

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**

**APPELLANT'S PETITION FOR REHEARING AND PETITION FOR  
REHEARING EN BANC**

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

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



---

*Pro Se Appellant*

– [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL) / [JusticeForUSWGO.COM](http://JusticeForUSWGO.COM)

# **APPELLANT’S PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC**

Pursuant to Rule 5A:33. (“Rehearing”, Rules of the Supreme Court of Virginia) and Rule 5A:34. Rule 5A:34. (“Rehearing En Banc After Final Disposition of a Case”, Rules of the Supreme Court of Virginia), Mr. Brian David Hill, (“Appellant”) respectfully files this Petition for Rehearing and Petition for Rehearing En Banc with this Court for the three delayed appeals in the above-captioned cases (cases no. 0313-23-3, 0314-23-3 and 0317-23-3).

## **INTRODUCTION**

The Court of Appeals of Virginia by either a judge, a Panel, or anybody else from the court itself including the clerk (who had authority to dismiss the appeals) (“the CAV”) had entered on January 17, 2024, the Order dismissing Appellant’s three criminal appeals of right on the finding that:

**CITATION IN-PART OF ORDER 1-17-2024:** “Upon review, the motion is denied. The Court received the record in the three identified appeals on June 14, 2023, and sent the parties a record acknowledgment on that same date. Under Rule 5A:19(b)(1), the appellant’s opening brief was due not later than Monday, July 24, 2023. And under Rule 5A:19(b)(4) any motion for an extension of time to file the opening brief was due not later than Thursday, August 3, 2023. Nothing in the Court’s consolidation order indicated that appellant could not or should not file a timely opening brief in the three identified appeals. Moreover, his requests for relief are untimely. Upon further consideration, the Court dismisses the appeals in Record Numbers 0313-23-3, 0314-23-3, and 0317-23-3 because no opening brief has been filed. See Rule 5A:26 (“If an appellant fails to file a brief in compliance with these Rules, this Court may dismiss the appeal.”).”

There clearly is error here in the record of the three appeals for the reasons which Appellant will specify and citing from the record itself on the errors made by the CAV. These errors will be brought up as to why the CAV had wrongfully dismissed the three appeals when there clearly was a timely filed motion for extension of time and good cause shown for the second motion for an extension of time which the ORDER dated January 17, 2024, had neglected to bring up in that order. The issues that Appellant did file a timely request to extend the time for Appellant's appeals before the deadlines and for good cause shown but was wrongfully denied. These errors can be reversed and the appeals can be reinstated based on the record of the CAV. Appellant explains why and argues good cause.

Citation of the record of the CAV appeal cases will be noted as follows: Appeal Record aka A.R. (A.R. ####-####, CAV no. #####-##-#). Citation of both the record pages and then the CAV case number.

Here we go, honorable judges of this Court. Appellant states the following errors and issues.

## **ARGUMENT**

**I. Appellant did timely file a motion for extending the time for the appeals for good cause shown, and motion was filed on March 9, 2023. Motion was uncontested by the Appellees. The CAV wrongfully denied that undisputed/uncontested motion on March 29, 2023, despite being filed timely under Rule 5A:19(b)(4) before Appellant was prohibited from filing in this court for six months. The CAV erred and that error should have been reversed which means that this Court should have granted that motion for extension of time would have made Appellant's filing on December 1, 2023, as timely filed.**

Appellant did in fact timely filed a motion for an extension of time before the deadline of Monday, July 24, 2023. And under Rule 5A:19(b)(4) any motion for an extension of time to file the opening brief was due not later than Thursday, August 3, 2023.

That order on January 17, 2024, overlooked and failed to acknowledge that a timely filed motion for extension of time was already filed before the deadlines set in all three appeals, noted, CAV cases no. 0313-23-3, 0314-23-3, and 0317-23-3. Good cause was shown in that motion (A.R. 153-163, CAV no. 0313-23-3)(A.R. 154-164, CAV no. 0314-23-3)(A.R. 150-159, CAV no. 0317-23-3).

