

57. On July 9, 2012, An audio segment that Defendant Hill had emailed to the New York Times news reporter Dan Frosch, email dated to have been sent on July 12, 2012, 2:54 PM. (See Exhibit 31, Part 1: Audio CD evidence, converted from mp3 file that was attached to the email. Part 2: Email from Brian D. Hill to New York Times and 100_9098.JPG). That audio was recorded showing that Brian had asked Phil Berger Senior why he had taken no action on Nullify-NDAA petition, then you can hear in the background that Police Chief Charles J. Caruso, who was behind Brian and had escorted him out of the town council chambers, and wouldn't even let Brian David Hill get his stuff until he verbally spoke out that he had needed to get his stuff. Then Chief Caruso appeared to have followed Hill around telling an official or officials that Hill was getting his stuff and then Hill spoke into the microphone as to getting the boot from the town council chambers, then a news reporter from the Rockingham Update had lectured him that it was a closed session. Well, that still doesn't give the Police Chief a right to threaten Hill and not let him ask the Senator any questions after the closed session was finally over. This was a power move by the Chief of Police to completely block Hill from ever getting access to the Senator ever again. That was before that same town police department had investigated Brian David Hill for possession of child pornography.
58. On July 10, 2012, Defendant Hill had posted on his website (now defunct) USWGO Alternative News. The article had been worked on after the incident but was technically posted on July 10, 2012, since it was worked on overnight. It

had described what Hill was not able to record on his Netbook because he didn't expect that the Chief of Police in such a wonderful town of Mayodan, would stand around and threaten Defendant Hill, as if he had done something so horrible, so heinous, as to ask Senator Philip Edward Berger a question at the Mayodan town council. Even if Hill couldn't film or ask any questions during the closed session period, why didn't Chief Caruso let Hill ask Berger questions after the closed session? The Court needs to demand that Charles J. Caruso, the Mayodan Chief of Police, to be subpoenaed to testify as to why he had threatened Defendant Hill to not ask Senator Berger any questions as this was Hill's right under the Freedom of the Press clause of our Constitution and the State Constitution of North Carolina. It is our Constitutional right to ask public servants (not officials) questions and Defendant Hill was threatened by the dirty cop, the chief of police, the corrupt police official who acted like he has the power of god over that town, just for asking the town attorney a question, one question, wasn't even allowed to ask any more questions. The same police chief that was involved in the child pornography investigation against Defendant Hill. (See **Exhibit 32**, the "USWGO Alternative News article titled Reporter intimidated and booted from town council when asking a question")

59. On July 12, 2012, Defendant Hill had posted on Prison Planet forum, which was founded by Alex Jones and Free Speech Systems, LLC. Hill had begged them to get on the Alex Jones Show and described that Mayodan police had harassed his mom while she was walking to the Dollar General in downtown Mayodan and

had warned people that Mayodan may try to have him arrested. This was 8 days exactly before Detective Robert Bridge had even accused him of downloading child pornography and before or during the time that his Laptop was reported by Hill to have been hacked. (See **Exhibit 30** or **Exhibit 28**, the forum post on Prison Planet forum).

60. On July 20, 2012, may have likely been around when Hill's laptop was hacked. According to Detective Robert Bridge, he claimed that suspected child pornography files had started downloading to the IP Address 24.148.156.211 to which the IP Address owner on file was Roberta Hill and was also used by Brian David Hill from May of 2012 to August of 2012.
61. On August 17th to 19th, 2012, Defendant Hill had released on his political website, USWGO Alternative News, the U.S. Department of Homeland Security ("DHS") documents that were released pursuant to a Freedom of Information Act ("FOIA") request that was conducted the year before, and on the 19th of August, 2012, Infowars had written an article and mentioned on their radio show program about what Hill had done by publishing the DHS fusion center documents released due to his own FOIA request. (See **Exhibit 37**, Part 1, the article from Infowars.com on what Brian D. Hill had released on his website). It proved that the DHS "fusion centers" were spying on Infowars commenters and on those who were fans/supporters of Infowars alternative news media outlet. Alex Jones even did a video which the name of the criminal Defendant Brian D. Hill and "USWGO Alternative News" were shown in the video that Alex Jones

had recorded from a video camera and uploaded to YouTube in 2012 (See **Exhibit 37**, Part 2, the video recording on YouTube from Alex Jones on what Brian D. Hill had released on his website).

62. On August 22, 2012, that was when Mayodan Police had started their so-called official child pornography investigation into the citizens of 413 North Second Avenue in Mayodan, North Carolina, which at the time were Brian David Hill and his mother Roberta Hill. Police Captain Donnie Barker was the supervisor at the time of the criminal investigation that Mayodan had started under Detective Sergeant Christopher Todd Brim.
63. On August 28, 2012, both the town of Mayodan Police Detective Christopher Todd Brim and Reidsville city Police Detective Robert Bridge had acted to begin the police raid at the home of 413 North Second Avenue. Captain Donnie Barker was involved in the police raid according to the Mayodan Police report obtained by Hill independent from any negotiation or discovery agreement with the U.S. Attorney. According to page 10 of the police report said that “*Captain Barker and Officer Williams secured the sides of the residence. Sergeant White and Detective Bridge secured the rear of the residence. Chief Caruso and I approached the front of the residence.*” So Captain Barker was involved on the sidelines, but was removed as Supervisor and instead Christopher Todd Brim was both the Investigator and Supervisor. Brian D. Hill’s claims in earlier pro se motions and other filings that Chief Caruso had threatened Brian to “fess up” “or else your mother would be held responsible,” does indeed hold water since

the very police report admitted that Chief Caruso approached the front of the residence that was to be raided for the child pornography allegation or allegations at 413 North Second Avenue in Mayodan.

64. On August 29, 2012, Defendant Hill had originally told the Detectives that he had a Trojan horse and was placed in the recycle bin because he had fought to try to stop this Trojan horse, but apparently this malware, rootkit, or whatever it was, was too much for him to handle. It doesn't matter to this Court how knowledgeable Brian David Hill is in computers. If a team of computer hackers decided to attack Hill's computer, even if Hill had possessed the knowledge of a computer hacker which seems unlikely considering how easy the Detectives claimed to have found the child pornography when computer hackers would automatically, by default, encrypt their hard drives, set file erasing software in case of a police raid. Even if Hill had possessed the knowledge of a Grade A computer hacker or script kiddy, he cannot fight against multiple computer hackers. Even computer hackers are vulnerable in a hacking war between hackers, much like gangs on a street corner trying to kill each other in a gang brawl. However, Hill does not belong to a gang, and he is not a computer hacker. I am just arguing like the devil's advocate, the what-if Hill had even been a hacker scenario. Anyways, he told the Detectives that he was downloading pirated software and music, which of course is a normal thing for most nerds, and you don't have to be a computer hacker to use a keygen, a crack tool, or any software that was already developed by an experienced computer

hacker or programmer who can reverse engineer patented software applications. One such reason he did was that Hill and his family had legally licensed purchases of multiple Microsoft Corporation Operating Systems like for example "Windows XP". What got him to admit the pirated software to the Detectives was that he had a legally licensed copy of Microsoft Windows XP that kept demanding, over and over again, that he call some guy in India (since call centers had been outsourced to mainly countries like India) every time he had to restore his computer or his version of Windows XP would lock up and his digital computer files held hostage, being treated like a criminal for legally paying for an Operating System program by Microsoft Corporation. He eventually got tired of being accused of activating his Windows XP OS too many times because his computer kept getting viruses and malware or even rootkits from the internet, just random surfing can get you into digital trouble. After that he started using programs, freely available on the internet at the time, to nullify the mandatory activation scheme over a decade ago, however software updates are normally Microsoft's attempt to stop the activation hacking tools from nullifying the mandatory product activation scheme from Microsoft. So Hill did not use automatic updates and kept his computer under many security vulnerabilities. That is how child porn could of course have been planted on his computer or that a computer hacker or team of hackers can take advantage of Hill's lack of security patches because he would rather not be forced to call some guy from India to activate his legally purchased product that he and/or his

family had paid for. It is common sense as to why he had admitted to the Detectives that he had used pirated software and music. The argument is that Hill had tried to explain to the Detectives that his Laptop was under hacker control, that he got a Trojan Horse, tried to explain things in his own way aka that was his initial statement of innocence, even though he wasn't able to explain it as well as the Detectives would expect from an innocent man. Assuming for argument that the Detectives were not out to get Hill and that Chief Caruso was some kind of angel instead of acting like an armed thug that doesn't care about the laws including the Americans with Disabilities Act regarding a treatment of a criminal suspect with Autism while inside of a police department which makes the town of Mayodan culpable for violations of the Americans with Disabilities Act ("ADA") federal law, that even the U.S. Justice Department refused to prosecute on behalf of Hill. Anyways after his initial statement, and the Detectives discussing Hill's political website which was USWGO Alternative News and his YouTube channel, talking about his stuff dealing with the Mayodan town council, the Detectives pushed for Hill to falsely admit to guilt. They didn't want to examine his Laptop to look for the Trojan horse or anything like that, all they wanted was for Hill to admit to downloading and possessing child pornography. The Detectives then told him that they had found child porn on his computer and that he had better just tell them. Hill I believe mentioned, looking back to that from memory, about adult porn and then they hijacked his reply by saying they were finding more and more child porn,

making him feel as if no pictures of adult women had ever existed on his computer or any hard drives, as if he was not into women at all. Hill couldn't fight against these kinds of building up arguments of the allegations which led to Hill caving in. He was questioned around his lunch time, he is a brittle type 1 diabetic as affirmed by Dr. Steven South of Greensboro, North Carolina, when Hill was a kid. His blood sugars were more difficult to control as he became a teenager. He was literally at a high risk of diabetic seizures by administering too much insulin per meal to try to lower his diabetic A1C blood hemoglobin level so that the Doctor would get off of his back, and he almost died by trying to please his Doctor. Even the County Detention Centers couldn't control his insulin intake and couldn't even reasonably calculate the starches and glucose intake to accurately calculate the food and make sure that enough insulin is given per meal. They also did not take into account when Hill walks back and forth in his jail cell that he would slowly burn calories and his blood sugar level would start to plummet. Anyways, the Detectives questioned him around lunch time knowing that he was type 1 diabetic. They knew he had Autism and Hill did have OCD. They were able to get Hill to falsely admit to guilt by building up arguments of nothing but guilt against Hill, not allowing him to simply make his statements and let the facts fall where they may. They didn't let the evidence lead them to the truth, they let the Detective/s viewpoints meet the narrative of the evidence and forced the evidence to fit the narrative, their narrative. All they were interested in was destroying Brian David Hill and ruin his family. Ruin the

political character of Brian David Hill by ruining his image, and desecrate his character. A political character assassination if you will instead of somebody actually killing him which would make him a martyr, which would cause people to retaliate against whomever they believed led to the death of Brian David Hill if that ever happens. They didn't want civil unrest if Brian David Hill had to be murdered. So instead they killed his character to get rid of the problem facing the town attorney and police chief of Mayodan. Brian was causing them real problems and was going to split or politically harm the town of Mayodan with his consistent fighting against the possible corruption of Mayodan. If Brian had even decided to run for the local town council position just to get motions to the town council to fire Chief Caruso or vote no confidence in the town attorney, it would end the money flow to Phil Berger Senior and his career would be put into jeopardy. Hill was a political threat to the town of Mayodan if they didn't think of a way to destroy him. Who would argue that Brian was innocent of child porn when usually the stigmatization surrounding even remote allegations of child sexual exploitation and abuse, would be enough to make him want to commit suicide or suffer years of torment and horror when people turn on him including his old friends and neighbors when hearing of what he was to be charged with. Oh believe me, even his own medical doctor Andrew Maier documented that Hill had "depression with suicidal thoughts." (See Document #12-2 from civil case, Brian David Hill v. Executive Office for United States Attorneys et al, case # 4:17-cv-00027, United States District Court for the

Western District of Virginia in Danville, Filed 06/12/2017) False allegations of child sexual exploitation to make a political martyr as easy as baking an apple pie or baking a decent cake like you were Betty Crocker.

