

# **EXHIBIT 1**

**For Federal civil complaint  
-- DECLARATION OF BRIAN DAVID HILL IN  
SUPPORT OF DOCUMENT 2 COMPLAINT  
AND IN SUPPORT OF MOTION UNDER RULE  
45 ASKING THE CLERK TO SUBPOENA  
ATTORNEY JOHN SCOTT COALTER FOR  
DISCOVERY AND TO PROVE THE FACTUAL  
MATTER UNDER COMPLAINT --  
Brian David Hill v. Executive Office  
for United States Attorneys (EOUSA),  
United States Department of Justice  
(U.S. DOJ)  
Civil Case Number 4:17-cv-00027**

**Declaration of the September 30, 2016  
visit with Attorney John Scott Coalter**

**For civil case: Brian David Hill v. John Scott Coalter  
in the U.S. District Court, for the Western District of Virginia  
Danville Division**

**Monday, June 5, 2017 - 09:39 PM**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I declare that I am Brian David Hill, that I am currently a legal U.S. Citizen and have always been a legal citizen since birth.
2. I had an appointment to meet the Attorney named John Scott Coalter on September 30, 2016. That Attorney was once appointed on October 1, 2014 (See Document #47, United States of America v. Brian David Hill, filed on date 10/01/2014, U.S. District Court, North Carolina Middle District ("NCMD"), Criminal case # 1:13-cr-00435) to serve as Counsel for my criminal case after the termination of services of Assistant Federal Public Defender named Eric David Placke. Mr. Placke was terminated as Counsel on September 30, 2014, but will not be the focus of this lawsuit since it is Mr. Coalter that is the Defendant for this case.
3. Mr. Coalter's office can be located at the address of 910 North Elm Street, Greensboro, NC 27401. He can be called at the phone number of 336-549-5386.
4. Mr. Coalter was reported by the Docket sheet that his services as court appointed counsel was terminated on 11/12/2014 (See Docket sheet for criminal case United States of America v. Brian David Hill, U.S. District Court, North Carolina Middle District ("NCMD"), Criminal case # 1:13-cr-00435). Since November 12, 2014, as far as I am aware, he is no longer under court order to serve as counsel for my criminal case. I am aware that he is in conflict of interest since he persuaded me to go along with my guilty plea agreement and I have an interest in proving factual innocence so that I can put my criminal case to rest, to have a final resolution to my case by proving factual elements concerning my innocence to the charge of possession of child pornography (18:2252A(a)(5)(B) and (b)(2)).
5. The reason I wish to prove factual innocence is because, if I take my criminal case back to a Jury trial and having trust issues with court appointed attorneys, without a defense I would likely lose the Jury trial (since Defendants don't testify at Grand Jury proceedings, a petit Jury trial without a defense would be the same as a Grand Jury hearing where I was indicted aka being found guilty) and face twenty years in prison without a solid defense at trial. I could be in the same situation as I was before I falsely took the guilty plea where I wasn't given my diabetic insulin at court hearings when I was incarcerated,

lawyer doesn't want to present any evidence of my innocence, and the Jury would have no knowledge of my Autism and would not have known that I did give a false confession on August 29, 2012. The risk of getting another court appointed lawyer that may not do their job is high, and I risk prison time without a legal defense to the charge. So I have decided to prove as much factual matter of actual innocence as possible. I will prove as many facts of innocence, as needed, to the Court, so that if it were still to go to a trial, I would have a fair chance at fighting instead of being set up to fail like in 2014. I want a fair trial and I don't want a defense attorney that acts like a prosecuting attorney that refuses to prove my actual innocence. So I wish to establish as many facts of innocence as possible, so that even if the Court still finds a few facts that cannot be factual, then it gives me a better chance at a fair trial in front of a Judge or Jury of my peers. Since the Government made the claims of my guilt in regards to possession, the burden of proof is now on me to convince a Judge or Jury that I am not guilty due to any facts of innocence. One such element of factual innocence would be that I gave a false confession, another that the guilty plea being caused by ineffective Counsel, and that the Government's evidence may be impeachable, fraudulent, proven false, or inaccurate. If I can prove that the Government acquired evidence outside of the Federal standards or any standards at all that govern credible expert testimony, or that evidence tampering may have happened, then this draws the Government's evidence into serious question. I am aware that proving that the Government's evidence was wrong and does not accurately describe what may had happened in 2012, helps to establish facts of innocence and/or very serious reasonable doubts that would convince reasonable jurors to find a Defendant not-guilty of the charged offense. I want a fair chance to convince a Judge or Jury that I am innocent and should be found innocent because of any good facts and reasons as to why I should be found not-guilty.

