

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**

**MOTION FOR SANCTIONS AND
INQUIRY AGAINST JUSTIN HILL,
ASSISTANT ATTORNEY GENERAL
FOR POSSIBLY DEFRAUDING THIS COURT**

U.S.W.G.O.

Brian David Hill – Ally of Q and Lin Wood
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505
c/o: Rbhill67@comcast.net; Roberta Hill



SUMMARY

Brian David Hill, (“Appellant”) files this MOTION asking the Court of Appeals of Virginia in this case for Sanctions and Inquiry against Justin Hill, the counsel for Appellees and Assistant Attorney General for intrinsic fraud upon the court by defrauding this Court in these appeals. Intrinsic fraud may be addressed as an issue during a pending case when the case has not been closed, no final decision.

Justin Hill, made false statements in his filed “brief of the Commonwealth” which was filed on January 2, 2024. There is hard evidence, prima facie evidence, proving that statements were made to the Court of Appeals of Virginia which Appellant has evidence which disproves the false statements. These false statements are in regard to two different elements: (1) that the contempt of court case had no agreement where Appellant was barred or prohibited from being allowed to file in the Court of Appeals of Virginia or any other State Court for six months, and (2) that Appellant’s opening brief was untimely filed despite Appellant providing an affidavit and misc. evidence in support of his motion for leave of court to file his opening brief proving that Justin Hill was notified. Justin’s justification for labeling Appellant’s opening brief as untimely is based on the false statement or deception that Appellant only believed he was not allowed to file in the Court of Appeals of Virginia for six months while there was no agreement according to Justin Hill.

When he filed his brief of the Commonwealth, he did not file a copy of this

proclaimed agreement to even be able to prove his claim that no agreement was made prohibiting or barring the Appellant from filing in the Court of Appeals of Virginia.

CITATION OF PAGES 11 THROUGH 12 OF BRIEF OF APPELLEES:

Shortly after, the Circuit Court issued a show cause, charging Hill with contempt and appointed him counsel. The contempt charges were dismissed on joint motion of the Commonwealth and Hill on October 23, 2023. Upon information and belief, Hill agreed during the pendency of those contempt charges not to file any new motions in the Circuit Court. That agreement did not prohibit his from filing anything in this Court. 4 (Footnote 4)

Footnote 4: Undersigned counsel confirmed this fact with Hill's appointed counsel in his contempt case during the pendency of those proceedings.

On February 27, 2023, Hill filed a motion in this Court requesting that his seven appeals be stayed. On March 9, 2023, Hill filed a separate motion requesting a one-year extension of time to file his opening briefs in his fifth, sixth, and seventh appeals. The basis for each motion was Hill's assertion that he did not believe he was allowed to file anything in this Court due to his pending contempt charges. This Court denied both motions on March 29, 2023.

Appellant is filing new evidence which was never made public on court record until the date of when this is filed. Evidence that Appellant never would have normally made public in the court record until this filing since it endangers Appellant's own attorney/client privilege protections under law, but Appellant feels that it is now necessary to endanger his own attorney/client protections to fight back against the false statements made by Justin B. Hill, the Assistant Attorney General.

The false statement, a not truthful statement made by Justin Hill, counsel for Appellees is made as follows; and the untruthful statement is marked in bold and underline: "Hill agreed during the pendency of those contempt charges not to file

any new motions in the Circuit Court. **That agreement did not prohibit his from filing anything in this Court.**” That makes it appear that Appellant did not make a truthful statement in his motion for leave of court, filed on October 27, 2023, or that Appellant’s claims are without any hard evidence to prove that he was barred from filing in the Court of Appeals of Virginia during a six-month period after he was charged with contempt of court in the Trial Court.

The evidence proves that Justin Hill’s statements, noted above, are false statements. First the hard evidence will be argued before this Court before the argument as to why an inquiry may be needed to determine whether this fraud by Justin Hill was intentional or unintentional or was simply a mistake. I bring these allegations with hard evidence. Therefore, Exhibits are attached with the evidence.

This motion is being filed in good faith and is not any attempt to create delay. The motion gives good reasons why Appellant should be given the relief sought.

First the EXHIBITS listing (also describing the specific exhibits pdf file) and then the legal arguments as to why the Appellant’s request for inquiry and sanctions is warranted due to good reasons as will be described below the EXHIBIT LIST.

EXHIBITS (attached ALL-EXHIBITS-1-15-2024.pdf):

EXHIBIT 1. File: EXHIBIT 1-Declaration for Motion for sanctions against Justin Hill(5).pdf. It is a true and correct copy of a Declaration/Affidavit of Brian David Hill explaining what the hard evidence is talking about. Explaining that the other exhibits are credible evidence, prima facie evidence. Index: EXHIBIT PAGES

1 THROUGH 14 OF 61.

EXHIBIT 2. File: EXHIBIT 2.pdf. It is a true and correct copy of a URL/LINK to an audio file Mar09-726407.wav uploaded to the internet by family of Appellant Brian D. Hill and link was given by Appellant since the Court of Appeals of Virginia does not directly accept audio files, however this audio file is necessary as evidence for disposition of this motion and the facts surrounding this motion. Index: EXHIBIT PAGES 15 THROUGH 16 OF 61.

EXHIBIT 3. File: EXHIBIT 3.pdf. It is a true and correct copy of a URL/LINK to an audio file Apr13-045432.wav uploaded to the internet by family of Appellant Brian D. Hill and link was given by Appellant since the Court of Appeals of Virginia does not directly accept audio files, however this audio file is necessary as evidence for disposition of this motion and the facts surrounding this motion. Index: EXHIBIT PAGES 17 THROUGH 18 OF 61.

EXHIBIT 4. File: EXHIBIT 4.pdf. It is a true and correct copy of a URL/LINK to an audio file Oct20-077885.wav uploaded to the internet by family of Appellant Brian D. Hill and link was given by Appellant since the Court of Appeals of Virginia does not directly accept audio files, however this audio file is necessary as evidence for disposition of this motion and the facts surrounding this motion. Index: EXHIBIT PAGES 19 THROUGH 20 OF 61.

