Appeals of Virginia.

4. In my previous affidavits/Declarations (Exhibit 3 and Exhibit 12) I had filed in October 27, 2023, attached to my filed “MOTION FOR LEAVE OF COURT TO FILE ONE MORE APPELLANT OPENING BRIEF AND/OR MODIFY JUNE 30, 2023 ORDER”, I did tell the truth under oath and I did warn Justin Hill in my Declaration that I had evidence at the time which I did not make public or disclose to the Court. Because of the false statement by Justin B. Hill, I am now at the point where I feel that I must submit the evidence to the Court of Appeals of Virginia to prove my claims in my previous affidavits/Declarations (Exhibit 3 and Exhibit 12, in support of *MOTION FOR LEAVE OF COURT TO FILE ONE MORE APPELLANT OPENING BRIEF...*) as truthful and proven by prima facie evidence. I had warned him in EXHIBIT PAGES 21 and 22 OF 82 in support of my motion for leave of court to file one opening brief of Appellant filed on October 27, 2023, the following: “*The witnesses have heard it what Fred Smith had said, I have evidence of what this attorney told me at that meeting. I will not say any further what evidence I have, but I have evidence that this attorney will not fight for my First Amendment right to the contempt of court charge.*” Now I must disclose to the Court of Appeals of Virginia, the very evidence I have withheld. I had withheld it to protect my attorney/client privilege between myself and Attorney Fred Smith. But when I



read the false statement or false statements by Justin B. Hill in his “Brief of the Commonwealth”, pages 11 and 12, saying that there was no agreement prohibiting me from filing in the Court of Appeals of Virginia (CAV), claiming in footnote 4 to have affirmed this information from my court appointed lawyer Fred Smith according to his claims saying: “*Undersigned counsel confirmed this fact with Hill's appointed counsel in his contempt case during the pendency of those proceedings.*”

When I read the false statement or false statements, I felt angry and betrayed, I felt like my own lawyer lied to me or tricked me because he told me not to file anything in the “state courts”. Now I feel like the attorney/client privilege protection must be waived by myself in my contempt of court case as the client to expose the lie or lies told by Justin B. Hill or the lies could have come from my court appointed lawyer Fred Smith who was appointed by Judge Giles Carter Greer of the Circuit Court in my contempt of court case. I will explain herein, in this Declaration/Affidavit the very evidence I have which will expose the lie/lies and falsehood/falsehoods all stemming from my contempt of court case. I told the truth in my past filed Declarations/Affidavits. I will not be made by any deceitful person to look like a liar or delusional person of any kind when I have evidence to counter any such rhetoric.

5. I had been betrayed by other lawyers appointed by Judge Greer including but not limited to Scott Albrecht. I do not trust the public defenders anymore and do not trust any court appointed lawyer because I keep being lied to, I keep being lied about, I keep losing in the legal system due to these court appointed lawyers who act

more like prosecutors than actual defenders of their clients. I knew I had to feel suspicious about Attorney Fred Smith and I understand that Virginia law requires only one party who is present at the conversation can consent to record a private conversation that person is party to which can be used as evidence if the need ever arises.

6. I had brought a recording device into the office of Attorney Fred Smith with me when I was to have a meeting with him because I did not trust him since he was appointed by Judge Giles Carter Greer aka Judge Greer. The same one who I had filed accusations against him which led to my contempt of court charge against me. I knew I could be appointed a lawyer who may not truly represent me as his client to the best of his abilities. I did not entirely trust him; well, I didn't trust him enough not to record my conversations with him. My family members Roberta Hill, Stella Forinash, and Kenneth Forinash all knew I had carried the recording device into the office of my court appointed attorney to record the conversation I had with him if I ever had the need to use the recordings as evidence in the event, I am being lied about in regard to my contempt of court case. My family members had consented to the recording device being used. Therefore, everyone who met with Attorney Fred Smith with me had consented to the usage of the recording device. Fred did not know of the recording device being used, as I did not trust him and knew that he was not trustworthy. My feelings about this iffy lack of complete trusting of Fred Smith turned out to be correct after what Justin Hill had written to the Court of Appeals of

Virginia. Fred was supposed to be appointed to represent me but now I feel like he was meant to have me not file for six months in my appeals to set me up for the Appellees claim that I had filed an untimely appeal brief as they had claimed in their opposition brief in my appeals. I feel that I was set up, I felt like I was being set up here, one big set up to wreck my appeals and deprive me of procedural due process of law. I felt that after I read the brief of the Commonwealth filed by Appellees on January 2, 2024, that my own lawyer Fred Smith may had set me up to have me agree not to file in any of the Virginia state courts for six months in order to set me up to file untimely. I was set up by both the Commonwealth of Virginia by its special prosecutor and attorney Fred Smith. The City of Martinsville through Judge Greer had appointed the special prosecutor to prosecute the contempt of court case from what I understand, if I am correct here. I feel like the Commonwealth of Virginia and City of Martinsville had set me up with the special prosecutor and Attorney Fred Smith having this verbal agreement for me not to file for six months, then the Appellees represented by Justin B. Hill can then claim as he did in his opposing brief that I was not prohibited from filing in the Court of Appeals of Virginia while I was being told not to file at all in the “state courts”.

7. Therefore I had recorded the conversations with my Attorney Fred Smith on three separate occasions. On the dates of March 9, 2023; April 13, 2023, and October 20, 2023. The original recordings are longer and may include me walking to the attorney office, talking outside somewhere before entering the attorney office

and waiting. I had cut out those parts to make sure that the conversation would be the main objective of the audio files being submitted to the court. They were originally in WAVE FORMAT (\*.wav) and are still in WAVE FORMAT when all unnecessary parts were cut out of both sides of the audio files. I always want to tell the truth to the court, because it is better for my case to tell the truth, even when it is inconvenient to certain political people. The court is where I must tell the truth and where truth needs to come to light. From what I understand about law, Judges need to be told the truth from all parties in a case or controversy when it involves either an appeal case or any criminal case or any civil case. Attorneys have to tell the truth.

8. I will specify some of the recorded conversation from my attorney visit on October 20, 2023, with Fred Smith. With copying and pasting from the transcriptions. Fred Smith told me some very interesting things involving Justin Hill. Fred Smith told me: *“Now about your question about what to do about your subsequent filings, I have talked to that, uh, assistant Attorney General. What's his name?”*, my response was: *“Uh, Justin,”* and Fred asked further: *“uh, what was his last name?”*. I then responded with: *“Uh Hill.”* Fred Smith had said: *“he, he, he, he knew about the six month thing”*, and *“and I talked to him and they get, I understood that you got an extension... to, to file.”* From what that conversation told me, he said he understood that I the Appellant got an extension “to file” at that time of the conversation on October 20, 2023. He knows quite well that I wanted to continue my appeals in the Court of Appeals of Virginia, and he had me convinced that I got

some kind of an extension of time to file my brief or briefs in the Court of Appeals of Virginia for cases no. 0313-23-3, 0314-23-3 and 0317-23-3. I assumed that such an extension existed somewhere which was why a decision had not yet been made for CAV cases no. 0313-23-3, 0314-23-3 and 0317-23-3; but I had never been served with any court order from the Court of Appeals of Virginia confirming whether or not I was given an extension as claimed by Attorney Fred Smith, so I had filed a Motion for leave of Court to file just one Appellant opening brief on October 27, 2023. The court has yet to act on that motion. I submitted my affidavit about the fact that I could not file in the state courts for six months. Attorney Fred Smith knew that I wanted to file in my appeals, and he said in the recorded conversations with me not to file anything in the state courts. From what he told me in multiple conversations, I was not given any exception to file in the Court of Appeals of Virginia, and I was told not to file anything but can file in the federal courts. My own attorney telling me in multiple recordings from different attorney visits where I am prohibited from filing in the state courts, yet Justin Hill is making false claims or false statements to the Court of Appeals of Virginia in its brief of the Commonwealth, filed January 2, 2024, telling the Court that I was not prohibited from filing in the Court of Appeals of Virginia. That contradicts what Attorney Fred Smith had instructed me to do in order to comply with him and the special prosecutor in order for my contempt of court case to be dismissed by a joint motion. I feel like somebody has lied about me or lied to me. It may be Justin Hill, it may be my own attorney Fred Smith. I feel