### On January 22, 2015

6. January 22, 2015, was the first time that I got to look over the entire discovery evidence packet for my criminal case named "United States of America v. Brian David Hill," within the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1. January 22, 2015 was the day that I went to John Scott Coalter's attorney office. I met with a paralegal named Braxton and he gave me papers that I can take home with me, and then me and my family can review over the discovery evidence but could not take it home. Me and my family looked over the evidence and we started finding things in there that we thought could have been used to give the Jury a reasonable doubt. My grandma caught on to a claim on Page IV of the SBI case file, that said "*From the analysis, this record showed that 454 files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013. This record also showed that files were shared with other users and the number of times each file was shared.*" So that means what I had suspected in 2014, filing pro se papers with my theory that I believe evidence may have been tampered with, appears to be true if what Special Agent Rodney V. White said is accurate. SBI stands for the State Bureau of Investigation and the regional office that had a case file on me was the Greensboro, NC office. My grandma was disgusted as much as all of us were, since that very same Laptop was seized on August 28, 2012. That means that whoever operated the eMule virus, that I had suspected was downloading child

pornography with an intent to frame me, continued downloading child pornography to my computer while under the custody of the Mayodan Police Department in Mayodan, NC, and the SBI regional field office located at 501 Industrial Avenue, in Greensboro, North Carolina. Then we also confirmed that the seized ASUS Eee PC netbook (ITEM #2: ASUS Eee PC Laptop, Serial Number: 9COAAS155554) contained no child pornography, and it said from the SBI report that "No images of interest were noted." and "No videos of interest were noted." Yet in the Mayodan Police report, from August 29, 2012, The Detective/s asked the question "Is there any other child pornography on any other computers?" I told the Detectives that "Yes. I have a Netbook at home that you didn't get." That Netbook was voluntarily given to the police Detectives on August 29, 2012, and no child porn was reported to have been found on there according to Special Agent White of the SBI. Another red flag that points to fact of false confession was that my claim of downloading child porn was off from the SBI findings. Detective/s question was "How long have you been downloading and viewing child pornography?" My answer to them was "About a year or so." The only download dates of child pornography that I am aware of as reported in the SBI case file was that it had started on July 20, 2012, and finished on July 28, 2013. So technically it did match my confession claim, to be honest about it, BUT that confession statement was covered by download dates that were 11 months after the fact that the Laptop was seized by law enforcement. I had wondered why my Laptop was infected by a eMule virus and I had wondered why child pornography would download on my Laptop while in the custody of law enforcement? I knew I was being set up, to being framed with child pornography, but I didn't know how I could be framed until a later time when I can actually look at the evidence and read the papers of what was being used against me. My grandma and all of us left Mr. Coalter's office frustrated that I was forced into taking a false guilty plea or I would have risked facing twenty years in federal prison, on entirely questionable evidence and based upon my false confession. We all wondered how it could have gotten this far.

### On September 30, 2016

7. My family and I were going to Mr. Coalter's office again, and this time to meet Mr. Coalter. He sat in what appeared to be a conference room or meeting room with a table. Everything he said in that room was in front of me and my family which can be four witnesses that can testify to these facts. Mr. Coalter appeared flustered and/or frustrated, like he was worried about something. He said that he cannot help me file a 2255 Motion to prove actual innocence because he would be in conflict of interest.
8. Mr. Coalter said that he would have to testify against me because both him and Mr. Placke would have to be found as ineffective Counsel. I believe technically he is correct about him being in "conflict of interest" as he persuaded me to stick with my guilty plea and abort my pro-se agenda to withdraw my guilty plea.
9. A attorney meeting with me sometime between October to November 2015: Mr. Coalter was telling me while I was in Jail, things like "Who will the Jury believe? You or the police?" and of course I didn't ever see all of the discovery pages so I was ignorant on the evidence that was used against me so I stuck by what Mr. Coalter advised me to do, and