EXHIBIT 5. File: EXHIBIT 5-TRANSCRIPT OF Mar09-726407.wav(2).pdf. It is a true and correct copy of a transcript of audio file Mar09-

726407.wav, making it easy for the judges of this court to examine the transcribed words of that audio recording when Appellant had a meeting with Attorney Fred Smith. Recording was legally allowed by one party consent, as the party who consented to the recording being made was Appellant. **TRANSCRIPT OF Mar09-726407.wav**. Index: EXHIBIT PAGES 21 THROUGH 47 OF 61.

EXHIBIT 6. File: EXHIBIT 6-TRANSCRIPT OF Apr13-045432.wav.pdf. It is a true and correct copy of a transcript of audio file Apr13-045432.wav, making it easy for the judges of this court to examine the transcribed words of that audio recording when Appellant had a meeting with Attorney Fred Smith. Recording was legally allowed by one party consent, as the party who consented to the recording being made was Appellant. **TRANSCRIPT OF Apr13-045432.wav**. Index: EXHIBIT PAGES 48 THROUGH 53 OF 61.

EXHIBIT 7. File: EXHIBIT 7-TRANSCRIPT OF Oct20-077885.wav.pdf. It is a true and correct copy of a transcript of audio file Oct20-077885.wav, making it easy for the judges of this court to examine the transcribed words of that audio recording when Appellant had a meeting with Attorney Fred Smith. Recording was legally allowed by one party consent, as the party who consented to the recording being made was Appellant. **TRANSCRIPT OF Oct20-077885.wav**. Index: EXHIBIT PAGES 54 THROUGH 61 OF 61.

LEGAL ARGUMENTS AND STATEMENT OF FACTS

1. On Thursday, April 13, 2023, Appellant had agreed not to file anything in the “State Courts” aka Commonwealth Courts for six months. That agreement was made between Appellant and Attorney Fred Smith (Martinsville, VA, Email: fred@freddsmithjrpc.com) in some kind of agreement with the special prosecutor in Appellant’s contempt of court case in the Trial Court, case no. CR19000009-01. However, Appellant did not waive any of his rights to his appeals, and agreeing not to file anything in the “state courts” for six months does not explicitly withdraw any of Appellant’s appeal rights in all of Appellant’s appeal cases before the Court of Appeals of Virginia. The Appellees are disputing Appellant’s claims by claiming that no agreement prohibits Appellant from filing in the Court of Appeals of Virginia, therefore see the affidavit in **EXHIBIT 1** (EXHIBIT PAGES 1 THROUGH 14 OF 61), as well as the audio file on **EXHIBIT 4** (EXHIBIT PAGES 19 THROUGH 20 OF 61) and **EXHIBIT 7** (EXHIBIT PAGES 54 THROUGH 61 OF 61). This court is free to seek confirmation of this fact by inquiring with Attorney Fred Smith or even with counsel for Appellees. In fact, this Court can have Justin Hill listen to the audio recordings and then inquire as to why he would inform to the Court of Appeals of Virginia (“CAV”) that no agreement prohibits Appellant from filing in the CAV while Attorney Fred Smith directs Appellant not to file in any state Court of Virginia except in the federal courts. This attorney allowed Brian to file in the federal courts for six months because of Virginia having no jurisdiction/jurisprudence over federal, but prohibited Appellant from filing in any

court of Virginia.

2. The counsel for the Appellees, Justin Hill, had falsely claimed (without any evidence or affidavit to back any of it up) with some additional false claim or some kind of deception or mistake from Brian's court appointed counsel Fred Smith from his contempt of court case.

Again, see the citation directly from the Commonwealth's own brief filed on January 2, 2024.

CITATION OF PAGES 11 THROUGH 12 OF BRIEF OF APPELLEES:

Shortly after, the Circuit Court issued a show cause, charging Hill with contempt and appointed him counsel. The contempt charges were dismissed on joint motion of the Commonwealth and Hill on October 23, 2023. Upon information and belief, Hill agreed during the pendency of those contempt charges not to file any new motions in the Circuit Court. That agreement did not prohibit his from filing anything in this Court. 4 (Footnote 4)

Footnote 4: Undersigned counsel confirmed this fact with Hill's appointed counsel in his contempt case during the pendency of those proceedings.

On February 27, 2023, Hill filed a motion in this Court requesting that his seven appeals be stayed. On March 9, 2023, Hill filed a separate motion requesting a one-year extension of time to file his opening briefs in his fifth, sixth, and seventh appeals. The basis for each motion was Hill's assertion that he did not believe he was allowed to file anything in this Court due to his pending contempt charges. This Court denied both motions on March 29, 2023.

3. The court who appointed attorney Fred Smith, told Brian D. Hill on March 9, 2023 that he would have to agree to six months of state probation where his primary term or condition would be that Appellant cannot file in the Virginia state courts without the assistance of a lawyer. So, if Appellant cannot afford a lawyer,

then he would not be allowed to file anything in the Court of Appeals of Virginia, and that was the first attempt to prohibit Appellant from filing in this court. See **EXHIBIT 2** (EXHIBIT PAGES 15 THROUGH 16 OF 61) and **EXHIBIT 5** (EXHIBIT PAGES 21 THROUGH 47 OF 61). Fred Smith said and I quote:

CITATION FROM TRANSCRIPTION:

(EXHIBIT PAGES 22 OF 61) “now out in this case, they uh asked that a special prosecutor be”, (EXHIBIT PAGES 23 OF 61) “Uh Justin, and I have talked extensively about... this case.” (EXHIBIT PAGES 28 OF 61) “here's what uh we have under consideration... Griffin and I talked extensively about... uh your history, various diagnoses... Uh He proposes that... uh there will be a joint motion by... the Commonwealth... and the defendant one” (EXHIBIT PAGES 29 OF 61) “that there is an agreement on the record in the court files that you have a diagnosis... of autism... that autism explains uh... the behaviors at issue here,”; (EXHIBIT PAGES 29 OF 61) “you would be placed on probation for probably six months and probably the only...the biggest term of your” (EXHIBIT PAGES 30 OF 61) “probation be that...you don't make any more filings...uh without the assistance of a lawyer...that, that, that would be the primary condition.”

