

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

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF(s),**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-01

DEFENDANT’S NOTICE TO THE CIRCUIT  
COURT AND NOTICE TO THE  
COMMONWEALTH OF VIRGINIA, CITY OF  
MARTINSVILLE OF ASSERTING  
ADDITIONAL DEFENSES OF A  
CONSTITUTIONAL NATURE REGARDING  
THE CHARGE; ANSWER TO SHOW CAUSE  
COMPLAINT/CHARGE

**DEFENDANT’S NOTICE TO THE CIRCUIT COURT AND NOTICE TO THE  
COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE OF ASSERTING  
ADDITIONAL DEFENSES OF A CONSTITUTIONAL NATURE REGARDING  
THE CHARGE; ANSWER TO SHOW CAUSE COMPLAINT/CHARGE**

Respectfully submitted with the Court,

This the 1st day of March, 2023.

*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q

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



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



COVER PAGE

**DEFENDANT’S NOTICE TO THE CIRCUIT COURT AND NOTICE TO THE COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE OF ASSERTING ADDITIONAL DEFENSES OF A CONSTITUTIONAL NATURE REGARDING THE CHARGE; ANSWER TO SHOW CAUSE COMPLAINT/CHARGE**

**Note: Defendant still preserves his right to a trial and hearings, but is bringing up these legal defenses in writing on the record and is preserving all of these rights prior to the Trial.**

Brian David Hill, criminal case Defendant, hereby files a notice with the Honorable Circuit Court for the City of Martinsville that he intends to bring up additional legal defenses to the charge of contempt of court on February 24, 2023, under Virginia Code § 18.2-456(A)(3). These multiple legal defenses is authorized as a matter of constitutional law by both the United States Constitution and the Virginia Constitution in this great Commonwealth.

These are additional legal defenses and is also considered an answer as well.

For the sake of brevity, Defendant will not reiterate all of the text from “DEFENDANT’S NOTICE TO THE CIRCUIT COURT AND NOTICE TO THE COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE OF ASSERTING LACK OF INTENT DEFENSE OF AUTISM SPECTRUM DISORDER, OBSESSIVE COMPULSIVE DISORDER, AND GENERALIZED ANXIETY DISORDER, PURSUANT TO VIRGINIA CODE § 19.2-271.6.”.

Defendant hereby incorporates by reference, as if fully set forth herein, all of the DEFENDANT'S NOTICE TO THE CIRCUIT COURT AND NOTICE TO THE COMMONWEALTH OF VIRGINIA, CITY OF MARTINSVILLE OF ASSERTING LACK OF INTENT DEFENSE OF AUTISM SPECTRUM DISORDER, OBSESSIVE COMPULSIVE DISORDER, AND GENERALIZED ANXIETY DISORDER, PURSUANT TO VIRGINIA CODE § 19.2-271.6. evidence, arguments, and citations.

**ADDITIONAL LEGAL DEFENSES SHORT SUMMARY:**

Defendant asserts multiple legal defenses to his charge on February 24, 2023:

1. First Amendment to the U.S. Constitution (Amendment I): Defendant asserts his First Amendment right to both Freedom of Speech and the constitutional right to Petition the Government for a redress of grievances;
2. Retaliation is unconstitutional: Defendant asserts that the contempt of court charge may be retaliation against a lawfully protected constitutional legal process of appealing to a higher court or petitioning a higher court;

3. Article I. Bill of Rights; Section 12 of the Virginia Constitution:

Defendant asserts his Article I Section 12th constitutional right to both Freedom of Speech and the constitutional right to Petition the Government for a redress of grievances;

4. Article I. Bill of Rights; Section 15 of the Virginia Constitution:

Defendant asserts his Article I Section 15th constitutional right to his duty as an Appellant to the Court of Appeals to exercise following the legal process and procedures of his notices of appeals, and that Defendant should not be punished for simply exercising his constitutional rights including appealing through the legal process to the higher court;

5. Article I. Bill of Rights; Section 11 of the Virginia Constitution:

Defendant asserts his Article I Section 11th constitutional right to Procedural due process of law and substantive due process of law which includes the unfettered right to present objections and legal arguments in a notice of appeal or petition to a higher court which is an Appellant's right when disagreeing with a judge's decision or verdict;

6. Fourteenth Amendment to the U.S. Constitution (Amendment XIV):

Defendant asserts his Fourteenth Amendment right to both Procedural due process of law and substantive due process of law which includes

the unfettered right to present objections and legal arguments in a notice of appeal or petition to a higher court which is an Appellant's right when disagreeing with a judge's decision or verdict;

7. The contempt of court charge creates a disastrous and dangerous chilling effect on all future appeals, and any future initial pleadings with a supervisory court;

**1. First Amendment to the U.S. Constitution (Amendment I): Defendant asserts his First Amendment right to both Freedom of Speech and the constitutional right to Petition the Government for a redress of grievances;**

1. Defendant asserts a First Amendment challenge to the unconstitutional contempt of court charge filed on February 24, 2023.

2. The First Amendment challenge which Defendant asserts is both of Freedom of Speech and the constitutional right to petition the Government for a redress of grievances without fear of retaliation by criminal charge.

3. This Court is part of the judicial branch of the Commonwealth of Virginia. This Court is considered a branch of government. This makes this Court and the Court of Appeals of Virginia a part of judicial branch of Government. This Court is a government entity. The Court of Appeals of Virginia is a government entity.

4. See [https://virginiarules.org/varules\\_topics/introduction-to-virginias-judicial-system/](https://virginiarules.org/varules_topics/introduction-to-virginias-judicial-system/) (Disclaimer: link and text provided by family herein) (“**Courts are part of the judicial branch of government** and responsible for interpreting laws when a law is broken or there is a dispute. Courts hear criminal, civil, juvenile, domestic, and traffic cases.”) (Citation reformatted in certain areas to point to a specific citation).

5. The Defendant asserts his First Amendment rights under the U.S. Constitution.

**Citation of the U.S. Constitution:**

**U.S. Const. amend. I** (“Congress **shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or **the right of the people peaceably to assemble**, and **to petition the Government for a redress of grievances.**”)

6. The U.S. Supreme Court has held that under the Fourteenth Amendment to the U.S. Constitution, that the First Amendment applies to states which include Commonwealth states. As such, the First Amendment is subject to a "state action" (or "governmental action") limitation similar to that applicable to the Fifth and Fourteenth Amendments. Through interpretation of the Fourteenth Amendment, the prohibition extends to the states as well. See Bill of Rights: The Fourteenth Amendment and Incorporation. Of course, the First Amendment also applies to the

non-legislative branches of government—to every "government agency—local, state, or federal." *Herbert v. Lando*, 441 U.S. 153, 168 n.16 (1979).