65. On April 6th, 2013, Defendant had uploaded a video on the USWGONetwork YouTube channel which is an alternate and substitute USWGO YouTube channel in case of any issues. The video was titled “Emule virus type has infected people around the entire world including America”. (See **Exhibit 42**, Video DVD evidence, and screenshot of that video that was put on YouTube at the time of April 6, 2013)
66. On April 19th, 2013, An article on FederalJack (See **Exhibit 4**, article 1: “ALERT!!!: New virus that may be planting child porn to set up people as pedophiles”) talking about the eMule virus which got a lot of attention and went viral at one time, and even made the American Live wire news outlet on May 3, 2013, which was mirrored by Truth Frequency Live (See **Exhibit 4**, article 2: “The Government Is Planting Child Porn On Your Computer”). Hill used to be associated with them (referring to Chris Geo and Sheeree Geo of Truth Frequency Radio) as well when he was alternative media.
67. On April 7th and 20th, 2013, Defendant had received two threatening emails (See **Exhibit 6, to see both threatening emails**) from tormail.org had been received by Hill at his admin@uswgo.com, in April, 2013, while child porn had reportedly been continuing to download to Hill’s C655D

laptop computer according to Special Agent Rodney V. White's own testimony on page IV of his own report. One dated from April 20, 2013, said that *"Your gonna get it....We know what your tryin to do....You'll regret ever being an investigative news reporter....Youll regret what you just did....better watch your back Brian....DONT REPORT ANY MORE ARTICLES OR TALK TO ANY REPORTERS ABOUT THIS CHILD PORN VIRUS OR YOU GONNA GET IT"*. The other threatening email dated April 7, 2013, had said that *"You better watch out Brian...We are watching you...Having child porn planted on your hard drives and computer was only the beginning and we will set you up for violent sex crimes if you don't watch your back...Have fun becoming a sex offender...Police won't believe you no matter how much evidence you have that you been set up we know some people in the SBI who will make sure you are convicted. You will be shut up by being a sex criminal. Your friends Alex Jones, Dan, James, Sean, Alex, and others are next...BeWare!"*

68. On July 3, 2013, Luke Rudkowski (See **Exhibit 7**, Video DVD evidence), had uploaded a video to YouTube that somebody had tried to send him child pornography masquerading as a whistleblower. Later on the date of November 1, 2013, as uploaded on YouTube, Luke Rudkowski's hotel room was broken into which was yet another attempt to try to set him up

again. Both are on Exhibit 7. This goes along with the claims in both threatening emails, as if to send a public message to Hill that he will suffer further repercussions and consequences for trying to prove his actual innocence before being arrested later on.

69. On August 22, 2013, Ben Swann (See **Exhibit 8**, Video DVD evidence), who was a former television news anchor and investigative journalist had interviewed another proclaimed child pornography set up victim named Dan Johnson. In the second video also under **Exhibit 8**, on the date of July 24, 2013, StormCloudsGathering conducted a live video broadcast stream on YouTube regarding an interview with Dan Johnson, Stewart Rhodes of Oath Keepers, and a computer forensic expert, and all in regards to yet another child pornography set up attempt. This further goes along with the claims in both threatening emails, as if to send a public message to Hill that he will suffer further repercussions and consequences for trying to prove his actual innocence before being arrested later on.
70. On November 13, 2013, Melissa Melton (See **Exhibit 9**, Video DVD evidence), along with the help of Aaron Dykes, uploaded a video to YouTube to warn people that somebody tried to impersonate her identity then tried to email child pornography to somebody claiming that it was a professional interview from the alternative media outlet of Truth Stream

Media. This is yet another documented child pornography set up attempt. Hill had been connected with Aaron Dykes in a number of ways which endangered the political career of Phil Berger and the other corrupt politicians who likely resented Hill for his political news articles. Aaron was his Facebook friend, added one or more of his news articles to the Infowars.com syndication, and Hill had the personal mobile phone number of Mr. Dykes before he cut his ties with Hill and isn't speaking to anybody from his old number for whatever the reason may be. Likely out of fear after they had left Infowars due to some unusual circumstances.

Nonetheless this issue further clarifies that is affirmed by the statement of a defense witness who was attorney Susan Basko under declaration (See Document #46, "*Declaration of Susan Basko in Support of Brian David Hill's Motion to Withdraw his Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes*"). The very same witness that both court appointed attorneys John Scott Coalter and Eric David Placke knowingly ignored. This further goes along with the claims in both threatening emails, as if to send a public message to Hill that he will suffer further repercussions and consequences for trying to prove his actual innocence before being arrested later on.

71. On December 5, 2013, Hill had emailed an employee of the North Carolina Department of Justice Law Enforcement Liaison Section, Assistant Attorney General, and her name is J. Joy Strickland. See Document #84 and all attached documents to this filing. However this filing originally (when it had been filed in 2015) was not filed under a Declaration or Certification that it was a true and correct copy, so Hill will correct that. Hill is willing to certify or declare under Oath, under Declaration, or under Affidavit that this evidence filing under Documents #84-8, #84-7, #84-6, #84-5, #84-4, #84-3, #84-2, and #84-1 are all true and correct copies, if the Court so requires.
72. On December 6, 2013, Hill had emailed a second email to J. Joy Strickland, an employee of the North Carolina Department of Justice Law Enforcement Liaison Section, Assistant Attorney General. The second email introduced to this Court as evidence is subject: “addendum to last email”. See **Exhibit 38**, for the entire email and all attachments to that email filed.
73. On December 10, 2013, Hill had emailed a third email to J. Joy Strickland, an employee of the North Carolina Department of Justice Law Enforcement Liaison Section, Assistant Attorney General. The third email introduced to this Court as evidence is subject: “Grateful for the Mayodan PD backing off and returning most of my stuff”. See **Exhibit 39**, for the entire email and all attachments to that email filed.
74. On December 12, 2013, Hill had emailed his last and fourth email to J. Joy Strickland, an employee of the North Carolina Department of Justice Law

Enforcement Liaison Section, Assistant Attorney General. The last email, before he was arrested by Special Agent Brian Dexter of the U.S. Department of Homeland Security (Winston Salem, NC division), introduced to this Court as evidence is subject: "Mayodan police lied to me". See **Exhibit 40**, for the entire email and all attachments to that email filed. Mayodan Police had deceptively planned to have Hill come down to the Mayodan Police Department to be arrested on Friday the thirteenth, in December, 2013.

75. On December 14, 2013, Hill was in the Hospital for a mental evaluation, and the email accounts including passwords of USWGO Alternative News and Brian D. Hill were turned over to Hill's family to prevent the crooked police from destroying all evidence in his email account which would later be used to exonerate Hill (like now in this 2255 motion). Hill's grandpa had sent this email in response to attorney Susan Basko with information which further shows how deceptive Mayodan Police Department was, and that they were out to get Brian and were angry that they weren't the ones to arrest him and get some kind of credit not to mention all of the abuse and terror they likely would have inflicted on him had Mayodan Police got to him first before the Federal Marshals or even Homeland Security. This email introduced to this Court as evidence is subject: "Re: how are things going?". See **Exhibit 41**, for the entire email. Mayodan Police had deceptively planned to have Hill come down to the Mayodan Police Department to be arrested on Friday the thirteenth, in December, 2013. They were angry that they didn't get what they wanted. Hill was wondering if had he

gone down there under the guise to pick up his inventory items, could Mayodan Police have beaten him, tortured him, disappeared him, or even killed him and make some type of claim like, Hill was resisting arrest like many corrupt ‘police-state’ officers normally do?

IX. Connections between investigators and politicians that may be both unethical and a conflict of interest, and other/misc. issues that the Court needs to further investigate as noteworthy

76. There are solid connections between the Phil Berger family in Rockingham County, and the law enforcement officer who investigated Defendant Hill for child pornography. According to **Exhibit 23**, it contains two color printouts of the Facebook pages of Reidsville, NC Police Detective named Robert Bridge, and his sister Melanie Bridge. This proves that Melanie Bridge was employed as Assistant District Attorney of Rockingham County while under the payroll of Phil Berger Junior (“DA Berger”) who was District Attorney in 2012-2013. Not just the fact that Melanie Bridge works for Phil Berger Junior on his payroll as Assistant District Attorney, but when Phil Berger Junior was running for U.S. Congress in the 2014 elections, Phil Berger Jr. publicly endorsed Melanie Bridge to run for the position of being the next District Attorney for Rockingham County, NC. (See **Exhibit 36**, titled “District Attorney Phil Berger,

Jr. Endorses Melanie Bridge for Rockingham County District Attorney” from RockinghamUpdate, dated around March 11, 2014) This is an interesting coincidence while Defendant Hill was held prisoner at the Federal Correctional Institution in Butner, NC during his mental evaluation by Dr. Dawn Graney. Oh! It could have been a nice reward for her after her brother made sure to have Brian’s life ruined and be arrested on possibly false and/or manufactured evidence (false confession and the child porn download dates from July 20, 2012, to July 28, 2013). Phil Berger Jr. is the son of Phil Berger Senior. This proves that there is a potential conflict of interest when Detective Bridge had investigated Hill. The Detective’s own sister was on the payroll of the District Attorney, which of course would be biased towards anything favorable to the state prosecution. The case may not have been prosecuted by DA Berger, but he was still involved as there was nothing in the discovery material that Hill was aware of as to whether DA Berger had ever recused himself from the criminal case concerning Brian David Hill. Since Hill had been writing anti-Phil-Berger articles on the internet and confronted Berger to ask him a question. Hill as well had been in opposition to the next election of Phil Berger Sr. for over a month prior to the child pornography allegation, DA Berger should have written a letter to the N.C. SBI and the Mayodan Police recusing himself of any involvement or matter concerning the criminal investigation of Brian David Hill. Hill has found no such letter so he assumes that DA Berger had been involved possibly behind the scenes until Hill had been arrested by the U.S. Department of Homeland

Security (“U.S. DHS”) Special Agent Brian Dexter of Winston-Salem, NC. Dr. Keith Hersh was not correct in diagnosing Hill with “delusional disorder: persecutory type” because he had not done any research, Hill was sitting in Jail everyday throughout his case with access to literally no evidence to prove his claims to the psychosexual evaluator. Had Dr. Hersh reviewed over the connections between Phil Berger Junior and the police Detective that investigated Brian and went after him, he would have had a different viewpoint and perspective.

