

In The
Supreme Court
Of Virginia

Brian David Hill,

Appellant,

v.

**Commonwealth of Virginia,
City of Martinsville**

Appellees.

**ON APPEAL FROM THE COURT OF
APPEALS OF VIRGINIA**

PETITION FOR REHEARING OF APPELLANT



**Brian David Hill – Ally of Qanon
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Pro Se Appellant
Dated September 14, 2024

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SUMMARY

Brian David Hill, (“Appellant”) files this Petition for Rehearing of this Court pursuant to Rule 5:20.

1. The Supreme Court of Virginia (“SCV”) needs to reconsider, set aside, or vacate its three-justices’ Writ Panel’s (“Panel”) decision on refusing the Appellant’s petition for appeal decided on September 9, 2024, almost two weeks after oral argument made by Appellant on August 28, 2024. The Appellant respectfully requests that the Writ Panel or this Court reconsider the Petition for Appeal, vacate or set aside the Writ Panel’s decision on September 9, 2024, and Appellant requests to order granting of the Petition for Appeal, and set it for Perfection of Appeal pursuant to Rule 5:23.

2. The SCV should consider reversing the Panel’s decision because the record from the Court of Appeals of Virginia (“CAV”) had demonstrated that Appellant had proven that his appeals were wrongfully dismissed for untimely filing because of the proven manipulation, interference, and lies from court appointed Attorney Fred Dempsey Smith who was caught in audio recordings manipulating both Appellant and Assistant Attorney General Justin Hill into sabotaging Appellant’s appeals as untimely taking away his procedural due process of law which is unconstitutional since Attorney Fred D. Smith is an officer of the court.

3. The Writ Panel of three justices were Chief Justice Goodwyn, Justice Mann and Justice Russell. Over the oral argument on August 28, 2024.

4. This case concerns Brian D. Hill (Appellant), formerly of USWGO Alternative News, a man who simply appealed unfavorable court orders/judgments from Hon. Giles Carter Greer, the Circuit Court for the City of Martinsville. Three Notices of Appeal were filed on February 21, 2023 with both the CAV and the Circuit Court, copies served upon the Appellees. On February 21, 2023 (exact same day as appeals filed), the Hon. Giles Carter Greer along with the Clerk Hon. Jeanie P. Nunn charged Appellant with CRIMINAL CONTEMPT for “vile, contemptuous, or insulting language” (Virginia Code Section 18.2-456(A)(3)) in his three notices of appeal filed before the CAV. His notices of appeal were the reason for the contempt charge, that is a fact. This is clear cut retaliation by this Hon. judge Giles Carter Greer and the clerk Jeanie Nunn, in response to Appellant’s constitutionally protected appeals since procedural due process of law (14th Amendment of the U.S. Constitution) protects Appellant’s appeals once the legislature enacted the statutory right to appeal. This judge appointed a lawyer Attorney Fred Dempsey Smith. Appellant secretly recorded the conversations with his court appointed lawyer under the Virginia one party consent statute. The secret recordings were filed with the CAV proving to them that this lawyer manipulated both Appellant and the Assistant Attorney General Justin Hill which caused a negative repercussion in the CAV involving Appellant’s appeal cases no. 0313-23-3, 0314-23-3, and 0317-23-3. Fred made a stipulation where the contempt of court case would be dismissed if Appellant had not filed anything in any “state court” (referring to Virginia courts) for six