7. Therefore, this Circuit Court has to follow the First Amendment of the U.S. Constitution and all sections and clauses of that amendment. Including the right to petition the government for a redress of grievances without being subject to retaliation such as imprisonment or a new criminal charge directly caused by petitioning a higher court for a redress of grievances by filing the notices of appeals. All due respect your honor.

8. Defendant asserts that his notices of appeals at issue in this contempt of court charge are protected under the First Amendment of the United States Constitution, Bill of Rights, in two aspects: (1) Freedom of Speech, and (2) The right to petition the government for a redress of grievances.

**(1) Freedom of Speech**

9. His Notices of Appeals, the three of them which are at issue for this contempt of court proceedings; are considered not just Freedom of Speech, but also of a petition for a redress of grievances to a higher court.

10. The rules of the Supreme Court of Virginia usually require that when an Appellant files a notice of appeal, the Appellant must file it with the Trial Court, as well as being required to file copies with the attorney or attorneys for the opposing party or parties or the pro se party or parties, and Appellant can also file a copy with

the Court of Appeals of Virginia directly. See Rule 5:9 - Notice of Appeal, Va. R. Sup. Ct. 5:9 (“(a)Filing Deadline; Where to File. - No appeal will be allowed unless, within 30 days after the entry of final judgment or other appealable order or decree, or within any specified extension thereof granted by this Court pursuant to Rule 5:5(a), counsel for the appellant files with the clerk of the trial court a notice of appeal and at the same time mails or delivers a copy of such notice to all opposing counsel. A notice of appeal filed after the court announces a decision or ruling-but before the entry of such judgment or order-is treated as filed on the date of and after the entry.”).

11. Also, it is Appellant’s right to make legal arguments in the notice of appeal to bring up the issues preserved for the appeal to comply with the Rules required by the Court of Appeals of Virginia, which includes specifying whether there were any transcripts or statements of the facts and other issues which need to be raised in the Trial Court. See Rule 5:9 - Notice of Appeal, Va. R. Sup. Ct. 5:9 (“(b)Content. - The **notice of appeal must contain a statement** whether any transcript or **statement of facts, testimony** and **other incidents of the case will be filed**. In the event a transcript is to be filed, the notice of appeal must certify that a copy of the transcript has been ordered from the court reporter who reported the case or is otherwise already in the possession of appellant, or was previously filed in the proceedings.”).



12. Defendant was only asserting that issues were to be preserved in the originally denied motions filed in the Circuit Court, which includes a Statement of the Facts. Defendant did the proper procedure to comply with both rules of the Supreme Court of Virginia and for that he faces contempt of court. Because the order from the Circuit Court doesn't go into any details explaining why a motion was denied by the Honorable Court, the Defendant asserted issues and legal reasons and maybe a few theories or inferences in the Notices of Appeals as to why he believes the Trial Court denied his motions. Defendant has to assert objections or issues in the record of the Trial Court after the motion was denied or the Court of Appeals of Virginia may not fully know or understand why a particular motion was denied when there are no details or explanation by the judge as to why a motion was denied. Defendant may have said some things a little too far, but the Defendant does have a right to preserve his legal rights, the issues to be preserved for the intended appeal, and preserve his constitutional rights for his appeal. Because the Defendant was only intending to preserve his constitutional and legal rights and other issues in his arguments for his notices of appeal, in a peaceful manner, it is and should be protected as Free Speech under the First Amendment of the United States Constitution.

13. In the land of the free, home of the brave, a party before a court of law has the usual freedom of arguing whatever he/she wants to argue in his cause in a

peaceful manner, in a respectful manner. That is freedom of speech. If the judge doesn't like what somebody argues for the Court of Appeals to consider, is that grounds for a contempt of court charge when that prevents an appellant from fairly presenting his cause? If a legal argument may hurt a judge's feelings or may emotionally be offensive to a judge, then is contempt of court a right course of action for an appellant???

14. As long as the person doesn't intend to defame/lie, doesn't yell "Fire!" in a crowded theater, and doesn't threaten to cause harm or death upon another person; speech and legal arguments are usually protected as freedom of speech. Even judges have freedom of speech. There may be limitations of freedom of speech to a certain degree, making legal arguments in a protected legal process to a supervisory court, a higher court is protected under the First Amendment because that speech is the key arguments that may be needed to prevail on appeal. A contempt of court charge stifles the appellant's ability to succeed on appeal and may weaken an appeal to more likely fail, which such barrier prevents prevailing on appeal. The contempt charge threatens an appellant's right to pursue issues to prevail on appeal. Defendant has a constitutional right to argue whatever he wants as to why he believes a motion was denied, without being put at risk of a criminal charge in retaliation. Defendant is NOT threatening to kill or harm the judge, he is not doing such. **Defendant is ONLY asserting his preservation of issues as is**

**necessary for establishing the assignments of error** and establishing whether there were any abuses of discretion. Defendant is not a lawyer and should not be disciplined in the same manner as a lawyer who had been to law school.

**(2) The right to petition the government for a redress of grievances**

15. America has such wonderful Constitutional rights. Rights such as the right to petition the government for a redress of grievances. See U.S. Const. amend. I (“...to petition the Government for a redress of grievances.”).

16. What the Defendant had filed in his multiple Notices of Appeals, they are not just notices of appeals, they are also considered a legal petition for the Court of Appeals of Virginia for a redress of grievances as to the Trial Court, this Court. An appeal is essentially a petition to a higher court that a party disagrees with the decision of a judge in a trial court, and is petitioning a higher court to review over a decision of the Trial Court because he or she has grievances that are submitted in good faith to a higher court to seek redress of those grievances.

17. There is no limit as to what position of government or what office of government this constitutional right to “petition” applies. The constitutional right to “petition” a “government” for a redress of grievances applies to any office or officer of government, it applies even to judges in a court, or even to justices in the Supreme Court. It is the legal petition process.

18. The Notices of Appeal are not just appeals to a higher court, initial pleadings asking a higher court to review the decision of the lower court. Rules require that issues be preserved for appeal. There are certain procedures which these rules require. The notices of appeal at issue in the contempt proceeding are also considered a petition to the higher court to ask the Court of Appeals of Virginia for a redress or grievances that Defendant had regarding the judge in his case. Defendant may have made some highly spirited and highly charged legal arguments, and in his passionate arguments he may have taken things a tad too far that the judge felt offended, however highly spirited arguments and claims are usual in courts of laws all across this country when attempting to preserve the constitutional rights and issues in a Trial Court when appealing to a higher court. Defendant was airing his grievances for the Court of Appeals of Virginia as to the judge who made the decision, and his grievances had to be aired in the Trial Court before the Court of Appeals will consider his grievances at issue in his appeals. If he doesn't make the appropriate legal arguments and preserved issues in the Trial Court, then he had waived his right to bringing up those issues in a higher court for review.

