

JUN 20 2011

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA )  
)  
)  
vs. )  
)  
)  
GARY MICHAEL HILTON, )  
Defendant. )  
\_\_\_\_\_ )

DOCKET NO. 1:11-cr-49

**BILL OF INDICTMENT**

Violations:

- 18 U.S.C. § 1111
- 18 U.S.C. § 1201
- 18 U.S.C. § 2111
- 18 U.S.C. § 924

THE GRAND JURY CHARGES:

COUNT ONE

On or about the 21<sup>st</sup> day of October, 2007, in Transylvania County, within the special territorial jurisdiction of the United States, that being the Pisgah National Forest, and within the Western District of North Carolina, the defendant

GARY MICHAEL HILTON

did unlawfully kill a human being, Irene W. Bryant, with malice aforethought, and did so:

1. by lying in wait;
  2. willfully, deliberately, maliciously, and with premeditation; and,
  3. in the perpetration and attempted perpetration of murder, kidnapping, and robbery,
- in violation of Title 18, United States Code, Section 1111.

COUNT TWO

On or about the 21<sup>st</sup> day of October, 2007, in Transylvania County, within the special territorial jurisdiction of the United States, that being the Pisgah National Forest, and within the Western District of North Carolina, and elsewhere, the defendant

GARY MICHAEL HILTON

did unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away another person, John D. Bryant, and did hold him for ransom, reward and otherwise, and:

1. the person was willfully transported in interstate commerce;
  2. these acts against the person were done within the special territorial jurisdiction of the United States; and,
  3. these acts resulted in the death of John D. Bryant,
- in violation of Title 18, United States Code, Section 1201.

### COUNT THREE

On a date unknown to the Grand Jury, but occurring between on or about the 21<sup>st</sup> day of October, 2007, and on or about the 2<sup>nd</sup> day of February, 2008, in Macon County, within the special territorial jurisdiction of the United States, that being the Nantahala National Forest, and within the Western District of North Carolina, and elsewhere, the defendant

GARY MICHAEL HILTON

did unlawfully kill a human being, John D. Bryant, with malice aforethought, and did so:

1. by lying in wait;
  2. willfully, deliberately, maliciously, and with premeditation; and,
  3. in the perpetration and attempted perpetration of murder, kidnapping, and robbery,
- in violation of Title 18, United States Code, Section 1111.

### COUNT FOUR

On or about the 21<sup>st</sup> day of October, 2007, in Transylvania County, within the special territorial jurisdiction of the United States, that being the Pisgah National Forest, and within the Western District of North Carolina, and elsewhere, the defendant

GARY MICHAEL HILTON

by force violence and by intimidation, did take from the person and presence of John and Irene Bryant an automatic teller machine access card, in violation of Title 18, United States Code, Section 2111.

### COUNT FIVE

On a date unknown to the Grand Jury, but occurring between on or about the 21<sup>st</sup> day of October, 2007, and on or about the 2<sup>nd</sup> day of February, 2008, in Macon County, within the special territorial jurisdiction of the United States, that being the Nantahala National Forest, and within the Western District of North Carolina, and elsewhere, the defendant

GARY MICHAEL HILTON

during and in relation to a crime of violence, namely murder, for which he may be prosecuted in a court of the United States, did knowingly, willfully, and unlawfully use and carry a firearm, and, in the furtherance of such crime of violence, did possess said firearm, and in the course of such violation and through the use of such firearm, did cause the death of a person, John D. Bryant, such killing being a murder as defined in Title 18, United States Code, Section 1111, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 924(j)(1).

