

IN THE MAGISTRATE COURT OF DEKALB COUNTY, GEORGIA

Search Warrant Number #: 08W00282

Docket Number #: E003505

AFFIDAVIT & APPLICATION FOR A SEARCH WARRANT

The undersigned, being duly sworn, deposes and says: I am a duly sworn, POST certified law enforcement officer in the state of Georgia charged with the duty to investigate criminal activity and enforce the criminal laws of this state. This is an application for a search warrant and my affidavit in support hereof. Pursuant to O.C.G.A. 17-5-20, et. seq., I am making this sworn affidavit setting forth that there exists probable cause to believe that:

- A. specific offense(s) is/are being committed/have been committed; and
- B. specifically described property and items and/or persons are to be searched for and seized and constitute evidence of these specific offenses; and
- C. the property and items and/or persons constituting evidence to be searched for and seized are located at the particular place to be searched.

There is probable cause to believe that the following crime(s) (is being/has been/have been) committed. (List all applicable offenses and code sections.)

Offense(s)	Code Section(s)
Kidnapping - kidnap	16-5-40

The information of person to be searched

[Empty box for person information]

The list of certain property, items, articles, instruments, to be searched for and seized are located in DEKALB County, Georgia and are specifically described as follows:

Clothing to include but not limited to women's clothing, i.e. a purple fleece zippered jacket, black nylon warm-up/running pants, tennis shoes and a fanny pack/canteen holder for hiking gear. Human hair, canine hair, fingerprints and bodily fluids to include but not limited to : blood, semen and salvia. Also to include any other personal items of Meredith Hope Emerson.

The foregoing described property, items, articles, instruments and person(s) to be searched for and seized constitute evidence connected with the foregoing listed crime(s) and is/are: (check ALL that are applicable) (O.C.G.A. 17-5-21)

- designed for use in the commission of the crime(s) herein described.
- intended for use in the commission of the crime(s) herein described.
- has/have been used in the commission of the crime(s) herein described.
- stolen; embezzled; property;
- contraband, the possession of which is unlawful.
- tangible evidence of the commission of the crime(s) set forth above.
- a person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state.
- a human fetus; a human corpse.
- a person for whom an arrest/fugitive warrant has been issued. (Brown v. State, 240 Ga. App. 321)
- Other:

The facts establishing probable cause in searching for and seizing the foregoing specifically described person(s), property, items, articles, instruments connected with the foregoing crime(s) at the location described herein are: (Set forth facts connecting all crimes, all items to searched for & seized, at the location to be searched.)

Your Affiant is a sworn peace officer with the Georgia Bureau of Investigation and is charged with enforcing the criminal codes of the State of Georgia. Affiant has gained training and experience in the area of criminal investigations. Affiant deposes and says:

On January 3, 2008, the Union County Sheriff's Office requested GBI Region 8 Investigative Office assistance in reference to a missing hiker, Meredith Hope Emerson (hereafter referred to as Emerson) from the Byron Head Memorial Trailhead parking area.

Emerson was last known to be at the trailhead on January 1, 2008. Emerson was at the location to hike the trail with her dog, a black Labrador retriever. Emerson told friends that she would be hiking on the trailhead. On January 2, 2008, Emerson's boyfriend, Steven Segars, and additional friends attempted to contact Emerson by telephone to no avail. On January 2, 2008, Segars found Emerson's vehicle in the trailhead parking area where she commonly hiked. Segars was not able to locate Emerson.

On January 3, 2008, Emerson's god-mother, Peggy Bailey, reported Emerson as a missing person with the Gwinnett County Police Department. Emerson is a resident of Gwinnett County.

During the subsequent missing person's investigation Your Affiant has learned the following:

Emerson was seen on the trailhead by hikers with her dog on January 1, 2008, at different intervals. Emerson was last seen at approximately 3:00 p.m. on the trail. Items confirmed to have belonged to Emerson were found discarded on the trail along with a "expandable police style baton". A white male matching the description of Gary Michael Hilton was also seen at different intervals on the trail.