19. Therefore, Defendant asserts that he has both Freedom of Speech and right to air his grievances when petitioning a higher Court, a supervisory court, to

address his grievances in the record of the Trial Court. That is for a redress of grievances.

20. Defendant didn't even intend to insult or make vile language, as Defendant was only trying to establish the reasons why he believes his motions were denied, since the Trial Court doesn't explain why the motions were denied. The Court of Appeals of Virginia will not know exactly why a motion was denied as the only court order on record is one or two sentences saying that Defendant's motion was denied. But why was it denied? Was there a reason why it was denied? What is the legal basis and evidence basis for denying a motion? Defendant had only aired his grievances to try and explain on the record to figure out why his motions were denied in his petition to a higher court for a redress of grievances. When a Court doesn't give a reason why a motion was denied, Defendant can only speculate, he can have conspiracy theories why the judge denied his motion, but he has a right to question on the record without facing a contempt charge why it was denied and has a right to air his grievances in a petition to the Court of Appeals of Virginia in determining whether a judge had erred or abused discretion in his or her decision in a case before a Court.

21. The statute Virginia Code § 18.2-456(A)(3) is overbroad and is being unconstitutionally applied in this case for contempt of court. No statute can override a Constitutional Amendment or any section or any clause thereof in the United

States Constitution. A person should not be punished or imprisoned for exercising protected speech, and exercising a protected legal right to redress of grievances in a petition to a higher court, a supervisory court which has a right to review over matters of a lower court.

**2. Retaliation is unconstitutional: Defendant asserts that the contempt of court charge may be retaliation against a lawfully protected constitutional legal process of appealing to a higher court or petitioning a higher court;**

22. By legal definition of “retaliation” against a protected free speech as described by the United States Supreme Court, the contempt of court charge is unconstitutional itself under the First Amendment and Fourteenth Amendment because it is a “retaliation” against an Appellant engaging in a constitutionally protected process. The very basis for the charge against Defendant is his “Notices of appeal” in attachment to the show cause order. So, his protected appeal process is the sole basis for the contempt charge. It is directly a “retaliation”, not indirectly but directly. Directly as a response to filing his notices of appeals, on record.

23. The U.S. Department of Justice has something to say about “retaliation” being unconstitutional. Family provided Defendant with link and text copied from that link. See <https://www.justice.gov/crt/fcs/T6Manual8> (certain internal citations omitted, certain areas underlined and in bold to highlight certain issues) (“Section VIII- Proving Discrimination-Retaliation...The **Supreme Court has defined**

**retaliation as an intentional act in response to a protected action.** Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005). Citing Jackson, the court in Gutierrez underscored the intentional nature of a retaliation complaint:

**“Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.”** Gutierrez, 2005 WL 2346956, at \*5. The **complained of matter need not be a complaint; it can be any lawful conduct that an individual engages in connected with a protected right.** “The very concept of retaliation is that the retaliating party takes action against the party retaliated against after, and because of, some action of the latter.” **Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958).** It **carries with it the notion of “getting even.”** See id. As noted in a 2011 law review article: **Retaliation is a deliberate action used to send a clear message that complaining is unwelcome and risky.** It is **employed to instill fear in others who might consider making a complaint in the future.** Those with cause for complaining are frequently among the most vulnerable in an institution. Once they complain, they are labeled “trouble-makers.” **Retaliation, and the fear of retaliation, becomes a potent weapon used to maintain the power structure within the institution.** Ivan E. Bodensteiner, The Risk of Complaining-Retaliation, 38 J.C. & U.L. 1, 1 (2011)).

24. It is true that not all speech is protected. See *Arrington v. Dickerson*, 915 F. Supp. 1516, 1526 (M.D. Ala. 1996) (“All speech is not afforded First Amendment protection, such as “fighting words,” *Cohen v. California*, 403 U.S. 15, 19, 91 S.Ct. 1780, \_\_\_, 29 L.Ed.2d 284 (1971), and speech that presents a “clear and present danger” to society. See generally *Brandenburg v. Ohio*, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969) (per curiam).”). However, Defendant in this case didn’t threaten to cause harm to anybody and didn’t threaten to cause death to anybody. Defendant didn’t defame anybody, wasn’t charged with defamation. Defendant was only charged with making a “vile, contemptuous, or insulting language”. That itself by statute is overbroad and could encompass constitutionally protected speech in a constitutionally protected legal process such as an appeal or petition to a higher court to review over a judge’s decision.

25. However, the Supreme Court said that we have a right to criticize government officials including judges. *Arrington v. Dickerson*, 915 F. Supp. 1516, 1526 (M.D. Ala. 1996) (“**It is well established that private citizens have a First Amendment right to criticize government policies.**” *Yates v. United States*, 354 U.S. 298, 314, 77 S.Ct. 1064, 1075, 1 L.Ed.2d 1356 (1957); see also *Barenblatt v. United States*, 360 U.S. 109, 145-46, 79 S.Ct. 1081, 1103, 3 L.Ed.2d 1115 (1959) (Black, J., dissenting) (stating that “the only constitutional way our Government can preserve itself is to leave its people the fullest possible **freedom to praise, criticize**”



**or discuss, as they see fit, all governmental policies** and to suggest, if they desire, that even its most fundamental postulates are bad and should be changed").”)

26. See *Booker v. S.C. Dep't of Corr.*, 855 F.3d 533, 545-46 (4th Cir. 2017) (“When weighed against the circuit precedents, there is still an overwhelming “consensus of persuasive authority” that **inmates possess a First Amendment right to be free from retaliation for filing a grievance.**”). *Booker v. S.C. Dep't of Corr.*, 855 F.3d 533, 545 (4th Cir. 2017) (“Even more, the Third, Fifth, and Tenth Circuits have recognized an inmate’s **right to be free from retaliation for filing a grievance under the First Amendment** (albeit without referencing a particular clause). *Mitchell v. Horn*, 318 F.3d 523, 530 (3d Cir. 2003) (“[Inmate’s] allegation that **he was falsely charged with misconduct in retaliation for filing complaints against Officer Wilson implicates conduct protected by the First Amendment.**”); *Bibbs v. Early*, 541 F.3d 267, 271 (5th Cir. 2008) (recognizing **First Amendment retaliation claim where official filed a disciplinary report following an inmate’s filing of a grievance**”); *Williams v. Meese*, 926 F.2d 994, 998 (10th Cir. 1991) (“[T]he district court erred in dismissing plaintiff’s claim that that he was denied particular job assignments or was transferred from one job to another in retaliation for filing administrative grievances or the present civil rights action. Again, although plaintiff has no right to a job or to any particular

assignment, **prison officials cannot punish plaintiff for exercising his first amendment rights....**".")