4. The court appointed attorney on April 13, 2023, no longer pursued the state probation idea but instead told Brian D. Hill that his contempt of court case would be delayed/stayed for six months and during that time he cannot file in state court which also encompasses the Court of Appeals of Virginia (CAV) but did allow Appellant to file in federal court during the six-month period. This was the second attempt to prohibit Appellant from filing in this court and in any state court, and that attempt had succeeded, disproving the false statement produced by Justin Hill, counsel for the Appellees. See **EXHIBIT 3** (EXHIBIT PAGES 17 THROUGH 18

OF 61) and **EXHIBIT 6** (EXHIBIT PAGES 48 THROUGH 53 OF 61). Fred Smith said and I quote:

CITATION FROM TRANSCRIPTION:

(EXHIBIT PAGES 50 OF 61) “tomorrow morning and the, and the commonwealth's attorney agrees to this,... this will be continued for six months.... during that six months, Brian,... don't file anything... [Brian Hill] Alright.... [Fred Smith] with, with state court.... They, they have no jurisdiction of what you might do in federal... court.... [Brian Hill] That's fine. [Fred Smith] Don't file anything in state court.”, (EXHIBIT PAGES 51 OF 61) “[Fred Smith] at the end of the six months when we come back to court, [Fred Smith] Uh, if we don't have any more paper in the file [Fred Smith] or more issues, um, [Fred Smith] I have a reason to believe he will dismiss the case.”

5. The court appointed attorney Fred Smith on October 20, 2023, admitted that he had been in contact with Justin B. Hill, counsel for Appellees as he admitted in the brief of the Commonwealth, as well as admitted that he had been aware of the “six month thing” and that from what he understood there had been an extension for Appellant to file in this very court. The total opposite of what Justin Hill claimed in his Brief of the Commonwealth by Appellees in Pages 11 Through 12 including Footnote 4. See **EXHIBIT 4** (EXHIBIT PAGES 19 THROUGH 20 OF 61) and **EXHIBIT 7** (EXHIBIT PAGES 54 THROUGH 61 OF 61). Fred Smith said and I quote:

CITATION FROM TRANSCRIPTION:

(EXHIBIT PAGES 56 OF 61) “[Fred Smith] Now about your question about what to do about your subsequent filings... [Fred Smith] I have talked to that,

uh,... [Fred Smith] assistant Attorney General. What's his name?... [Brian Hill] Uh, Justin,... [Fred Smith] uh, what was his last name?... [Brian Hill] Uh Hill.... [Fred Smith] Yeah. Right.... [Fred Smith] he, he, he, he knew about the six month thing”, (EXHIBIT PAGES 57 OF 61) “[Fred Smith] and I talked to him and they get, I understood that you got an extension... [Fred Smith] yeah, let me review it with you because I think it's gonna be ok for you to file,... [Fred Smith] just file your, your regular legal pleadings.... [Fred Smith] But once we get that order, uh, entered on Tuesday, I'll reach out to him... [Fred Smith] it seeks the way clear for you to do that because I talked to him once before”

6. As explained in the paragraph 5 above this paragraph, the conversation recording on October 20, 2023, proved that Justin Hill had been aware of the six month no filing anything in the state court on the promise of dismissal of the contempt of court case, according to Attorney Fred Smith. It proved that Fred Smith had claimed that there had been an extension for Appellant to file in the Court of Appeals of Virginia, even though no such extension had existed, when an extension should have been issued by this court according to the impression Attorney Fred Smith gave to Appellant.

7. As explained in the paragraph 4 which is paragraphs above this paragraph, the conversation recording on April 13, 2023, proved that Attorney Fred Smith had instructed Appellant not to file “anything” in “state court”, and instructed Brian the Appellant in this case of this prohibition two separate times in the same conversation. This proved the existence of this prohibition which the counsel for the Appellees had blatantly denied in his Brief of the Commonwealth by Appellees in Pages 11 Through 12 including Footnote 4. The state probation plan was off of the table in

April 13, 2023. The attorney just directed the Appellant not to file anything in state court and with no further issues from Appellant, the judge would dismiss the contempt case. If the state probation had been enacted, there would have been a document, a record, proving on the record itself that Appellant was prohibited from filing in the state court on a pro se basis without the assistance of a lawyer. Appellant is disabled, on SSI disability as evidenced in the financial affidavit Appellant had filed in the initial appeal phase. Appellant could not afford a lawyer, so during the six months of the planned probation, he would have been outright barred from filing in the Court of Appeals of Virginia, which is this court. However, it would make it difficult for Justin Hill to convince the Court of Appeals of Virginia that there existed no prohibition for Appellant for the six months. So, Appellant believes that the six month no filing condition was contracted in a verbal manner so that there is no paper record or paper trail proving the six-month period of no-filing in any “state court”. However, Appellant had recorded the conversations with his lawyer under one party consent. This is according to his affidavit in **EXHIBIT 1** (EXHIBIT PAGES 1 THROUGH 14 OF 61). If the verbal contract is recorded or was witnessed by witnesses, then the verbal contract is as legally valid as a written contract. Therefore, the Appellees were wrong or made a false statement in their brief or made a blatant disregard for the truth. That is by legal definition, a fraud on the court by Justin Hill, counsel for Appellees. Telling a false statement or making a statement in blatant disregard for the truth, that is a fraud on the court.

8. Appellant suggests what the Sixth Circuit had ruled regarding fraud on the court. See *Demjanjuk v. Petrovsky*, 10 F.3d 338, 348 (6th Cir. 1993) (“The Special Master set forth the elements of fraud upon the court as consisting of conduct: 1. On the part of an officer of the court; 2. That is directed to the "judicial machinery" itself; 3. That is intentionally false, wilfully blind to the truth, or is in reckless disregard for the truth; 4. That is a positive averment or is concealment when one is under a duty to disclose; 5. That deceives the court.”).