months, Appellant was not allowed to even file in his appeals. This was the six month no-filing prohibition which Fred applied to the Circuit Court, the CAV, and the Supreme Court of Virginia. Fred never informed the CAV that Appellant agreed not to file anything in the state courts for six months. The lawyer Fred Smith lied to Appellant that the Attorney General agreed to extend Appellant's appeals in cases no. 0313-23-3, 0314-23-3, and 0317-23-3 as long as Appellant had called their office. Appellant writes Justin Hill, counsel for Appellees asking for extending his appeals and then Justin Hill writes back that he does not agree to file on Appellant's behalf to extend the time for filing deadlines because the Appellees lawyer Justin Hill does not represent Appellant. That means Fred Smith was caught lying again in another recorded conversation. Then around October, the attorney Fred Smith says that Appellant will be heading to the hearing for the contempt case to be dismissed and that Justin Hill was aware of the six-month thing, that his appeals had been extended. So, Fred convinced his client, the Appellant, that Appellant's time to file his appeal briefs was extended due to the six month no filing-prohibition. Appellant files his appeal briefs thinking that he was filing timely because of this lawyer lying to Appellant. Then Justin Hill files an opposition brief stating that Appellant filed untimely and that Fred Smith had been in contact with the attorney for Appellees claiming that Appellant was not prohibited from filing in the CAV but only in the Circuit Court. Appellant then accused Justin Hill of fraud on the court and lying to the court because Fred Smith told Appellant not to file anything in "state court"

including the appeals according to the secret audio recordings Appellant had filed with the CAV. Appellant reviews over the audio recordings, files them with the CAV on “MOTION FOR SANCTIONS AND INQUIRY AGAINST JUSTIN HILL, ASSISTANT ATTORNEY GENERAL FOR POSSIBLY DEFRAUDING THIS COURT”. The evidence in that filing showed that Fred Smith had lied and misled both the Appellant and Appellees, in an attempt to mess up Appellant’s appeals. Appellant then files the “AMENDED APPELLANT’S MOTION FOR DELAYED APPEAL” on January 22, 2024 with more evidence of Attorney Fred Smith lying, Fred Smith manipulating and lying to both Justin Hill and Appellant, and Fred Smith was the one who gave Appellant the six month no-filing prohibition causing Appellant’s appeals to be wrongfully dismissed as not filing by the deadlines set by the CAV since those deadlines were during Appellant’s six month no-filing prohibition. Fred Smith the attorney appointed by Judge Greer in Appellant’s criminal contempt of court case was solely responsible for Appellant’s failure to abide by the deadlines set by the Court of Appeals of Virginia (CAV).

BRIEF FACTS

5. Judge Greer didn’t like what Appellant argued and what he could argue in Appellant’s appeals from what was said in the three NOTICES OF APPEAL. Judge Greer retaliated against Appellant over his appeals.

6. Judge Greer presided as trier of fact over the very contempt case caused by the criticism of Judge Greer in Appellant’s notices of appeal. The criticism was over

this judge protecting the corrupt Martinsville city Commonwealth's Attorney Glen Andrew Hall, Esq. (Appellees) who had a sole duty to preserve police body camera footage and police car cam footage concerning the arrest and transportation of Brian David Hill, the Appellant. The police chief written a response letter saying it was up to the Commonwealth's Attorney to mark body-camera footage as evidence so that it would not be deleted permanently in normal course of the DATA Retention schedule. Three court orders were entered asking for the exact body-camera footage. Those court orders were found to be ignored and not complied with (disobeyed, disobedience) because the body-camera footage was never marked as evidence so it was deleted from the Martinsville Police Department's online storage system as part of it's DATA Retention Schedule. The corrupt Appellees knowingly disobeyed court orders which isn't just sanctionable contempt for violating discovery orders but it is technically CRIMINAL CONTEMPT OF COURT according to Virginia Code Section 18.2-456(A)(5). This isn't just a matter of fraud upon the court, but it is disobedience of three court orders which is liable for criminal contempt of court. Should have been prosecuted. Judge Greer refused to hold Mr. Hall accountable for breaking the law, three separate times. Appellant criticized this judge for protecting the corrupt Commonwealth Attorney Mr. Andrew Hall. Appellant got charged with contempt instead of the one who violated three court orders for willful destruction of evidence which was subject to those three court orders.