27. The Defendant asserted an issue of public concern, the concern over a conflict of interest, a concern over a judge not issuing a contempt of court charge against the Commonwealth's Attorney for disobeying court orders; an issue over a judge's conduct or failure to follow his/her duty as a judge of a Trial Court. The Defendant had asserted matters in his notices of appeals which clearly demonstrate an issue of public concern for the appeals court to make a determination as to the assignments of error, and therefore he is protected under the First Amendment under the U.S. Constitution for asserting a retaliation claim.

28. See Lefande v. District of Columbia, 613 F.3d 1155, 1162 (D.C. Cir. 2010) ("**his speech nonetheless implicated a matter of public concern** and thus **warranted protection under the First Amendment.**")

29. As was explained in the First Amendment defense (pages 5-14 paragraphs 1-21), the Defendant had filed notices of appeal which were not supposed to be filed with the judge, it was filed with the Clerk. The judge is not supposed to retaliate for any appeal. Appeals are not supposed to be filed with the very judge the Appellant is challenging but is supposed to be filed with the Clerk. Then the Clerk transmits the notice of appeal to the appellate court which has jurisdiction over appeals. That is the process. It is a constitutionally protected

process. If a judge or clerk files a show cause order and charges Defendant with contempt of court with wanting imprisonment over filing a constitutionally protected process of appealing to a higher Court, then it is retaliation and it is unconstitutional under the First Amendment of the United States Constitution. The entire show cause order is unconstitutional in this instance.

30. Defendant's family searched on Google and references to cases at Casetext.com about case law scenarios of people being charged with contempt of court over filing appeals (hard to even find these types of cases), and found no authoritative case law showing that a judge can successfully just file a contempt of court charge and hold a conviction of that charge over filing an appeal. It doesn't normally happen because a Court doesn't have jurisdiction to retaliate over a lawful appeal process, and a lawful appeal process is protected under the Due Process Clause and the First Amendment. It is a constitutionally protected legal process. When there is no case law or no case law which can be easily located about a scenario where a judge or clerk charges contempt of court against a Defendant for appealing a judge's decision to a higher court, then it shows that courts normally do not act in this way usually. Judges all over America do understand that the right to appeal an unfavorable judgment/order when permitted by statute is as sacred as the right to vote, as sacred as the right to a trial by jury, and as sacred as other constitutional rights.

31. Defendant asserts in his defense that the show cause order and the contempt of court charge is retaliation in violation of the First Amendment and the Fourteenth Amendment of the United States Constitution. Defendant proven retaliation when the contempt charge was directly caused as a result of the notices of appeal attached to the contempt of court charge. The retaliation response to the notices of appeal, it is proven to have been linked and is a direct cause. That proof has been established prima facie. It establishes fear that appealing or petitioning a judge in a higher court will directly cause imprisonment.

**3. Article I. Bill of Rights; Section 12 of the Virginia Constitution: Defendant asserts his Article I Section 12th constitutional right to both Freedom of Speech and the constitutional right to Petition the Government for a redress of grievances;**

32. Defendant asserts a Virginia Constitution's Article I. Bill of Rights; Section 12 challenge to the unconstitutional contempt of court charge filed on February 24, 2023.

33. The Article I. Bill of Rights; Section 12 challenge which Defendant asserts is both of Freedom of Speech and the constitutional right to petition the Government for a redress of grievances. Same as with the First Amendment.

34. This Court is part of the judicial branch of the Commonwealth of Virginia, as governed by the Constitution of Virginia, the supreme law of the land for this Commonwealth state. This Court is considered a branch of government.

This makes this Court and the Court of Appeals of Virginia a part of judicial branch of Government. This Court is a government entity. The Court of Appeals of Virginia is a government entity.

35. See [https://virginiarules.org/varules\\_topics/introduction-to-virginias-judicial-system/](https://virginiarules.org/varules_topics/introduction-to-virginias-judicial-system/) (Disclaimer: link and text provided by family herein) (“**Courts are part of the judicial branch of government** and responsible for interpreting laws when a law is broken or there is a dispute. Courts hear criminal, civil, juvenile, domestic, and traffic cases.”) (Citation reformatted in certain areas to point to a specific citation).

36. The Defendant asserts his Article I. Bill of Rights; Section 12 rights under the Virginia Constitution.

**Citation of the Virginia Constitution:**

**Virginia Const. Art. I. Sec. 12** (“That the **freedoms of speech and of the press are among the great bulwarks of liberty**, and **can never be restrained except by despotic governments**; that **any citizen may freely speak, write, and publish his sentiments on all subjects**, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people peaceably to assemble, and **to petition the government for the redress of grievances**.”)

37. This Circuit Court has to follow the Constitution of the Commonwealth of Virginia and all sections and clauses of that Constitution. Including the right to

petition the government including higher courts for a redress of grievances. All due respect your honor.

38. Defendant asserts that his notices of appeals at issue in this contempt of court charge are protected under the Article I. Bill of Rights; Section 12 of the Constitution of Virginia, in two aspects: (1) Freedom of Speech, and (2) The right to petition the government for a redress of grievances; without fear of retaliation or imprisonment directly caused as the result of petitioning.

**(1) Freedom of Speech**

39. His Notices of Appeals, the three of them which are at issue for this contempt of court proceedings; are considered not just Freedom of Speech, but also of a petition for a redress of grievances to a higher court. A court cannot imprison somebody for filing a petition for a redress of grievances because of claims made in the petition simply because it may offend or upset the judge.

40. The rules of the Supreme Court of Virginia usually require that when an Appellant files a notice of appeal, the Appellant must file it with the Trial Court, with the attorney or attorneys for the opposing party or parties, or on the party who is unrepresented, and Appellant can also file a copy with the Court of Appeals of Virginia. See Rule 5:9 - Notice of Appeal, Va. R. Sup. Ct. 5:9 (“(a)Filing Deadline; Where to File. - No appeal will be allowed unless, within 30 days after the entry of final judgment or other appealable order or decree, or within any specified

extension thereof granted by this Court pursuant to Rule 5:5(a), counsel for the appellant files with the clerk of the trial court a notice of appeal and at the same time mails or delivers a copy of such notice to all opposing counsel. A notice of appeal filed after the court announces a decision or ruling-but before the entry of such judgment or order-is treated as filed on the date of and after the entry.”).

41. Also, it is Appellant’s right to make legal arguments in the notice of appeal to bring up the issues preserved for the appeal, which includes specifying whether there were any transcripts or statements of the facts and other issues which need to be raised in the Trial Court. See Rule 5:9 - Notice of Appeal, Va. R. Sup. Ct. 5:9 (“(b)Content. - The **notice of appeal must contain a statement whether** any transcript or **statement of facts**, testimony **and other incidents of the case** will be filed. In the event a transcript is to be filed, the notice of appeal must certify that a copy of the transcript has been ordered from the court reporter who reported the case or is otherwise already in the possession of appellant, or was previously filed in the proceedings.”).