like somebody has lied about me somehow and that is going to negatively affect my appeals in the Court of Appeals of Virginia, I CANNOT stand for it. For God's sake, for truth's sake, I cannot stand for it. So, I must submit my conversation recordings of my conversations with my lawyer to the Court of Appeals of Virginia to prove Justin Hill was wrong, that he did not make a truthful statement. Here is where my thoughts are going about what I know from the way evidence files and then what Justin Hill claimed. I have to now assume the logical conclusions of what may be the case here. Either my attorney Fred Smith lied to me the entire time and I could file with the Court of Appeals of Virginia while being misguided that I could not file due to me being charged with contempt of court for exercising my first amendment right to free speech, or I was prohibited from filing in all Virginia courts (not federal courts) and that was omitted from the court filings, or Justin Hill knew that I was prohibited from filing in the Court of Appeals of Virginia since it is a state court and he could be making the false statement knowing that it is false. I don't know why such false statement was made and who started it. I need an inquiry or investigation into what is going on, and why Justin Hill would produce such a false statement to the Court of Appeals of Virginia. It is false. Although is it intentional? I don't know and don't have proof of Justin's intent, and think that the CAV needs to investigate Justin's claim to determine the intentions of Justin Hill as to his false statement. It is a set up because what if I filed in the CAV during the six month period and then all of the sudden I am tried and convicted for contempt of court with a lawyer who

refused to fight for my first amendment challenge. Then when I did comply with the six month no-filing period, then the Appellees can claim that it was untimely. I feel that I was being set up here. If I had not recorded those conversations, I would be in some kind of troublesome situation and I could have been falsely charged and arrested for being set up here somehow, I could have been wrongfully charged with perjury for truthfully claiming things in a verbal agreement while Justin Hill claims the agreement did not prohibit me which contradicts my own claims. I told the truth. The other side is not telling the truth which the conversation recordings can clearly show that I was telling the truth after all. They could either try to falsely claim perjury or that I suffer from delusions. But the audio recordings have saved me from such miserable fate I could face. Who knows what they could have pulled against me to have my appeals dismissed or fail.

9. According to the recorded conversation I had with Attorney Fred Smith on April 13, 2023, he said: *“tomorrow morning and the, and the commonwealth's attorney agrees to this,”*, then in another part he said: *“this will be continued for six months.”* Fred Smith then said afterwards: *“during that six months, Brian, ... don't file anything...with, with state court...They, they have no jurisdiction of what you might do in federal court”* I had said in the conversation in response to all of that: *“That's fine.”* Fred Smith then said to me again: *“Don't file anything in state court.”*

10. So I don't understand why Attorney Fred Smith told me not to file anything in the state court including my appeals for six months, then Justin Hill

claims that nothing in the agreement prohibited me from filing in the Court of Appeals of Virginia which is a state court as Fred Smith had warned me not to file in any state court for six months. It is confusing. I feel like I have been set up by either attorney or all of them or at least one of them lied to me or multiple attorneys lied to me or lied about me. I am confused because I have the recordings of my conversations with my court appointed attorney because I didn't trust him enough to keep things private out of rational fear that I would be betrayed or lied about. I was lied about. Justin Hill made a false statement about me. I have the conversation recordings. I have the hard evidence. It cannot be refuted.

11. The URLs/LINKS in my exhibits in support of my motion noted on the cover page, the links and urls were provided to me by my family member after uploading my conversation recordings to the cpanel (control panel) for JusticeForUSWGO.NL website system. Three audio files were uploaded to be given to the Court of Appeals of Virginia to download them and for the clerks, assistants, and judges to review over the conversation recordings which I had recorded. The files are Apr13-045432.wav, Mar09-726407.wav, and Oct20-077885.wav. They are being used in my Exhibits for my motion regarding Justin Hill. The motion noted/referenced at the top of this pleading, the "MOTION FOR SANCTIONS AND INQUIRY AGAINST JUSTIN HILL, ASSISTANT ATTORNEY GENERAL FOR POSSIBLY DEFRAUDING THIS COURT".

12. The transcripts in Exhibit 5, Exhibit 6, and Exhibit 7, are true and correct



transcripts which were created with the assistance of Artificial Intelligence (AI) transcription tools. Roberta Hill had created an Amazon AWS account on the free tier to have the three audio recordings transcribed by AI. I then checked the transcripts and noticed errors, extra numbers at the end of the minute second markings, and a lack of explaining who was saying what. So, I added the names of who was speaking at the different times throughout the recorded conversation, and corrected the errors. I wanted to make sure to identify who was speaking in those recordings. Removed the extra numbers at the end of the time length. Edited some wrong words to make sure that the transcript is as close to matching the audio conversation as possible, to be as accurate as possible. I then had Stella Forinash review over those transcripts and listen to the audio recordings to confirm accuracy of the transcripts. She had confirmed that two of them were accurate and the third one was almost entirely but it had one mistake. She did suggest correcting a wrong word where it said Just instead of Justin. I listened to the conversation at that part and did feel that Fred Smith did say the word “Justin” so it was corrected. I cannot guarantee a 100% error free accuracy but it is as close to complete accuracy as possible. Even AI can make mistakes and I am only human. That is why I had another person review over both the audio and transcription of those exact audio files.

13. Those conversation recordings are true and correct; and only the beginning of the original recordings and end of the original recordings were cut to remove the excess audio where there may be no evidential value or evidential benefit. The court

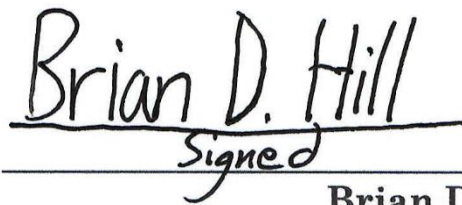
may have the entire original audio file if they wish to have them. If they only want the period of evidential value, then I hope they have what they need to conduct an inquiry into the situation.

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

Executed on January 15, 2024.

**BRIAN DAVID HILL**

**Pro Se**

  
Signed

**Brian D. Hill**

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

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**EXHIBIT 2**  
**for**  
APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News

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**THIS EXHIBIT 2 CONTAINS THE AUDIO URL/LINK  
TO EVIDENCE CRITICAL AND IMPORTANT TO THE FOLLOWING  
MOTION: APPELLANT'S MOTION FOR DELAYED APPEAL**

File: Mar09-726407.wav

<https://justiceforuswgo.nl/PUBLICATION/Mar09-726407.wav>

It is also an attachment to this PDF File exhibit.  
If the attachment audio file still exists after  
the combining all  
Exhibits together in a single PDF file,  
then it is recommended that the Clerk,  
judges, and court staff download and archive the  
evidence audio files as part of the appeal  
record for the evidence in support  
of the motion.

**EXHIBIT 3**  
**for**  
APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

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**THIS EXHIBIT 3 CONTAINS THE AUDIO URL/LINK  
TO EVIDENCE CRITICAL AND IMPORTANT TO THE FOLLOWING  
MOTION: APPELLANT'S MOTION FOR DELAYED APPEAL**

File: Apr13-045432.wav

<https://justiceforuswgo.nl/PUBLICATION/Apr13-045432.wav>

It is also an attachment to this PDF File exhibit.  
If the attachment audio file still exists after  
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evidence audio files as part of the appeal  
record for the evidence in support  
of the motion.

# EXHIBIT 4

for

## APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News

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**THIS EXHIBIT 4 CONTAINS THE AUDIO URL/LINK  
TO EVIDENCE CRITICAL AND IMPORTANT TO THE FOLLOWING  
MOTION: APPELLANT'S MOTION FOR DELAYED APPEAL**

File: Oct20-077885.wav

<https://justiceforuswgo.nl/PUBLICATION/Oct20-077885.wav>

It is also an attachment to this PDF File exhibit.  
If the attachment audio file still exists after  
the combining all  
Exhibits together in a single PDF file,  
then it is recommended that the Clerk,  
judges, and court staff download and archive the  
evidence audio files as part of the appeal  
record for the evidence in support  
of the motion.



**EXHIBIT 5**  
**for**  
APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

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**TRANSCRIPT OF Mar09-726407.wav**

Transcription by Brian D. Hill after Roberta Hill uploaded audio file to Amazon AWS service which had used the assistance of Artificial Intelligence (AI) of analyzing the audio file; with review by Stella Forinash

Date of transaction: January 14, 2024.

Date of audio file recording: March 09, 2023.

Participants: Brian D. Hill, Roberta Hill, Stella Forinash, Kenneth Forinash, Attorney Fred Smith

Recording by: Brian D. Hill, consented to recording of conversation

Conversation recorded at: Office of Fred D. Smith, Jr. P.C., 46 W Main St, Martinsville, VA 24112

Note: Transcription based on time-frame of audio file. So full sentences may be split into separate sections when created with the assistance of AI transcription.

**TRANSCRIPTION:**

0  
00:00:00 --> 00:00:01  
[Fred Smith] Right,

1  
00:00:01 --> 00:00:05  
[Fred Smith] now out in this case, they uh asked that a special prosecutor be

2  
00:00:06 --> 00:00:06  
[Fred Smith] done.  
[Roberta Hill] Ok.

