

# **EXHIBIT 1: Attachment: Brian Hill FOIA Request.pdf; FOIA Response letter dated February 10, 2023, from Kendall Davis of City of Martinsville, information from Police Chief Rob Fincher**

**attached to: “ADDITIONAL EVIDENCE AND  
DECLARATION OF BRIAN DAVID HILL OF RECENTLY  
OBTAINED EVIDENCE IN SUPPORT OF MOTION  
UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR  
CORRECT SENTENCE (DKT. #291)”  
by Brian David Hill**

Case no. 1:13-cr-435-1; civil no. 1:22-CV-00074

Ally of Q, Former news reporter of USWGO Alternative News  
[JUSTICEFORUSWGO.WORDPRESS.COM](http://JUSTICEFORUSWGO.WORDPRESS.COM)

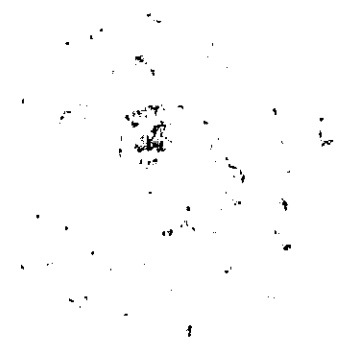
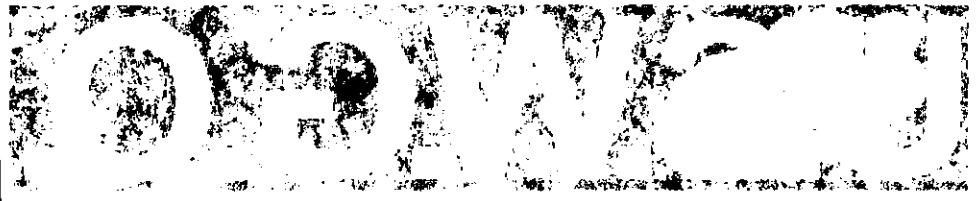
**U.S.W.G.O.**



THE NEW YORK STATE BAR ASSOCIATION  
1000 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10018-1097  
Tel: (212) 512-1000  
Fax: (212) 512-1001  
www.nysba.org

OFFICE OF THE ATTORNEY GENERAL  
120 NASSAU ST., 25TH FLOOR  
NEW YORK, N.Y. 10038  
CORR. TEL. (212) 424-2000  
www.oag.state.ny.us

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
120 NASSAU ST., 25TH FLOOR  
NEW YORK, N.Y. 10038  
CORR. TEL. (212) 424-2000  
www.oag.state.ny.us





February 10, 2023

Brian David Hill  
310 Forest Street, Apt. 1  
Martinsville, VA 24112

Dear Mr. Hill,

Please see the following information in regards to your FOIA request. These answers were provided by Police Chief Rob Fincher.

#1

The Martinsville Police Department utilizes a server-based video system created by COBAN Tech Corporation which is now owned by Safe Fleet Inc. This system has a programmed Digital Video Management System or DVMS. The DVMS follows a retention system for those videos that have not been marked as evidence by the Commonwealth's Attorney's Office. If the Commonwealth's Attorney's Office designates a video as evidence it is retained indefinitely. All other videos are subject to the DVMS retention schedule. The DVMS begins cleanup when a video is within the minimum and maximum hold period for its event classification and when the disk usage is more than 80% and have not been accessed in 150 days. DVMS cleanup refers to changing the file allocation address of that data file to allow for other data to be stored in place of that file. This is like all computer systems in that if you tell the computer to delete an item, it is not actually deleted but designated to be overwritten. The event type retention schedule for the DVMS is as follows;

Event Type	Minimum Days	Maximum Days
Assist other Agency	183	200
Assist other Officer	183	200
Vehicle Crash	183	200
Alarm – Business/Residential	120	150
Body Camera default	183	200
Criminal Apprehension	365	400
CIT – ECO – TDO	183	200

Disorderly Person / Group	183	200
Domestic	365	400
DUI-DUID	365	400
Funeral Escort	30	31
General Assistance	180	200
General Traffic Stop	365	400
Interview Rooms	365	366
Pursuit	365	400
Redlight/Stop Sign	200	201
Suspect Interview	365	400
Speeding	183	200
Training	200	300
Victim Interview	183	200
Video Training	10	11
Witness Interview	183	200

#2

If a court receives an item as evidence or potential evidence, then the court retains those items in their evidence storage. A court can issue a preservation order in certain circumstances for a limited time with certain data evidence. I have not heard of one ever being used for video data. It is mostly used for cellphone and telephone data. If litigation is filed within a court then the status of a video regarding that case would then be changed to "evidence" and then retained indefinitely. Notice of that litigation would have to be served on the department within the retention period followed. If a suit is filed after the evidence has been destroyed there is no way to "un-destroy" an item.

#3

In the records logs, I see that two videos, one body camera and one in-car camera, that were labeled David Hill from that date were removed (deleted) by the DVMS system on 4/9/2019. Neither video was indicated as evidence, so unfortunately, we do not have either. If I had the videos, I would have no problem giving them to you but unfortunately, I do not.

Sincerely

Kendall Davis

Public Information Officer

City of Martinsville