42. Defendant was only asserting that issues were to be preserved in the originally denied motions filed in the Circuit Court, which includes a Statement of the Facts. Defendant did the proper procedure to comply with both rules of the Supreme Court of Virginia and for that he faces contempt of court. Because the order from the Circuit Court doesn’t go into any details why a motion was denied or

why motions were denied by the Honorable Court, the Defendant asserted issues and legal reasons and theories/reasonable inferences in the Notices of Appeals as to why he believes the Trial Court denied his motion. Defendant has to assert objections or issues after the motion was denied or the Court of Appeals of Virginia may not fully know or understand why a particular motion was denied when there are no details or explanation by the judge as to why a motion was denied.

Defendant may have said some things a little too far when trying to assert a few theories and/or inferences which may reasonably be deducted, but the Defendant does have a right to preserve his legal rights, the issues, and constitutional rights for his appeal. Because the Defendant was only intending to preserve his constitutional rights, the issues, and legal rights in his arguments for his notices of appeal, in a peaceful manner, it is and should be protected as Free Speech under the Article I. Bill of Rights; Section 12 of the Virginia Constitution.

43. In the land of the free, home of the brave, a party before a court of law has the usual freedom of arguing whatever he/she wants to argue in his cause in a peaceful manner, in a respectful manner. That is freedom of speech. If the judge doesn't like what somebody argues for the Court of Appeals to consider, is that grounds for a contempt of court charge when that prevents an appellant from fairly presenting his cause? If a legal argument may hurt a judge's feelings or may



emotionally be offensive to a judge, then is contempt of court a right course of action for an appellant???

44. As long as the person doesn't intend to defame/lie, doesn't yell "Fire!" in a crowded theater, and doesn't threaten to cause harm or death upon another person; speech and legal arguments are usually protected as freedom of speech. Even judges have freedom of speech. There may be limitations of freedom of speech to a certain degree, making legal arguments in a protected legal process to a supervisory court, a higher court is protected under the First Amendment because that speech is the key arguments and issues that may be needed to prevail on appeal. Defendant has a constitutional right to argue whatever he wants as to why he believes a motion was denied, without being put at risk of a criminal charge in retaliation. Defendant is NOT threatening to kill or harm the judge. Defendant is ONLY asserting his preservation of issues as is necessary for establishing the assignments of error and establishing whether there were any abuses of discretion. Defendant is not a lawyer and should not be disciplined in the same manner as a lawyer.

**(1) The right to petition the government for a redress of grievances**

45. America has such wonderful Constitutional rights. Virginia's constitution has such wonderful Constitutional rights. Rights such as the right to petition the

government for a redress of grievances. See Virginia Const. Art. I. Sec. 12 (“...and to petition the government for the redress of grievances.”).

46. What the Defendant had filed in his multiple Notices of Appeals, they are not just notices of appeals, they are also a legal petition for the Court of Appeals of Virginia for a redress of grievances as to the Trial Court, this Court. An appeal notice is essentially a petition to a higher court that a party disagrees with the decision of a judge in a trial court, and is petitioning a higher court to review over a decision of the Trial Court because he or she has grievances that is submitted in good faith to a higher court to redress those grievances.

47. There is no limit as to what position of government or what office of government this constitutional right to “petition” applies. The constitutional right to “petition” a “government” for a redress of grievances applies to any office or officer of government, it applies even to judges in a court, or even to justices in the Supreme Court. It is the legal petition process.

48. The Notices of Appeal are not just appeals to a higher court, initial pleadings asking a higher court to review the decision of the lower court. Rules require that issues be preserved for appeal. There are certain procedures which these rules require. The notices of appeal at issue in the contempt proceeding are also considered a petition to the higher court to ask the Court of Appeals of Virginia for a redress of grievances that Defendant had regarding the judge in his case.

Defendant may have made some highly spirited and highly charged legal arguments, and in his passionate arguments he may have taken things a tad too far that the judge felt offended, however highly spirited arguments and claims are usual in courts of laws all across this country when attempting to preserve the constitutional rights and issues in a Trial Court when appealing to a higher court. Defendant was airing his grievances as to the judge who made the decision, and to preserve rights and issues his grievances had to be aired in the Trial Court before the Court of Appeals will consider his grievances at issue in his appeals. If he doesn't make the appropriate legal arguments and preserved issues in the Trial Court, then he had waived bringing up those issues for a higher court for review.

49. Therefore, Defendant asserts that he has both Freedom of Speech and right to air his grievances when petitioning a higher Court, a supervisory court, to address his grievances in the record of the Trial Court.

50. Defendant didn't even intend to insult or make vile language, as Defendant was only trying to establish the reasons why he believes his motions were denied, since the Trial Court doesn't explain why the motions were denied. The Court of Appeals of Virginia will not know exactly why a motion was denied as the only court order on record is one or two sentences saying that Defendant's motion was denied. But why was it denied? Was there a reason why it was denied? What is the legal basis and evidence basis for denying a motion? Defendant had

only aired his grievances to try to figure out why his motion was denied in his petition to a higher court for a redress of grievances. When a Court doesn't give a reason why a motion was denied, Defendant can only speculate, he can have conspiracy theories why the judge denied his motion, but he has a right to question why it was denied and has a right to air his grievances in a petition to the Court of Appeals of Virginia in determining whether a judge had erred or abused discretion in his or her decision in a case before a Court.

51. The statute Virginia Code § 18.2-456(A)(3) is overbroad and is being unconstitutionally used in this case for contempt of court. No statute can override a Constitutional Amendment or any section or any clause thereof in the Virginia Constitution. A person should not be punished or imprisoned for exercising protected speech, and for exercising a protected legal right to redress of grievances in a petition to a higher court, a supervisory court which has a right to review over matters of a lower court.

**4. Article I. Bill of Rights; Section 15 of the Virginia Constitution: Defendant asserts his Article I Section 15th constitutional right to his duty as an Appellant to the Court of Appeals to exercise following the legal process and procedures of his notices of appeals, and that Defendant should not be punished for simply exercising his constitutional rights including appealing through the legal process to the higher court;**

52. Defendant asserts Virginia Constitution's Article I. Bill of Rights; Section 15 challenge to the unconstitutional contempt of court charge filed on February 24, 2023. The Defendant asserts his Article I. Bill of Rights; Section 15 rights under the Virginia Constitution.

**Citation of the Virginia Constitution:**

**Virginia Const. Art. I. Sec. 15** (“That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the **recognition by all citizens that they have duties as well as rights**, and that **such rights cannot be enjoyed save in a society where law is respected and due process is observed.**”)

53. Defendant was only doing his duty under due process of law, as an Appellant, to argue the issues omitted by the Court Order's that the Defendant had appealed therefrom in his multiple notices of appeal at issue in the contempt of court charge. The court didn't explain why it was denied, didn't explain it's examination of the evidence and exhibits in support of that motion. The court didn't explain anything except that it was denied. Never explained why, never explained it's basis. Never gave any memorandum opinion or as to whether it even reviewed over anything and made determinations based on what was filed and what areas of the motion and supporting evidence. Federal Judges in every case where Brian David Hill was a party always gave an explanation or reasoning in each of their court orders as to why a motion was denied. The federal judges don't just put in one

sentence without any explanation or reasoning why a motion was denied. That can cause speculation and then Defendant has to speculate why a motion as denied. Then Defendant is charged with contempt of court for simply having theories or speculating because he is not being given answers to explain why things are happening the way they are.

