

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE**

_____	)	
<b>COMMONWEALTH OF VIRGINIA</b>	)	
<b>v.</b>	)	<b>Order to Appoint</b>
	)	<b>Special Prosecutor</b>
<b>BRIAN DAVID HILL,</b>	)	
<b>Defendant.</b>	)	<b>CR19000009-01</b>
_____	)	

**ORDER TO APPOINT SPECIAL PROSECUTOR**

THIS CAUSE came on this day to be heard upon the Motion of G.

Andrew Hall, Commonwealth's Attorney for the City of Martinsville, Virginia, pursuant to §19.2-306 of the Code of Virginia, as amended.

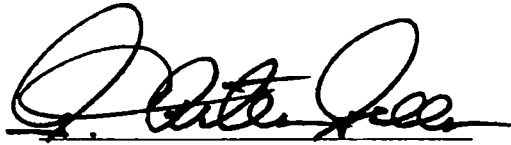
AND IT APPEARING to the Court that the Attorney for the Commonwealth of the City of Martinsville is so situated with respect to the above-styled matter, involving a charge of contempt under Va. Code §18.2-456(A)(3), currently pending before the Martinsville Circuit Court, as to render it improper, in his opinion, which opinion is concurred in by this Court, for him to act as Commonwealth's Attorney in connection with said matter; it is therefore ORDERED that the said G. Andrew Hall shall be and is hereby permitted to withdraw as Commonwealth's Attorney for the purposes of the above-styled matter.

It is further ORDERED that the Honorable Justin Griffith, Commonwealth's Attorney for Pulaski County, Virginia, or any of his assistants shall be and is hereby appointed to act in place of and otherwise perform duties and exercise the powers of the Commonwealth's Attorney of the City of Martinsville in regard to such matter until the said matter is finally resolved.

It is further ORDERED that the said Special Prosecutor shall receive reimbursement for their actual expenses including mileage.

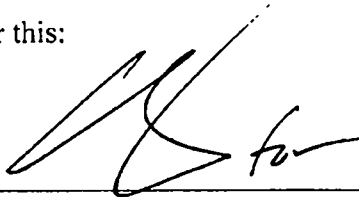
The Clerk is further directed to send an attested copy hereof to the Honorable Justin Griffith at 240 North Jefferson Avenue, Pulaski, Virginia 24301, and to the Commonwealth's Attorney for the City of Martinsville. The Clerk of the City of Martinsville Circuit Court is hereby directed to communicate with the aforesaid Special Prosecutor by mail to the aforesaid address or by phone (540-980-7893) prior to any rescheduling of this case.

ENTER this the 7<sup>th</sup> day of March, 2023.



Judge

I ask for this:



G. Andrew Hall  
Commonwealth's Attorney  
55 W. Church Street  
P. O. Box 1311  
Martinsville, VA 24114  
(276) 403-5470 (phone)  
(276) 403-5478 (fax)

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH

v.

CASE NO.: CR19000009-01

BRIAN DAVID HILL

**MOTION FOR CODE § 19.2-169.5 EVALUATION**

The Defendant comes to the Court by counsel and moves for entry of an order under Code § 19.2-169.5 appointing an evaluator to determine the issue of Defendant's sanity at the time of his alleged violation of Code § 18.2-456(A)(3) charged under a Rule to Show cause issued by the Circuit Court of the City of Martinsville on February 24, 2023.

To support the Motion, counsel for Defendant represents as follows:

1. Counsel interviewed Defendant, his mother, and grandparents about the pending charge and the procedural history leading to it, including the extensive record of filings by Defendant in the Circuit Court of the City of Martinsville and the Virginia Court of Appeals.

2. Counsel also reviewed a prior competency evaluation of Rebecca K. Loehrer, PhD., dated November 26, 2018, prepared under an order entered by the General District Court of the City of Martinsville to evaluate Defendant's competency to stand trial on a charge of indecent exposure.

3. That report confirms Defendant's psychiatric diagnoses of autism and obsessive-compulsive disorder and a medical diagnosis of brittle diabetes since childhood.

4. His childhood diagnoses did not accommodate public school attendance, and he was home-schooled by his mother.

5. He has never lived independently. His mother lives in an adjoining apartment and attends to his daily needs. He has been a recipient of Supplemental Social Security Disability benefits since childhood.

6. Counsel's interviews also revealed treatment and assessments by the Piedmont Regional Community Services Board, including an evaluation by Conrad Daum, M.D., diagnosing "unspecified psychotic disorder," which records counsel seeks through records release authorizations executed by Defendant.


7. Counsel seeks all mental health and relevant medical records through executed records release authorizations by Defendant, including an inquiry of Rebecca K. Loehrer, PhD., to perform a sanity evaluation under Code § 19.2-169.5 in this matter.

8. By this Motion, Defendant gives notice of intent to rely upon a defense of insanity and the defenses arising under Code § 19.2-271.6.

9. Counsel represents that probable cause exists that Defendant's sanity and intent at the time of the charged offense will be significant factors in his defense and that Defendant is financially unable to pay for expert assistance.