77. According to page 11 of the Mayodan Police Report, (See **Exhibit 33**, Part 3 (third page): Page 11 of the Mayodan Police Report), Detective Christopher Todd Brim said in his investigative report that “While I was conducting the inventory, Detective Bridge was evaluating the internal hard drive (HD) that he took from Brian's laptop computer. In a matter of minutes, he was able to retrieve numerous pornographic images and videos of children.” That sounds very suspicious as that could have been the entry point of when any possible child pornography could have been planted and/or they could have known that there was a computer virus since 454 files had continued downloading with eMule until July 28, 2013. The Detectives didn’t let the forensic crime lab handle the analysis. He had conducted his own analysis in a non-controlled forensic environment. Detective Bridge specifically conducted his own unchecked, uncontrolled forensic analysis, which may have initially violated the North Carolina State Crime Laboratory policy or policies regarding submission

of evidence that was previously examined. Mayodan Police Department is not a large police department, and so they likely have no controlled forensic environment. This clearly could have given them any bit of time to conduct any form of forensic evidence tampering, evidence planting, and/or even deletion/erasure of evidence that could have implicated anybody for framing Hill with child porn.

78. Another issue was that the Search Warrant Affidavit of Detective Robert Bridge, stated that N.C. SBI Agent Gerald Thomas (“Agent Thomas”) was involved in attempting to get the IP Address subscriber information. It had stated in Detective Bridge’s affidavit on paragraph “70. On August 7, 2012 I contacted SBI Agent Gerald Thomas who forwarded my request for an administrative subpoena to Cheryl King of the NCSBI. Ms. King filed and administrative subpoena for the IP address 24.148.156.211 for the subscriber information on July 21, 2012 at 0400 GTC.” (See Document #84-2, Filed 04/27/2015, Page 21 of 23) Agent Thomas was caught manufacturing evidence in a murder case, even the SBI Counsel Angel Gray admitted that Agent Thomas had changed his report and committed that very misconduct that Hill is afraid could have happened in his case somehow. (See Exhibit 45, Part 1: “Judge dismisses lawsuit alleging SBI misconduct in Clemmons dentist case”, Part 2: “RALEIGH: Scathing SBI audit says 230 cases tainted by shoddy investigations | Agents' Secrets: The Fallout | NewsObserver.com”) The Part 2 article said that “Angel Gray, who represents Thomas, said in court that Thomas changed his

report after consulting with prosecutors and detectives with the Davie County Sheriff's Office. But Vermitsky said that Thomas did not change the date when he changed his report and failed to fill out a form stating why he changed the report." Hill had attempted to write a letter to Cheryl King but discovered from somebody at the N.C. State Bureau of Investigation themselves that she was six feet under, meaning that they were aware that she had died. Further research revealed that she had quit N.C. SBI and moved to Georgia before she mysteriously died. (See **Exhibit 12**, Part 1: "Cheryl Felicia King (1949 - 2014) - Find A Grave Memorial", Part 2: "Cheryl Felicia King | North Carolina Department of Justice | Email Department of Justice | @ncdoj.gov | Phone: (919) 773-7810"). Both names match from the Part 1 "Find A Grave" entry and the entry on some "Joesdata.com" page, and has shown that they are of the same person. When she had died, she was cremated meaning that her body cannot be further examined any further by a coroner. Since her body is cremated, Hill has no means to investigate whether she was murdered or died of natural causes. Hill tried to talk to her supervisor requesting a copy of the administrative subpoena that had been used to cause the Mayodan Police raid. Then Angel Gray, the SBI legal counsel, sent Hill a response saying that he had no right to request access to or make a copy of the very administrative subpoena that was issued against Roberta Hill's IP Address 24.148.156.211 that Hill was using. So the N.C. SBI is also making very well sure that Hill will never know what was stated in the administrative subpoena, when it was conducted through SBI Agent

Thomas who has a history of manufacturing evidence in the case of Dr. Kirk Turner, and was never fired from office for that form of misconduct. He could have lied, made things up, fabricated anything he wanted, and Hill would have no means to challenge it and reveal to the Court what could have been said in the administrative subpoena. Hill requests with the Habeas Court that EarthLink Internet Service Provider and/or the N.C. SBI be subpoenaed for the administrative subpoena and allow both parties to review over the entire record to determine if that sets any more elements leaning towards actual innocence.

79. Then the next issue in the Search Warrant Affidavit of Detective Robert Bridge, stated on paragraph “15. *Computers and other digital media are akin to a filing cabinet or a vault.*” (See Document #84-2, Filed 04/27/2015, Page 13 of 23) That is not the truth. That comment sounds very dumb and does not accurately describe what a computer is and any other internet-connected media is. The way Detective Bridge had explained it in his affidavit, he made it sound like computers cannot be hacked, that computers are just as secure as a filing cabinet or vault. A vault is more secure than a computer. A vault is not electronic and is usually not easy to hack into as much as it is easy to hack into an internet-based computer. If a computer is connected to the internet, it can be hacked by any capable computer hacker who knows how to reverse engineer computer programming. At the time the affidavit was typed up, according to paragraph 7. He had stated that “*I am currently attending Guilford College studying Computer Technology Information Systems.*” (See Document #84-2, Filed

04/27/2015, Page 10 of 23) So he hadn't even finished all of his college courses yet, but had currently at the time, attended Guilford College for studying computer technology information systems. Detective Bridge will be eating crow now for his clearly ignorant statement that is incorrect in the facts of how computers work. He is wrong to compare a computer to a secure physical vault where physical valuables and any other paraphernalia can be stored, and no computer hacker can just push a few buttons to steal all items from a physical metal vault. It is far worse than the risk of somebody breaking into a home to steal from a filing cabinet or even break into a secure metal highly-grade vault. A computer is so easy to hack into due to the open nature of the internet. Any computer that uses the internet has access to a worldwide level of information which can be mostly free and the rest is behind some paywall, depending on what you wish to look for or research into. That also makes the computer susceptible to hacking, viruses, rootkits, and Trojan horses. He had also said on that page on that same paragraph 7. That "As part of that task force your affiant has completed 110 hours of training in internet related investigations including basic undercover internet investigations, peer to peer file sharing undercover investigations, wireless network investigations, craigslist investigations and computer triages." So let's say that for example, Robert Bridge, trained from 9AM to 5PM which would be 8 hours a day of training. Then each day at 8 hours of training would only equal 13.75 days which of course would be rounded off to 14 days of training that Detective Robert Bridge would have had

to complete before he is ready to ignorantly assume that every child pornography suspect is guilty and that computers aren't hackable (the slang term for a computer that can be hacked, possibly easily) and are as secure as a physical filing cabinet or even a vault as he said in his own affidavit for the warrant. Let's say that his training was limited to only 4 hours a day, then the total number of days needed to complete that form of training would only be 27.5 days, rounded off to 28 days. That isn't many days to train effectively for a computer crime investigation when the suspect may actually be a victim of a hacking operation or criminal operation by a group of hackers or a lone computer hacker with extensive script kiddy tools. Detective Bridge likely just put this warrant as easy to understand as possible, but a computer is clearly not the same as a secure vault or filing cabinet to which the only way to hack into the filing cabinet is by physically breaking and entering, possibly put the homeowner at gunpoint, then open the filing cabinet to take all or some of the files contained within. With a vault the trespasser would have to use equipment to crack open the vault by using some form of extensive tools and/or hardware. Hacking a computer can be as easy as using telnet, using script kiddy tools, sending virus emails to somebody, and there are plenty of other ways to hack into the computer and read/write any files at will. Detective Bridge didn't even finish his computer training, and he was the one who pressured Brian David Hill to confess to a crime that he did not do after Hill, made the initial statement about a "Trojan horse".

80. The last issue involving Detective Bridge's claim in the Search Warrant Affidavit, was that it said in paragraph "64. *Your Affiant has validated the UIS by conducting investigations manually using publicly available P2P clients and compared the results with the automated UIS process and found the results to be exactly the same*" (See Document #84-2, Filed 04/27/2015, Page 20 of 23). So he had admitted that he used publicly available P2P clients and compared the results with the automated UIS process. That would have meant that he would have to have been downloading eMule himself and then using that software that was/is outside of the law enforcement approved tools. The question is whether he could have been using such (non-law-enforcement approved) software to download and/or share child pornography which of course would have been done when using any run of the mill P2P file sharing software. Was he admitting to the usage of unapproved tools that aren't a part of the NordicMule and the UIS system? Could he have hacked into Hill's computer since publicly available tools like for example the eMule software which is open source, and therefore can be modified by computer hackers for their desired criminal operations? The Court will have to take Detective Bridge's statements into account when determining whether Hill was investigated by fair and impartial officers who knew what they were doing and making sure as to whether Hill was actually guilty or actually innocent.
81. Page 1 of the Mayodan Police Report shows another interesting fact that needs to be further looked into and is noteworthy in this case. (See **Exhibit 33**, Part 1

(first page): Page 1 of the Mayodan Police Report) On the first page it shows that the Supervisor as to being named as "BARKER, R. D. (375)" aka "Captain Donnie Barker". #375 appears to be the Badge number or number ID of that particular officer. That was when the Mayodan Police official criminal investigation against Brian David Hill (mainly) and Roberta Hill had started at around 08/22/2012/14:00 Hrs. The police Captain of the Mayodan Police Department had officially supervised the investigation by Detective Sergeant Christopher Todd Brim. That was officially on record as to being since August 22, 2012. Then next to the first page (first page, Part 1) is at page 7 (second page, Part 2) of the Mayodan Police Report concerning the criminal investigation of Brian David Hill aka Defendant Hill (See Exhibit 33, Part 2 (second page): Page 7 of the Mayodan Police Report), shows the entry as of being on Date/Time of "08/28/2012 08:30:00, Tuesday". That would be August 28, 2012, on the exact same day of the police raid that was executed on the address of 413 North Second Avenue, in Mayodan North Carolina 27027, on August 28, 2012. If you may notice on Page 7 (Part 2 of Exhibit 33) the Supervisor is no longer Captain Donnie Barker, as his name was removed from the criminal case investigation report concerning suspects: Brian David Hill and Roberta Hill. The Supervisor since August 28, 2012, is none other than "Supervisor: BRIM, C. T. (374), Investigator: BRIM, C. T. (374)". No more officer Captain Barker as Supervisor according to Page 7 on up. So both the criminal case Investigator and Supervisor is Christopher Todd Brim. According

to the Mayodan Police Department organization listing that Hill's family had printed from the Internet Archive at archive.org (See **Exhibit 34**, MPD Organization), it appears that the rank from top to bottom appears to be as follows:

1. Chief Charles J. Caruso (in 2012)
2. Captain Donnie Barker (in 2012)
3. Lieutenant Tim Bowman (in 2012)
4. Sergeant Todd Brim (in 2012)
5. Sergeant Tony Ashburn (in 2012)

Why would a police Captain that outranks Detective Sergeant Christopher Todd Brim be the Supervisor on August 22, 2012, then on August 28, 2012, Supervisor Captain Donnie Barker was removed from the case of Brian David Hill then the only Supervisor since-then would have been Christopher Todd Brim who was only ranked as Detective Sergeant at the time in 2012 and in 2013?