54. There is a lack of information explaining why motions were denied. Defendant had a duty to try to explain in the record of the Trial Court in his notices of appeal as to the best of his belief why he believes the Court denied his motion, and why he referenced the judge in his case.

55. Defendant could only speculate and even if that is what he did, it is not an appropriate reason for a contempt of court charge. Defendant's speculations are judged by the Court of Appeals of Virginia as to whether the record or his inferences are well founded or not. It is Defendant's duty as an Appellant to try to explain in the Trial Court record why the order may have been erroneous or if it was an abuse of discretion. Defendant had only exercised his rights and duties as a citizen of this Commonwealth of Virginia. Patrick Henry would be proud for somebody in this great country trying to protect their constitutional rights in the best way that person can. Defendant is a citizen of Virginia, and Defendant is entitled to all Constitutional rights as a citizen of Virginia. Both the Virginia

Constitution and United States Constitution applies to Defendant as a citizen of this Commonwealth state.

**5. Article I. Bill of Rights; Section 11 of the Virginia Constitution: Defendant asserts his Article I Section 11th constitutional right to Procedural due process of law and substantive due process of law which includes the unfettered right to present objections and legal arguments in a notice of appeal or petition to a higher court which is an Appellant's right when disagreeing with a judge's decision or verdict;**

56. Defendant asserts Virginia Constitution's Article I. Bill of Rights; Section 11 challenge to the unconstitutional contempt of court charge filed on February 24, 2023. The Defendant asserts his Article I. Bill of Rights; Section 11 rights under the Virginia Constitution.

**Citation of the Virginia Constitution:**

**Virginia Const. Art. I. Sec. 11** (“**That no person shall be deprived of his life, liberty, or property without due process of law**; that the General Assembly shall not pass any law impairing the obligation of contracts; and that the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.”)

57. Defendant was only making legal arguments and expressing theories or inferences as to why he believes the judge had denied his motions. Those are not illegal, and Defendant's statements in his notices of appeal are in initial pleadings filed with the Court of Appeals of Virginia, and is of a legally protected process. It

was not directed at the judge. It was not a letter directed at the judge. From Defendant's understanding, notices of appeal are filed with the Clerk, not the Judge.

58. Defendant is preserving his procedural due process of law and substantive due process of law. It is not contempt of court to raise issues such as if a judge ignores evidence or doesn't do his duty as a judge, as arguing those issues and objections in the Trial Court are key to a successful meritorious appeal.

59. Due process of law involves the opportunity to be heard before a competent tribunal. See *State v. Edwards*, 157 Ohio St. 175, 178 (Ohio 1952) (“**Due process of law involves only the essential rights of notice, hearing or opportunity to be heard before a competent tribunal. An appeal from a judgment of conviction is not a matter of absolute right independently of constitutional or statutory provisions allowing such appeal.** It is wholly within the discretion of the state to allow or not to allow such a review and may be granted on such terms and conditions as to the legislature seems proper.”)

60. The Supreme Court of Virginia had ruled that the due process of law at least requires that a defendant not be denied an opportunity to be heard. The Supreme Court of Virginia had ruled that the due process of law at least requires that a defendant not be denied an opportunity to **present his claims** within the adversary system. See *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.”).

61. It is in case law that due process of law does not make an appeal an absolute right but the procedural due process right to appeal is governed by statute. See McKane v. Durston, 153 U.S. 684, (1894) (“**An appeal to a higher court from a judgment of conviction is not a matter of absolute right, independently of constitutional or statutory provisions allowing it,** and a **State may accord it to a person convicted of crime upon such terms as it thinks proper.**”). However, if statute already gives a Defendant a right to appeal, then procedural due process applies to timely filed appeals. Meaning that an appellant has a right to file an appeal when statute permits and allows it. A lower court tribunal has no right to block an appeal with a contempt of court charge for appealing or punish a Defendant or plaintiff with a contempt of court for pursuing an appeal. That would deprive the party of due process of law because it creates fear of imprisonment for pursuing a legal course of action such as an appeal. If a judge can charge an appellant with contempt of court for the very purpose of filing an appeal, then it deprives the appellant of his procedural due process because it bars an appellant from having his statutory right to be heard and a right to participate in a legal process. A person shouldn’t fear a contempt of court charge for appealing to a higher court. That itself deprives an appellant of due process of law when a state

has a statute allowing a timely appeal to be filed and that statute gives that person an opportunity to be heard in a higher court.

62. Again, see *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.**”).

The contempt of court charge deprives the appellant of a fair and equal opportunity to present claims to the Court of Appeals of Virginia, a supervisory court as permitted by law. If every appeal may carry the risk of a contempt of court charge, then that itself deprives a person of due process of law. It violates the Fourteenth Amendment of the United States Constitution. Due process of law gives somebody an opportunity to present their cause when legally permissible by law, an opportunity to be heard, and an opportunity to appeal when statute permits.

63. Defendant was only appealing to a higher court and preserved his right to present his cause to the Court of Appeals of Virginia. According to the Supreme Court of Virginia, procedural due process **merely requires that the defendant may not be denied an adequate opportunity to present his claims within the adversary system.** The contempt of court charge deprives and punishes a Defendant for having an adequate opportunity to appeal the judge’s decision to a higher court as required by statute to present his claims such as assignments of error.

**6. Fourteenth Amendment to the U.S. Constitution (Amendment XIV): Defendant asserts his Fourteenth Amendment right to both Procedural due process of law and substantive due process of law which includes the unfettered right to present objections and legal arguments in a notice of appeal or petition to a higher court which is an Appellant's right when disagreeing with a judge's decision or verdict;**

64. Defendant asserts the United States Constitution's Amendment XIV challenge to the unconstitutional contempt of court charge filed on February 24, 2023. The Defendant asserts his Article I. Bill of Rights; Section 11 rights under the Virginia Constitution.

**Citation of the U.S. Constitution:**

**U.S. Const. amend. XIV ("SECTION. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.")**

65. The Amendment XIV does require that a state provide equal protection under the laws. Since the right to appeal lies in statute rather than in the due process clause, the statute does give the Defendant a right to appeal, and that statute does not limit who can appeal and who cannot if the judge feels offended by what is argued, and that includes both due process of law and equal protection under the laws. The right to appeal is of a law. The law is equally applied to all parties who

timely file a notice of appeal. A judge cannot deprive a party of a statutory right to appeal by filing a contempt of court charge as it turns a procedural due process of law constitutional right into a criminal offense.