ACCORDINGLY, Defendant respectfully requests the appointment of a qualified sanity and mental health evaluator under § 19.2-169.5.

BRIAN DAVID HILL

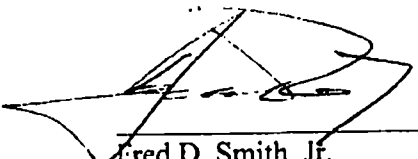
By:   
Of Counsel

Fred D. Smith, Jr., VSB # 12786  
FRED D. SMITH, JR., P.C.  
POB 991  
Maratinsville, VA 24114  
Office 276/638-2555  
Facsimile 276/638-2550

fred@freddsmithjrpc.com  
*Counsel for Defendant*

CERTIFICATE

The undersigned certifies service of this Motion on the Office of the Commonwealth's Attorney for the City of Martinsville, Virginia, under the Rules of the Supreme Court of Virginia  
March 7, 2023.



Fred D. Smith, Jr.

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 03/07/2023 @11:38:41

JEAN NUNN : CLERK

TESTE: Jennifer Clepper  
CLERK/DEPUTY CLERK

LAW OFFICE OF  
**FRED D. SMITH, JR., P.C.**

MAILING ADDRESS:  
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March 8, 2023

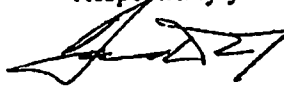
Hon. G. Carter Greer, Judge  
Circuit Court for the City of Martinsville  
55 West Church Street  
Martinsville, VA 24112

Re: Commonwealth v. Brian D. Hill; Case No.: CR19000009-01

Dear Judge Greer:

This letter confirms the withdrawal of the Motion for Code § 19.2-169.5 Evaluation in the above-styled case.

Respectfully yours,



Fred D. Smith, Jr.

FDSJR

Cc: Justin L. Griffith, Special Prosecutor

FILED IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE  
MARTINSVILLE CIRCUIT COURT  
DATE: 03/08/2023 @16:32:37

JEAN NUNN, CLERK

TESTE: Jennifer Clayton  
CLERK/DEPUTY CLERK

PHYSICAL ADDRESS: 46 WEST MAIN STREET, MARTINSVILLE, VA 24112

OFFICE OF THE



Justin L. Griffith  
COMMONWEALTH'S ATTORNEY

Dina M. Branco  
CHIEF DEPUTY

Travis H. Epes  
SENIOR DEPUTY

James L. Crandall  
DEPUTY ASSISTANT ATTORNEY

Nicole S. Cumberland  
DEPUTY ASSISTANT ATTORNEY

Aaron L. Foster

Selina N. Blessing  
ASSISTANT COMMONWEALTH'S ATTORNEYS

**COMMONWEALTH'S ATTORNEY**

**COUNTY OF PULASKI**

**240 North Jefferson Avenue**

**PULASKI, VIRGINIA 24301**

Phone: 540-980-7893

Fax: 540-980-7994

Katrina N. Dobbins  
EXECUTIVE CHIEF ADMINISTRATOR

Sandra K. Lackey  
SENIOR ADMINISTRATOR

Jessica S. Farmer  
GCC ADMINISTRATIVE ASSISTANT

Marcelo De-Almeida  
JDR ADMINISTRATIVE  
ASSISTANT/RECEPTIONIST

October 20, 2023

Martinsville Circuit Court  
55 W. Church St.  
Martinsville, Virginia 24114

Hon. Judge Greer,

During our appointment as special prosecutors in the case of *Commonwealth v. Brian Hill*, we have not had any further criminal issues with Mr. Hill arise. We have consulted with the Circuit Court Clerk's Office and Commonwealth's Attorney, who have no negative interactions within the past year. Furthermore, we cannot find any violations of law against Mr. Hill in the past year.

Based on this, it is our request that the case be dismissed and stricken from the Court's docket.

Thank you for permitting us to work this matter out by agreed order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron L. Foster', with a long horizontal flourish extending to the right.

Aaron L. Foster  
Assistant Commonwealth's Attorney, Pulaski County, Virginia

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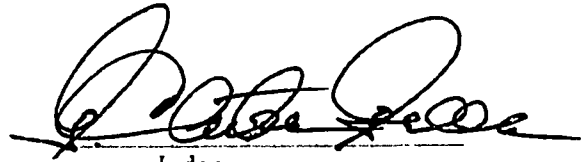
BRIAN DAVID HILL

*Defendant*

**DISMISSAL ORDER**

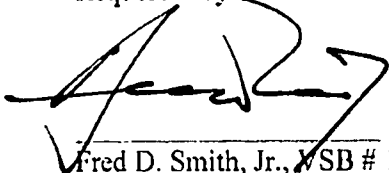
For good cause shown, and upon the joint motion of the Defendant and the Commonwealth, this case is dismissed and stricken from the court's docket.

Entered on October 23, 2023.



Judge

Requested by:



Fred D. Smith, Jr., VSB # 12786  
*Counsel for Defendant*



Aaron L. Foster, VSB # 96971  
*Attorney for the Commonwealth*