What is troublesome about these developments was that the only one that outranks Detective Sergeant Christopher Todd Brim in the criminal investigation report concerning "Brian David Hill" was Captain Donnie Barker who was logged as to being Supervisor on August 22, 2012, then was removed in August 28, 2012, and since then the only Supervisor in the case file report was Christopher Todd Brim who acted as both the Investigator and Supervisor since August 28, 2012, according to the case file on record. The question is why

all this would have happened. Usually when people are framed or set up, the less people involved in a criminal investigation would be better. Another question that both John Scott Coalter and Eric David Placke, two court appointed lawyers, had never asked before the final conviction of Brian David Hill on November 12, 2014.

X. The U.S. Attorney Office of Greensboro, North Carolina had collectively covered up or attempted to cover up the North Carolina State Bureau of Investigation (N.C. SBI) case file report (forensic report) and August 29, 2012 confession audio likely because any information in those reports point towards actual innocence facts and/or reasonable doubts to which any reasonable juror would find the Defendant not-guilty of the charge

82. A federal lawsuit was filed in the United States District Court, for the Western District of Virginia, Roanoke Division but was transferred to the Danville Division (for Plaintiff living in Martinsville)., The lawsuit was filed under the Freedom of Information Act (“FOIA”). The lawsuit was filed on April 25, 2017. One of the reasons as to why the lawsuit was filed was because the court appointed lawyer John Scott Coalter threatened that he may dispose/destroy his copy of the original criminal evidence that was used against Brian David Hill aka the discovery material which Defendant Hill has a right to under Brady v. Maryland and Giglio v. United States including the Jencks Act. All evidence of

that federal lawsuit is relevant to this criminal case and should be examined as a part of the 2255 motion and brief.

83. The case name is "Brian David Hill v. Executive Office for United States Attorneys ("EOUSA") and United States Department of Justice ("U.S. DOJ")", short name is "Brian David Hill v. Executive Office for United States Attorneys et al". Case no. 4:17-cv-00027, who was represented by assistant U.S. Attorney Cheryl Thornton Sloan of the U.S. Attorney office for the Middle District of North Carolina.
84. The evidence is considered newly discovered since the actions of Mr. Coalter threatening to possibly dispose of aka destroy the discovery evidence material was in April, 2017 (Hill v. Executive Office for United States Attorney, Western District of Virginia, Case 4:17-cv-00027-JLK, Document #2-8, Filed 04/25/2017 Page 2 of 2). Also around that time it was discovered in February 2017, that pursuant to FOIA request asking for all of the discovery evidence that, to which a copy was given to the court appointed lawyer John Scott Coalter (originally Eric David Placke, assistant Federal Public Defender), that the U.S. Attorney still retained the evidence that was originally used to criminally indict Brian David Hill but 1-page of the Mayodan Police Report was missing, the entire SBI case file report was missing, the executed search warrant was missing, and the confession audio disc containing the confession of Brian David Hill on August 29, 2012, was also missing. The Executive Office for United States Attorneys ("EOUSA"), which is the Headquarters and record keepers for

all United States Attorneys' offices of the United States, was misled on false information that "0" zero records were withheld in full. Even a letter from Office of Government Information Services ("OGIS"), National Archives and Records Administration ("NARA"), written by Nikki Gramian (See Hill v. Executive Office for United States Attorney, Western District of Virginia, Case #4:17-cv-00027-JLK-RSB, Document #27-1, Filed 07/11/2017, Pages 1 to 4 Page id#: 519 to 522) confirms that the SBI case file and confession audio have both vanished from the U.S. Attorney Office according to their own claims. The police photographs, the inventory, the confession pages, and 19-pages of the 20-page Mayodan Police report were all released pursuant to Hill's FOIA request. The rest of the evidence has vanished, disappeared without a valid explanation. Even if DOJ policy required that the police report and other law enforcement reports be transferred back to the local investigating agencies, then why was 19-pages of the 20-page Mayodan Police Report still in the custody of the U.S. Attorney office? Why was a portion of all discovery evidence still retained there at the U.S. Attorney's office but the rest have disappeared without a trace? There was definitely a good reason or multiple good reasons to suspect a cover up of evidence which Defendant Hill has asserted may actually be an obstruction of justice by the U.S. Attorney office. Removal of a portion of records concerning the criminal case of "Brian David Hill", of this exact case, is very suspicious and would warrant a serious explanation as to why that is. The U.S. Attorney office of Greensboro, NC, collectively denied any knowledge of the

evidence and Hill's mental and physical health conditions in response to Hill's complaint. They are denying knowledge of things that they personally had reviewed according to Transcripts of past court hearings. The U.S. Attorney had admitted to reviewing over the Pre-sentence Investigation Report ("PSR") and the psychological report by Dr. Dawn Graney in open court and/or in past filings with this court. They have lied in multiple filings that they have made in the Western District of Virginia Federal Courthouse in defense of the civil allegations by Brian David Hill. This Court should review over all filings of this civil action to determine whether this is sufficient evidence to warrant the ground of prosecutorial misconduct that was newly discovered evidence in February through April 2017. The letter from Nikki Gramian, the Deputy Director, was written on June 29, 2017. So the discovery of that evidence is also within the 1-year statute of limitations for the ground of prosecutorial misconduct, documented cover up of evidence, and proof that the U.S. Attorney office of Greensboro, NC, has engaged in lying and/or misrepresenting the facts of Brian's civil and/or criminal cases.

85. Because all evidence exhibited in that federal lawsuit is well over 400-500 pages, Defendant feels it will be redundant and excessive to file all of that evidence in this 2255 Motion and supporting brief. Instead Defendant will cross-link the federal lawsuit as Hill v. Executive Office for United States Attorney, Western District of Virginia, Case #4:17-cv-00027-JLK, and the Court may review over all docket entries and evidence attachments to determine this

ground as to whether it is factually valid and as to whether it is a valid ground in a Section 2255 motion, and whether there can be any relief for such ground.

86. If the U.S. Attorney is caught making a false fact in their appeal response brief (See Hill v. Executive Office for United States Attorney, Western District of Virginia, Case #4:17-cv-00027-JLK-RSB, Document #39 and all attachments #39-1 through #39-5, Filed 09/06/2017), they can create false facts or lie on anything. I have been nothing but as honest as I can with this Court and the Federal Court in the Western District of Virginia. The U.S. Attorney office for the Middle District of North Carolina is clearly crooked and may be violating federal and/or state laws to get what they want, to win every case without contest, and those who do contest are punished in Federal Court such as for example the risk of a higher prison sentence. They are definitely, in my view, a part of the Swamp that the 45th U.S. President Donald John Trump had warned about. I think Sandra Hairston is likely just as corrupt as Ripley Rand as she hasn't done anything about the covered up SBI so-called forensic report that is highly questionable, and the missing confession audio that the U.S. Attorney had claimed they had no such evidence when they had spoken to the mediation staff of the Office of Government Information Services ("OGIS") that is part of the National Archives and Records Administration ("NARA"). Heck, the Innocence Project has revealed many instances of wrongful convictions, false confessions, and corrupt and immoral prosecutors who don't care how many innocent people that they convict in any court of law. The U.S. Attorney office for Greensboro,

for the Middle District of North Carolina, should not get away with concealing or even covering up their own prosecution file records that led to Brian David Hill being forced to register as a sex offender and forced to falsely plead guilty under the change of plea with the alternative of facing up to 20 years in a federal prison according to Placke's own words to Hill's family. They will attest to this when compelled to testify at the Habeas Court. Hill should not be held culpable nor accountable for being forced into falsely pleading guilty under Oath. It should be Eric David Placke charged with subornation of perjury, lying to the Federal Judges which technically are "judicial officers" and lying to a federal officer is a crime. Placke perpetuated false facts and false evidence or misrepresented the true facts of the case to support the prosecutor's theory of Hill's guilt. It should be Placke that should face a potential obstruction of justice charge for withholding the evidence from his own client while deleting email attachments from his family while Hill sat in jail under the false belief that he thought his attorney was fighting for him, that was exactly why Hill was wrongfully diagnosed with delusional disorder, because his own attorney made him look guilty and refused to present any evidence supporting any of his claims of potential law enforcement or even hacker induced set up (frame up) operation against him or even actual innocence. Heck it was faxed to the U.S. Department of Justice and the U.S. Attorney Assistant Cheryl Thornton Sloan of the Middle District of North Carolina has likely reviewed over it all, that Eric David Placke had deleted evidence from Hill's own families email attachments that Placke

had received, then replied not realizing that he would be caught by the email server that had noted that all email attachments had been deleted by the user Eric Placke. (See Hill v. Executive Office for United States Attorney, Western District of Virginia, Case #4:17-cv-00027-JLK-RSB, Document #24-3, Filed 07/03/2017) So the evidence exists and the U.S. Attorney sat on the entire thing, as if it is no problem that Hill's own defense attorney was working against him every step of his case except for getting the best plea bargain and giving up his right to prove his innocence and provide evidence to the Jury of his peers, under the adversarial system guaranteeing that both sides have a right to present evidence at a trial. Then according to the other filing with the U.S. Department of Justice, Office of Information Policy ("OIP") (See Hill v. Executive Office for United States Attorney, Western District of Virginia, Case #4:17-cv-00027-JLK-RSB, Document #24-2, Filed 07/03/2017), it further shows that Placke lied in email to Hill's family on January 10, 2014, that "*I met with Brian for about an hour and a half earlier today. He was in good spirits, said that he had seen a doctor and the jail's medical staff was doing a "great" job of managing his diabetes, and that he feels "a lot better."*" Well according to the other evidence filed in Doc. #24-2 (Page 21 of 26 Pageid#: 429, cont. of W.D.V.A. Hill v. EOUSA) of his federal lawsuit in Danville, VA, the high blood sugars that Hill had logged in the Jail's medical records between January 2, to January 10, 2014, where logged as "1-3-14 | time: 0445 | result: 344", "1-5-14 | time: 2010 | result: 349", "1-10-13 (wrong year?) | time: 1802 | result: 302", "1-8-14 | time: 1830 |

result: 358” , “1-8-14 | time: 1830 | result: 358” ,some are within the 200-300 range, some are within the 100-200 range, and there was a low blood sugar recorded. So basically the blood sugars were out of control because the Jail medical staff will not let Hill check his own blood sugars and do his own insulin shots, and neither was he provided an around-the-clock medical caretaker.