66. Defendant was only making legal arguments and expressing theories or inferences as to why he believes the judge had denied his motions. The Defendant making legal arguments and expressing theories or inferences as to why he believes the judge had denied his motions are not illegal, and Defendant's statements in his notices of appeal are in initial pleadings filed with the Court of Appeals of Virginia, and is of a legally protected process.

67. Defendant is preserving his procedural due process of law and substantive due process of law. It is not contempt of court to raise issues such as if a judge ignores evidence or doesn't do his duty as a judge, as arguing those issues is key to a successful meritorious appeal.

68. Due process of law involves the opportunity to be heard before a competent tribunal. See *State v. Edwards*, 157 Ohio St. 175, 178 (Ohio 1952) (“**Due process of law involves only the essential rights of notice, hearing or opportunity to be heard before a competent tribunal.** An appeal from a judgment of conviction is not a matter of absolute right independently of constitutional or statutory provisions allowing such appeal. It is wholly within the

discretion of the state to allow or not to allow such a review and may be granted on such terms and conditions as to the legislature seems proper.”)

69. The Supreme Court of Virginia had ruled that the due process of law at least requires that a defendant not be denied an opportunity to be heard. See *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.”).

70. It is in case law that due process of law does not make an appeal an absolute right but right to appeal is governed by statute. See *McKane v. Durston*, 153 U.S. 684, (1894) (“**An appeal to a higher court from a judgment of conviction is not a matter of absolute right, independently of constitutional or statutory provisions allowing it**, and a **State may accord it to a person convicted of crime upon such terms as it thinks proper**.”). However, if statute already gives a defendant a right to appeal, then procedural due process applies to timely filed appeals. Meaning that an appellant has a right to file an appeal when statute permits and allows it. A lower court tribunal has no right to block an appeal by punishing and trying to imprison a defendant or plaintiff with a contempt of court for pursuing an appeal or appeals. That would deprive the party of due process of law because it creates fear of imprisonment for pursuing a legal course of action such as an appeal. If a judge can charge an appellant with contempt of court for the very purpose of

filing an appeal, then it deprives the appellant of his procedural due process because it bars an appellant from having his statutory right to be heard and a right to participate in a legal process. A person shouldn't fear a contempt of court charge for appealing to a higher court. That itself deprives an appellant of due process of law when a state has a statute allowing a timely appeal to be filed and that statute gives that person an opportunity to be heard or present his cause in a higher court.

71. Again, see *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.**”).

The contempt of court charge deprives the appellant of a fair and equal opportunity to present claims to the Court of Appeals of Virginia, a supervisory court as permitted by law. If every appeal may carry the risk of a contempt of court charge, then that itself deprives a person of due process of law. It violates the Fourteenth Amendment of the United States Constitution. Due process of law gives somebody an opportunity to present their cause when legally permissible by law, an opportunity to be heard, and an opportunity to appeal when statute permits.

72. Defendant was only appealing to a higher court and preserved his right to present his cause to the Court of Appeals of Virginia. According to the Supreme Court of Virginia, procedural due process **merely requires that the defendant may not be denied an adequate opportunity to present his claims within the**

**adversary system**. The contempt of court charge deprives and punishes a Defendant for filing a notice or petition for having an adequate opportunity to appeal the judge's decision to a higher court as required by statute to present his claims such as assignments of error.

**7. The contempt of court charge creates a disastrous and dangerous chilling effect on all future appeals, and any future initial pleadings with a supervisory court;**

73. Defendant asserts that the contempt of court charge will create a chilling effect on lawful activities such as filing notices of appeal, petitions for writ of mandamus or prohibition, or even for filing a lawsuit or complaint against a judge.

74. If this contempt of court charge is allowed to stand and convict wrongfully the Defendant in this case for simply filing notices of appeal and making legal arguments in those notices of appeal, then this will create a chilling effect for both freedom of speech and for rights of a criminal defendant to appeal a decision of a judge. This will create a chilling effect on every person who ever appeals a decision of a judge to a higher court of law. They will be afraid to file anything protecting constitutional rights or preserving issues for appeal out of fear that they will face a contempt of court charge by doing so.

75. See <https://www.mtsu.edu/first-amendment/article/897/chilling-effect>  
(Disclaimer: Link and text provided by family) (“**Chilling effect is the concept of**”

**deterring free speech and association rights protected by the First Amendment** as a **result of government laws or actions that appear to target expression**. It is closely related to the **overbreadth doctrine**, which **prohibits the government from casting too wide a net when regulating activities related to speech and expression**. Supreme Court uses chilling effect doctrine to protect First Amendment freedoms. The Supreme Court developed and explained the **chilling effect doctrine** in several opinions issued during the McCarthy era involving legislation and regulations aimed at suspected communists and so-called subversives.”).

76. Defendant understands why Virginia Code § 18.2-456(A)(3) was statutory law. However, Defendant had not cussed out the judge, Defendant had only tried to preserve issues for his appeal which is a lawful process under procedural due process of law. The Defendant didn't advocate overthrowing or resisting the judge. All the Defendant did was “tell the truth”, that is all the Defendant ever did, he gave some highly charged opinions as to why he believes his motions were erroneously denied in his notices of appeals, and he did try to explain his hypothesis or theory as to why the Honorable judge of this Honorable Court denied his motion. It is still free speech and any statute making Defendant's notices of appeals a crime of “contempt of court” is itself unconstitutional and creates a chilling effect on due process of law.



77. If defendant telling the truth and giving his opinions and theories as to why he believes the judge denied his motions, if it is still considered as contempt of court, then it creates a chilling effect on the constitutional rights of litigants to appeal favorable or unfavorable decisions to a supervisory court of law.

78. The chilling effects will affect all of Virginia and may affect other state court decisions in the future if this show cause order is allowed to stand and convict the Defendant.

79. The chilling effects could be as follows:

1. I am afraid to appeal to a higher court because I may face a contempt of court charge;
2. I cannot argue legally as to why I think my motion was denied and I cannot even express plausible theories or assert reasonable inferences because I may face a contempt of court charge;
3. I am afraid to appeal or file a petition for Writ of Mandamus or Prohibition or both and serve the judge with my complaint because I may face a contempt of court charge;
4. I am afraid to preserve issues for appeal or express a grievance when a judge ignores evidence because I may face a contempt of court charge;

5. I am afraid to highlight in the record of a trial court when I believe a judge may not be doing his job or duty because I may face a contempt of court charge;
6. I am afraid to be jailed so I must not fight for any of my constitutional rights, I must waive my rights because if I do not waive my rights then I may face a contempt of court charge;
7. I better not file anything proving that a prosecutor in my criminal case had broken laws or committed any frauds on the court because I may face a contempt of court charge;
8. I better not file any federal or state lawsuits against this judge, I better not accuse the judge of anything even if I have evidence because the judge will read it and feel offended, I may face a contempt of court charge if I do file anything which I feel is truthful;
9. I better not assert my constitutional and legal rights if it might anger or offend the judge when demonstrating a constitutional or legal issue because I may face a contempt of court charge.