3  
00:00:08 --> 00:00:08  
[Fred Smith] And

4

00:00:08 --> 00:00:08

[Fred Smith] uh

5

00:00:08 --> 00:00:10

[Fred Smith] special prosecutor,

6

00:00:13 --> 00:00:13

[Fred Smith] yeah.

7

00:00:15 --> 00:00:19

[Fred Smith] Uh Justin, and I have talked extensively about

8

00:00:19 --> 00:00:20

[Fred Smith] this case.

9

00:00:22 --> 00:00:24

[Fred Smith] And so let me

10

00:00:28 --> 00:00:29

[Fred Smith] tell you, I think

11

00:00:34 --> 00:00:36

[Fred Smith] there is a provision of the law,

12

00:00:37 --> 00:00:39

[Fred Smith] a special provision of the law

13

00:00:40 --> 00:00:41

[Fred Smith] that

14

00:00:41 --> 00:00:43

[Fred Smith] uh addresses

15

00:00:44 --> 00:00:44

[Fred Smith] um

16

00:00:45 --> 00:00:46

[Fred Smith] folks who

17

00:00:47 --> 00:00:50

[Fred Smith] are facing any kind of charge who have autism.

18

00:00:52 --> 00:00:55

[Fred Smith] Uh I don't think this was on the books at the time

19

00:00:56 --> 00:00:56

[Fred Smith] uh

20

00:00:57 --> 00:00:58

[Fred Smith] in, in 2018.

21

00:01:00 --> 00:01:00

[Fred Smith] Uh

22

00:01:01 --> 00:01:03

[Fred Smith] but it's this way

23

00:01:04 --> 00:01:05

[Fred Smith] uh

24

00:01:06 --> 00:01:09

[Fred Smith] the deferred disposition in a criminal case,

25

00:01:09 --> 00:01:11

[Fred Smith] persons with autism or intellectual disability

26

00:01:12 --> 00:01:16

[Fred Smith] in any criminal case except a violation of 18.3 31

27

00:01:17 --> 00:01:18

[Fred Smith] um

28

00:01:18 --> 00:01:19

[Fred Smith] which is murder.

29

00:01:20 --> 00:01:20

[Fred Smith] Uh

30

00:01:21 --> 00:01:22

[Fred Smith] And then another

31

00:01:22 --> 00:01:24

[Fred Smith] irrelevant section or

32

00:01:24 --> 00:01:28

[Fred Smith] any crime for which a deferred disposition is provided for by statute,

33

00:01:28 --> 00:01:31

[Fred Smith] a form of plea of guilty or after a plea of not guilty.

34

00:01:31 --> 00:01:35

[Fred Smith] And the facts found by the court would justify finding of guilty

35

00:01:35 --> 00:01:37

[Fred Smith] the court may if the defendant has

36

00:01:37 --> 00:01:40

[Fred Smith] been diagnosed by a psychiatrist or clinical psychologist

37

00:01:41 --> 00:01:45

[Fred Smith] with an autism spectrum disorder is defined. Most recent addition

38

00:01:45 --> 00:01:48

[Fred Smith] of the diagnostic and statistical manual

39

00:01:48 --> 00:01:53

[Fred Smith] of mental disorders published by the American Psychiatric Association or

40

00:01:53 --> 00:01:53

[Fred Smith] in

41

00:01:53 --> 00:01:57

[Fred Smith] intellectual disabilities is defined in 37.2 100.

42

00:01:57 --> 00:02:01

[Fred Smith] The court finds by clear and convincing evidence that the conduct was

43

00:02:01 --> 00:02:03

[Fred Smith] caused by or has directed substantial

44

00:02:03 --> 00:02:06

[Fred Smith] relationship to the person's disorder disability

45

00:02:06 --> 00:02:10

[Fred Smith] without airing a judgment of guilt and with the consent of the accused. And

46

00:02:10 --> 00:02:14

[Fred Smith] after giving due consideration to the position of attorney for the commonwealth

47

00:02:15 --> 00:02:16

[Fred Smith] and the views of the victims defer

48

00:02:16 --> 00:02:19

[Fred Smith] such proceedings and place the accused on probation

49

00:02:19 --> 00:02:22

[Fred Smith] subject to terms and conditions set to the court

50

00:02:23 --> 00:02:24

[Fred Smith] in violation of the term or condition.

51

00:02:24 --> 00:02:27

[Fred Smith] The court may enter an adjudication of guilt

52

00:02:27 --> 00:02:29

[Fred Smith] or upon fulfillment of the terms and conditions.

53

00:02:29 --> 00:02:32

[Fred Smith] The court may discharge the person and dismiss the proceedings against him

54

00:02:33 --> 00:02:35

[Fred Smith] without any adjudication of guilt.

55

00:02:35 --> 00:02:36

[Fred Smith] So,

56

00:02:38 --> 00:02:38

[Fred Smith] um

57

00:02:38 --> 00:02:41

[Fred Smith] here's what uh we have under consideration.

58

00:02:41 --> 00:02:43

[Fred Smith] Uh Mr uh

59

00:02:44 --> 00:02:44

[Fred Smith] um

60

00:02:45 --> 00:02:47

[Fred Smith] Griffin and I talked extensively about

61

00:02:48 --> 00:02:50

[Fred Smith] uh your history, various diagnoses.

62

00:02:52 --> 00:02:53

[Fred Smith] Uh He proposes that

63

00:02:54 --> 00:02:57

[Fred Smith] uh there will be a joint motion by

64

00:02:58 --> 00:02:59

[Fred Smith] the Commonwealth

65

00:02:59 --> 00:03:02

[Fred Smith] and the defendant one

66

00:03:03 --> 00:03:03

[Fred Smith] and



67

00:03:04 --> 00:03:09

[Fred Smith] that there is an agreement on the record in the court files that you have a diagnosis

68

00:03:09 --> 00:03:10

[Fred Smith] of autism

69

00:03:11 --> 00:03:14

[Fred Smith] that autism explains uh

70

00:03:15 --> 00:03:17

[Fred Smith] the behaviors at issue here,

71

00:03:17 --> 00:03:19

[Fred Smith] uh that um

72

00:03:21 --> 00:03:21

[Fred Smith] um

73

00:03:22 --> 00:03:25

[Fred Smith] and o other findings and that uh

74

00:03:25 --> 00:03:26

[Fred Smith] with that

75

00:03:26 --> 00:03:31

[Fred Smith] you would be placed on probation for probably six months and probably the only

76

00:03:32 --> 00:03:34

[Fred Smith] the biggest term of your

77

00:03:34 --> 00:03:34

[Fred Smith] probation be that

78

00:03:35 --> 00:03:36

[Fred Smith] you don't make any more filings

79

00:03:37 --> 00:03:40

[Fred Smith] uh without the assistance of a lawyer

80

00:03:40 --> 00:03:43

[Fred Smith] that, that, that would be the primary condition.

81

00:03:44 --> 00:03:48

[Fred Smith] And the way that works is when we go to court tomorrow.

82

00:03:49 --> 00:03:52

[Fred Smith] If this is what I'm telling you all, it's agreeable.

83

00:03:53 --> 00:03:54

[Fred Smith] We would, we would

84

00:03:54 --> 00:03:56

[Fred Smith] not set a trial date,

85

00:03:56 --> 00:03:59

[Fred Smith] but what's called a disposition date.

86

00:03:59 --> 00:04:01

[Fred Smith] And during that period of time,

87

00:04:01 --> 00:04:02

[Fred Smith] Mr Griffin,

88

00:04:02 --> 00:04:04

[Fred Smith] I had not had time to work on this order

89

00:04:04 --> 00:04:07

[Fred Smith] because I've got a jury trial after you be in court

90

00:04:07 --> 00:04:07

[Fred Smith] in tomorrow

91

00:04:07 --> 00:04:09

[Fred Smith] working all day to day on that.

[Brian Hill] yeah

92

00:04:10 --> 00:04:11

[Fred Smith] And so the, the

93

00:04:12 --> 00:04:12

[Fred Smith] Mr Griffin,

94

00:04:13 --> 00:04:13

[Fred Smith] and I

95

00:04:13 --> 00:04:14

[Fred Smith] will prepare the order,

96

00:04:15 --> 00:04:18

[Fred Smith] you will review it because you have to agree to it as well.

97

00:04:19 --> 00:04:21

[Fred Smith] And then, um,

98

00:04:22 --> 00:04:25

[Fred Smith] uh then Judge Greer would have to agree to it.

99

00:04:25 --> 00:04:26

[Fred Smith] I suspect that he would

100

00:04:27 --> 00:04:28

[Fred Smith] and that would conclude the matter.

101

00:04:28 --> 00:04:31

[Fred Smith] In other words, after six months, this would,

102

00:04:31 --> 00:04:33

[Fred Smith] this would be dismissed no longer appear on the record.