Placke is full of lies, he is full of it. All he wanted was the guilty plea, cozy up to the federal prosecution, and deny everybody a right to a trial when some of his plea bargains may have been of actually innocent people but were denied all effectiveness of counsel. Judge William Lindsey Osteen Junior is wrong that effectiveness of Hill’s counsel was based upon whether Placke had visited him while he was in Jail on multiple occasions. An attorney visiting an inmate in jail does not entirely fit the Strickland v. Washington standard of effectiveness. It is whether the attorney could have possibly done anything under the adversarial system to aid their client in proving their case when claiming not-guilty. An attorney is supposed to find all of the holes, contradictions, issues, and lies within the Government’s case, and prepare a counter-case or counter-claim at the Jury trial to convince the Jury that his/her client should be found not guilty or granted a “Judgment of Acquittal” based upon any facts of actual innocence. That way, even if an emotional Jury just decides to convict the criminal Defendant when there were any facts of innocence, the Judge can overrule the Jury verdict with an acquittal judgment based upon any facts of innocence that is far stronger than just proving at least one reasonable doubt needed to persuade

the Jury to do their jobs by the verdict of not-guilty upon the finding of at least one reasonable doubt. Actual innocence evidence, if any at all, is a very strong mechanism that any reasonable defense attorney could have used to acquit their client of any charges. Placke only wanted to make deals with the U.S. Attorney. If the U.S. Attorney isn't just covering up evidence as revealed in all evidence filed in Hill's federal lawsuit in Danville, VA, but may have colluded with any assistant Federal Public Defenders to make sure that all they ever get will be guilty pleas or lost jury verdicts, that isn't just blatant misconduct in deprivation of a criminal defendant's Six Amendment right under the U.S. Constitution, but it also deprives a criminal Defendant of multiple Constitutionally protected rights under the color of law. As Placke is considered a court official and not some private attorney, Placke has acted under the color of law to deprive Hill of all Constitutional rights concerning due process, effective counsel, disability rights under ADA Title II, confrontation clause, compulsory process clause for securing defense witnesses in favor of the defense, and any other applicable Constitutional rights that are supposed to be guaranteed to all criminal defendants. Placke and/or the U.S. Attorney together, may have violated Title 18, U.S. Code §242, Deprivation of Rights Under Color Of Law, "*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different*

punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.” If that doesn’t apply since Hill isn’t a different color of skin then maybe the U.S.

Attorney and/or Placke has committed an obstruction of justice. Under Title 18, U.S. Code §1519, Destruction, alteration, or falsification of records in Federal investigations and bankruptcy, “Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.” Hill was always wanting to be honest with the Court that he is innocent and wanting to prove his

innocence. The U.S. Attorney has covered up or concealed the N.C. SBI forensic report aka the SBI case file on Brian David Hill and refused to turn it over upon request via the Freedom of Information Act ("FOIA") while lying that "0 records are withheld in full". The confession audio also did not exist from the U.S. Attorney's own prosecution files while they had originally used that evidence to indict Hill on knowingly possessing child pornography. They may be guilty, clear cut, of obstruction of justice, especially since they either lied to the OGIS mediator of NARA or they told them the truth that certain records have been removed and disappeared from the United States prosecution case files of Brian David Hill, to continue keeping Hill wrongfully convicted as long as they can. Coalter threatening to destroy the discovery evidence which is spoliation of evidence. John Scott Coalter and the U.S. Attorney office may both have obstructed justice, and they deprived Hill of all of his Constitutional rights under the color of law. He may not be of a targeted racial group, but he is mentally disabled as documented. They discriminated against his mental disability and treated him worse than some random pedophile because of his mental disability. The police used his disability to get him to falsely admit to guilt. Discrimination, deprivation of constitutionally guaranteed rights to all criminal defendants, and possible collusion between Anand Prakash Ramaswamy and Eric David Placke to only secure the best guilty plea bargain that they can legally push for under the sentencing statute or statutes. Hill could have been found not-guilty by a Jury had he been given effective assistance of

Counsel. The U.S. Attorney is mainly to blame for Hill's wrongful conviction and by playing dirty games in the entire prosecution, when Hill really started exposing the wrongdoing and possible corruption of the U.S. Attorney using possibly false or fraudulent evidence that makes Hill appear guilty when a good defense could topple the possibility of Hill receiving a guilty verdict and cause a Jury to find Hill not-guilty based upon the conflict of interest by the Phil Berger political family involvement in the criminal case in one way or another, any false facts of guilt by the U.S. Attorney, the 454 files being downloaded on eMule between July 20, 2012, and July 28, 2013, when his Laptop was seized on August 28, 2012. Even if somehow the download dates were mistyped and it was entirely 2012, then suspected child pornography had only downloaded for 8 days total from July 20, 2012, to July 28, 2012. That doesn't meet the narrative of a suspected child pornography collector. Only 8 days, Hill saying that he had downloaded an hour a day from what Hill had heard from what was said during the confession or somebody in the U.S. FBI acting as though Hill was guilty when that person had contacted Hill's family while Hill was in jail. The narrative doesn't fit, doesn't match. Had Hill been given effective counsel that had not colluded with the federal prosecution in direct conflict with Hill's pro se filings and his consistent innocence claims, Hill would have won his case and would have been found not-guilty by a Jury. Hill is not guilty of perjury for his false guilty plea, the federal prosecution is guilty of covering up or concealing the very evidence that they had originally used to indict him by a Grand Jury.

The Federal prosecution needs to come clean and be honest with the Court, and explain all of the issues that Hill has raised. They need to explain why they truly think he is guilty and if they have a good reason why none of the contradictions found and lies should matter. However that would be an orchestrated fraud being perpetuated by the prosecution to bring any false facts, lies, and working to ensure that they always win their cases no matter who is indicted or convicted. The American judicial system should not be based on an almost-100% successful criminal conviction rate, by a corrupt prosecutorial system. If a criminal defendant is guilty and simply wants to negotiate a good guilty plea bargain, that is great for saving judicial resources and have a better judicial economy, but when a potential innocent person is denied all opportunity and cause to have any ability to try to prove innocence then it is a great form of miscarriage of justice that has ever been perpetuated in any court of law. The plea agreement system, the plea bargain system was meant to save judicial resources but NOT to systematically convict innocent men and women that may a potential claim of actual innocence. The U.S. Attorney should be punished and questioned by the Habeas Court upon any fact that they have concealed, covered up, destroyed, and/or makes a false entry in any record or document. They had Kristy L. Burton lie on the stand under penalty of perjury in regards to the Clerk's office telling her that Hill was to stop filing documents with the Court when the Clerk specifically wrote a letter to Hill on filing that he was only to make the filings by paper and by mailings, unless he had gone through the

proper procedures under the federal rules to apply for a CM/ECF account to electronically file a document with the Court. United States Probation Officer Kristy L. Burton did in fact knowingly make a false statement but was protected by the corrupt U.S. Attorney who had again obstructed justice by putting false information into the federal records which include but not limited to the federal Probation Office records concerning Brian David Hill as a probationer. So the U.S. Attorney has recklessly disregarded federal laws to protect their own interests and to protect themselves from risking civil liability for their actions. Instead of Hill receiving six months home detention for what USPO Burton had said, she should have faced trial herself for her perjury, and the U.S. Attorney should have faced trial for putting a witness on the stand who was forewarned by Hill's prior pro se motions and filings that USPO Burton had lied about the issue regarding the Clerk's office and not filing documents with the Court. Hill can prove that USPO Burton lied and his prior pro se filings were a warning to her and the U.S. Attorney not to engage in lying under Oath to work against Hill's efforts to prove his actual innocence. Somebody has to go to prison for Hill's false guilty plea and that AIN'T Hill. Hill had the intent of always trying to tell the truth in Court to the best of his abilities, but when he is being coerced, pressured, and given no other option but to say he is guilty when he is not otherwise he would be found guilty by a Jury since his own defense attorney had no defense strategy for his Jury trial, Hill does not meet the elements of perjury as the elements of perjury refer to knowingly lying and doing with a willful

intent to make a false statement. When Hill was being denied diabetic insulin for almost an entire day during his Status Conference on June 4, 2014, and the U.S. Marshals Service refused to administer any diabetic insulin to him until he was brought back to Orange County detention Center in Hillsborough, NC, Hill was under medical neglect and torment which would corrupt his ability to think straight to make an adequate decision to plead guilty under Oath. If anybody should get in any trouble, it should be the U.S. Attorney and Eric David Placke as well as John Scott Coalter. All of them should be charged for their unethical and unprofessional railroading of Brian David Hill to a wrongful conviction. Hill is not guilty of perjury because of his deteriorating health and horrible lawyer who did absolutely nothing with only the intent of plea bargaining. Eric David Placke may be guilty of subornation of perjury, John Scott Coalter may be guilty of obstruction of justice by threatening that he may destroy the discovery evidence as revealed in Hill's FOIA lawsuit in Danville, VA, and the U.S. Attorney may have obstructed justice by covering up, making away with, and/or concealing a portion of the prosecution criminal case evidence records.

XI. Medical Records from one or more county detention centers while under U.S. Marshals custody of imprisonment, proves that the Defendant was not provided adequate medical attention prior to his guilty plea and prior to his sentencing

87. Medical records from the County Detention Centers (See **Exhibit 2**) also show that the Defendant's health was not being taken well care of prior to his false

guilty plea. Defendant recommends to the Court that he not be placed in the same conditions as what led him to falsely pleading guilty. Since Defendant has filed this 2255 brief voluntarily, that should be good cause to the Court as to why Defendant should not be detained again throughout the entire proceedings of this case in the future. Defendant is capable of proving his innocence as long as he is under reasonable conditions like on his Supervised Release. The medical records in **Exhibit 2** are listed in the order listed as follows:

1. **(1 Page, Part 1)** September 30, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill's weight at 140lbs.
2. **(1 Page, Part 2)** December 20, 2013, a page from the medical record of Correct Care Solutions ("CCS"), the healthcare provider of Forsyth County Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill's weight at 180lbs. Also proves that Defendant was talking about suicide on this intake screening.
3. **(1 Page, Part 3)** Blood Sugar Flow Sheet from June 1 to June 9, 2014 (*June 10, Defendant was at the change of plea*), a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in

Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill was not being given any diabetic insulin on the Status Conference court hearing on June 4, 2014. No insulin was given because the nurse had stated in the record that two times the Defendant was “in court” for health checks around “07:30” and “12P”. Around 3PM Hill’s blood sugar was 429 and insulin was given. That meant that Defendant had no diabetic insulin given, not even for breakfast, until after the U.S. Deputy Marshals had returned Hill from federal court in the afternoon. The whole status conference on Jun 4, 2014, Defendant Hill had no diabetic insulin to regulate his blood sugar and the Court has to wonder why his blood glucose was 429. That was the last hearing that Defendant was verbally displeased with his court appointed Counsel prior to his false guilty plea.