Agents of the Georgia Bureau of Investigation were contacted by John Tabor. Tabor stated that Hilton was a former employee of his business. Tabor heard news reports of a person being sought as a possible witness in this investigation. Tabor stated that the person being described on the news reports matched the description of Hilton. Tabor also stated that Hilton drove a white Chevrolet Astro van like the van mentioned in the news report. Tabor stated Hilton is a "survivalist" and is very familiar with the surrounding mountainous area. Tabor has seen Hilton in possession of various weapons to include firearms. Hilton is known to US Forest Service law enforcement personnel who have frequently come in contact with Hilton in the area of the disappearance of Emerson.

Hilton and Emerson were seen talking and both had a dog with them. Hilton was seen several times throughout the day in the trailhead area on January 1, 2008. Witnesses interviewed stated they remembered seeing a white van parked in the trailhead parking lot. Witnesses interviewed reported that a person matching the description of Hilton was seen hiding and or crouching behind objects on the trail. Hilton has also been seen carrying what appeared to be a "expandable police style baton".

Your Affiant has learned Hilton is known to US Forest Service law enforcement personnel who have frequently come in contact with Hilton in the area of the disappearance of Emerson. Hilton has been spoken to by law enforcement from the US Forest Service about carrying an "expandable police style baton" while on government land. Also, law enforcement has confronted Gary Hilton about violations of camping and sitting in a white Chevrolet van in numerous locations in and around national forests and state parks in North Georgia. The "expandable police style baton" known to be carried by Hilton was the same type as what was found with the items confirmed to have belonged to Emerson.

Hilton has an active arrest warrant from the United States District Court for the Northern District of Georgia for abandoned personal property and failure to appear in court for that charge. Hilton has an extensive criminal history to include: theft, arson, drug violations and battery.

Emerson has not contacted family or friends since January 1, 2008. Emerson's cellular phone has not been used nor does it appear to be operable since January 1, 2008.

Your Affiant has determined through the Ga. Crime Information Center that Gary Hilton has a 2001 white Chevrolet Astro van, Ga. License plate AFQ 1310, registered to him.

A Black Labrador was found at a Kroger Grocery store in Cumming, Georgia. The dog was confirmed to belong to Emerson by a chip implanted in the animal. In addition, Hilton was seen at a Quik Trip convenience store across the street from the Kroger. It was confirmed that Hilton used a pay phone at the store and called his friend, Shawn Stewart. Hilton requested that Stewart give him money. Stewart refused. While at the store Agents discovered various items confirmed to belong to Emerson in a dumpster to include her driver's license.

Hilton and his vehicle were located by members of the Dekalb County Police Department at a gas station located at 3500 Ashford Dunwoody Road in Dekalb County, Georgia. Hilton was cleaning his vehicle a 2001 Chevrolet Astro van and had placed numerous items from his vehicle inside a dumpster at the store. The van currently displays a

North Carolina tag, WWZ8113.

For the above stated reasons, Your Affiant has probable cause to believe Meredith Emerson has met with foul play at the hands of Gary Hilton and that Gary Hilton's Chevrolet Astro van and his person contains evidence of the crime previously mentioned in this affidavit. Your Affiant requests that a search be issued for Hilton's van and his person to recover any possible evidence still maintained on his (Hilton's) person or vehicle.

The geographic location of the above listed specifically described person(s), property, items, articles, instruments to be searched for and seized is within DEKALB County, Georgia, and is more particularly described as follows:

A white 2001 Chevrolet Astro van registered to Gary Michael Hilton bearing North Carolina tag WWZ 8113 located at GBI headquarters on Panthersville Road Decatur, Georgia

NO KNOCK PROVISION SOUGHT: I am seeking a "No Knock" provision so that entry can be made without knocking and without giving verbal notice of the lawful authority and purpose in execution of this search warrant. There are reasonable grounds to believe that the giving of verbal notice would: (check applicable)

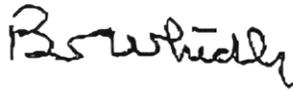
greatly increase the peril to officer(s) executing this warrant;

lead to the immediate destruction of the evidence sought.

In support, thereof, I state the following facts:

[Empty box for facts]

I swear or affirm that all of the information contained in this Affidavit and all other testimony given by me is true and correct to the best of my knowledge and belief.