103

00:04:34 --> 00:04:34

[Fred Smith] Now,

104

00:04:36 --> 00:04:39

[Fred Smith] le let me tell you what this does for you all with respect to

105

00:04:40 --> 00:04:41

[Fred Smith] this situation at all.

106

00:04:42 --> 00:04:43

[Fred Smith] I really wish,

107

00:04:45 --> 00:04:49

[Fred Smith] you know, the public defender folks have tough jobs,

108

00:04:50 --> 00:04:52

[Fred Smith] they've got so many people to defend,

109

00:04:52 --> 00:04:53

[Fred Smith] but

110

00:04:53 --> 00:04:56

[Fred Smith] in your case, they appropriately asked for an evaluation.

111

00:04:57 --> 00:04:58

[Fred Smith] And in fact,

112

00:04:59 --> 00:05:00

[Fred Smith] at the circuit court level, there've been,

113

00:05:00 --> 00:05:03

[Fred Smith] there've been a notification of intent to

114

00:05:03 --> 00:05:08

[Fred Smith] plead an insanity defense, which was the only way to get the issue addressed

115

00:05:09 --> 00:05:11

[Fred Smith] under the law at that time.

[Brian Hill] yeah

116

00:05:12 --> 00:05:15

[Fred Smith] You see, the, the law has changed dramatically

117

00:05:15 --> 00:05:17

[Fred Smith] since 2018 when that,

118

00:05:17 --> 00:05:19

[Fred Smith] when you were first charged

119

00:05:19 --> 00:05:20

[Fred Smith] and

120

00:05:22 --> 00:05:23

[Fred Smith] my system I

121

00:05:24 --> 00:05:24

[Fred Smith] get.

122

00:05:32 --> 00:05:32

[Fred Smith] Ok,

123

00:05:32 --> 00:05:34

[Fred Smith] I'll just take that message.

124

00:05:37 --> 00:05:37

[Fred Smith] Yeah.

125

00:05:38 --> 00:05:39

[Fred Smith] And,

126

00:05:39 --> 00:05:45

[Fred Smith] you know, ii, I certainly understand that you were upset and you felt like,

127

00:05:45 --> 00:05:46

[Fred Smith] um,

128

00:05:47 --> 00:05:49

[Fred Smith] your issues weren't being properly addressed.

129

00:05:50 --> 00:05:51

[Fred Smith] I understand that.

130

00:05:51 --> 00:05:52

[Fred Smith] But

131

00:05:52 --> 00:05:52

[Fred Smith] what

132

00:05:53 --> 00:05:56

[Fred Smith] the prosecutors used the process,

133

00:05:56 --> 00:05:57

[Fred Smith] uh, and, and

134

00:05:57 --> 00:05:59

[Fred Smith] I mean, the, you know, defense attorneys,

135

00:06:00 --> 00:06:02

[Fred Smith] uh, when I look at the record

136

00:06:03 --> 00:06:07

[Fred Smith] while all the appropriate motions took all the appropriate steps,

137

00:06:08 --> 00:06:11

[Fred Smith] they were handicapped as what they could do for you in 2018.

138

00:06:11 --> 00:06:13

[Fred Smith] And I understand you were upset

139

00:06:13 --> 00:06:16

[Fred Smith] and Judge Greer's pan for time because,

140

00:06:17 --> 00:06:19

[Fred  
Smith] because getting, getting

141

00:06:20 --> 00:06:22

[Fred Smith] your issues before the court

142

00:06:22 --> 00:06:24

[Fred Smith] in the proper format

143

00:06:25 --> 00:06:25

[Fred Smith] do not have,

144

00:06:26 --> 00:06:27

[Brian Hill] um, actually,

145

00:06:28 --> 00:06:30

[Brian Hill] why were they allowed to let the body camera footage

146

00:06:30 --> 00:06:35

[Brian Hill] be destroyed in 2019 before seven months before I withdraw my

147

00:06:35 --> 00:06:35

[Brian Hill] appeal

148

00:06:36 --> 00:06:36

[Fred Smith] uh,

149

00:06:36 --> 00:06:40

[Fred Smith] that I, I don't, I don't answer that, but that's, but you, you've got to get the,



150

00:06:40 --> 00:06:44

[Fred Smith] you've got to get the proper form and the proper procedure

151

00:06:45 --> 00:06:47

[Fred Smith] to, to address that Brian, you just, you know,

152

00:06:47 --> 00:06:50

[Fred Smith] and so forth that has not happened.

153

00:06:50 --> 00:06:51

[Fred Smith] And so,

154

00:06:51 --> 00:06:51

[Fred Smith] uh,

155

00:06:51 --> 00:06:55

[Fred Smith] what needs to happen is you get this, this chapter right now,

156

00:06:55 --> 00:06:57

[Fred Smith] this contempt chapter closed

[Brian Hill] alright

157

00:06:57 --> 00:06:59

[Fred Smith] and you simply must

158

00:06:59 --> 00:07:00

[Fred Smith] engage

159

00:07:00 --> 00:07:01

[Fred Smith] an attorney

160

00:07:02 --> 00:07:07

[Fred Smith] to pursue a petition and filing of actual innocence in the proper format.  
[Stella Forinash] Can

161

00:07:08 --> 00:07:08

[Stella Forinash] you still

162

00:07:08 --> 00:07:08

[Stella Forinash] do

163

00:07:08 --> 00:07:09

[Stella Forinash] that?

164

00:07:14 --> 00:07:15

[Fred Smith] Sure, you can, you can file the petition

165

00:07:16 --> 00:07:16

[Fred Smith] for the actual innocence anytime

166

00:07:16 --> 00:07:17

[Fred Smith] There you go. (Note: may have been in audio, AI found this one)

167

00:07:17 --> 00:07:20

[Brian Hill] Uh, that's not, they don't have that for

168

00:07:20 --> 00:07:21

[Brian Hill] misdemeanors.

169

00:07:21 --> 00:07:21

[Brian Hill] They're just felonies

170

00:07:22 --> 00:07:22

[Brian Hill] I've tried

171

00:07:23 --> 00:07:23

[Brian Hill] that.

[Fred Smith] Your right about that.

172

00:07:26 --> 00:07:27

[Fred Smith] Uh

173

00:07:27 --> 00:07:29

[Fred Smith] And if that's the case, that's just the law,

174

00:07:30 --> 00:07:31

[Fred Smith] that's, that's,

175

00:07:31 --> 00:07:34

[Fred Smith] you know, that's just, unfortunately, the law,

176

00:07:34 --> 00:07:38

[Roberta Hill] I have a question, what specifically did he say?

177

00:07:38 --> 00:07:42

[Roberta Hill] in the three appeals that offended or insulted that they

178

00:07:43 --> 00:07:44

[Fred Smith] accused him of fraud and conspi (note: almost said the word conspiracy)

179

00:07:46 --> 00:07:47

[Fred Smith] fraud on the court.

180

00:07:47 --> 00:07:49

[Fred Smith] Uh

181

00:07:49 --> 00:07:49

[Fred Smith] Was it

182

00:07:51 --> 00:07:51

[Fred Smith] really

183

00:07:52 --> 00:07:55

[Fred Smith] man that when you accuse a judge of committing fraud?

184

00:07:55 --> 00:07:56

[Fred Smith] That's

185

00:07:57 --> 00:07:57

[Fred Smith] uh

186

00:07:59 --> 00:08:01

[Roberta Hill] what about freedom of speech?

[Fred Smith] what?

187

00:08:01 --> 00:08:01

[Roberta Hill] Are you

188

00:08:01 --> 00:08:01

[Roberta Hill] not

189

00:08:01 --> 00:08:02

[Roberta Hill] allowed

190

00:08:02 --> 00:08:02

[Roberta Hill] to

191

00:08:02 --> 00:08:02

[Roberta Hill] accuse

192

00:08:04 --> 00:08:04

[Roberta Hill] anybody of anything?

193

00:08:05 --> 00:08:06

[Fred Smith] You got to have facts

194

00:08:06 --> 00:08:07

[Fred Smith] to support that.

195

00:08:09 --> 00:08:09

[Stella Forinash] He did have facts.

196

00:08:09 --> 00:08:11

[Brian Hill] did you read all of the facts I have?

197

00:08:12 --> 00:08:15

[Fred Smith] I've read your facts. I haven't seen any facts

198

00:08:15 --> 00:08:16

[Fred Smith] that would have,

199

00:08:16 --> 00:08:17

[Fred Smith] that would

200

00:08:18 --> 00:08:20

[Fred Smith] suggest that Judge Greer didn't do anything

201

00:08:21 --> 00:08:21  
[Fred Smith] but follow

202  
00:08:21.920 --> 00:08:22.029  
[Fred Smith] the

203  
00:08:23 --> 00:08:25  
[Fred Smith] law  
[Brian Hill] disobeying court orders is disobeying the law.