4. **(1 Page, Part 4)** May 16, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill filing an “inmate sick call slip - medical request” complaining about being given insulin hours after he eats. Normally Defendant is advised by his Medical Doctor to do insulin shot

around the time that he eats a meal, so that whether it be starches or sugars, the insulin acts to convert the glucose into energy. Note: Being given insulin hours after eating while incarcerated is a bad practice and is cruel and unusual punishment to the Defendant, and that was before his false guilty plea was entered, and the Court has to wonder why an innocent man such as Hill would have falsely taken the guilty plea when the County Jails/Dungeons would not take care of Hill's health properly. After Defendant was released on prison sentence of time served, Hill was able to follow his Doctor's recommendations and do his insulin shot around each time he eats. Defendant again recommends to the Court that he not be jailed again during the course of these 2255 proceedings, otherwise it places the Defendant in the same conditions, the same situation, as to what led to Defendant falsely pleading guilty.

5. **(1 Page, Part 5)** May 25, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill filing an URGENT! "inmate sick call slip - medical request" complaining about his diabetic blood sugar being low and the

Jail guards had done nothing about it. Outside of the record, Defendant testifies in this entry that after the sick call, Defendant had attempted to eat one or more sugar packets until a Jail guard had caught him attempting to eat glucose in an attempt to raise his blood sugar. The Jail guards intervened through use of force, Defendant had peacefully attempted to explain that his blood sugar was low while they had refused to bring the nurse in and refused to do anything about it. It led to Defendant beating on the Jail guard, being thrown on the floor, being kicked in the face while pinned down, Defendant cussing at the Jail guards and stating an accusation that they may be working for North Carolina State Senator Phil Berger, out of rage and anger that Defendant felt from being denied glucose which is essential to preventing a brittle type 1 diabetic from going into a diabetic seizure. Defendant had screamed while blood was pouring out of his nose that "I AM BRIAN DAVID (or "D. ") HILL OF USWGO ALTERNATIVE NEWS, AND I HAVE BEEN FRAMED (or "set up") WITH CHILD PORNOGRAPHY". Defendant had screamed that over and over until the Jail guards forcefully moved his legs in an uncomfortable position to hurt the Defendant, had his clothes ripped off, and was butt naked

sitting in a dirty padded cell with feces contaminants.

Defendant had felt that the Jail had wanted to kill him by not providing all medical needs, whether intentional or not.

Defendant was not being taken good care of. The fact that Brian didn't even finish writing his whole name in the sick call is another sign that his brain functions started deteriorating. Because of the Jail staff ignoring his low blood glucose, they had never charged him with assault since they were the ones in the WRONG for refusing to have a nurse check his blood sugar to see if his blood sugar really was low. They didn't do anything for a brittle diabetic that would have faced a diabetic seizure if he were not in a diabetic seizure already. They failed Defendant Hill on his medical needs again. That is why the Court needs to consider not detaining the Defendant during the course of these 2255 proceedings.

6. **(1 Page, Part 6)** Blood Sugar Flow Sheet from May 14 to May 30, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill had a significant number of high blood sugar readings. Some of the highest blood sugar numbers are 397, 300, 440, 331, 344,

330, 336, and 397 again. The Jail had failed Hill and they did not provide him with 24 hour medical necessary services. They are one of the multiple reasons for Hill's false guilty plea.

7. **(1 Page, Part 7)** October 20, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill and appears to be a third party test done by Quest Diagnostics. Shows Hill's diabetic blood hemoglobin level was 8.8 which is a high number. Hill was prescribed metformin to try to control Hill's high blood sugars even though such medication was originally meant for Type 2 diabetics. Another failure of Orange County Detention Center to keep Defendant Hill's blood sugars under control. Collected on 10/16/2014, Received on 10/18/2014, Reported on 10/20/2014.
8. **(1 Page, Part 8)** December 20, 2013 to December 23, 2014, a page from the medical record of Correct Care Solutions ("CCS"), the healthcare provider of Forsyth County Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill's blood sugar levels from the "Diabetic Flow Sheet" That was while he was

butt naked in a turtle suit (as some would call it) for those days on suicide watch. Blood sugars had ran for 287, and 281 on December 20, 2013. That meant Defendant had only been tested two times that day. The two highest blood sugar levels were 424 and 445. Other high numbers were 356, 340, 322, and 273. Hill had a lot of high blood sugar glucose numbers while at Forsyth County Detention Center.

9. **(1 Page, Part 9)** December 22, 2013, a page from the medical record of Correct Care Solutions (“CCS”), the healthcare provider of Forsyth County Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill’s blood sugar levels were noticed to have been high multiple times, and it shows that Defendant Hill had been known as to have the problem of “Suicide and Self-Inflicted Injury by Other and Unspecified Means”. Of course that happened after Special Agent Brian Dexter of the U.S. Dept. of Homeland Security (“DHS”) transported Hill from Martinsville Memorial Hospital on December 20, 2013, to Forsyth County Detention Center. Because Hill had saw certain Jail guards wearing “SRT” uniforms, Hill assumed that they were U.S. military and that he was in some Mini-Gitmo aka Guantanamo bay type center for torturing

suspected terrorists, so Hill yelled that he was going to kill himself somehow, and told the medical staff that he wanted to die. Partially out of fear of being tortured no thanks to the fear of the DHS arresting him, and also due to the wrongful allegations that Hill had possessed child pornography. Hill knew they wouldn't let him prove his actual innocence before being arrested and knew that a court appointed lawyer would not do anything to prove his innocence. That was what initially led up to the suicidal statements. The fear that Hill would be beaten, tortured, or killed for being accused of possessing child pornography, and not allowed to prove his innocence.

10. **(1 Page, Part 10)** February 1, 2014 to February 7, 2014, a page from the medical record of Correct Care Solutions ("CCS"), the healthcare provider of Forsyth County Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill's blood sugar levels from the "Diabetic Flow Sheet" The highest blood sugars had ran for 406, 421, 313, 326, and 300.

11. **(1 Page, Part 11)** January 13, 2014 to January 18, 2014, a page from the medical record of Correct Care Solutions ("CCS"), the healthcare provider of Forsyth County

Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill's blood sugar levels from the "Diabetic Flow Sheet" The blood sugars were both high and low, again out of control due to Hill's diabetes being brittle, as again diagnosed by Doctor Steven South of Greensboro, North Carolina, when Hill was a kid. Hill's blood glucose cannot be controlled within a controlled prison environment or even jail environment. **Note: Hill must remain under supervision by the U.S. Probation Office during the course of the 2255 proceedings. Hill should not be detained if his case heads for a new trial. Hill filing this 2255 voluntarily should prove that Hill is NOT a flight risk. Hill wants his reputation back and wants to prove his innocence and to be found innocent in a court of law. Hill should not be detained whether Hill is set for a new trial or is found actually innocent. Filing this 2255 is Hill's consent that he wants to peaceably fight against the criminal allegations against him by investigating, filing new evidence, and proving to the Court any or all of his claims. He wants to prove as much of his factual innocence as possible. If the Government files any request for a Detention hearing, it should be denied on Hill's**

medical history, on the ground of having an effective defense to the criminal allegations, and Hill having effective assistance of Counsel. Hill should not be detained again unless Hill violates his supervision conditions and has been factually proven such beyond reasonable doubt.

12. **(1 Page, Part 12)** January 26, 2014 to January 31, 2014, a page from the medical record of Correct Care Solutions (“CCS”), the healthcare provider of Forsyth County Detention Center in Winston-Salem, North Carolina. The medical record is of Defendant Hill. Shows Hill’s blood sugar levels from the “Diabetic Flow Sheet” The blood sugars were both high and low, again out of control due to Hill’s diabetes being brittle, as again diagnosed by Doctor Steven South of Greensboro, North Carolina, when Hill was a kid. Hill’s blood glucose cannot be controlled within a controlled prison environment or even jail environment. Some of the high blood sugar readings were 417, 346, 316, and 325.

13. **(1 Page, Part 13)** October 29, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill and appears to be a “MEDICATION ADMINISTRATION

RECORD” proving that Hill had been prescribed and issued the “metformin” (1000mg) medication for Type 2 diabetics. They had hoped that such medication would have helped to better maintain Hill’s blood sugars. It had failed.

14. **(1 Page, Part 14)** Blood Sugar Flow Sheet from October 1 to October 21, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill was being tested sometimes two times a day, and some with three times in one day. When Hill’s blood glucose is only tested twice a day, then he is only given insulin those times. So Hill wasn’t being given the appropriate amount of insulin per meal each day. They had again failed to give Hill adequate insulin since they had only used sliding scale. They did not use the carb counting system, none of the Jails had counted the carbohydrates. When Jails give non-sugar foods as part of the diet trays for diabetics, they often may contain starches which normally aren’t sugary but will slowly convert into glucose and will normally raise the blood sugar of the diabetic if untreated. Jails don’t train their nurses to normally count carbs from the diet trays and then inject the appropriate

amount of insulin at every meal. Because of that the blood sugars will normally run high, and can also dive low due to different factors including too much insulin and the diabetic exercising back and forth in the jail cell. The highest blood sugar numbers were 467, 417, 471, 460, 409, 333, 381, 366, 350, 379, and 338. Two or three blood sugar numbers were low. This is terrible blood sugar control.

15. **(1 Page, Part 15)** Blood Sugar Flow Sheet from October 22 to November 6, 2014, a page from the medical record of Southern Health Partners, the healthcare provider of Orange County Detention Center in Hillsborough, North Carolina. The medical record is of Defendant Hill. Shows Hill was still running high blood sugar numbers, despite the metformin. Some high blood sugars are recorded as 373, 402, 398, 364, 400 (2 times (2x)), 331, 368, 369, 375, 351. That was before Hill was released from Orange County Detention Center and to appear before the sentencing hearing that would have been on November 7, 2014, but was canceled due to a medical emergency of not being any diabetic insulin before being picked up by the deputy U.S. Marshals.