9. Justin Hill, assistant Attorney General is an officer of the Court of Appeals of Virginia. He directed the false statements in a filing with the Clerk to the judges of the Court of Appeals of Virginia, when Attorney Fred Smith is telling a different story than what Justin Hill is telling this court. So, he had directed the brief of the Commonwealth to the “judicial machinery” of this court. Justin needs to explain why he told a false statement in his brief of the Commonwealth, and if he cannot give a good reason as to why then he had submitted false information to this court which may be intentionally false, willfully blind to the truth, or is in reckless disregard for the truth. This court is now deceived into believing that Appellant had no such prohibition barring him from filing in this court for six months period when the conversation recordings between Brian D. Hill and his lawyer Fred Smith prove that such prohibition had existed. That deceived this court. Then the false statement or false statements by Justin Hill creates a positive averment or is concealment when one is under a duty to disclose. It creates a high likeliness that Appellant will lose

his appeals over Justin Hill's claim that Appellant's appeal was untimely because of only believing he couldn't file for six months but no evidence exists of such agreement prohibiting Appellant from filing for six months. The new evidence disproves that notion. The new evidence proves that Attorney Fred Smith is a witness and participant (as counsel) in the contempt of court case who admitted that Appellant cannot file in the state court for six months. Then Fred Smith claimed that Appellant was granted a (sic. six month) extension of time to file his appellant opening brief in this court. When Appellant was never actually given an extension. So, there are contradictions surrounding both defense Attorney Fred Smith and Attorney Justin Hill who represents Appellees. There clearly is fraud going on here in this court, and there is clearly fraud within the brief of the Commonwealth. This court has a duty and an obligation under Constitutional law and statutory law to investigate and deter the intrinsic fraud right now while these appeals are open, and while they are still pending. Fraud on the court can be challenged at any time during a pending legal proceeding, and intrinsic fraud can be addressed while a case is open and such fraud directly impacts that case while it is active. Justin cannot simply talk his way out of this one, he needs to accept that he either made a mistake or incorrect statement or false statement or needs to correct the falsehood on the record. This Court can use its inherited and statutory powers to correct this matter before the final decision in this Court.

10. This proves that the constitutional right of procedural due process of law

of Appellant was violated and that the constitutional right of procedural due process of law was not afforded to Appellant according to Justin Hill in his brief of the Commonwealth. The Supreme Court of Virginia made case law authority quite clear in all tribunals of Virginia requiring that all parties to a case in any court of the State/Commonwealth of Virginia be given **Procedural Due Process of Law** which includes the **statutory right to appeal** and **the right to be heard in the court when jurisdiction exists in a case** or in any legal action before a court in an active/open/pending case. The Supreme Court of Virginia said in its legal authority that: **Husske v. Commonwealth, 252 Va. 203, 204 (Va. 1996)** (“6. The **Due Process clause merely requires** that the **defendant may not be denied an adequate opportunity to present his claims within the adversary system.**”). Appellant’s constitutional right to procedural due process of law is violated if this court even considers Appellees erroneous claims in their bid to have Appellant’s three appeals rejected as possibly untimely filed because of being given a false assumption that Appellant was not prohibited from filing in this court for a period of six months when the verbal agreement is proven with the audio files of recording the conversation between Appellant and his lawyer Fred Smith on three separate dates in 2023.

11. Any judicial decision made in the future by consideration of any false statements produced by Justin Hill are voidable according to the Supreme Court of Virginia. See *Jones v. Willard*, 224 Va. 602, 603 (Va. 1983) (“3. **The judgment of a court procured by intrinsic fraud** (as by perjury, forged documents, or other incidents

of trial related to issues material to the judgment) is voidable by direct attack at any time before judgment becomes final.”). See *Jones v. Willard*, 224 Va. 602, 607 (Va. 1983) (“[3-4] The judgment of a court, procured by intrinsic fraud, i.e., by perjury, forged documents, or other incidents of trial related to issues material to the judgment, is voidable by direct attack at any time before the judgment becomes final; the judgment of a court, procured by extrinsic fraud, i. e., by conduct which prevents a fair submission of the controversy to the court, is void and subject to attack, direct or collateral, at any time. *Rowe v. Coal Corp.*, 197 Va. 136, 143, 87 S.E.2d 763, 767-68 (1955); *O’Neill v. Cole*, 194 Va. 50, 56-57, 72 S.E.2d 382, 385-86 (1952); *McClung v. Folks*, 126 Va. 259, 268-73, 101 S.E. 345, 347-49 (1919); *Justis v. Georgia Industrial Co.*, 109 Va. 366, 369-70, 63 S.E. 1084, 1085 (1909). See also *Buchanan v. Buchanan*, 170 Va. 458, 464, 197 S.E. 426, 428-29 (1938) (only void judgments subject to collateral attack). The same rules apply with equal logic to a decision of the Commission. If the Commission's decision was procured by intrinsic fraud, its decision is voidable until it becomes final.”)

12. This case law may not directly be regarding fraud to an appeal court, but the issue of intrinsic fraud can be brought up during the pendency of a case, as both parties have an opportunity to ferret out what is false and what is true. See *Wagner v. Wagner*, Record No. 1733-15-4, 5-6 (Va. Ct. App. Oct. 4, 2016) (“In contrast, a judgment procured by intrinsic fraud "is voidable by direct attack at any time before the judgment becomes final." *Jones*, 224 Va. at 607, 299 S.E.2d at 508. Such a