204  
00:08:26 --> 00:08:29  
[Fred Smith] I'm in a situation to get this chapter closed.  
[Brian Hill] alright

205  
00:08:30 --> 00:08:32  
[Fred Smith] I do not want to get into all this other stuff

206  
00:08:33 --> 00:08:35  
[Fred Smith] and I will not get into all this other stuff.

207  
00:08:36 --> 00:08:41  
[Fred Smith] So if you want me to conclude this matter with respect to this contempt proceeding

208  
00:08:41 --> 00:08:44  
[Fred Smith] in the fashion of which I've described I will.

209  
00:08:46 --> 00:08:48  
[Fred Smith] But you are gonna have to get some other lawyer  
[Brian Hill] alright

210  
00:08:48 --> 00:08:49  
[Fred Smith] to pick this up,

211

00:08:50 --> 00:08:52

[Fred Smith] uh, and pursue,

212

00:08:52 --> 00:08:54

[Fred Smith] uh, the issues that you all, uh,

213

00:08:56 --> 00:09:00

[Fred Smith] have focused a great deal of time and attention on in recent years?

[Brian Hill] alright

214

00:09:02 --> 00:09:03

[Stella Forinash] Is that [speaker difficult to hear]

215

00:09:03 --> 00:09:03

[Stella Forinash] ok? [speaker difficult to hear]

216

00:09:04 --> 00:09:04

[Stella Forinash] Yeah. [speaker difficult to hear]

217

00:09:07 --> 00:09:11

[Fred Smith] So that the, the there are, there are attorneys out there who specialize, uh,

218

00:09:11 --> 00:09:15

[Fred Smith] in, in, in these sorts of things. You might, you might could, you could,

219

00:09:15 --> 00:09:19

[Fred Smith] I don't know whether it's too late to file

220

00:09:19 --> 00:09:19

[Fred Smith] a habeas

221

00:09:19 --> 00:09:19

[Fred Smith] corpus

222

00:09:21 --> 00:09:22

[Fred Smith] petition or not.

223

00:09:22 --> 00:09:26

[Brian Hill] The innocence project could go to the governor and provide

224

00:09:26 --> 00:09:29

[Brian Hill] the proof that it was not dealt the right way

225

00:09:29 --> 00:09:31

[Brian Hill] and the governor could pardon me.

[Fred Smith] You

226

00:09:32 --> 00:09:33

[Fred Smith] can, you, can

227

00:09:33 --> 00:09:33

[Fred Smith] you,

228

00:09:34 --> 00:09:36

[Fred Smith] there any number of ways you could pursue this?

229

00:09:37 --> 00:09:37

[Fred Smith] But

230

00:09:37 --> 00:09:43

[Fred Smith] I'm, I'm here to get an agreement with you folks that, that what I've outlined to you



231

00:09:43 --> 00:09:48

[Fred Smith] is what you would like me to get done with respect to the current troubles Brian has.

232

00:09:49 --> 00:09:49

[Brian Hill] All right.

233

00:09:50 --> 00:09:50

[Unidentified speaker] Ok.

234

00:09:51 --> 00:09:53

[Fred Smith] All right. So that's what the plan is now tomorrow.

235

00:09:53 --> 00:09:57

[Fred Smith] Then you just need to be in court with me and we'll find out the date for us to return

236

00:09:57 --> 00:10:00

[Fred Smith] and you'll sign your recognizance to be back

237

00:10:00 --> 00:10:02

[Fred Smith] in the meantime, Mr

238

00:10:02 --> 00:10:05

[Fred Smith] Griffith and I will prepare the joint motion

239

00:10:05 --> 00:10:10

[Fred Smith] which I will review with everyone before we submit it.

240

00:10:10 --> 00:10:11

[Fred Smith] Ok.

[Brian Hill] alright

241

00:10:12 --> 00:10:13

[Fred Smith] Ok.

242

00:10:14 --> 00:10:18

[Stella Forinash] Sounds good to me.

[Brian Hill] thanks

[Fred Smith] See you in the morning.

243

00:10:18 --> 00:10:19

[Brian Hill] All right.

[Stella Forinash] 9 o'clock huh?

244

00:10:21 --> 00:10:21

[Fred Smith] Yep,

245

00:10:23 --> 00:10:25

[Fred Smith] how about 845.

246

00:10:27 --> 00:10:30

[Stella Forinash] I'm, I'm bad about it. They'll say like eight.

247

00:10:30 --> 00:10:30

[Stella Forinash] It's my age,

248

00:10:32 --> 00:10:32

[Fred Smith] let's

249

00:10:32 --> 00:10:32

[Fred Smith] not

250

00:10:33 --> 00:10:33

[Fred Smith] talk about age.

# EXHIBIT 6

for

## APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News

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**TRANSCRIPT OF Apr13-045432.wav**

Transcription by Brian D. Hill after Roberta Hill uploaded audio file to Amazon AWS service which had used the assistance of Artificial Intelligence (AI) of analyzing the audio file; with review by Stella Forinash

Date of transaction: January 14, 2024.

Date of audio file recording: April 13, 2023.

Participants: Brian D. Hill, Roberta Hill, Attorney Fred Smith

Recording by: Brian D. Hill, consented to recording of conversation

Conversation recorded at: Office of Fred D. Smith, Jr. P.C., 46 W Main St, Martinsville, VA 24112

Note: Transcription based on time-frame of audio file. So full sentences may be split into separate sections when created with the assistance of AI transcription.

TRANSCRIPTION:

1  
00:00:06 --> 00:00:06  
[Fred Smith] morning,

2  
00:00:07 --> 00:00:08  
[Brian Hill] morning  
[Roberta Hill] morning

3  
00:00:13 --> 00:00:16  
[Fred Smith] In light of your concerns about what's gonna happen tomorrow.

4  
00:00:17 --> 00:00:19  
[Fred Smith] Here's, uh, what will happen

5  
00:00:20 --> 00:00:23

[Fred Smith] tomorrow morning and the, and the commonwealth's attorney agrees to this,

6

00:00:24 --> 00:00:24

[Fred Smith] uh,

7

00:00:25 --> 00:00:26

[Fred Smith] this will be continued for six months.

8

00:00:27 --> 00:00:27

[Brian Hill] Alright.

9

00:00:29 --> 00:00:30

[Fred Smith] during that six months, Brian,

10

00:00:30 --> 00:00:32

[Fred Smith] don't file anything

[Brian Hill] Alright.

11

00:00:32 --> 00:00:34

[Fred Smith] with, with state court.

12

00:00:34 --> 00:00:37

[Fred Smith] They, they have no jurisdiction of what you might do in federal

13

00:00:37 --> 00:00:37

[Fred Smith] court.

14

00:00:37 --> 00:00:40

[Brian Hill] That's fine.

[Fred Smith] Don't file anything in state court.

15

00:00:41 --> 00:00:41

[Fred Smith] Now,

16

00:00:42 --> 00:00:42

[Fred Smith] uh,

17

00:00:43 --> 00:00:45

[Fred Smith] at the end of the six months when we come back to court,

18

00:00:47 --> 00:00:47

[Fred Smith] um,

19

00:00:48 --> 00:00:49

[Fred Smith] I have a good relationship with this prosecutor

20

00:00:50 --> 00:00:54

[Fred Smith] Uh, if we don't have any more paper in the file

21

00:00:54 --> 00:00:56

[Fred Smith] or more issues, um,

22

00:00:56 --> 00:00:59

[Fred Smith] I have a reason to believe he will dismiss the case.

23

00:00:59 --> 00:01:00

[Fred Smith] Ok.

24

00:01:01 --> 00:01:01

[Brian Hill] Alright.

25

00:01:01 --> 00:01:04

[Fred Smith] So that's what's gonna happen in the morning. It'll be straight and simple

26

00:01:05 --> 00:01:06

[Fred Smith] case will be called.

27

00:01:06 --> 00:01:08

[Fred Smith] I will stand, move the court

28

00:01:09 --> 00:01:10

[Fred Smith] to continue the case for six months.

29

00:01:11 --> 00:01:14

[Fred Smith] The prosecutor will stand up and say I do not object

30

00:01:15 --> 00:01:17

[Fred Smith] and the judge will be able to stay the case in six months.

31

00:01:18 --> 00:01:18

[Fred Smith] Ok.

32

00:01:19 --> 00:01:21

[Fred Smith] Alright, good.

33

00:01:22 --> 00:01:22

[Brian Hill] Alright.

34

00:01:23 --> 00:01:23

[Fred Smith] Ok.

35

00:01:24 --> 00:01:27

[Fred Smith] See you in the morning. Get there about 845 Ok.

36



00:01:27 --> 00:01:28

[Brian Hill] Alright

[Fred Smith] Ok.