Even though that motion didn't contain exhibits, Appellant had filed an earlier motion pleading with the Court proving that he had faced contempt of court which would ultimately affect his ability to continue with his appeals without obstruction and interference from the Trial Court. The Trial Court could use the contempt power ultimately to obstruct and interfere with Appellant's appeals. Appellant had clearly proven to the CAV (A.R. 21-123, CAV no. 0313-23-3)(A.R. 22-124, CAV no. 0314-23-3)(A.R. 18-119, CAV no. 0317-23-3) prior to being prohibited from filing for six-months that he was charged with contempt of court over his NOTICES OF APPEAL (A.R. 1-14, CAV no. 0313-23-3)(A.R. 1-15, CAV no. 0314-23-3)(A.R. 1-15, CAV no. 0317-23-3), and the evidence was at least enough to prove to the CAV that an extension of time was warranted here. It was timely filed and thus should

have been granted.

**II. This Court should extend and/or modify existing law *Lacava v. Commonwealth*, 283 Va. 465, 469 (Va. 2012) to hold that the judge or panel or whoever else at the CAV who entered the order on March 29, 2023 had erred and abused its discretion when it denied Appellant’s motion for extending the time for the appeals which meant not continuing the matter until after the six-month prohibition period where Appellant could not file in the CAV until the matter was completed, then it caused the wrongfully dismissals of Appellant’s appeals on January 17, 2014 for the cause of untimely filing due to the same six-month prohibition/restriction placed on Appellant by Attorney Fred Smith**

This Court should extend and/or modify existing law to hold that the CAV erred and abused its discretion when it denied Appellant’s timely filed motion for “Extension of Time” (A.R. 153-163, CAV no. 0313-23-3)(A.R. 154-164, CAV no. 0314-23-3)(A.R. 150-159, CAV no. 0317-23-3) which meant not continuing the matter until after the six-month no-filing prohibition of Appellant was completed. As stated above, this Court should extend and/or modify existing law to find that Appellant had a constitutional right to procedural due process of law in the Court of Appeals of Virginia and for his right to present his claims within the adversarial system by filing his appeal brief. Appellant’s procedural due process of law was deprived and was violated when the CAV denied Appellant’s motion for extension of time (A.R. 153-163, CAV no. 0313-23-3)(A.R. 154-164, CAV no. 0314-23-3)(A.R. 150-159, CAV no. 0317-23-3). That motion was not contested by Appellees and uncontested motions are usually granted without further notice.

**The existing law already in the Supreme Court of Virginia, is under**

**Lacava v. Commonwealth, 283 Va. 465, 469 (Va. 2012)** (“[w]hen a motion to extend is filed after the expiration of the original underlying deadline (in this instance, 60 days after entry of final judgment), but before the specific deadline governing a motion to extend (in this instance, 90 days after judgment), good cause must be shown as to why an extension was not sought by the original due date. In other words, the “good cause” showing must present some persuasive reason for waiting until after the expiration of the underlying deadline to file the motion for an extension of time.”)

Appellant had clearly proven to the CAV (A.R. 21-123, CAV no. 0313-23-3)(A.R. 22-124, CAV no. 0314-23-3)(A.R. 18-119, CAV no. 0317-23-3) prior to being prohibited from filing for six-months that he was charged with contempt of court over his NOTICES OF APPEAL (A.R. 1-14, CAV no. 0313-23-3)(A.R. 1-15, CAV no. 0314-23-3)(A.R. 1-15, CAV no. 0317-23-3), and the evidence was at least enough to prove to the CAV that an extension of time was warranted the relief sought.

Appellant had even filed a motion for leave of court on October 27, 2023, (A.R. 178-284, CAV no. 0313-23-3)(A.R. 179-285, CAV no. 0314-23-3)(A.R. 174-280, CAV no. 0317-23-3) with further evidence showing good cause that he was prohibited from filing in the CAV for six months, and Appellant had to comply with those demands of his court appointed lawyer Fred Smith in order for his criminal contempt of court charge to be dismissed. The CAV should have treated his “motion

for leave of court” as a motion for an extension of time as good cause was clearly demonstrated as to why an extension of time was warranted.