16. **(3 Pages, Part 16)** November 7, 2014, three pages from the medical record of Moses H. Cone Hospital in Greensboro,

North Carolina. The medical record shows that on November 7, 2014, the deputy U.S. Marshals revealed that they had tested his blood sugars multiple times and were found to be 534, and 510, that *“he had missed his insulin last night.”* That is because Orange County Detention Center (Orange County Jail) had no night nurse. Normally the deputy U.S. Marshals pick up federal prisoners early in the morning. That means no diabetic insulin can possibly be given to the Defendant before being forced to appear in federal court, since the day-nurse (no night nurse at all) comes in usually after the U.S. Marshals pick up federal prisoners earlier in the morning before the nurse from Southern Health Partners checks in. The deputy U.S. Marshals saw that is consistent high blood sugars were a problem (a legal problem or medical problem???) and had transported him to the Hospital. The November 7, 2014, “Sentencing hearing” in front of the honorable U.S. District Court Judge William Lindsey Osteen Junior was canceled due to that medical emergency. The Court has to wonder why Hill had never completely withdrawn his guilty plea and stuck with his false guilty plea when he had plenty of opportunity to withdraw his plea. Again it is ineffective Counsel and deteriorating health

conditions. Hill would have lost his SSI (social security) disability money if he had not been released from Jail before 1 year. There were multiple factors why Hill had falsely plead guilty and as to why he didn't fully withdraw his guilty plea before his sentencing. The medical record also said that "*He came into Marshall's company and was noted to have a blood sugar of 534.*" I think they had meant U.S. Marshals custody but they type these medical reports up usually quickly in emergency situations. The U.S. Marshals did have somebody called a medic who did had provided Hill with an insulin shot but his blood sugar had still remained high after that. The medical record also said that "The history is provided by the patient and the police." So they did acknowledge that Hill was in police (U.S. Marshals) custody at the time the medical record as made. No diabetic insulin was given to Hill by Orange County Detention Center on the day of the sentencing hearing. John Scott Coalter and Eric David Placke did absolutely nothing about Defendant Hill's medical conditions except to just go along with it, and didn't fight to make sure that Defendant Hill was getting enough proper medical attention while in Jail or released under reasonable conditions such as the conditions of his Supervised Release. Why was

Defendant given more reasonable conditions by the U.S.

Probation office after he had falsely plead guilty than in the event that Hill could have been released on bond/bail?

88. The medical records listed above on record for Exhibit 2, prove for a fact that Defendant Hill had been given poor and terrible medical care while in the custody of the County Detention Centers aka the County Jails while a federal prisoner of the U.S. Marshals. The records showed that for two federal court hearings (Sentencing November 7, 2014 (canceled), and Status Conference on June 4, 2014) Hill had not received diabetic insulin before being picked up by the deputy U.S. Marshals for Hill to appear in court. One time he was in the hospital, the other time his blood sugar was found to being 429 at 4:00PM. His blood sugars had remained out of control, even after being given metformin medication that was actually meant for Type 2 diabetics, hoping that his blood sugars would stabilize. Hill's medical care was poorly taken care of while a federal prisoner. Hill has given good medical reason (valid excuse) as to why Hill had given the false guilty plea. Ineffective Counsel plays a role in this as well, since it was their job to ensure that Hill was given proper medical care or that could have been released from Jail on reasonable pretrial release conditions similar to the Supervised release conditions (after guilty plea) where he would be allowed to use a telephone and be allowed to fax his Pretrial Services Officer, so that Hill would be able to take care of his medical issues and see his Medical Doctor. Hill would also be able to comply with his pretrial release conditions

had he been allowed to using a Fax Machine and a telephone. Hill was not under any reasonable circumstances prior to his false plea of guilty. For medical reasons and ineffective assistance of Counsel, Hill should not be charged with perjury for his change of plea for proving actual innocence. Instead Eric David Placke and John Scott Coalter should be charged for subornation of perjury since they did nothing about Defendant's deteriorating health, and did nothing to prove Defendant's actual innocence. Attorney Renorda E. Pryor of the "Supervised Release Revocation" hearing did a better job at arguing Defendant's deteriorating health at both the final revocation hearing on June 30, 2015, and the probable cause hearing in front of the Magistrate Judge, than his trial attorneys had done throughout Hill's criminal case prior to Judgment. Hill recommends that his ineffective Counsel be faced with subornation of perjury charges, as well as charges of endangering Hill's health by doing nothing about Hill's deteriorating health. They both have obstructed justice by not giving Hill complete access to his criminal case discovery materials prior to Judgment, having him plead guilty and stick with his guilty plea without Hill ever knowing what all of the evidence he could have used in his defense, until January 22, 2015 which is a few months after Judgment.

XII. Witnesses and Witness letters for the Court

89. Roberta Ruth Hill, a witness to this criminal case, has written a notarized witness declaration letter for the Court in support of both this brief and the § 2255 motion on the grounds of actual innocence, and ineffective assistance of Counsel. The home address is in compliance with the Federal Rules since that witness has given consent to that address being part of that declaration for the Court, for the public record. See **Exhibit 52** for that witness letter for the Court.
90. Kenneth Forinash, a witness to this criminal case, has written a notarized witness declaration letter for the Court in support of both this brief and the § 2255 motion on the grounds of actual innocence, and ineffective assistance of Counsel. The home address is in compliance with the Federal Rules since that witness has given consent to that address being part of that declaration for the Court, for the public record. See **Exhibit 51** for that witness letter for the Court.
91. Stella Forinash, a witness to this criminal case, has written a notarized witness declaration letter for the Court in support of both this brief and the § 2255 motion on the grounds of actual innocence, prosecutorial misconduct (referring to the FOIA lawsuit of Defendant), and ineffective assistance of Counsel. The home address is in compliance with the Federal Rules since that witness has given consent to that address being part of that declaration for the Court, for the public record. See **Exhibit 50** for that witness letter for the Court.
92. The list of witnesses compiled are submitted as proposed subpoenas asking the Clerk to sign and enforce the proposed subpoenas as all witnesses listed herein are relevant to Defendant's criminal case. All are in relevance to the evidence

and/or information in support of the § 2255 motion and brief. (See SEALED **Exhibit 49**, citing NOTICE OF SEALED EXHIBIT) See **Exhibit 49** for the proposed subpoenas that are submitted to the Habeas Court for approval. Since the Defendant is not an attorney and has acted pro se in filing this brief and accompanied § 2555 motion, Defendant asks that the Habeas Court consider granting each proposed subpoena for the evidentiary hearing and any other hearings relevant to this brief and § 2255 motion. The witnesses suggested by proposed subpoenas except for one is:

- i. Luke Rudkowski of We Are Change
(information can be acquired by both witness and Attorney Susan Basko, and she may be able to formally arrange that Luke Rudkowski testify voluntarily or arrange that he be subpoenaed, for the interests of justice).
- ii. (**Part 1 of Exhibit 49**) Proposed subpoena for witness named Alex Jones of INFOWARS and Free Speech Systems, LLC, to testify before the evidentiary hearing as directed by the Court upon approval for enforcing such subpoena.
- iii. (**Part 2 of Exhibit 49**) Proposed subpoena for witness named Darrin McBreen of INFOWARS and Free Speech Systems, LLC, to testify

before the evidentiary hearing as directed by the Court upon approval for enforcing such subpoena.

- iv. **(Part 3 of Exhibit 49)** Proposed subpoena for witnesses named Aaron Dykes and Melissa Dykes (formerly known as “Melissa Melton”) formerly of INFOWARS and Free Speech Systems, LLC, now works under Truthstream Media, to testify before the evidentiary hearing as directed by the Court upon approval for enforcing such subpoena.
- v. **(Part 4 of Exhibit 49)** Proposed subpoena for witness named Stewart Rhodes of Oath Keepers, to testify before the evidentiary hearing as directed by the Court upon approval for enforcing such subpoena.

XIII. **Conclusion**

- 93. The facts of guilt by the Government, by the U.S. Attorney office which included Ripley Rand and Anand Prakash Ramaswamy, are not put into serious question, and the facts of innocence will trump the factual basis of guilt

(Document #19). First fact to be challenged from this brief of the 2255 motion is the sentence stating that “*The subject IP address was found to be assigned to a residence in Mayodan, N.C. A state search warrant was obtained and executed on August 28, 2012, with defendant, **BRIAN DAVID HILL, being found to reside at that location.***” That is not true. The town of Mayodan required Brian David Hill to provide his home address to the town council for the public comment period, since his first public comment period testimony in March, 2012. He clearly told them where he had lived back in March of 2012. He gave a copy of the NDAA documentation to the town of Mayodan which includes the Chief of Police. A statement in the Search Warrant affidavit of Detective Sergeant Christopher Todd Brim makes it obvious that Mayodan Police already knew that Brian David Hill had lived at 413 N. 2nd avenue. Statement from affidavit (See Document #84-2, Filed 04/27/2015, Page 9 of 23) said that “*Furthermore, he requested that we confirm any known occupants of the residence. Through my knowledge and previous experience, I know the residence is occupied by Roberta Hill and her son, **Brian D. Hill.***” Wait a minute, he used the reference specifically of “Brian D. Hill” instead of “Brian Hill” or “Brian David Hill”. Now he referred to Roberta Hill as “Roberta Hill” and did not use her middle name initial. Brian D. Hill was well known as a part of USWGO Alternative News, Righthaven LLC v. Brian D. Hill, and all political references to Defendant Hill is known as “Brian D. Hill.” Brian is so predictable that he continues using the name of “Brian D. Hill” for his legal

filings and any references to USWGO Alternative News. The Mayodan Police didn't discover that Hill was found to have resided at the same residence as the IP Address 24.148.156.211, they already knew he had lived there because of his multiple town council public comment periods that he spoke at and he sent emails to the town of Mayodan. (See Document #83, Filed 04/27/2015, Page 5 of 26, Page 10 and 11 of 26, Page 14 and 15 of 26, Page 20 and 21 of 26, Page 22 and 23 of 26, and Page 24 of 26). According to Page 2 of the Mayodan Police Report, (See **Exhibit 20**, Pages 2 and 3 of Mayodan Police Report, Incident/Investigation Report, OCA: 2012-00287) it stated from the official record that "Using this information, I confirmed that Roberta Ruth Hill and her son, Brian David Hill, resided at this residence through verification of utilities and police officer knowledge." The "police officer knowledge" is referring likely to Chief of Police Charles J. Caruso who received NDAA documentation from Hill back in earlier 2012 when he was trying to persuade the Mayodan Police not to enforce the federal NDAA 2012 law because secret abductions and torture of American citizens is unconstitutional and is a violation of due process. So the Police already knew where Hill lived prior to the child pornography case. That fact has been disproven as a false fact.