37

00:01:29 --> 00:01:31

[Roberta Hill] Alright.

[Brian Hill] God bless you.

[Fred Smith] Yes.

38

00:01:33 --> 00:01:35

[Fred Smith] Alright, y'all have a good day.

[Roberta Hill] You too.

[Brian Hill] Thank

39

00:01:35 --> 00:01:35

[Brian Hill] you.

**EXHIBIT 7**  
**for**  
APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News  
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[USWGO.COM](http://USWGO.COM) // [JUSTICEFORUSWGO.NL](http://JUSTICEFORUSWGO.NL)



**TRANSCRIPT OF Oct20-077885.wav**

Transcription by Brian D. Hill after Roberta Hill uploaded audio file to Amazon AWS service which had used the assistance of Artificial Intelligence (AI) of analyzing the audio file; with review by Stella Forinash

Date of transaction: January 14, 2024.

Date of audio file recording: October 20, 2023.

Participants: Brian D. Hill, Roberta Hill, Attorney Fred Smith

Recording by: Brian D. Hill, consented to recording of conversation

Conversation recorded at: Office of Fred D. Smith, Jr. P.C., 46 W Main St, Martinsville, VA 24112

Note: Transcription based on time-frame of audio file. So full sentences may be split into separate sections when created with the assistance of AI transcription.

TRANSCRIPTION:

0

00:00:02 --> 00:00:04

[Fred Smith] Hey, y'all.

[Brian Hill] Hey

[Roberta Hill] Hey

1

00:00:07 --> 00:00:08

[Fred Smith] Ok. Um,

2

00:00:08.880 --> 00:00:10.380

[Fred Smith] it's usually very simple.

3

00:00:11 --> 00:00:13

[Fred Smith] Uh, case will be called,

4

00:00:13 --> 00:00:16

[Fred Smith] I'll walk up to the bench with a dismissal order.

5

00:00:16 --> 00:00:17

[Fred Smith] The judge will sign it

6

00:00:17 --> 00:00:18

[Fred Smith] and we'll leave.

7

00:00:19 --> 00:00:22

[Fred Smith] Now about your question about what to do about your subsequent filings

8

00:00:23 --> 00:00:25

[Fred Smith] I have talked to that, uh,

9

00:00:26 --> 00:00:30

[Fred Smith] assistant Attorney General. What's his name?

[Brian Hill] Uh, Justin,

10

00:00:31 --> 00:00:33

[Fred Smith] uh, what was his last name?

[Brian Hill] Uh Hill.

11

00:00:34 --> 00:00:34

[Fred Smith] Yeah. Right.

12

00:00:35 --> 00:00:35

[Fred Smith] Uh,

13

00:00:35 --> 00:00:39

[Fred Smith] he, he, he, he knew about the six month thing

14

00:00:39 --> 00:00:43

[Fred Smith] and I talked to him and they get, I understood that you got an extension

15

00:00:43 --> 00:00:44

[Fred Smith] to, to file.

[Brian Hill] Oh,

16

00:00:44 --> 00:00:46

[Brian Hill] ok. Oh,

17

00:00:47 --> 00:00:50

[Fred Smith] yeah, let me review it with you because I think it's gonna be ok for you to file,

18

00:00:50 --> 00:00:53

[Fred Smith] just file your, your regular legal pleadings.

19

00:00:53 --> 00:00:58

[Fred Smith] But once we get that order, uh, entered on Tuesday, I'll reach out to him

20

00:00:58 --> 00:00:59

[Fred Smith] and, uh,

21

00:01:00 --> 00:01:04

[Fred Smith] it seeks the way clear for you to do that because I talked to him once before

22

00:01:05 --> 00:01:07

[Brian Hill] and I'm, I'm a patient person.

23

00:01:07 --> 00:01:08

[Fred Smith] Yeah. Well, good,

24

00:01:09 --> 00:01:10

[Fred Smith] good.

25

00:01:10 --> 00:01:12

[Fred Smith] So that's, that's all there is to it

26

00:01:12 --> 00:01:15

[Fred Smith] Brian. That's all that will happen Tuesday morning. And, uh,

27

00:01:16 --> 00:01:17

[Fred Smith] and, uh,

28

00:01:18 --> 00:01:19

[Fred Smith] once that order I will call,

29

00:01:19 --> 00:01:22

[Fred Smith] uh, Miss Hill until after the orders in.

30

00:01:22 --> 00:01:24

[Fred Smith] So in case he needs to see the, an order

31

00:01:25 --> 00:01:26

[Fred Smith] or that kind of thing.

32

00:01:26 --> 00:01:28

[Fred Smith] But, uh, I'll, I'll reach out to him

33

00:01:29 --> 00:01:30

[Fred Smith] so you can get,

34

00:01:30 --> 00:01:30

[Fred Smith] uh,

35

00:01:30 --> 00:01:31

[Fred Smith] the

36

00:01:31 --> 00:01:33

[Fred Smith] other filings going that you wanna do.

37

00:01:34.209 --> 00:01:35.750

[Brian Hill] And, you know, I mean,

38

00:01:36.209 --> 00:01:38.000

[Brian Hill] there's some things that I learned this year.

39

00:01:38.010 --> 00:01:40.489

[Brian Hill] I didn't know the years before that and,

40

00:01:40 --> 00:01:43

[Brian Hill] you know, there's been a lot of emotions and stuff like that.

41

00:01:44 --> 00:01:47

[Brian Hill] I mean, I will not make the same mistake I ever made again.

[Fred Smith] okay

42

00:01:48 --> 00:01:48

[Brian Hill] You

43

00:01:48 --> 00:01:48

[Brian Hill] know,

44

00:01:49 --> 00:01:50

[Fred Smith] good

[Fred Smith] good

[Fred Smith] that's good

45

00:01:50 --> 00:01:52

[Fred Smith] because the thing to realize, uh,

46

00:01:52 --> 00:01:53

[Fred Smith] uh

47

00:01:53 --> 00:01:54

[Fred Smith] Brian

48

00:01:55 --> 00:01:57

[Fred Smith] that when you file papers in court,

49

00:01:58 --> 00:01:59

[Fred Smith] uh,

50

00:01:59 --> 00:02:00

[Fred Smith] you know,

51

00:02:01 --> 00:02:02

[Fred Smith] you're kind of required to

52

00:02:03 --> 00:02:05

[Fred Smith] speak the lingo a little bit.

[Brian Hill] yeah

53

00:02:05 --> 00:02:09

[Fred Smith] Uh, because if you don't speak the lingo, the court don't pay any attention to you.

54

00:02:09 --> 00:02:12

[Fred Smith] And if you don't speak the lingo, sometimes you get in trouble.



55

00:02:12 --> 00:02:13

[Fred Smith] So, uh

56

00:02:13 --> 00:02:14

[Fred Smith] uh uh

57

00:02:14 --> 00:02:16

[Fred Smith] but you're, you're bright,

58

00:02:16 --> 00:02:20

[Fred Smith] you, if you, you read enough cases and they have the cases read

59

00:02:20 --> 00:02:22

[Fred Smith] and it just kind of

60

00:02:23 --> 00:02:27

[Fred Smith] talk like the, the cases you read and, and, and you'll be fine.

# EXHIBIT 8

for

## APPELLANT'S MOTION FOR DELAYED APPEAL

CAV record no. 0313-23-3, 0314-23-3 and 0317-23-3

Ally of Q, Former news reporter of USWGO Alternative News

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In The  
**Court of Appeals**  
Of Virginia

**Brian David Hill,**

*Appellant,*

v.

**Commonwealth of  
Virginia, City of  
Martinsville**

*Appellee.*

**ON APPEAL FROM THE CIRCUIT COURT  
FOR THE CITY OF MARTINSVILLE**

**DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF  
APPELLANT'S MOTION FOR DELAYED APPEAL**



**Brian David Hill – Ally of Q and Lin Wood**  
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*Pro Se Appellant*

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## DECLARATION

Pursuant to the Virginia Code § 8.01-4.3. “Unsworn declarations under penalty of perjury; penalty.”, Appellant Brian David Hill hereby state to the Court of Appeals of Virginia and Appellee(s) the statement of facts as under penalty of perjury, pro se Appellant Brian David Hill, on oath deposes and states:

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. I represent myself in those appeal cases because I cannot afford a private attorney. I feel that I am competent to continually work on my appeals.

2. On or about February 24, 2023, a rule to show cause was issued against me, the Appellant, on a charge of criminal contempt of court for “VILE, CONTEMPTUOUS, OR INSULTING LANGUAGE ADDRESSED TO OR PUBLISHED OF A JUDGE FOR OR IN RESPECT TO ANY ACT OR PROCEEDING HAD IN SUCH COURT WITH RESPECT TO THE ATTACHED NOTICES OF APPEAL”. The criminal case number was CR19000009-01.