7. This same judge Giles Carter Greer appointed Attorney Fred D. Smith who

lied to both sides/parties of Appellant's three appeals cases. Fred lied to Justin Hill. Fred lied to Brian Hill. Fred Smith the corrupt court appointed lawyer unethically manipulated both parties of the appeals and forced Appellant to be under a six-month no-filing prohibition to avoid being convicted wrongfully for criminal contempt of court over his protected freedom of speech and right to appeal under procedural due process of law. It was unethical and in contradiction with the Canons of Professional Conduct for Judge Greer and the Clerk Jeanie Nunn to have charged Appellant with criminal contempt of court over his free speech in his NOTICES OF APPEAL as long as Appellant wasn't being criminally defamatory and as long as Appellant's speech wasn't a clear and present danger according to the U.S. Supreme Court. Appellant's speech wasn't a clear and present danger and did not advocate criminal behavior, therefore Appellant violated no law and the criminal contempt charge was unconstitutional. It was unlawful retaliation and in violation of the Canons of Professional Conduct, the rules set by the Supreme Court of Virginia for judges conduct and behavior.

8. Here are the reasons why the Panel's decision denying petition for appeal should be vacated or set aside, petition should be granted, should be perfected for appeal procedures, and why the case should be a legally binding case law opinion.

JUDGE AND COURT APPOINTED LAWYER COMMITTED
UNETHICAL MISCONDUCT ARGUMENT

9. Anyways, the Appellant had proven that his appeals were wrongfully

dismissed with the secret audio recordings of Appellant and Fred Dempsey Smith, a photocopy of the criminal contempt of court charge paper, the copies of the NOTICES OF APPEAL at issue with the criminal contempt charge, the Appellees opposition brief as to what Fred Smith told Justin Hill as to the six-month no-filing prohibition, and the affidavits/declarations filed by Appellant.

10. Appellant had proven that Judge Greer and the clerk Jeanie Nunn retaliated against Appellant with a criminal contempt charge against his free speech for his three appeals over not charging the prosecutor with criminal contempt of court under Virginia Code Section 18.2-456(A)(5) for willful destroying/spoliating Brady materials evidence of the police body-camera footage despite three separate court orders asking for that very evidence. Then the contempt criminal case was used to impose a six-month no filing prohibition period on Appellant causing the Appellant to not be allowed to file timely in his three appeals taking away his procedural due process of law under the Fourteenth Amendment of the United States Constitution and Article I., Section 11 of the Virginia Constitution.

11. Appellant had proved that Attorney Fred Smith had committed unethical behaviors thanks to the secret recordings recorded under one party consent statute and submitted to the Court of Appeals of Virginia. Those unethical behaviors and misconduct took away his constitutional procedural due process right to appeal to the Court of Appeals of Virginia. This lawyer would not fight for his free speech protections in court, and Appellant's only option to not be convicted of criminal

contempt was that he does not file in any state court for six-months (under this corrupt lawyer) when this lawyer refused any defense, and saying Appellant would have to get somebody else to pursue what he wanted to pursue. So, this lawyer appointed by Judge Greer who defended Judge Greer in conversation, this lawyer refused to protect Appellant's right to appeal. This is misconduct of a serious nature because a lawyer is supposed to listen to his/her client and present a defense if legally viable. A lawyer isn't supposed to fetter with appeals of which this lawyer isn't even representing Appellant on. This lawyer lied to the Assistant Attorney General which is a government office of the Commonwealth of Virginia. Fred Smith lied to appellees; this lawyer Fred lied to a government official. Then the judge abusing his power of criminal contempt under Virginia Code Section 18.2-456(A)(3) using official oppression to take away his constitutionally protected right to procedural due process of law to his statutory appeal. A judge of a lower court doesn't have the right to use criminal contempt to thwart an appeal he disagrees with, that is a DICTATORSHIP when a judge uses a contempt statute to take away an Appellant's right to appeal because the judge doesn't like the appeal. It's a dictatorship, a judge becomes a dictator when his court orders are virtually unreviewable because of the dirty tricks and dirty politics going on. This isn't right. This destroys both the Virginia Constitution and the United States Constitution, this makes the Circuit Court above the law, and virtually unappealable where nobody can appeal a judge's decision if the judge wishes to target a party before his court for simply appealing

an unfavorable decision. The behaviors of Attorney Fred Smith, Judge Greer, and Clerk Jeanie Nunn violated the Canons of Professional Conduct, and deprived Appellant of his statutory right to appeal as protected by due process of law. **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 PANEL SHOULD RECONSIDER ITS DECISION BECAUSE
ITS DECISION TO TAKE NO ACTION AFFECTS EVERYBODY IN
VIRGINIA INCLUDING THE JUSTICES/CAV JUDGES**