Appellees even admitted in email correspondence that Appellees were amendable to a request for an extension of time from Appellant (A.R. 250-252, CAV no. 0313-23-3)(A.R. 251-253, CAV no. 0314-23-3)(A.R. 246-248, CAV no. 0317-23-3). Justin Hill, who represented Appellees said by email to Appellant’s mother: *“I would note however, that the Commonwealth would be amenable to a continuance request in cases 0313-23, 0314-23, and 0317-23 while Mr. Hill handles his pending contempt charge in the circuit court. If you could pass that information on to Mr. Hill, I would appreciate it.”* This piece of evidence had proven that Appellees had no objection to a request for an extension of time for Appellant’s appeals. Therefore, the CAV never should have denied Appellant’s motions for an extension of time. Not on March 9, 2023, and not on October 27, 2023.

An abuse of discretion occurs when a court demonstrates “an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for delay.” *Morris v. Slappy*, 461 U.S. 1, 11-12 (1983). The Court expected Appellant to timely file his appeal briefs, designations, and any other required filings while his hands were tied behind his back symbolically, not literally tied behind his back. But Appellant’s hands were tied nonetheless for six months. He had a justifiable cause for an extension of time and a justifiable cause for delay.

However, if the Court of Appeals of Virginia had not wanted to grant

Appellant's timely filed motion for extension of time on March 9, 2023 for good cause shown, it could have still protected Appellant's constitutional rights to procedural due process of law by simply granting Appellant's uncontested motion for leave of court filed on October 27, 2023 (NOTE: again, for good cause which Appellant had demonstrated) by treating it as a motion for extension of time on the basis of good cause shown. Had the CAV done so, it could have safeguarded Appellant's procedural due process rights in his appeals noted in this Petition. The CAV acted as though that the deadlines set for Appellant were hard deadlines, but that was not what the Supreme Court of Virginia had said in its controlling case law authority. See *Lacava v. Commonwealth*, 283 Va. 465, 469 (Va. 2012).

Even the CAV said in its January 17, 2024 order that: "*Under Rule 5A:19(b)(1), the appellant's opening brief was due not later than Monday, July 24, 2023. And under Rule 5A:19(b)(4) any motion for an extension of time to file the opening brief was due not later than Thursday, August 3, 2023.*" August 3, 2023, was not that long until Appellant's contempt of court case was dismissed on October 23, 2023, for Appellant to be compliant with Attorney Fred Smith's demand that Appellant not file anything in this court or in any of the Virginia courts until after the six-month prohibition period.

The CAV had two opportunities to correct its error and abuse of discretion by giving Appellant the extension of time necessary for him to have timely filed his opening appellant brief and designation of the record. See the brief and designation



in the Appeal record (A.R. 285-417, CAV no. 0313-23-3)(A.R. 286-418, CAV no. 0314-23-3)(A.R. 281-413, CAV no. 0317-23-3).

**III. This Court should reverse the denying of the motion for an extension of time on March 9, 2023, and/or reverse the denying of the second motion for extension of time (the court can construe the pro se motion for leave of court as an extension of time since it preserved those issues) on October 27, 2023 in order to protect and safeguard Appellant’s constitutional right to procedural due process of law.**

Two motions for extending the time for Appellant to file his opening brief timely was filed before the CAV. One before the deadline, and the other after the deadline. This Court should reverse the denying of the motion for an extension of time on March 9, 2023, or reverse the denying of the second motion for extension of time (the court can construe the pro se motion for leave of court as an extension of time since it preserved those issues) on October 27, 2023 in order to protect and safeguard Appellant’s constitutional right to procedural due process of law. Procedural due process of law is supported by both the Fourteenth Amendment of the U.S. Constitution in it’s Bill of Rights, and Article I. Bill of Rights, Section 11. “Due process of law” of the Virginia Constitution.