3. The direct cause of the criminal contempt charge was over statements made in my three notices of appeal, the same appeals at issue with the Motion for Delayed Appeal. See Trial Court record pages 4278-4291, 4292-4306, and pg. 4313-4325. The statements which triggered the contempt charge did not threaten the judge in any criminal way but only made lawful statements saying that certain people should

be held accountable for what I felt were that there were violations of law going on. I did not yell fire in a crowded theater. I did not defame the judge as I felt I had evidence and felt that the judge neglected to do his duties and neglected to do the right thing. All I did was criticize the judge and criticize some other people in my notices of appeal. Even the U.S. Supreme Court Justices give dissenting opinions and can criticize other judges or justices, that is freedom of speech. The bulwark of the very judicial process, the judiciary of government. I did not threaten any harm against the judge. I did not defame the judge. I was not charged with defaming the judge, and neither was I accused of defaming the judge. I felt that the judge got offended at my statements in my notices of appeal based on various evidence and factors going on in my trial court criminal case. I felt that I was protected under the First Amendment of United States Constitution and had filed pleadings early on in the contempt of court case asserting my constitutional legal defenses to the contempt of court charge, as I felt that my conduct in my notices of appeal were protected under the First Amendment of the United States Constitution, and the Virginia Constitution also has a clause for freedom of speech in its Bill of Rights. Even the Virginia Constitution says that freedom of speech can “never be restrained except by despotic governments”. I felt that the Trial Court had acted despotic with it's criminal contempt charge and abused its contempt powers by the legislature to restrain my freedom of speech according to the Virginia Constitution's own words under Article I, “Section 12. Freedom of speech and of the press; right peaceably to

assemble, and to petition.” I was not guilty of the contempt case. I don’t believe I was ever guilty because even the Virginia General Assembly has no lawmaking power above the Constitution to restrain the peaceful and orderly freedom of speech. The contempt of court case was unwarranted in my opinion and I never should have been charged with this. This was wrong. It was retaliation against me for my truthful claims and honest opinions and arguments based on what I had witnessed going on in my criminal case before the Trial Court.

4. On or about March 3, 2023, Attorney Fred Smith was appointed by the Hon. Giles Carter Greer of the Trial Court, to represent me over my contempt of court charge case. I have to make it clear factually that the same judge who I had brought allegations and opinions against in my notices of appeals, was the same judge over my contempt of court case and this judge did not recuse himself despite the fact that I was criticizing the exact same judge with my freedom of speech, honestly, who is the same judge over my contempt of court case. I felt that it was a conflict of interest and that it should have been a different judge over this case to protect my due process of law, my right to a fair trial, my right to an impartial trier of fact, and my right to effective assistance of counsel. I do not think it was appropriate for judge Greer to be the same judge in my contempt case as the one who I criticized and never threatened any harm against.

5. I had recorded conversations with my attorney Fred Smith at three visits to his law office located at 46 W. Main St., Martinsville, VA 24114. The conversation

dates which were recorded were March 9, 2023, April 13, 2023, and October 20, 2023.

6. **Exhibit 2**, link to the audio recording file, link given to me by family and was uploaded by Roberta Hill to the website directly to that link since I am under a supervised release condition where I am prohibited from using the internet. Exhibit 2 audio file, Mar09-726407.wav is a true and correct portion of the entire audio recording I had recorded at the office of Attorney Fred Smith on that date. I had given consent to recording my own attorney/client visit due to trust issues between me and Attorney Fred Smith. I had trust issues since judge Greer had appointed this attorney. I had a feeling that he was not looking out for my best interests protected under the United States Constitution and Virginia Constitution. I felt that Attorney Fred Smith was appointed to protect judge Greer's interests rather than protecting my constitutional right to freedom of speech and to possibly interfere with my constitutional right to appeal in the Court of Appeals of Virginia or cause prohibition of my constitutional right to appeal in the Court of Appeals of Virginia, despite my statutory appeal rights being protected by the Procedural due process of law under the Fourteenth Amendment of the United States Constitution. The original recording was recorded on the visit of Mar 9, 2023.

7. **Exhibit 3**, link to the audio recording file, link given to me by family and

was uploaded by Roberta Hill to the website directly to that link since I am under a supervised release condition where I am prohibited from using the internet. Exhibit 3 audio file, Apr13-045432.wav is a true and correct portion of the entire audio recording I had recorded at the office of Attorney Fred Smith on that date. I had given consent to recording my own attorney/client visit due to trust issues between me and Attorney Fred Smith. I had trust issues since judge Greer had appointed this attorney. I had a feeling that he was not looking out for my best interests protected under the United States Constitution and Virginia Constitution. I felt that Attorney Fred Smith was appointed to protect judge Greer's interests rather than protecting my constitutional right to freedom of speech and to possibly interfere with my constitutional right to appeal in the Court of Appeals of Virginia or cause prohibition of my constitutional right to appeal in the Court of Appeals of Virginia, despite my statutory appeal rights being protected by the Procedural due process of law under the Fourteenth Amendment of the United States Constitution. The original recording was recorded on the visit of April 13, 2023.

8. **Exhibit 4**, link to the audio recording file, link given to me by family and was uploaded by Roberta Hill to the website directly to that link since I am under a supervised release condition where I am prohibited from using the internet. Exhibit 4 audio file, Oct20-077885.wav is a true and correct portion of the entire audio



recording I had recorded at the office of Attorney Fred Smith on that date. I had given consent to recording my own attorney/client visit due to trust issues between me and Attorney Fred Smith. I had trust issues since judge Greer had appointed this attorney. I had a feeling that he was not looking out for my best interests protected under the United States Constitution and Virginia Constitution. I felt that Attorney Fred Smith was appointed to protect judge Greer's interests rather than protecting my constitutional right to freedom of speech and to possibly interfere with my constitutional right to appeal in the Court of Appeals of Virginia or cause prohibition of my constitutional right to appeal in the Court of Appeals of Virginia, despite my statutory appeal rights being protected by the Procedural due process of law under the Fourteenth Amendment of the United States Constitution. The original recording was recorded on the visit of April 13, 2023.

9. **Exhibit 5**, is a TRANSCRIPT OF Mar09-726407.wav. Date of transaction: January 14, 2024. Date of when audio was recorded: March 09, 2023.

10. **Exhibit 6**, is a TRANSCRIPT OF Apr13-045432.wav. Date of transaction: January 14, 2024. Date of when audio was recorded: April 13, 2023.

11. **Exhibit 7**, is a TRANSCRIPT OF Oct20-077885.wav. Date of transaction: January 14, 2024. Date of when audio was recorded: October 20, 2023.

12. The error, neglect, or fault in me losing the original opportunity for appeal

was that I had agreed verbally to not file anything in the “state court” for six months. The Attorney Fred Smith had made it abundantly clear, that I was not to file anything in the “state courts” for six months. In the **Exhibit 6 Transcript** and recording in **Exhibit 3**, the evidence supports that Attorney Fred Smith was going to have my contempt of court case continued for six months, and that the Commonwealth Attorney had agreed to it. That during the six-month period, he told me don't file anything with state court. Then he said again: “Don't file anything in state court.” He did not give me an exception to file in the Court of Appeals of Virginia. He did not give any indication during my visit with Fred Smith on April 13, 2023, according the conversation recording which is present as evidence in the **Exhibit 6 Transcript** and recording in **Exhibit 3**. I had agreed to this and had complied with his demand or order or whatever.

13. I did not have any opportunity to file anything with the Court of Appeals of Virginia for six-months. Because I was prohibited from doing so as directed by Attorney Fred Smith. The six-month period had started when the continuance was granted by Judge Greer. So, it started in April, 2023, and ended in October, 2023. If I had not complied with Attorney Fred Smith’s demand or order or whatever I verbally agreed to, there would have been no joint push with the Commonwealth’s Attorney for dismissing my contempt charge and Attorney Fred Smith would have refused to protect my first amendment right to freedom of speech and I would have been convicted of contempt of court as charged if my attorney refuses to defend my

First Amendment right to freedom of speech and my Virginia Constitutional right to freedom of speech under Article I, Section 12 in the Bill of Rights. The constitution is usually the only supreme law which can nullify an unconstitutional statute passed by a legislature or unconstitutional usage of a statute. Unless Fred Smith my attorney had agreed to protect my first amendment right as my defense to my criminal contempt of court charge, I would be convicted, no doubt about it when my attorney refuses to present a defense for me. So, my choice was if I filed in the Court of Appeals of Virginia to timely file my opening appellant briefs, then I would have faced jailtime for criminal contempt. This court should be aware that I am under federal supervised release conditions by the United States Probation Office for the Western District of Virginia. If I am convicted of any crime, then I face revocation of supervised release and then I am liable for sentencing for that revocation such as federal imprisonment. If I am convicted of criminal contempt, then I can be in violation of conditions of my federal supervised release and would face revocation which means federal imprisonment (See record pg. 3655-3735). According to trial court record page 3728, Judge Thomas David Schroeder had said: "So I'm going to order that Mr. Hill be committed to the custody of the United States Bureau of Prisons for 9 months." That was over the indecent exposure misdemeanor charge. Since I had faced 9 months of federal imprisonment over only a misdemeanor, the contempt of court case may carry a similar federal imprisonment sentence. Not only would I face jailtime for contempt of court, I would face concurrently or

consecutively or close to after the jailtime period, I can face a federal imprisonment sentence. I may be unable to comply with the rules of timely filing with the Court of Appeals of Virginia while sitting in a federal prison in a different state in the United States of America, as it is clear that I likely would not be incarcerated in a federal prison in Virginia. Because of my severe medical issues, I would likely to be sent to the Federal Medical Center in Kentucky if not the FMC in Butner, North Carolina.