judgment can be challenged only through "direct attack or appeal" and is not susceptible to collateral attack. Peet, 16 Va. App. at 326, 429 S.E.2d at 490. "A collateral attack on a judgment procured by intrinsic fraud has been deemed not warranted because the parties have the opportunity at trial through cross-examination and impeachment to ferret out and expose false information presented to the trier of fact." Id." Id. Appellant feels like he had been set up by Justin Hill and/or Attorney Fred Smith who was appointed by judge Giles Carter Greer and/or by the special prosecutor of the Commonwealth of Virginia and City of Martinsville. Appellant said under penalty of perjury to this court that he felt personally that he was being set up here (EXHIBIT PAGES 7 and 11 OF 61, EXHIBIT PAGES 12 OF 61). Appellant proffers to this court that he was being set up by the contempt of court case in a possible plot to thwart his lawful appeals to shut them down by claiming they were untimely. Here is how he was set up. If he had filed his opening brief and designation of the record during the six month no-filing period to not be labeled as untimely filed by Appellees, Appellant would have faced jail time for contempt of court with Attorney Fred Smith who refused to protect his first amendment right to freedom of speech under the U.S. Constitution and the freedom of speech clause of the Virginia Bill of Rights in its Constitution. Without freedom of speech being asserted as a defense, Appellant was guaranteed a criminal conviction for contempt of court which had meant jailtime and a federal probation violation, then he would have faced nine (9) months of additional federal imprisonment like he did over the

misdemeanor in the Trial Court and four more years of supervised release. So, if Brian filed anytime during that six-month period, he would be in jail then in federal prison (**guaranteed for a probation violation, this would thwart his appeals in this court sitting in a federal prison in another state**) after that for contempt of court with a rigged attorney who refused to present a first amendment challenge defense as Appellant had wished. When Appellant complied with the orders of Attorney Fred Smith not to file in “state court”, then Appellant is accused of filing untimely by Justin Hill, the assistant Attorney General. So, Appellant is in a situation where if he files, he faces legal troubles and repercussions, if he doesn’t file then the other side can claim that Appellant didn’t file timely which would have caused negative repercussions and treated as if he should be punished or lose his appeals. Appellant is clearly being set up here. It’s a set up to wreck his appeals, a set up possibly orchestrated by Attorney Fred Smith, or Justin Hill, any of them or all of them wanted an excuse to wreck his appeals. An excuse such as contempt of court. This is clearly a set-up, and Brian D. Hill was being set up here, just like the threatening email had said to Brian Hill and his family. Appellant has evidence of a good number of threatening emails concerning both his federal and then his state cases. When Appellant wasn’t allowed to use the internet, the unknown assailant threatening emails directed at Appellant went to his mother Roberta Hill and to attorney Susan Basko of California who tried to do everything she could to have Appellant acquitted somehow in his federal case. Appellant has the evidence of them

and every one of them were reported to law enforcement including FBI and one was reported to the Virginia State Police.

13. Appellant is proving the intrinsic fraud by Justin Hill with the evidence, and is exposing this intrinsic fraud prior to the Court of Appeals of Virginia making its final appeal verdicts. There may be more intrinsic frauds in their brief of the Commonwealth which will further challenge the credibility of the counsel of Appellees in any of their arguments in these appeal cases, but Appellant rather focus on what he has hard evidence of, evidence which is prima facie and irrefutable.

14. However, Appellant would like to address one more potential false statement or false claim with a disregard for the truth. To further strengthen the claim by Justin Hill regarding Appellant's prohibition from filing in this court.

15. Another possibly false statement was made on page 18 of Appellees brief:

“Here, Hill alleges that the Commonwealth committed fraud during his trial by purportedly destroying body camera footage of his arrest. (footnote 9) ... Notably, the body camera footage was only deleted at the end of its retention period and only because neither party identified those videos as being needed in Hill's case. If either party had, the videos would have been retained indefinitely. (R. 4093-95). Contrary to Hill's assertions, that did not violate the discovery orders in his case that required the Commonwealth to "permit counsel for [Hill] to inspect and copy" pertinent evidence. (R. 3922, 3924, 3927).”

16. Response to false statement made on page 18 of Appellee brief:

17. The statements highlighted in yellow are not true statements as there is nothing on the record which proves both counsels just decided in writing or in any

agreement that the body-camera footage was considered not evidence, and thus Appellees statements are false and are not credible. The body-camera footage was at issue in the court orders for discovery. At least the court orders described the exact same thing as what would amount to the body-camera footage recording of defendant made at the time of his arrest and detention. Many criminal cases in this Commonwealth, in Virginia, use the body-camera footage as evidence. The case law authorities prove it.

18. Appellees cannot act as though they don't know what the laws are. Many criminal cases in case law opinions by this Commonwealth are of criminal cases where the body-camera footage is considered evidence. The Appellees act as though both counsel of Appellant's case had just decided without informing Appellant that they did not consider the body-camera footage as evidence when many criminal cases in Virginia consider body-camera footage as evidence in a criminal case subject to court orders if it exists, which the letter from the Public Information Officer and Police Chief had proven this (pg. 4093-4095). See *Carter v. Commonwealth*, 300 Va. 371, 373 (Va. 2021) ("On January 24, 2018, after 10:00 p.m., Officer S.C. Reed of the Lynchburg Police Department was dispatched to Carter's home. As the footage from Officer Reed's body camera attests, when he arrived, the situation was loud and chaotic. He found several individuals screaming at each other in front of Carter's home. Officer Reed was alone and he did not know the reason for the emergency call or "what the situation was at that point.""). That

case mentions about the body-camera as evidence. Another case law of Virginia mentions about body-camera footage and demonstrates it's importance in every criminal case. See *Green v. Commonwealth*, No. 0861-22-4, 15 (Va. Ct. App. Sep. 5, 2023) (“Detective Seibert's testimony was largely consistent with what was depicted on his body worn camera footage. As the trial court observed, having heard and seen the witnesses and the body worn camera footage, Green "sped at such a high rate of speed”).

19. Appellees neglect to understand that the court orders were wanted by the defense attorney saying (pg. 31-31, Trial Court record) “I ASK FOR THIS:” with Scott Albrecht’s signature and name, as well as the signature of the Commonwealth’s Attorney. This itself disproves another lie by Justin Hill of Appellees. He acts as though both parties just decided that the body-camera footage was not evidence (pg. 4093-4095), thus no court orders were violated, but the statements made in the court orders for discovery all say “I ASK FOR THIS:” (pg. 31-31, pg. 78-78, pg. 114), Trial Court record). This does not sound like even the defense attorney just decided out of the blue that the body-camera footage didn’t matter as evidence. What would be the point of a defense attorney and Commonwealth’s Attorney wasting a judge’s time with a frivolous discovery request and signing court orders which included what can be reasonably described as a body-camera footage and yet then decide out of the blue outside of the court records that the body-camera footage is not evidence without ever any reason why?