First of all, Appellant had filed a motion for extension of time (A.R. 153-163, CAV no. 0313-23-3)(A.R. 154-164, CAV no. 0314-23-3)(A.R. 150-159, CAV no. 0317-23-3) over the fact that he had faced a contempt of court charge over his freedom of speech in his three NOTICES OF APPEAL (A.R. 1-14, CAV no. 0313-23-3)(A.R. 1-15, CAV no. 0314-23-3)(A.R. 1-15, CAV no. 0317-23-3).

It is not a criminal act to engage in protected freedom of speech both inside of the Commonwealth of Virginia and outside of the Commonwealth of Virginia. Even a criminal contempt of court charge is unconstitutional when it is directly in retaliation to Appellant's protected freedom of speech. See *Richey v. Aiyeku*, NO: 4:16-CV-5047-RMP, 10 (E.D. Wash. Mar. 19, 2021) ("To qualify as protected speech, a grievance must contain an actual grievance seeking a practical result and not merely function as a vehicle of harassment. See *Jones v. Williams*, 791 F.3d 1023, 1035 (9th Cir. 2015)"). See "Retaliation is, by definition, an intentional act. It is a form of "discrimination" because the complainant is subjected to differential treatment." *Jackson v. Birmingham Bd.*, 544 U.S. 167, 168 (2005).

The freedom of speech is protected under the First Amendment of the U.S. Constitution, Bill of Rights, and Article 1, Section 12, of the Virginia Constitution. Article 1, Section 12, of the Virginia Constitution states: "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."

See *Jackson v. Bachman*, Case No. 1:19-cv-422, 6 (S.D. Ohio Jun. 2, 2021) ("For the Court to find that governmental action was taken in retaliation for First

Amendment speech by a private citizen, plaintiff must prove that “1) [s]he engaged in protected conduct, 2) the defendant took an adverse action that would deter a person of ordinary firmness from continuing to engage in that conduct, and 3) the adverse action was taken at least in part because of the exercise of the protected conduct.” *Holzemer v. City of Memphis*, 621 F.3d 512, 520 (6th Cir. 2010) (quoting *Siggers-El v. Barlow*, 412 F.3d 693, 699 (6th Cir. 2005)).”

See *Daniels v. Mobley*, 737 S.E.2d 895, 904 (Va. 2013) (“(b) First Amendment overbreadth resulting either from statutory language so vague it could “chill” the exercise of constitutionally protected speech or conduct, or from precise statutory language which expressly seeks to regulate protected speech....”).

Appellant clearly didn’t engage in criminal speech because he never advocated criminal activity, never advocated insurrection, never yelled fire in a crowded theater, never advocated murder, never threatened harm against the judge, did not advocate harming himself, and did not advocate harm against anyone else in his NOTICES OF APPEAL (A.R. 1-14, CAV no. 0313-23-3)(A.R. 1-15, CAV no. 0314-23-3)(A.R. 1-15, CAV no. 0317-23-3). His freedom of speech was clearly protected under the Constitution of both the United States and of Virginia. It was clearly only meant to be preserving issues for his appeals. That is his procedural due process of law. The contempt case threatened not just Appellant’s protected freedom of speech but also threatened his right to petition the Court of Appeals of Virginia for a redress of grievances. That itself deprives Appellant of procedural due process

of law.

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.”).

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.”).

Now as to Appellant’s first motion for extension of time. He clearly gave good cause as to why that motion should have been granted.

Second of all, Appellant had filed a motion for leave of court on October 27, 2023, (A.R. 178-284, CAV no. 0313-23-3)(A.R. 179-285, CAV no. 0314-23-3)(A.R. 174-280, CAV no. 0317-23-3) with further evidence showing good cause that he was prohibited from filing in the CAV for six months, and Appellant had to comply with those demands of his court appointed lawyer Fred Smith in order for his criminal contempt of court charge to be dismissed. The CAV should have treated his “motion for leave of court” as a motion for an extension of time as good cause was clearly demonstrated as to why an extension of time was warranted.

