

**EMERGENCY LETTER TO STANDARDS OF
PRACTICE ENFORCEMENT ATTORNEY ON
CLARIFICATION AND CLERICAL MISTAKE WHICH
NEEDS CLARIFICATION**

**Re: Complaint against Attorney Fred Dempsey Smith,
dated March 27, 2024, Received on March 29, 2024.**

Thursday, February 1, 2024 11:58 PM

ATTN: Standards of Practice Enforcement
Attorney
Virginia Indigent Defense Commission
(VIDC)
wefird@vadefenders.org

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Standards of Practice Enforcement Attorney,

I, Brian David Hill, would like to report a clerical mistake which needs clarification.

It is getting more expensive to mail things out and my SSI disability benefits from the Social Security Office hasn't increased too much to beat a lot of the inflation. Hopefully this emergency letter can be accepted by email from my mother Roberta Hill as it is an emergency situation requiring this clerical mistake I made in my mailed complaint which needs clarification on what it means. The mistake needs to be clarified before this office takes any further review or action or anything. It is important and critical. I want to make sure I am honest and correct about everything I claim, and I want to make sure to acknowledge when an unintentional clerical mistake was made.

In my memorandum affidavit, here is the clerical issues (Page 6) (Page 9) (page 11):

PAGE 6: "I had recorded the phone conversation with my attorney Fred

Smith on the date of March 9, 2023. The recording is in the evidence CD under filename: Mar09-726407.wav. I had consented to recording my own conversation with this attorney under one party consent of Virginia Law. He had spoken with me, Roberta Hill (my mother), Stella Forinash (my grandma), and Kenneth Forinash (my grandpa).”

PAGE 9: “5. **I had recorded the phone conversation with my attorney Fred Smith on the date of April 13, 2023.** The recording is in the evidence CD under filename: Apr13-045432.wav. I had consented to recording my own conversation with this attorney under one party consent of Virginia Law. He had spoken with me, and Roberta Hill (my mother). It was at that point where I had agreed not to file anything in the “state court” for six months including the Court of Appeals of Virginia (CAV).”

PAGE 11: “7. **I had recorded the phone conversation with my attorney Fred Smith on the date of October 20, 2023.** The recording is in the evidence CD under filename: Oct20-077885.wav. I had consented to recording my own conversation with this attorney under one party consent of Virginia Law. He had spoken with me, Roberta Hill (my mother).”

I mistakenly called it a phone conversation. So let me clarify. It was a conversation at the law office of Attorney Fred Smith. I still told the truth even with the clerical mistake and here is why. This clerical correction is necessary to clarify what I had said and what I had meant to say. A phone was used to record the conversation.

The recording device used was a cell phone device, and that device no longer works in proper order this year as the power button had broke and so the phone couldn't be used as normal, so it has issues which affects the normal use of it. But a cell phone device can be used to record a conversation, and no internet is necessary as all it takes is an .apk android application installer file. That phone sadly is no longer in use and the original application is probably gone. The phone may or may not be working anymore with the issue of the power button being broken. But the conversation was recorded using an apk app of “PARROT” to record the conversation with me and Attorney Fred Smith, and was used in the recordings except for the phone call recordings.

So technically a mobile phone device was used to record the conversation at his law office while I was present there. So it technically could be considered a phone conversation being recorded even though a phone was used to record the conversation with me and my attorney and my mother at his law office.

I had typed this up with dealing with high blood sugar (type one brittle diabetes) at the time and was starting to get sleepy, went to sleep, and then mailed it off the same day on a Saturday as I had to get up early before the Post Office closed around 12:00. So the clerical mistake I made was unintentional. Hopefully the Standards of Practice

Enforcement Attorney will accept my clerical mistake or allow me to add my clarification to my complaint without costing me an arm and a leg having to mail this clarification off with a tracking number just to fix these clerical mistakes in my main complaint and memorandum which was already filed by mail. It costs a lot now just to mail something both certified and priority mail.

Also I felt the need to file the complaint as soon as I could type up everything important such as the witnesses which are important like Asst. Attorney General Justin Hill, and other witnesses. The longer I had waited to file the complaint instead of acting quickly under due diligence with the transcriptions already made and notifying the Court of Appeals of Virginia (as well as the emergency letter to Justin Hill), the witnesses are too important and need to be contacted for the investigation as soon as possible. I am afraid that there are people who could endanger those witnesses to try to protect Attorney Fred Smith. Which is why the threatening email my mother had received last year was reported to the VA State Police as soon as possible, as soon as my grandma and my mother had read the threatening email and shown me the threatening email. I am aware of corruption in the City of Martinsville, and this corruption isn't happy that I had recorded my conversations with Attorney Fred Smith and had recorded phone call with Attorney Fred Smith, and my mother recording her conversation with Attorney Fred Smith.

I am not in a normal situation like every other criminal defendant. I had faced retaliation by Hon. Giles Carter Greer. So, the witnesses statements are extremely important that I had to type up the affidavit quickly and send it off by mail to have it filed quickly under due diligence but had to be filed as quick as I possibly could. I made the clerical mistakes because of my mind not being as good as I was late into the night, and high blood sugar from the stress and anxiety over my legal situation and the things I face outside of the issues of Fred Smith. I face some very persistent enemies working against me. I rather not go into details as to who the enemies of myself are, but the threatening email does clue you in as to the criminality of who has been coming after me and making sure that I either lose my cases, go to prison, win the case at a cost negative to myself, or I lose my appeals. I have a lot of evidence, a lot of filings and paper, years of me dealing with threat emails (against Attorney Sue Basko, against my associates), threat or intimidating text messages, and my mother receiving a threatening greeting card threatening to commit a controlled action against her. We been the subject of harassment outside of Attorney Fred Smith. So my stress and anxiety levels have been high causing my diabetic blood sugar to run high a lot.

When I had read my memorandum of my complaint, I saw these multiple issues and I needed to notify you as soon as I could to try to make the clarification clear and

what the statements were intending to state as facts.

It was meant to be recordings of the conversations I had at his law office, but it was recorded using a phone, so a phone had recorded the conversation. Then there was the two phone call recordings which were recorded using a device which hooks into the phone line. All were consented to by at least one party. Myself and my mother. She can confirm herself that she gave consent if you even asked her. She can even give you a written statement if necessary.

If the SOPEA of the VIDC accepts this clarification, then that is great. Hopefully it gets added to the complaint to clarify this clerical mistake. The truth was told but the clerical mistake which had made confusing statements in my affidavit memorandum, this clarification is to make more sense with what I was talking about; with this emergency letter clarifying the statements at issue here.

If you need any further clarification, then please let me know. I have Autism Spectrum Disorder, I am only human, I make mistakes, I sometimes work on something quickly and that is why I need to clarify a mistake here or to clarify confusing statements I had made in writing. I have OCD. So hopefully, my clarification can be accepted with my filed complaint.

Thank You for your time and attention to this matter.


Signed

Brian D. Hill

God bless you,
Brian D. Hill

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