that was to stick with my false guilty plea. I told him while in Jail that the state crime lab policies were not following, while still under the assertion that the forensic report was done at the State Crime Laboratory instead of realizing that no official crime lab was used but that the forensic work was done by SBI Agent Rodney V. White. I told him that I believe state crime policy was not followed and that state law regarding admissibility of forensic evidence was not followed. He told me that state laws don't matter in Federal Court. He basically convinced me that I had no ground to suppress any evidence. He had me convinced to stick with my guilty plea and give up on my quest to take it back to a Jury trial, not knowing what was actually said in most of the discovery papers. In fact in 2014, I was not aware that the U.S. Attorney had evidence that had claims which could help to demonstrate that I made false confession statements which meant that I could have suppressed my false confession based on confession statements proven false and coercion by law enforcement. The only thing I was aware of in 2014 while in Jail was that my family found out that I had no child porn in my ASUS Netbook when I told the Detectives that child porn was on a Netbook at home that they didn't get. However now that I am out of Jail and can do more research than I could in some awful County Jail, at a later time in 2017, I discovered yet another statement which be proven either as false or manufactured.

**Around March 2017 I discovered another confession issue**

10. Around March, 2017, I sent a FOIA Appeal fax titled (on header) the "Last Evidence to OIP; Re: DOJ-AP-2017-002520- March 11, 2017". Around that time or a day before, I had looked over the Search Warrant for something else and discovered that the police Detectives had already described what term "PTHC" stands for on the day before my confession. I had also sent a fax to a fax machine at The White House complaining about my discovery titled (on header) "Evidence of false confession to the Honorable U.S. President Trump – 04/11/2017". Read the centered paragraph below:

Citing Document #84-2, Case 1:13-cr-00435, Filed 04/27/15, Page 17 of 23, which was Page 14 of the Search Warrant (OCA/Case No. 2012-00287, MPD-337):  
*"Entering search terms into an eDonkey client returns a list of files and descriptive information including, in some client software, the associated MD4 root hash values. Your affiant knows from training and personal experience, trial searches, and working undercover cases on the P2P networks that users can find images and movies of child pornography by using these search terms. Some examples of search terms that locate files containing child pornography are "PTHC" (which stands for "Pre-Teen Hard Core"), "babyj", "pedo", "kiddie", "underage", and various terms relating to ages such as "10yo", etc. These search terms typically results in the user being presented with a list of files that include movie and image files that when downloaded and viewed contain child pornography illegal in NC. Your affiant has tested other search terms and results and has been able to successfully identify potential child pornography on the P2P network. Your affiant knows that automated tools can be used to automate the search process for those terms and then used to identify those offering for trade, files that have those terms in them."*

The Detective/s asked "What types of files do you search for in your file sharing programs?" then my answer was "PTHC and PTSC." The Detective/s next question is

**“What does that stand for?” then my answer was “Preteen Hardcore and Preteen Softcore.” That part of the confession does make me look guilty, however anybody thoroughly investigating my confession would have doubts about it's legitimacy when looking at the right areas. Page 14 of that Search Warrant Affidavit from Detective Robert Bridge already describes what “PTHC” stands for. So it is not a unique term that only the Defendant of that criminal case would know, the Detective/s already told about that term and what it meant. However in Federal lawsuit under FOIA, under Case 4:17-cv-00027, Document #2-2, Filed 04/25/17, Page 7 of 47, I have a paragraph that further shows that the Detectives were putting words in my mouth by contaminating my confession statements. It says in that page on Court record:**

***“Ed2k hash value: 60492779477159DD2DA1DB8EE57D6995. File name: "Ptsc Mom & Daughter In Bath.mpg." Detective Bridge has personally seen and knows the file with this digital signature to be a movie file that shows an adult female in a shower with a prepubescent female. Later in the video, the prepubescent female is show masturbating and using a vibrator. The adult female and prepubescent female engage in oral sex, along with other sex acts.” - Source: Robert Bridge's Search Warrant Affidavit***

So this Detective Robert Bridge describes what child porn is and talks about what acts have been committed in the description, in the Affidavit, for me to be exposed to on August 28, 2012, and then this contaminates me for my false confession. So the Detective describes what PTHC stands for, and then also mentions the term PTSC in one of the file names. For those that peruse around for adult content on the internet, it would be easy to understand adult pornography terms, and then the Detectives asking me about pornography, it would be easy to confuse me to admit to adult terms, contaminated with what they described in the Search Warrant Affidavit, and would be easy to get me to talk about PTHC then talk about what it stands for. Like a pop quiz a teacher would give in high school for example. The teacher tells me what certain things mean, then expect me to answer the same in the pop quiz to get a A+ or good grade. I guess to the Detectives, they tell me what PTHC stands for, also telling me the term PTSC, and expect me to give a good false confession that sounds convincing enough to make me look guilty on it's face. However it can be proven otherwise.

