

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division



Brian David Hill,
Petitioner
v.
United States of America,
Respondent

Case #
1:13-CR-435-1
1:17-CV-1036

STATUS REPORT
OF PETITIONER
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

(2.) ON SEPTEMBER 18th, 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~had~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something ^{bad} would happen to me.

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~near~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~at~~ after the bridge..." "or they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be

I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't get on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~tor~~mail.org messages which were successfully carried out. I knew I couldn't mess with these people, with a threat that serious. Out of fear and desperation I walked, were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the "hoadie" guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying
"I have Autism, I have Autism, I have AUTISM,
I have Autism." I felt they couldn't hear me out.
I said "I was attacked" told Sgt. R.D. Jones
that I need to speak with a detective. It
was probably around 3 to 4 AM at around Friday,
September 21, 2018. He asked me why I was
naked on the trail. I tried to explain to him
as much of what happened as I could. He mistook
my statement of heading towards the YMCA building
with the warehouse and I told him "You don't understand
Autism," maybe "are you trained in Autism?" Sgt. R.D.
Jones said "how do I know you even have
Autism?" I responded with "Dennis Debbaut, a law
enforcement trainer. He did a white paper. People
with Autism can give false confessions and
misleading statements. Officer you misunderstood what
I said about the YMCA building," after or before
my answer to his "how do I know you even
have Autism" was "it was in federal court records."
He gave me that book where he didn't want to
accept anything I said. He even said "If your
lying to me, I will charge you with making (or filing)
a false report." I looked at him straight in the
eyes and said I am not lying, even told him
something about "am I supposed to let my
mother be killed" or something to that effect. He
still wouldn't ~~accept~~ accept what I had told him. I
then told him "You don't understand Autism. You are
violating title II of the Americans with Disabilities
Act."

I was being charged with "indecent exposure".
I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f*ck you". At one point things cooled down and I was in a room with a Magistrate. She brought up about my federal criminal conviction and my 2015 probation violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you aren't doing anything about the drug dealers in my (or our) neighborhood" that the FBI aren't doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. my friends

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~did~~ didn't walk naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated, my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

(e)
Some
information
omitted

The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "ruler and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated;

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving, without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent, give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct, N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27th day of September, 2018. Brian D. Hill
Signed

CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27th 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECT or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

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Brian D. Hill
Signed

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

Clerk: Please send letter confirming receipt.

Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October ¹⁰ 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill
Signed

U.S.W.G.O.

Brian David Hill
Martinsville City Jail (MCJ)
P.O. Box 1326, Martinsville, VA
24112