20. See what Scott Albrecht had asked for in the signed court orders which encompasses body-camera footage (pg. 4093-4095):

Page 76 and 78 of the Trial Court record:

“(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth...”

21. The court orders’ text themselves did describe the exact same thing as the body-camera footage. It was never turned over to the defendant, and it was deleted because it was never marked as evidence despite Appellant’s attorney asking for this brady evidence, see the statement: “I ASK FOR THIS:” (pg. 31-31, pg. 78-78, pg. 114), Trial Court record).

22. Why was it never marked as evidence?

“and only because neither party identified those videos as being needed in Hill's case.” There is nothing on the Trial Court record proving that any such pre-determination was ever made. How would they know that those videos were not needed as evidence? How would they determine any of this?

23. Are there any transcripts or any written statements in the Trial Court record from pages 1-264 which would prove that such determination was made that *“neither party identified those videos as being needed in Hill's case”*?

24. Also, the defendant filed evidence or writings with the Trial Court proving

that he wanted the body-camera footage as evidence. It contradicts what the brief of the Commonwealth had claimed in page 18 of Appellees brief. There was nothing on the record showing that any pre-determination was made by either side of attorneys on whether it is evidence subject to the court orders for discovery. Nothing on the record shown that they decided to make some determination of it not being considered evidence. In fact, it was the Appellant's court appointed attorney who asked for the court orders (pg. 30-31, 78, 114) involving discovery materials including recorded statements of what defendant made to a law enforcement officer which is what a body-camera footage is supposed to contain. This proves that the body-camera footage was wanted as evidence, and the Appellees at the trial court level had failed to deliver what the court had requested. Justin Hill is part of advocating a cover up and is okay with destroying evidence which is usually subject to even a United States Probation Office investigation, wanting the permanent cover up of body-camera footage evidence. **This is a cover up**, and Appellees through Justin Hill want to bring their frauds to the Appeals Court to persuade them to believe in their frauds, and accept their gaslighting. Appellees are defrauding the court of appeals to try to strongarm Appellant into giving up his appeals. Telling lies and using a letter from the police chief to make the determination that the body-camera footage was not considered evidence by both counsel, despite defense counsel saying "I ASK FOR THIS" (pg. 31-31, pg. 78-78, pg. 114), Trial Court record).

25. The body-camera footage was deleted on April 9, 2019, according to the

record (pg. 4212-4214). It was proven that what was requested was information as to the body-camera footage as per Appellant's request to the City of Martinsville under the Freedom of Information Act (FOIA) in record pg. 3851-3858.

26. Appellant did ask the Trial Court for the body-camera footage on his legal filing (pg. 135-157) entitled the "Motion for Discovery" with the Trial Court which was filed on July 26, 2019 (pg. 157), by pro se filing, during the pendency of the Trial Court proceedings for his criminal case. Not knowing that the footage had already been destroyed on April 9, 2019 (pg. 4212-4214), Appellant had been misled into thinking that the body-camera footage could still be obtained by discovery after it was secretly deleted without any notice (written or otherwise) to the judges of both the General District Court and Circuit Court.

Page 135 of the Trial Court record:

"Hill and/or his family have attempted to contact Martinsville Police Department ("CC: Commonwealth Attorney") through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to..."

27. This motion was filed months after the body-camera footage was deleted, and the Court had not known about this. Appellant was deceived and the Court was deceived. That was because the evidence was silently and secretively deleted.

"Contrary to Hill's assertions, that did not violate the discovery orders in his case that required the Commonwealth to "permit counsel for [Hill] to inspect and copy" pertinent evidence. (R. 3922, 3924, 3927)."

28. The Appellees are wrong on this one. The Appellees are not the judge and did not enter the court orders as the judge in the case. The judge specifically said in the court order that: “(1) *Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth...*” The Chief of Police Rob Fincher in the City of Martinsville made it clear that it was the responsibility of the Commonwealth’s Attorney (pg. 4093) to mark the body-camera footage as evidence. The Attorney General is wrong with their insinuation that the body-camera footage was somehow not any material evidence subject to the court order and thus contended that “...*Contrary to Hill's assertions, that did not violate the discovery orders in his case that required the Commonwealth to "permit counsel for [Hill] to inspect and copy" pertinent evidence. (R. 3922, 3924, 3927).*” Yeah, it did violate the discovery orders in the Trial Court case.

29. This is what is called gaslighting, when a party is caught doing something wrong or illegal or unethical, they double down, triple down, and quadruple down. Justin Hill is doing exactly that, doubling down and tripling down, and will keep deceiving this court and deceive society as he goes. This is gaslighting. Police record on their body-camera footage every arrest they made because of the change of laws. See Virginia Code § 15.2-1723.1. Body-worn camera system.

30. Appellant is asking for the Court of Appeals of Virginia to conduct an inquiry into the false statements produced on this court by Justin Hill, officer of the court, and inquiry into why he had made these false statements and gaslighting to this Court itself and any attempts to defraud the judicial machinery. This is psychological warfare, this is what a mental abuser does to somebody, accusing the mentally abused of being wrong about everything and not being right about anything even in light of new evidence. It has gotten so bad and corrupt in Martinsville that a public article was typed up and published with the conversation recordings with Attorney Fred Smith: See the link provided by family of the public article: <https://justiceforuswgo.wordpress.com/2024/01/13/breaking-court-appointed-lawyer-fred-smith-and-or-corrupt-assistant-attorney-general-justin-hill-knew-brian-couldnt-file-for-six-months-in-virginia-court-then-lied-about-it-to-virginia-appeals-cou/> - *BREAKING: Court appointed lawyer Fred Smith and/or Corrupt Assistant Attorney General Justin Hill knew Brian couldn't file for six months in Virginia Court, then lied about it to Virginia Appeals Court to make Brian look like a liar – Justice for Brian D. Hill of USWGO Alternative News (text of link and link itself were given to Brian from family since Brian isn't allowed to have freedom of press to use the internet by the corrupt United States Government).* When articles like this need to be published somewhere, the judicial system needs to put a stop to the lies, frauds, and the unethical conduct by attorneys. Appellant is not an attorney and never went to law school. Justin Hill is a licensed attorney who had gone to law school and

was taught by experienced and ethical law professors. He knows better, he knows what ethics rules he has to follow.