11. Mr. Coalter could have asked for an expert witness to testify such as for example a man named Dennis Debault, who I am aware of has trained law enforcement and is aware of how people with Autism can repeat things via echolalia, which I have exhibited. Even my U.S. Probation Officer (“USPO”) Jason McMurray, Jail Guards, and others are aware that I can randomly repeat statements from Hollywood movies. Now just repeat words and sentences from movies but in some cases I can even mimic characters voices from movies. So I have proven for years that I can remember movie lines and lines from TV shows. So if I have ever watched shows like “Law and Order,” even by random, my brain can pickup statements from any TV show that I have watched and can be relayed into an interrogation as if I knew a factual statement of guilt when in reality it is a false confession statement of what was repeated from a TV show or statement I overheard from law enforcement. The witness that can testify is named Dennis Debbault. His phone number is (772) 398-9756. He had written a white-paper titled “Interview and Interrogation of people with autism (including Asperger syndrome). My family obtained this information and white paper for me to use in my case. I will quote one paragraph from his white

paper:

### **Memory Skills**

**“Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.”**

Since he publicly has his address available for contact as apart of his business titled “Autism Risk Management”, and “Autism Training for Law Enforcement and Emergency Responders”. He can be subpoenaed at the address 2338 SE Holland Street, Port St. Lucie, Florida 34952-4831. So I am fully aware of witnesses that can help to demonstrate my factual innocence or give Jurors multiple reasonable doubts into guilt therefore the Jury or Bench trial must find me not guilty of the offense. Since I have proven multiple confession statements IU have made to be contradictory to the SBI case file claims, and proven that the Detective described what PTHC stands for, that I can repeat terms that law enforcement have already used, that my confession was false and manufactured by echolalia and coercion. Mr. Coalter could have brought that up and have the confession entirely suppressed or shown it to a Jury to give them reasonable doubts just on my confession alone.

### **Back to what happened on September 30, 2016**

- 12. Mr. Coalter was saying that if I do a 2255 Motion I would have to go through a “change of plea hearing” and that I would be facing an obstruction of justice criminal charge and perjury criminal charge. He was referring to the fact that I was forced to plead guilty under Oath, under Federal Rule 11 (Fed. Rules of Criminal Procedure) which required me, when I took the guilty plea, to say that I am guilty under penalty of perjury. However I viewed that as a threat against me, as if I somehow deserve to be a registered sex offender, and if I do anything to legally get off the nasty Sex Offender Registry then I face two criminal charges against me if I don't back down and continue falsely admitting guilt. I will not do that. My health was deteriorating, I wasn't given any diabetic insulin at the Status Conference on June 4, 2014. I wasn't given any diabetic insulin by the U.S. Marshals that day and at around 3:00PM a nurse from Orange County Jail had finally given me insulin for my blood sugar as it discovered to being at 429. I tried to file a pro-se motion and a letter to the court in Greensboro about my high blood sugar and asked for a new hearing but I suspected that it had been covered up by somebody working under the**

Clerk's Office in Greensboro Federal Courthouse. So my blood sugar was running high, my attempted pro-se motions were not filed by the Federal Court Clerk, and my weight was dropping, my blood hemoglobin A1C was 10.9 which I said verbally in front of Chief Judge William Lindsey Osteen Junior. My weight was dropping to 140lbs range. I would have died if I had continued fighting. I assumed that was why Mr. Coalter told me at Orange County Jail that I should continue to accept responsibility for the charge to get out of jail. He told me that he thinks I should go along with the plea to get out of Jail. I thought that he was concerned about my deteriorating health in the County jails and that was why he wanted me to stick with my guilty plea to get the prison sentence of time served.