94. The facts of guilt by the Government, by the U.S. Attorney office which included Ripley Rand and Anand Prakash Ramaswamy, are not put into serious question, and the facts of innocence will trump the factual basis of guilt (Document #19). Second fact to be challenged from this brief of the 2255

motion is the sentence stating that “*In a consensual, noncustodial interview the following day, HILL admitted knowingly seeking and possession child pornography.*” That fact has also been proven a false fact once the Habeas Court recognizes from the evidence attached to this brief, and after careful reviewing of the evidence and ask for any additional witnesses and/or evidence, that Hill did give a false confession. Once the Court recognizes that Hill gave a false confession that was caused by coercion and the threat by Chief of Police Charles J. Caruso and can be proven with the evidence and witness testimony, this fact of the factual basis of guilt will also be proven a false fact, a theory, no longer a fact. Without the confession, the Government no longer retains the elements of the original Grand Jury indictment that Hill had knowingly possessed materials which constitute child pornography that was acquired via interstate and foreign commerce including by usage of a computer.

95. The facts of guilt by the Government, by the U.S. Attorney office which included Ripley Rand and Anand Prakash Ramaswamy, are not put into serious question, and the facts of innocence will trump the factual basis of guilt (Document #19). Third fact to be challenged from this brief of the 2255 motion is the sentence stating that “A forensic examination of computer media possessed by HILL showed that it contained child pornography as defined in 18 U.S.C. § 2256(8).” That fact may also be drawn into question as the “files of interest” is not confirmed child pornography. The U.S. Government even admitted for the Presentence Investigation Report (“PSR”) that was revealed in

paragraph #13, (See Document #33, Filed 09/16/2014, Page 6 of 26) stated that “According to the government, none of the children have been identified as part of a known series by the National center for Missing and Exploited Children (NCMEC).” The reason why was that the North Carolina State Bureau of Investigation case file report on Brian David Hill, had numbered hundreds of images and videos as “files of interest”, “videos of interest” or images or photos of interest. They don’t show blurred thumbnails confirming that each image is in fact of a child victim. They don’t show any file lists of all of the suspected child pornography the report claimed may have been found from Hill’s seized computer media. They don’t show the directory of the suspected child pornography files contained therein, the file sizes, the file names, the file types, and the modification/creation dates of each and every suspected child pornography file. Ladies and gentlemen, the N.C. SBI report does not actually confirm if each supposed image and video of interest may have been confirmed as actual child pornography. There is no blurred thumbnails, there is no lists. There isn’t a confirmation by the National Center for Missing and Exploited Children (“NCMEC”) as to whom the victims may even be. What is it? Homemade child porn or something not from eMule when eMule was the primary tool that the prosecution claimed that “Detective Robert Bridge of the Reidsville Police Department conducted an investigation into the online sharing of child pornography on peer-to-peer networks, finding an IP address logged as having previously identified files of child pornography available for sharing.”

So anything available on the internet that is easy to download off of a peer-to-peer (“P2P”) file sharing network, is known child pornography when identified by law enforcement including the NCMEC that organizes efforts to combat child exploitation. The Government doesn’t even know whom the victims are as if the child porn that was claimed to have been downloaded off of a public P2P file sharing network as a part of an undercover investigation should be of known child pornography that should be listed in Federal and INTERPOL databases, and none of the over 5,000+ child porn files that the PSR claimed that Hill was to be held accountable to, none of them are a part of a known series, as if it was all custom made when it was available publicly on P2P which is a part of a undercover ICAC sting operation. For such a high number of suspected child pornography files I would imagine that at least even one image or video would be tied to a known victim or is a part of a known series. Am I getting any of this right or does the Court realize that something doesn’t smell right about all of this? Hill claims over and over again that he was framed/set-up with child porn. The evidence is highly questionable. His confession can be proven false, with the help of expert witness Dennis Debbaudt who has written a whitepaper about Autism and false confessions when interrogated/interviewed by law enforcement. The SBI report has not actually confirmed each “image of interest” and “video of interest” to being of actual confirmed child pornography, as defined by federal statute, which meets the criteria to even hold Hill culpable. If any of the “files of interest” happen to be images that are of nudist women and

for arguments sake there may be some kid in the corner, the image was not intended to look at children but at women. The U.S. Supreme Court had ruled that nudism photographs, especially of women since it is normal for men to want to look at a woman out of curiosity, are not led and do not constitute pornography as it is nude and nothing more. If the images happen to show women, adult females, and were wrongfully categorized as child pornography then those must also be removed from the file count calculations of suspected child pornography files that are claimed to have been found on Hill's computer. All of this needs to be investigated at the evidentiary hearing. The Habeas Court must look at the facts-of-guilt that are proven false, look at any facts of actual innocence, and determine whether there are any facts or elements of guilt at all that can even satisfy sustaining the wrongful conviction of Brian David Hill.

96. The Habeas Court needs to consider Hill's request to pay for a CJA Voucher for an independent computer forensic expert named Kevin Wetzel, and needs to consider all other requests for expert witnesses to all evaluate, examine, and conduct an investigation then write a report for the habeas Court to review over to determine any further facts that need to be established concerning factual innocence. The expert needs to search for rootkits, malware, computer viruses, and hacking tools like for example (Galileo) HackingTeam's Remote Control System ("RCS") and even the Central Intelligence Agency's ("CIA") Marble program (hacking tool) and other remnants of the Vault-7 hacking program that can frame users with child pornography if somebody in the CIA wished it so in

secret. The forensic expert needs to check the computer to see if it had a properly functional and consistently updated Anti-virus program and determine if all important security updates at the time were properly installed in July of 2012, around the time of the alleged offense claim. All of this information is relevant to determine the factual innocence of Brian David Hill and to determine whether Hill was framed with child pornography or not, possibly by some malicious hacking operation or by law enforcement or both.

97. The Habeas Court needs to consider Hill's false confession in determining whether Hill had knowingly possessed and attempted to possess materials which constitute child pornography as defined in 18 U.S.C. § 2256(8). The Habeas Court needs to consider if Hill making a false confession (false admission of guilt is the same effect of no admission of guilt) constitute a FACT of actual innocence since the Innocence Project raises the issue of innocent people that give false confessions for crimes that they did not do, aka actual innocence.
98. The Habeas Court needs to consider whether the reported file names of child pornography files that are considered a known series, reported in the Search Warrant affidavit (See Document #84-1) by Detective Robert Bridge, if those files were even found on Hill's seized Black Toshiba Laptop Computer. If none of those files are even found then it raises two possibilities. (1) That Robert Bridge lied or made statements in the Search Warrant affidavit that may be in disregard for truth, or (2) Whether it was a hacking operation or somebody in the police department was out to get Brian, used parallel construction to make a

Search Warrant based on possibly unlawful digital surveillance on the computer that was infected by a hacking program, or (3) it can be any possibility but it doesn't change the fact that the child porn files that Detective Bridge claimed was downloaded by the IP Address 24.148.156.211 may not have ever happened at all. If those alleged videos claimed by Detective Bridge's affidavit cannot be found on Hill's Black Toshiba Laptop Computer then this sets another fact of actual innocence, as why would any cop need to lie about an undercover criminal sting operation for the Internet Crimes Against Children ("ICAC") task force when telling the truth helps them win their cases against people whom they investigate. Cops aka Police officers have no need to lie to the Court or Courts, unless they did something illegal or are hiding something else that they don't want the Court or Courts to know about. Usually in wrongful convictions of innocent men and women, there are cops that were caught lying, as the famous stand-up comedian George Carlin (assuming from memory that I am quoting this correctly) said "nobody is going to get in trouble if they lie in Court," "unless they get caught" as well as saying, "the police do it all the time." Not all police are bad though, not every police officer lies in Court, but when a police department is political and wants to go after a nuisance, and then yeah they can lie about somebody in Court that they don't like to imprison that nuisance. The Habeas Court needs to consider if any police officer or even N.C. SBI Agent had lied or made a misrepresentation of the facts or manufactured evidence.

99. The Habeas Court needs to consider the potential conflict of interest surrounding the criminal investigation and the connections and ties to the Phil Berger family which includes the town of Mayodan attorney Phil Berger Senior. Also the conflict of interest surrounding a Chief of Police.
100. The Habeas Court needs to consider all other facts and relevant issues as was stated in the timeline of events that had happened prior to the August 28, 2012, police raid and the events after the police raid that are all relevant to this case and the Mayodan Police Department, N.C. SBI, as well as child pornography set up operations on tormail.org and other TOR-based anonymous email providers.
101. The Habeas Court needs to consider that if Hill does not meet enough facts for factual innocence that whether the Court should consider a new trial if the evidence of the facts, as of this 2255 brief, are admissible as evidence that can be used in a new trial since it is too late for Hill to file a Motion for a New Trial under Rule 33 of the Federal Rules of Criminal Procedure by a procedural time bar. Since Hill will have to use ineffective assistance of Counsel and change his plea back to not-guilty in order to be accepted for an actual innocence claim, once the guilty plea is withdrawn there is no criminal conviction and thus the Habeas Court will need to resolve this matter and determine what the facts are from both parties before considering a New Trial or Judgment of Acquittal.
102. Under Rule 12 of the “Rules governing section 2254 and 2255 cases”, aka the “Applicability of the Federal Rules of Civil procedure”, it stated that “The Federal Rules of Civil Procedure, to the extent that they are not inconsistent with

any statutory provisions or these rules, may be applied to a proceeding under these rules.” The Habeas Court needs to consider that under Rule 60(b) provides six grounds for relief from a final judgment, including: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial; (3) fraud, misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; the judgment is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b).

XIV. Request for Relief

103. The Defendant Brian David Hill requests relief in the U.S. District Court pursuant to “MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY”. The relief requested in this motion and this brief are for the following:

- i. Defendant requests that his criminal conviction be overturned, vacated, and/or set aside on the ground of actual innocence.
- ii. If the Court does not determine that there are enough facts that are substantial for an actual innocence claim to completely vacate and overturn the conviction, then the Defendant asks in alternative that

he be granted a new trial by Jury or a bench trial. Especially since he already may have to prove at a “change of plea hearing” that his legal counsel was ineffective which meets the Strickland v. Washington standard under the Sixth Amendment of the United States Constitution.

- iii. That upon being acquitted, the Defendant requests that he be granted a “certificate of innocence” which will allow him to request expunction from the DNA database of both the U.S. Marshals and the U.S. Federal Bureau of Investigation DNA database at Quantico, VA, since being found innocent by a Court of Law means that the criminal Defendant should not suffer any repercussions of a guilty man/woman when there is enough evidence to be found innocent enough for acquittal.
- iv. That the Defendant’s sentence be entirely vacated or set aside since the conviction will be overturned, or in the event that it is overturned at a new trial (if the Court finds a new trial necessary for the proper and Constitutional administration of justice) and the Jury finds the Defendant not-guilty on all charges that there be no sentence and that, either way the Defendant requests that he no longer be under the custody of the United States Marshals and neither under custody of the United States Government as what would pertain to a guilty person.