**WHAT APPELLANT IS SPECIFICALLY REQUESTING FROM
THE COURT OF APPEALS OF VIRGINIA WITH THIS MOTION**

31. Appellant is requesting that the Court of Appeals of Virginia in these three appeal cases provide the following equitable relief:

32. That this court consider opening an inquiry at this time as to Justin Hill to evaluate any and/or all false statements Justin B. Hill had ever made in the three foregoing appeals noted above and evaluate any and/or all false statements Justin B. Hill had produced to this court and to any employee or officer of the court.

33. This Court can respectfully compel Attorney Fred Smith to testify in regard to his claims and statements which contradict the claims made by Justin B. Hill. As well as compel the special prosecutor in the contempt of court case to testify to determine if Justin Hill had made a false statement or false statements or told the truth. This Court can identify and ask both parties for any witnesses which are material to resolving the fraud issues laid out here in this motion and supporting evidence.

34. This court is not a trial court, Appellant understands that, but this Court is being defrauded by Justin Hill injecting the idea into this court that Appellant just decided not to file for six months when this court may believe that Appellant was not prohibited from filing anything in this court. Appellant had already proven that

he was ordered by his court appointed lawyer Fred Smith not to file anything in his appeals when Appellant had concerns about him being allowed to file. He was only allowed to file in federal court but not in this court. Appellees are injecting falsehoods without anything proving the credibility of those false claims. Appellant does everything he can to prove his claims from both the record of the Trial Court and exhibits for special matters specifically for the Court of Appeals of Virginia. Appellant is all about proving his claims and showing things from the trial court record. Appellant is asking this court to conduct the inquiry to make a determination whether Justin Hill had violated ethics or any of the applicable State Bar rules.

35. Appellant is asking this Court to inquire or recommend that the Virginia State Bar investigate and inquire as to Justin Hill's falsehoods and untruthfulness of his statements. See **Virginia State Rule 4.1 - Truthfulness In Statements To Others, Va. R. Sup. Ct. 4.1** ("In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of fact or law; or (b) fail to disclose a fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client. Comment Misrepresentation [1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by failure to act or by knowingly failing to correct false statements made by the lawyer's client or someone acting on behalf

of the client.”).

36. Appellant cannot resolve this issue in a reply to the Brief of the Commonwealth since the word limits and other limitations may not allow outside evidence to be presented in the reply, as a reply merely argues in opposition and can only cite the record of the Trial Court. A reply normally does not contain exhibits with evidence. Since Justin Hill had brought false statements concerning the contempt of court case involving the six-month non-filing period, exhibits outside of the record of the Trial Court are necessary to prove the false statements made by Justin Hill which could not have been addressed in a reply brief. Appellant still wishes to file an appeal reply brief to address the lies based on the record of the Trial Court. Appellant only addressed one lie from the trial court record to prove that Justin Hill has lied more than once as an officer of the court in their brief of the Commonwealth. Therefore, this request is a special request not normally made because proving intrinsic fraud on the appeals court takes a lot of time and evidence gathering. If Appellant had not recorded his conversations under one party consent of Virginia law, Appellant would have no solid proof against Justin Hill.

37. Appellant would like to ask that this Court grant Appellant’s original request to file his opening brief and that it not be considered untimely since Appellant had proven that he did have to not file anything in this court for six months. After six months had passed, Appellant started filing his regular pleadings with this court explaining the situation and providing evidence. Appellees had

offered no evidence and filed no evidence to prove that Appellant was free to file in this court or any state court without the repercussion of a contempt of court conviction with an attorney such as Fred Smith refusing to provide a first amendment challenge to Judge Greer, either out of fear or loyalty or whatever. Fred Smith refused to accept that Appellant's position where he had first amendment protection. The legislature of Virginia has no authority to abridge the freedom of speech and cannot pass a law giving the state courts the right to abridge the freedom of speech under the guise of a contempt of court allegation when freedom of speech is done orderly and peacefully. The Congress has no jurisdiction to abridge the freedom of speech. However, Fred Smith felt like Appellant doesn't deserve a freedom of speech protection according to the audio recording, outside of law he made that decision as a lawyer. So, Appellant had no choice but to not file in this court for six months or he would have been convicted of contempt of court, then face possibly 9 months in federal prison for another supervised release violation charge and using the conviction as evidence of violating probation. Appellant wasn't just accused of contempt of court. Any criminal charge can cause Appellant to be arrested or summoned by the U.S. District Court for violating a condition of supervised release, facing federal imprisonment and even revocation. Justin Hill understands all of that, yet he decided to pretend that Appellant had the right to file his pleadings with this Court of Appeals of Virginia during the six-month period.

38. At the beginning of Justin Hill being assigned to Appellant's appeals, he

thought Justin Hill would remain professional, ethical, and nice, to agree to disagree. Appellant was fine if the Appellees just agreed or disagreed. However, when they tell false statements and produce false statements like they could care less about the falsity of whatever they say to the court, Appellant is appalled by Justin Hill and will not tolerate any need to tell falsehoods when telling falsehoods to a judge or judges is unethical or unprofessional behavior. Appellant expects a fair legal battle, a fair legal fight, not a deceptive falsehood propaganda campaign and gaslighting campaign against Appellant. Appellant wants to demonstrate facts. Lies are not good in the court system. All judges usually know the law, and respect the law. Same should happen with all attorneys including the Attorney General. Republican or democrat, the republican Attorney General today should understand the laws and ethics and morals. The republican Attorney General in this case is being immoral. The Holy Bible says under the Ten Commandments, Though Shalt Not Bear False Witness against thy neighbor (is one of the Ten Commandments, widely understood as moral imperatives by Jewish, Catholic, and Protestant scholars.). Justin Hill has done that; he has bare false witness. Lawyers shouldn't be about trickery, deceit, and taking advantage of disadvantaged poor people who didn't have good luck. Where is justice in that??? Where the fairness in that??? Has the definition of justice changed over the years or is it still the same???