80. A conviction would create such a widespread chilling effect as noted above which doesn't just threaten the freedom of speech, but this chilling effect will

wreck the rights to due process of law. Both procedural due process of law and substantive due process of law are in danger here, as a chilling effect on the constitutional rights of an Appellant is more dangerous than a judge feeling offended over what a Defendant says in any notice of appeal or petition for writ of mandamus or prohibition.

81. A judge can agree or disagree, I can agree with a judge's decision or disagree with a judge's decision. That is the entire legal system since it's foundation. The right to agree and disagree. The right to argue and have theories. This constitutional right had protected the rights to file documents with a court appealing a decision or explaining why this decision or that decision may not be legal or constitutional.

82. The judge can agree with what I said, or disagree with what I said. That is how the legal system works, that is how debates are sparked. The Defendant was never charged with defamation or lying but the show cause order only invoked an overbroad statute of making a crime out of producing a "vile, contemptuous, or insulting language" in a filing. This statute is so overbroad, anybody can be charged under it.

83. For example: a judge happens to secretly be a Muslim swearing allegiance to Islam, then an attorney quotes Christian Bible scriptures during a jury trial in front of this "Muslim" judge, then the judge gets offended and after trial

files a contempt of court charge under Virginia Code § 18.2-456(A)(3) for producing a “vile, contemptuous, or insulting language” in a courtroom. Then the attorney is convicted of contempt of court for saying bible verses in the courtroom during a Trial because it was considered an insult to an Islamic judge. That is not constitutional and is oppressive in nature. In contradiction to the federalist papers and in contradiction to the founding fathers wishes when the United States of America was born. Now we have to fear that if an Islamic judge is put in office of a court in Virginia, Christians will face a charge of violating Virginia Code § 18.2-456(A)(3) for producing a “vile, contemptuous, or insulting language” for quoting bible verses in legal documents.

84. Defendant doesn't know or expect to know or understand what might be an insult to the judge in this case. What may be considered vile language??? Could many people receive such a charge over almost anything they say or write to the Court about??? Is disagreeing and trying to petition a court of appeals considered a “vile, contemptuous, or insulting language”??? Is spouting off conspiracy theories about the judge as to why he denied a motion without any comments why in a court case considered a “vile, contemptuous, or insulting language”??? Is making any theories or inferences in a notice of appeal to the Court of Appeals of Virginia considered a “vile, contemptuous, or insulting language”???

85. If any of it is, then this creates a massive chilling effect destroying the constitutional rights all over Virginia. Then any judge may start filing contempt charges over almost anything we argue or say in a courtroom or in any document. I may be offended by being called autistic. If I was a judge and I admitted I had autism and the attorney said “you have a mental disability your honor!!!” then I can get angry and offended and charge that attorney with producing a “vile, contemptuous, or insulting language” against me, and have that attorney convicted. God forbid, anything could be construed as a “vile, contemptuous, or insulting language”.

86. If I file a lawsuit and make allegations against a judge in my case, then I may also face a contempt of court charge for “vile, contemptuous, or insulting language”. This statute could literally be used and abused to encompass mandamus petitions, prohibition petitions, lawsuits, and filing any complaint against a judge may be construed as violating Virginia Code § 18.2-456(A)(3) as “vile, contemptuous, or insulting language”.

87. The Defendant which is also an Appellant has the right to criticize the Trial Court judge or object to a decision by the Trial Court judge in a manner for appeal. The whole purpose of appeal is to lawfully criticize a judge’s decision in a case. The whole purpose of appeal is to lawfully criticize a judge’s behavior or treatment of a party in a case. The issues being preserved for the appeal. If an

inferior court judge felt that any arguments in appeals are insulting, then every appellant faces a contempt of court charge. If a judge feels that any argument or arguments in an appeal or petition or lawsuit are insulting, then every petitioner and lawsuit filer faces a contempt of court charge. It opens the door to a very scary situation for every American who may be forced against their will to appear before a court. The right to appeal may go away forever because the judge may feel offended by such appeal or what is argued in an appeal or petition or lawsuit.

### **CONCLUSION**

Defendant feels that it is appropriate to assert these legal defenses with the Honorable Court now before even the first hearing over this show cause order.

Defendant feels that he may be given ineffective assistance of counsel or counsel who refuses to fight for his constitutional rights and leave the Defendant open for a federal supervised release violation charge. Defendant's constitutional rights are at stake in this contempt of court charge, and Defendant must assert his legal defenses now on the record, while unrepresented, before counsel is appointed.

Defendant asserts all of his constitutional rights, legal rights, and duties and protections under both the U.S. Constitution and Virginia Constitution.

Defendant asserts his seven (7) additional legal defenses as to why he is not guilty of contempt of court and should be found not guilty.

Defendant's autism spectrum disorder and other mental disabilities/illnesses justify the other defenses as raised in the Notice to the Commonwealth pleading.

Defendant asserts that if his appointed counsel does not fight for any of his constitutional and legal rights, then that is sufficient to prove ineffective assistance of counsel if he is wrongfully convicted for contempt of court. See *Strickland v. Washington*, 466 U.S. 668.

Respectfully submitted with the Court, This the 1st day of March, 2023.

*Brian D. Hill*  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

**U.S.W.G.O.**

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing pleading was faxed or emailed/transmitted by my Assistant Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the Internet) or delivered this 1st day of March, 2023, to the following parties:

The undersigned certifies as follows:

1. The name and address of the Appellant is:  
 Brian David Hill – Ally of Q and Attorney Lin Wood  
 Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL  
 310 Forest Street, Apartment 2  
 Martinsville, Virginia 24112
  
2. Appellant is not represented by counsel at this time.
  
3. The names of Appellees is:  
 Commonwealth of Virginia  
 City of Martinsville
  
4. The name, address, and telephone number of counsel for appellees' is:  
 G. Andrew Hall  
 Martinsville Commonwealth's Attorney  
 55 W. Church Street  
 Martinsville, VA 24112  
 (276) 403-5470
  
5. A copy of this pleading has been electronically transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on March 1, 2023.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street	Hon. Jeanie Nunn, Clerk Circuit Court for the City of Martinsville Phone: 276-403-5106
---	---



P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:jnunn@ci.martinsville.va.us">jnunn@ci.martinsville.va.us</a>
---	--

The reason why Brian David Hill must use such a representative 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 her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings. 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 c/o Roberta Hill at [rbhill67@comcast.net](mailto: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  
Brian D. Hill  
Defendant

Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505

**U.S.W.G.O.**