NOTICE OF SPECIAL SENTENCING FACTORS

1. At the time of commission of these offenses, GARY MICHAEL HILTON was over the age of eighteen;
2. GARY MICHAEL HILTON intentionally killed the victims, John D. Bryant and Irene W. Bryant (18 U.S.C. § 3591(a)(2)(A));
3. GARY MICHAEL HILTON intentionally inflicted serious bodily injury that resulted in the deaths of John D. Bryant and Irene W. Bryant (18 U.S.C. § 3591(a)(2)(B));
4. GARY MICHAEL HILTON intentionally participated in an act contemplating that the lives of John D. Bryant and Irene W. Bryant would be taken and the victims died as a result (18 U.S.C. § 3591(a)(2)(C));
5. GARY MICHAEL HILTON intentionally and specifically engaged in an act of violence knowing that the act created a grave risk of death to persons other than one of the participants in the offense such that participation in the act constituted a reckless disregard for human life, and the victims, John D. Bryant and Irene W. Braynt died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
6. GARY MICHAEL HILTON caused the death of Irene W. Bryant during commission of another crime or crimes, those being robbery and kidnapping (18 U.S.C. § 3592(c)(1));
7. GARY MICHAEL HILTON caused the death of John D. Bryant during commission of another crime or crimes, those being robbery and kidnapping (18 U.S.C. § 3592(c)(1));
8. GARY MICHAEL HILTON was previously convicted of offenses for which a

sentence of death or life imprisonment were authorized, in that HILTON was convicted in the State of Georgia of the murder of Meredith Emerson, committed on or about January 1, 2008, and received a life sentence on or about January 31, 2008 (18 U.S.C. § 3592(c)(3));

9. GARY MICHAEL HILTON was previously convicted of offenses for which a sentence of death or life imprisonment were authorized, in that HILTON was convicted in the State of Florida of the murder of Cheryl Dunlap, committed on or about December 1, 2007, and received a sentence of death on or about April 21, 2011 (18 U.S.C. § 3592(c)(3));

10. GARY MICHAEL HILTON was previously convicted of other serious offenses (that is, two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person), those being the murder of Meredith Emerson, said conviction having been entered in the State of Georgia on or about January 31, 2008, and the murder of Cheryl Dunlap, said conviction having been entered in the State of Florida on or about April 21, 2011 (18 U.S.C. § 3592(c)(4));

11. GARY MICHAEL HILTON committed the murder of Irene W. Bryant for pecuniary gain (18 U.S.C. § 3592(c)(8));

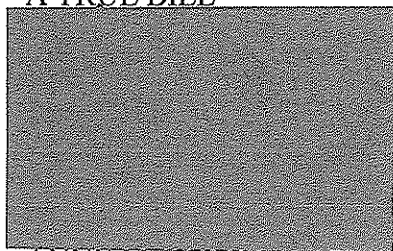
12. GARY MICHAEL HILTON committed the murder of John D. Bryant for pecuniary gain (18 U.S.C. § 3592(c)(8));

13. The murder of John D. Bryant involved substantial planning and premeditation (18 U.S.C. § 3592(c)(9));

14. John D. Bryant and Irene W. Bryant were vulnerable victims (18 U.S.C. § 3592(c)(11));

15. GARY MICHAEL HILTON committed multiple killings in a single criminal episode, in that he killed John D. Bryant and Irene W. Bryant during a single criminal episode (18 U.S.C. § 3592(c)(16)).

A TRUE BILL



ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

A handwritten signature in cursive script, reading "Corey F. Ellis", is written over a horizontal line.

COREY ELLIS  
ASSISTANT UNITED STATES ATTORNEY

**NEW CRIMINAL CASE COVER SHEET**

**U. S. DISTRICT COURT**

*(To be used for all new Bills of Indictments and Bills of Information)*

**CASE SEALED:** ( ) Yes (x) No **DOCKET NUMBER:** 1:11cr49  
*(If case is to be sealed, a Motion to Seal and proposed Order must be attached.)*

**CASE NAME** : U.S. v. Gary Michael Hilton

**COUNTY OF OFFENSE** :

**RELATED CASE INFORMATION** :

*Magistrate Judge Case Number* :

*Search Warrant Case Number* :

*Miscellaneous Case Number* :

*Rule 20b* :

**SERVICE OF PROCESS** : Warrant

**U.S.C. CITATIONS** *(Mark offense carrying greatest weight):*  Petty  Misdemeanor  Felony

18 U.S.C. § 1111, 1201, 924

**JUVENILE** :  Yes  No

**ASSISTANT U. S. ATTORNEY** : Corey Ellis and Don Gast

**VICTIM / WITNESS COORDINATOR** : lynne.crout@usdoj.gov

**INTERPRETER NEEDED** : no

**LIST LANGUAGE AND/OR DIALECT:**

**REMARKS AND SPECIAL INSTRUCTIONS:**