The Supreme Court of Virginia said in its controlling opinion that a litigant can file after the deadline for filing when good cause is clearly shown. *Lacava v. Commonwealth*, 283 Va. 465, 469 (Va. 2012) (“[w]hen a motion to extend is filed

after the expiration of the original underlying deadline (in this instance, 60 days after entry of final judgment), but before the specific deadline governing a motion to extend (in this instance, 90 days after judgment), good cause must be shown as to why an extension was not sought by the original due date. In other words, the “good cause” showing must present some persuasive reason for waiting until after the expiration of the underlying deadline to file the motion for an extension of time.”).

Appellees even admitted in email correspondence that Appellees were amendable to a request for an extension of time from Appellant (A.R. 250-252, CAV no. 0313-23-3)(A.R. 251-253, CAV no. 0314-23-3)(A.R. 246-248, CAV no. 0317-23-3). Justin Hill, who represented Appellees said by email to Appellant’s mother: “I would note however, that the Commonwealth would be amenable to a continuance request in cases 0313-23, 0314-23, and 0317-23 while Mr. Hill handles his pending contempt charge in the circuit court. If you could pass that information on to Mr. Hill, I would appreciate it.” This piece of evidence had proven that Appellees had no objection to a request for an extension of time for Appellant’s appeals. Therefore, the CAV never should have denied Appellant’s motions for an extension of time. Not on March 9, 2023, and not on October 27, 2023. Uncontested motions.

It is clear that Appellant had proven to the CAV that he was prohibited from filing with the CAV for six months (A.R. 447-507 and 508-550, CAV no. 0313-23-3)(A.R. 448-508 and 509-551, CAV no. 0314-23-3)(A.R. 443-503 and 504-546, CAV no. 0317-23-3). Even Appellant had recorded conversations with his attorney

Fred Smith concerning the misrepresentation from Appellant's contempt of court case. Appellant had good cause shown and had demonstrated good faith as to why he couldn't file by the deadlines set by the CAV.

Appellant had demonstrated good cause for why an extension of time should have been granted on either motion.

The CAV in its order on January 17, 2024, insisted that the motion for leave of court should be denied as to being untimely, when the Supreme Court of Virginia had said that: "[w]hen a motion to extend is filed after the expiration of the original underlying deadline...good cause must be shown as to why an extension was not sought by the original due date." Good cause was shown by Appellant. It was clear error and abuse of discretion to dismiss the appeals.

Appellant and Appellees both have a constitutional right to procedural due process of law in all appeals before this court when a statute already grants such a right. See *Husske v. Commonwealth*, 252 Va. 203, 204 (Va. 1996). Appellant was clearly deprived of his procedural due process of law as caused by the Trial Court under its court appointed attorney Fred Smith. Appellant was prohibited from filing in the CAV until after the hearing in October, 2023 dismissing the contempt charge against Appellant. When Appellant was allowed to file, he filed a motion for leave of court which can also be treated as a motion for an extension of time as those issues were already preserved for the CAV, and he asked for 40 days as if it were the same 40 days after the filing of the record. He clearly demonstrated good cause.

Here are the issues if this Court does not reverse the erroneous decision made on January 17, 2024.

The issues are that it opens up appellants to unconstitutional attack by the trial courts and criminalization of appeals by the decision of a single trial court judge. If a judge of a trial court disagrees with a criminal defendant (Appellant's NOTICES OF APPEAL, for example) appealing a decision to the Court of Appeals of Virginia, all the judge would have to do is file a "SHOW CAUSE" order charging the appellant with criminal contempt for anything which could be construed or misconstrued as offensive to try to interpret any language as: "VILE, CONTEMPTUOUS, OR INSULTING LANGUAGE". Anything can be considered as "vile, contemptuous, or insulting language". There are judges from different cultures, different religious backgrounds, different political beliefs, different views, and different skin colors. What is acceptable in one culture is not acceptable in another. What is considered insulting language by one judge is not considered insulting language by another. Every judge may consider what is "vile, contemptuous, or insulting language" differently depending on his/her perspective. No offense to anybody in the CAV. One judge may feel that something in a pleading sounds offensive then charges the party with uttering a "VILE, CONTEMPTUOUS, OR INSULTING LANGUAGE". Any judge can be offended by any little thing a litigant had ever filed. That is why we have the first amendment protecting freedom of speech otherwise everybody would be in prison for contempt of court for verbally