Well on September 30, 2016, I found out that he thinks I am guilty of the charge and he sticks by his opinion that he thinks I am guilty. I told him that I can take it back to a Jury trial and he gave his opinion that he is aware of the Jury selection for his area and he thinks they would find me guilty of the crime. I asked him if he was a computer expert, and he said "no". I said something to him about proving that somebody can hack into my computer and plant child porn on external hard-drives connected but he wouldn't listen. So Mr. Coalter admitted that he is not a expert in computer forensics, he doesn't know computer hacking nor has he ever been involved with the CIA and it's Vault 7 hacking program or the NSA's hacking programs, and yet he is willing to make the assumption that I am guilty without fully understanding computer hackers that can potentially frame up computers users with child porn. So he doesn't think I am innocent and he thinks Jurors would find me guilty. He said that even if I prove my confession to be false, there is still the forensic report. My grandma told him about the fact that there were no victims and Mr. Coalter sounded shocked like "What?" which she is referring to the claim in my Presentence Investigation report. It said in the 13<sup>th</sup> paragraph 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)." That doesn't sound believable considering what Detective Robert Bridge claimed in his Search Warrant Affidavit that he claimed the IP Address user of 24.148.156.211 had downloaded known child pornography that he has personally watched. So Mr. Coalter wasn't aware that despite the high number of files the Government claims I had downloaded, then they claim that none of the children have been identified as part of a known series by the National Center for Missing and Exploited Children. That really sounds contradictory to me and makes me feel like the Government is just trying to build a weak case that sounds scary enough to compel me to falsely take the guilty plea knowing that without a good lawyer, the chances of me winning the Jury trial are slim to none, since living in Jail has little to no resources to prove innocence. The Jail can censor and delete mailings, they can screen mailings, they can prevent you from gathering evidence, and can even threaten you with solitary confinement. With the political position of the Jails system, it puts every criminal Defendant at a serious disadvantage which is usually why they always rely on lawyers to help them prove their case. Mr. Coalter did not prove my case. I had to falsely plead guilty just to be allowed out of Jail, just to prove my case that I could have been found not-guilty by a Jury, just to be able to fight to prove my innocence. It sounds ridiculous but that is what I had been through.

13. Mr. Coalter heard about what happened with former USPO Kristy L. Burton and then he lectured me about being a good boy and do whatever the Probation Officer says, which I



have been doing. Kristy Burton lied on the stand but Mr. Coalter likely would not have cared about that. He basically treated me like a criminal, like I deserved what I had got, but hey I got time served so whats the problem? The problem is that I am innocent and was forced to plead guilty against my will just to get out of Jail to prove my innocence that the Jail wouldn't let me even do. The Jail wouldn't give me adequate medical attention and my health was deteriorating the longer I had stayed in Jail. I wouldn't be guilty of perjury or obstruction of justice, because it was the Government that perpetuated shaky evidence, and my false confession, then colluding with the Federal Public Defender to deny me my due process and deny me proper medical attention to shake me down and bully me into a false guilty plea based on questionable evidence. How I can be charged with perjury for being forced into the County dungeons where human rights isn't always enforced, where your right to prove innocence is denied and/or delayed, the right to gather evidence being denied, the right to question witnesses can be denied by the Jail security. The Jail is the number one enemy of our Constitutional rights, and can systemically deny all Constitutional rights to somebody accused of a crime. That is why so many poor people falsely take the guilty plea, because they are in Jail and have a broken lawyer that won't do anything to prove a Defendant's innocence. The lawyer should be charged with subornation of perjury since the lawyer ignored all evidence that would have me found not-guilty by a Jury, and manipulating me into sticking with my guilty plea.

14. Because Mr. Coalter had me convinced that proving my innocence would be futile, that I would be charged with perjury for proving my innocence, I had decided to go to the President of the United States, the honorable Donald J. Trump, to grant me a full pardon of innocence and expunge my conviction via executive order so that I can live my life as a law abiding citizen and not have to worry about being charged with perjury based on the advise of and manipulation by a horrible defense lawyer that acted as a prosecuting attorney and colluded with the Government. It is considered collusion when any lawyer that is aware of evidence that can help their client to be found innocent, and instead that the lawyers ignore the evidence and attempts to manipulate their clients to take the guilty plea even if that plea is false, which helps the Government to easily win every one of their cases without having to do any investigation or research. Months have gone by since I had formally sent evidence to The White House, and President Trump has not written me back about my request for a pardon of innocence. So I have decided to sue Mr. Coalter, and sue the U.S. Government under FOIA for systematically denying me all of my Constitutional rights then me being threatened with perjury and obstruction of justice for being a victim of systematic political corruption. I am sick of this. I want Justice and I keep being denied Justice over and over again. I want to prove my innocence without any retaliation against me. I want off of the Sex Offender Registry for good. I am a virgin, I am not a sexual offender, and I want off of the registry as soon as possible. That is why I want to prove my innocence, I want to get off of the nasty horrible lousy sex offender registry.

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

Executed on June 5, 2017.

*Brian D. Hill*  
*Signed*

Signed

Brian David Hill(Pro Se)

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