CONCLUSION

Appellant asks for the following relief in the foregoing case in the CAV:

1. That the Honorable Court grant his motion/request for an inquiry and investigation into Appellees counsel Justin Hill's conduct to determine whether or not he had defrauded the court for producing a false statement or for producing multiple false statements before the Court of Appeals of Virginia in order to have an upper hand against Appellant;
2. That the Honorable Court exercise their constitutional and legal rights to determine the facts of intrinsic fraud upon the appeals court which was conducted by an officer of the court Justin Hill during these pending appeals;
3. That the Honorable Court grant his motion/request for an inquiry and investigation into Justin Hill; by entering a show cause order as to the conduct of the counsel for Appellees when an attorney is required to comply with the state bar rules and the highest of ethical standards required of attorneys;
4. That the Honorable Court make a determination as to the false statements by Justin Hill, and as to whether they were willful, intentional, or in reckless disregard for the truth. Appellant accepts if Justin Hill apologizes for that one false statement and any other false statement which Appellant proves based on evidence or based on the record of the Trial Court, especially the false statement which Justin

Hill had made regarding what Fred Smith told him. If Justin made a mistake, we are all human. Appellant forgives Justin Hill for any mistakes he made including any false information he was given by any attorney, officer, or questionable witness. False statements affect the other party's case negatively, prevents a fair trial, deprives a party of due process of law, and prevents a fair submission of the case or controversy to any court;

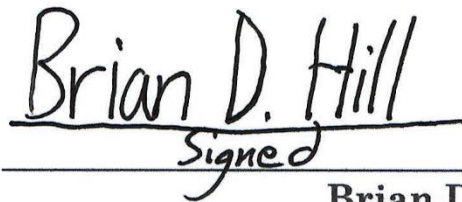
5. Appellant requests that if Justin Hill has been found to have defrauded the court of appeals, that this court recommend a State Bar complaint or disciplinary investigation or review of Justin's conduct;
6. Appellant requests that this honorable court make a public finding or public verdict or any verdict that Justin Hill had made false statements if they make the findings as fact based on the evidence and inquiry;
7. And Appellant asks for any other relief and/or remedy that the Court of Appeals of Virginia may deem proper/appropriate and just to resolve the issues and the facts laid before this Court to protect the due process of law of Appellant and prevent fraud or frauds on the appellate court record when such fraud or frauds may be used to prevent the Appellant from an opportunity to present his appeals, and will cause contamination of the appellate court record with false information.

Thank you. I appreciate your time and effort to fix this.

Appellant requests relief accordingly and asks for any other relief which the Court of Appeals of Virginia may deem proper/appropriate and just for the issues and facts raised in support thereof.

Respectfully Filed/Submitted on January 15, 2024,

BRIAN DAVID HILL
Pro Se


Signed

Brian D. Hill

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

310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505

Pro Se Appellant

<https://JusticeForUSWGO.wordpress.com>

<https://JusticeForUSWGO.nl>



CERTIFICATE OF COMPLIANCE

1. This motion complies with type-volume limits:

[X] this motion contains [8,717] words.

[] this motion used 50 pages or less.

2. This motion complies with the typeface and type style requirements because:

[X] this motion has been prepared in a proportionally spaced typeface using [Microsoft Word 2013] in [14pt Times New Roman]; or

[] this motion has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].


Signed

Brian D. Hill

Dated: January 15, 2024



Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2 Martinsville,
Virginia 24112
(276) 790-3505

JusticeForUSWGO.wordpress.com

Pro Se Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 15th day of January, 2024, I caused this “MOTION FOR SANCTIONS AND INQUIRY AGAINST JUSTIN HILL, ASSISTANT ATTORNEY GENERAL FOR POSSIBLY DEFRAUDING THIS COURT” and attached EXHIBITS (ALL-EXHIBITS-1-15-2024.pdf) of evidence to be delivered by email service by Assistant/Filing-Representative Roberta Hill using rbhill67@comcast.net or rbhill67@justiceforuswgo.nl to the Commonwealth of Virginia and City of Martinsville through the Commonwealth Attorney’s Office of Martinsville City; as well as to the named counsel for the Office of the Attorney General; and the original was filed with the Clerk of the Supreme Court of Virginia by Virginia Court eFiling System (VACES) through Assistant/Filing-Representative Roberta Hill which shall satisfy proof of service as required by Rule 5:1B(c) stating that “*Service on Other Parties by Email. – An electronic version of any document filed in this Court pursuant to Rule 5:1B(b) must be served via email on all other parties on the date the document is filed with the Court or immediately thereafter, unless excused by this Court for good cause shown. An e-filed document must contain a certificate stating the date(s) of filing and of email service of the document.*” And the proof that such pleading was delivered will be filed together with this MOTION shall satisfy the proof of service was required by Rule 5A:2(a)(1) and Rule 5A:1(c)(4):

1. Justin B. Hill, Esq.
202 North 9th Street

Richmond, VA 23219

Telephone: (804) 786-2071

Fax: (804) 786-1991

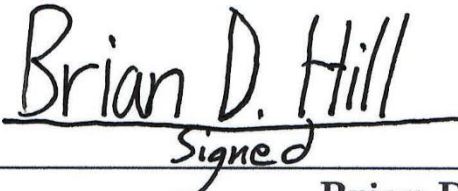
Email: jhill@oag.state.va.us; OAG Criminal Litigation:

oagcriminallitigation@oag.state.va.us; Chris Coen: ccoen@oag.state.va.us

Counsel for Appellees'

The reason why Brian David Hill must use such a representative/Assistant to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore, Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized Roberta Hill to file the pleading.

If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.


Signed

Brian D. Hill

U.S.W.G.O.



Brian David Hill – Ally of Qanon
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505

JusticeForUSWGO.wordpress.com

Pro Se Appellant