

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**



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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**

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