offending another human being or offending another human being in writing. We have the first amendment protecting freedom of speech to prevent those abuses of discretion, and to prevent abuses of the contempt power of a court. Appellant didn't just get charged with criminal contempt of court but ultimately lost-by-default all three of his appeals caused as a repercussion by the criminal contempt charge for Appellant's freedom of speech. It sets a very dangerous precedent here which goes against multiple rulings by both the Supreme Court of Virginia and the U.S. Supreme Court, and ultimately suspends the freedom of speech protections for every citizen of Virginia, and ultimately suspends procedural due process protections on all appellants for simply a trial court judge disagreeing with what somebody had truthfully said or ever argued.

It creates a new precedent where essentially a CIRCUIT COURT aka the TRIAL COURT can engage in a DICTATORSHIP. That means any judge of any courthouse in the Commonwealth of Virginia can act as a dictator in a uniform which would automatically violate Article 1, Sect. 12 of the Virginia Constitution, and would make a despotic regime in every judicial district in Virginia. In these dictatorships, a single judge can decide to retaliate against an appellant who appeals to the Court of Appeals of Virginia. Retaliation with the sole intent of a single court judge having the ability to abuse his/her contempt powers to be thwarting, obstructing, interfering with, and suspending appeals to a higher court.

Retaliate by means of a contempt of court charge as he/she is free to abuse the



contempt powers set by Va. Code § 18.2-456 (“3. *Vile, contemptuous, or insulting language addressed to or published of a judge for or in respect of any act or proceeding had, or to be had, in such court, or like language used in his presence and intended for his hearing for or in respect of such act or proceeding...*”). The abuse of the contempt powers happens when protected free speech has become criminalized by a single judge in a Circuit Court or any Courthouse in Virginia.

The problems are clearly that Appellant’s appeals being dismissed is further a penalty or punitive action against Appellant all caused by Appellant being charged with contempt of court over his notices of appeal. Then the lawyer tells Appellant not to file for six-months which goes beyond the deadlines. That means Appellant wasn’t just punished by being told not to file for six-months to stay safe from being convicted of contempt of court over his protected freedom of speech which offended a single trial court judge, then he was further penalized by losing his appeals. All caused by his freedom of speech of accusing the judge of this or that when there is sufficient cause to believe a judge did this or did that in the Appellant’s own honest opinion. God forbid, we can’t criticize a trial court judge for any wrongdoing, when the whole purpose of appeals is to criticize a trial court’s wrongdoing. Essentially the contempt powers have been abused by the trial court to negate an appellant’s right to appeal, period. It is an unconstitutional deprivation of rights, a CONSTITUTIONAL CRISIS which affects every Virginian/American citizen.

Essentially, if the wrongful decision to dismiss Appellant’s appeals on

January 17, 2024 are not reversed then this sets the precedent that any judge of any court below the Court of Appeals of Virginia can simply charge a litigant with a contempt of court charge over anything deemed as offensive language, then can use that as leverage to suspend and end the rights to appeal for any and every litigant. If this doesn't get reversed, then this legitimizes the practice of a single court judge having the ability to abuse his/her contempt powers to end appeals if the trial court judge is offended by such an appeal or is offended by what was said in a pleading for such an appeal to a higher court. If a Writ of Mandamus offends the judge, then the judge can charge the litigant with contempt in order to weasel out of the Mandamus action. Appeals can be thwarted by judges abusing the contempt statute under Va. Code § 18.2-456(A)(3). The Virginia legislature never intended to pass the contempt of court statute to use it's government powers to thwart appeals and criminalize protected freedom of speech. The decision on January 17, 2024 was a bad decision and needs to be reversed to protect the Appellant's procedural due process of law and his freedom of speech.