12. The panel should reconsider its decision refusing the Petition for Appeal by Appellant because it is clear cut that Appellant’s appeals before the Court of Appeals of Virginia (CAV) should not have been dismissed for untimely filing of appeal briefs because the Appellant had proven that his court appointed lawyer Fred Smith imposed a six-month no filing prohibition period in the Virginia courts including the appellate courts. Fred lied to both the Appellees and Appellant to make Appellant feel that his appeals would be extended by Appellees while Appellees were told by this lawyer that Appellant was not prohibited from filing in the CAV for six months while the recordings show that Appellant was told not to file in the CAV or any state court for six months. It is clear that the Supreme Court of Virginia needs to fix both the misconduct of Fred Smith, Esq., and Judge Giles Carter Greer. This Court needs to fix this issue to prevent judges all over Virginia from becoming

dictators where they can thwart appeals at their will. If these problems are not fixed by this Court, then this creates permanent repercussions where judges in every Circuit Court will start charging people with criminal contempt if an appeal goes against any of these judges. Judges will be allowed to use imprisonment or jail and/or fines to go after appellants', retaliate against appellants', and bring forth the creation of local judicial dictatorships which can commit a political coup d'état. Then these local dictators can charge even the justices of this Supreme Court with criminal contempt. That means any justice of this court can be charged by a local dictator judge with vile, contemptuous, or insulting language and be held in jail for criminal contempt. Then judges can target appellate court judges with criminal contempt of court because the lower court judge disagrees with the appellate judge or judges. This contempt statute can get messy if this problem is not reigned in by this Court to put a stop to a Dictatorship by the Circuit Courts using the contempt powers.

13. America is doomed if this issue it not fixed. Virginia is doomed.

CONCLUSION

The judgment/order of Writ Panel's refusal of Appellant's petition for appeal on September 9, 2024 was erroneous/error of law/error of fact, and the case should be remanded for further proceedings on the issues, and that Appellant's petition for appeal be granted for maturing appeal for further proceedings. Appellant requests relief accordingly and asks for any other relief which the SCV may deem proper and just.

Respectfully Filed/Submitted on September 14, 2024,

BRIAN DAVID HILL
Pro Se

Brian D. Hill
Signed

Brian D. Hill

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 14th day of September, 2024, I caused this “PETITION FOR REHEARING OF APPELLANT” to be delivered by email service by Assistant/Filing-Representative Roberta Hill using rbhill67@comcast.net or rbhill67@justiceforuswgo.nl to the Commonwealth of Virginia and City of Martinsville through the Commonwealth Attorney’s Office of Martinsville City; as well as to the named counsel for the Office of the Attorney General; and the original was filed with the Clerk of the Supreme Court of Virginia by Virginia Court eFiling System (VACES) through Assistant/Filing-Representative Roberta Hill which shall satisfy proof of service as required by Rule 5:1B(c) stating that “*Service on Other Parties by Email. – An electronic version of any document filed in this Court pursuant to Rule 5:1B(b) must be served via email on all other parties on the date the document is filed with the Court or immediately thereafter, unless excused by this Court for good cause shown. An e-filed document must contain a certificate stating the date(s) of filing and of email service of the document.*” And the proof that such pleading was delivered will be filed together with this “Petition for Appeal” shall satisfy the proof of service was required by Rule 5:17(b):

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

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


Signed

Brian D. Hill

U.S.W.G.O.



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The Deep State Can Frame You – the Documentary

<https://rumble.com/v2ozhp6-the-deep-state-can-frame-you-the-documentary.html>