14. Unless my attorney were to agree to protect and defend my first amendment rights in defense against the contempt of court charge, I am guaranteed that I would face federal imprisonment and local jailtime which would have fettered with my due process right to appeal to the Court of Appeals of Virginia, and would directly interfere with my ability to comply with the Rules of the Supreme Court of Virginia and prevent me from timely filing of my appeal briefs or anything timely.

15. According to Attorney Fred Smith as proven in the audio recordings, the situation would be that I was either to not file anything in any of the Virginia state courts for six months, case was dismissed in October 23, 2023, or likely he would have had me gone to trial for the contempt of court case without defending my first amendment right to freedom of speech and I would have been convicted because my attorney would not defend me or not defend my constitutional rights. I had to agree not to file in state court to protect myself from the outcome which would have been a certain verdict. Either scenario meant that I would be interfered with or fettered with of my right to file in the Court of Appeals of Virginia. I clearly was prohibited

because of the alternative of filing with the CAV during a six-month period may have caused the Commonwealth Attorney aka special prosecutor to reconsider the decision to agree to push for dismissing the case, and I would have faced a certain outcome of jailtime and federal imprisonment.

16. The error, neglect, or fault in me losing the original opportunity for appeal was that I had agreed verbally to not file anything in the “state court” for six months. The Attorney Fred Smith had made it abundantly clear, that I was not to file anything in the “state court” for six months. The Court of Appeals of Virginia is a “state court”. The recorded conversation proves that Attorney Fred Smith orally gave no exceptions to my prohibition to file in “state court”. It can be any state court in Virginia. He was aware of my appeals. The opposite would be jailtime and federal imprisonment which would cause an interference and may prevent me from being able to file in the Court of Appeals of Virginia. The record of the trial court is over 4,000 pages. It would be difficult for the Court of Appeals of Virginia to mail over 4,000 pages of the record of the trial court to the federal prison where I would be an inmate, where I would be housed, just to protect my procedural due process of law. It may very well be impossible for me to prosecute my appeals while in a federal prison facility as a repercussion of my contempt of court case due to Attorney Fred Smith not willing to protect my freedom of speech in defense to my contempt of court charge. The CAV record request section having to mail over 4,000 pages of the trial court record to me while me being housed at a federal prison. The prison

facility may not allow me to possess over 4,000 pages of paper for my Virginia appeals inside of wherever I would be housed at a federal prison. If I am convicted of contempt of court, my appeals would be fettered with and my prosecution of my appeals would be extremely difficult to maybe impossible. Probably impossible. What can I say? It is pretty clear that it cannot be done. No federal prison will allow me to possess over 4,000 pages from the Court of Appeals of Virginia in a small prison cell. It would be a messy situation. Imagine this court having to mail a large box with over 4,000 pages of trial court record, just to protect my right to prosecute my appeals while I sit in a federal prison over my contempt of court charge when Attorney Fred Smith refused to protect my first amendment right to freedom of speech.

17. I feel and believe that the error, neglect, or fault is not my fault because of my freedom of speech. I believe that the error, neglect, or fault, is at fault of Attorney Fred Smith for not protecting my freedom of speech and for not protecting my constitutional right to my appeals in the Court of Appeals of Virginia. It is Attorney Fred Smith's fault why I couldn't file timely in the Court of Appeals of Virginia.

18. On January 17, 2023, the Court of Appeals of Virginia had said in its order I am aware of that: "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." Both of those dates, I was prohibited from filing in the "state court" which

can mean any Virginia court including this court as I was given no exception by Attorney Fred Smith to file in this court and Attorney Fred Smith had not given me any exception to file in the Court of Appeals of Virginia. The audio recordings of my visits with my attorney prove that Attorney Fred Smith did not give me any exception to not file anything in the state courts for six months of the continuance of the contempt of court case. Those two dates in the order of the Court of Appeals of Virginia, any filing before the deadlines as set by the rules would have gotten me in trouble and I would have been convicted of contempt of court due to the circumstances where my court appointed attorney by Judge Greer, my attorney would not fight for my first amendment right to freedom of speech. A constitutional defense would negate any possible criminal conviction of a charged crime over a constitutionally protected action or constitutionally protected behavior. Because Attorney Fred Smith would not go that route, I had to agree not to file in the state courts for six months and until the six-month continuance had been over. That would be in October, 23, 2023, when the contempt of court case was dismissed with agreement of the Commonwealth's Attorney which would be the special prosecutor. It was impossible under my circumstances for me to comply with Rule 5A:19(b)(1), It was impossible for me to comply with Rule 5A:19(b)(4) under my circumstances. If I had filed timely before those deadlines, then I would have gone to federal prison and faced revocation of supervised release for facing a conviction of contempt of court. Then I would have sat in federal prison which would make it impossible or

nearly impossible to prosecute my appeals under the rules of the Supreme Court of Virginia, as the Court would have to mail over 4,000 pages of the record of the Trial Court to me in a federal prison cell. Also, I couldn't comply with any of the other rules since I may only have access to pen and paper if I am lucky to get access to a pen, maybe it would be pencil and paper writing to the Court of Appeals of Virginia. So, they would have to receive my handwritten pleadings which may be considered not compliant with the rules of the Supreme Court of Virginia but I would have no choice while sitting in a federal prison somewhere. If I get placed in the Special Housing Unit (SHU) of the federal prison for whatever reason or no reason, then I may not be able to write the Court of Appeals of Virginia at all or face more prison restrictions making it impossible for me to comply with any rule of the Supreme Court of Virginia, and I probably couldn't even comply with the rules of formality anyways while in a federal prison, period.

19. There was no way to avoid dismissal for failure to prosecute my appeals and timely file documents in my appeals because of the six-month no filing verbal agreement in the no filing in the "state court" prohibition. My hands were tied, I could not inform the Court of Appeals of Virginia about this predicament once I had agreed not to file in the state courts, so I couldn't file any request for an extension of time once the six-month period had begun in April, 2023. I did ask Justin Hill, counsel for Appellees to notify the Court of Appeals of Virginia about me not being able to file anything with this court, and he refused to do anything about it. What a



nice guy he was, being sarcastic here. It is clear that he didn't do his duty as Appellees to notify the court that I couldn't file in the state court for six months. Fred didn't say "circuit court", but the words: "state court". He was clear about the six-month prohibition.

20. By order entered January 17, 2024, this Court dismissed my appeals in all three appeal cases, nos. 0313-23-3, 0314-23-3 and 0317-23-3.

21. I as Appellant bear no personal responsibility for my error, neglect, or fault in me not timely filing my opening briefs in the three appeal cases. The responsibility lies entirely with Attorney Fred Smith who instructed me not to file anything in the "state court" to avoid me being convicted of contempt of court since he refused to present a first amendment defense by having a freedom of speech defense to my charge of criminal contempt for my "language" in my three notices of appeal at issue of which had begun my three appeals at issue. I shouldn't be held personally responsible for not filing timely because of the prohibition which I had no control of that matter. It was either I not file for six months or I face repercussions such as federal imprisonment and jailtime for criminal contempt because of not being allowed a first amendment challenge by my own court appointed lawyer Fred Smith. I feel that Fred Smith is at fault and should be who is responsible for me not filing timely. I feel personally that it is his fault and not my fault. It is his fault for me being prohibited from filing for six-months. My recordings of the conversation between me and Attorney Fred Smith proves this to be true.

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

Executed on January 18, 2024.

**BRIAN DAVID HILL**

**Pro Se**

A handwritten signature in black ink that reads "Brian D. Hill". Below the signature, the word "Signed" is written in a cursive script.

**Brian D. Hill**

Brian David Hill – Ally of Qanon  
Founder of USWGO Alternative  
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