### **CONCLUSION**

The CAV's January 17 2024, Order contains faulty legal analysis, and/or faulty legal contentions, and/or unsupported factual conclusions for denying the motion and dismissing the appeals since controlling case law authority by the Supreme Court of Virginia said that a motion can be filed after the deadline for requesting an extension of time for good cause shown. See *Lacava v.*

Commonwealth, 283 Va. 465, 469 (Va. 2012). It ignores or implicitly reverses controlling precedent and imposes dangerous new precedent that not only sets impossible standards for Appellants who are unusually prohibited from filing in the Court of Appeals of Virginia by a court appointed lawyer in the trial court to demonstrate diligence, to demonstrate good cause to file after a deadline, but also compromises judicial efficiency by allowing a trial court judge to charge an appellant with contempt of court in response to notices of appeal, which may be used unconstitutionally to stall appeals and thwart appeals that may impact the judge's verdict or verdicts. Finally, and most disturbingly, it implicitly condones the punitive penalties of appellants losing their appeals over a trial court lawyer imposing a prohibition on his client, where Appellant isn't just prohibited from filing in the Court of Appeals of Virginia by some attorney in the trial court but loses his procedural due process of law at the discretion of the trial court by simply charging an appellant with contempt of court to be used as an excuse to punish an appellant for his/her appeal. For these reasons, Appellant respectfully requests that this Court order a rehearing and/or rehearing en banc, and afford him any additional relief it deems necessary.

It is clear that the Appellant's timely filed motion for extension of time on March 9, 2023 should have been granted or Appellant's motion for extension of time on October 27, 2023 should have been granted. Then there would have been no issue here to cause the wrongful dismissal of Appellant's appeals.

Appellant requests vacatur of this court’s January 17, 2024 order and grant Appellant’s motion for an extension of time filed on October 27, 2023 for good cause shown as to why the second motion for an extension of time was not filed before the deadline.

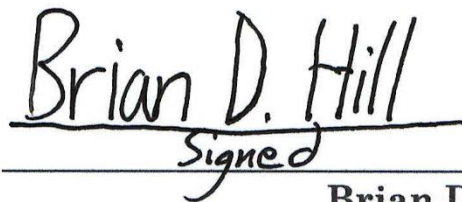
Appellant requests vacatur of this court’s March 29, 2023 order and grant Appellant’s motion for an extension of time timely filed before the deadline.

Appellant requests relief accordingly and asks for any other relief which the Court of Appeals of Virginia may deem proper/appropriate.

Respectfully Filed/Submitted on January 30, 2024,

**BRIAN DAVID HILL**

**Pro Se**

A handwritten signature in black ink that reads "Brian D. Hill". The signature is written in a cursive style and is positioned above a horizontal line.

**Brian D. Hill**

Brian David Hill – Ally of Q/Anons  
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>

<https://JusticeForUSWGO.COM>



**CERTIFICATE OF COMPLIANCE**

In accordance with Virginia Supreme Court Rules 5A:4(d) and 5A:34, I hereby certify that the foregoing APPELLANT’S PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC contains 19 pages. The rules limit the petition for rehearing to 25 pages or 5,300 words.

1. This motion complies with type-volume limits:


[ ] this petition contains [ ] words.

[ X ] this petition used 19 pages.

2. This petition 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 30, 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](http://JusticeForUSWGO.wordpress.com)

*Pro Se Appellant*

## CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 30th day of January, 2024, I caused this “APPELLANT’S PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC” to be delivered by email service by Assistant/Filing-Representative Roberta Hill using [rbhill67@comcast.net](mailto:rbhill67@comcast.net) or [rbhill67@justiceforuswgo.nl](mailto: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 Court of Appeals 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](mailto:jhill@oag.state.va.us); OAG Criminal Litigation:





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

[JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

[JusticeForUSWGO.NL](http://JusticeForUSWGO.NL)

[JusticeForUSWGO.COM](http://JusticeForUSWGO.COM)

*Pro Se Appellant*