Signature: 	Agency :
Name: (Print legibly) : -Brian -Whidby	Badge No: 0000MAGISTRATEMAGISTRAT EMAGISTRATE

Sworn to and subscribed before me, This 4th day of January, 2008 at 11:56:29 PM

ORAL TESTIMONY, GIVEN UNDER OATH, RECEIVED AND RECORDED

ORAL TESTIMONY NOT CONSIDERED

Signature:  4th day of January, 2008 at 11:56:45 PM	DEKALB MAGISTRATE COURT
Magistrate (Print legibly) :	STATE OF GEORGIA

IN THE COURT OF DEKALB COUNTY, GEORGIA

Search Warrant Number #:08W00282

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RETURN OF SEARCH WARRANT & INVENTORY

(Include the entire search warrant & affidavit to insure proper & accurate docketing.)

I, the undersigned officer, received the search warrant on the date and time set forth upon the search warrant and have executed it as follows:

- I did not execute the search warrant and I am returning it to this court.
- I did execute the search warrant and I am filing the return and inventory as follows:

On the 5 Day of January 2008MAGISTRATE , I searched the premises particularly described in this search warrant for the specifically listed **person(s), property, items, articles and instruments.**

I left a copy of the warrant, together with the receipt of the seized person(s), property, items, articles, instruments,

- with the following person,
- left in a conspicuous place on the premises particularly described in the Search Warrant. interior of the vehicle a white 2001 Chevrolet Astro van bearing NC tag WWZ 8113

The following is an inventory of the property person(s), property, items, articles and instruments seized pursuant to execution of this search warrant:

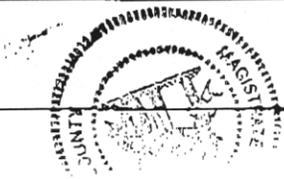
See the attached list, consisting of 5 pages, labeled E003505.

This inventory was made in the presence of

I swear that that is a true and detailed account of the listed person(s), property, items, articles and instruments seized by me at the execution of this search warrant.

Signature: <i>B. Whidby</i>	Agency:
Name (Print legibly): Brian Whidby	Badge No: 0000

Sworn to and subscribed before me. This 12nd day of February, 2008

Signature: <i>Joyce M. Averils</i>		DEKALB MAGISTRATE Court
MAGISTRATE (Print legibly): Joyce M. Averils		State of Georgia

E003505	Location	Receipt #
1 Blue North Face sleeping bag	White Astro Van	
2 Black, green, pink, and orange Hawaiian hal	White Astro Van	
3 Purple sleeping mat	White Astro Van	
4 Black and green glove	White Astro Van	
5 Blue and red glove	White Astro Van	
6 Brown Hi-Tec brand boots	White Astro Van	
7 Brown and black Woodstock brand boots	White Astro Van	
8 White and blue REI hat	White Astro Van	
9 Black, red, and yellow farge hiking backpack	White Astro Van	
10 Black, grey, and red fanny pack	White Astro Van	
11 REI Gortex socks, size 14 R	White Astro Van	
12 REI teal and purple mesh shirt, size L	White Astro Van	
13 REI teal and purple mesh shirt, size M	White Astro Van	
14 Columbia purple and green hat, size 4XL	White Astro Van	
15 REI teal and purple mesh shirt, size M	White Astro Van	
16 Navy blue and brown hiking socks	White Astro Van	
17 Tan and white hiking socks	White Astro Van	
18 REI teal and purple mesh shirt, size L	White Astro Van	
19 REI white and teal mesh shirt, size L	White Astro Van	
20 REI white and teal mesh shirt, size L	White Astro Van	
21 REI white and teal mesh shirt, size L	White Astro Van	
22 REI purple and teal mesh shirt, size XL	White Astro Van	
23 REI purple and teal mesh shirt, size XL	White Astro Van	
24 REI purple and teal mesh shirt, size L	White Astro Van	
25 REI purple and teal mesh shirt, size L	White Astro Van	
26 REI purple wind pants, size L	White Astro Van	
27 REI purple wind pants, size unknown	White Astro Van	
28 North Face purple and black jacket, size unknown	White Astro Van	
29 REI white and teal mesh shirt, size L	White Astro Van	
30 Navy blue and brown hiking socks	White Astro Van	
31 REI teal wind pants, size unknown	White Astro Van	
32 Sierra Designs teal tent	White Astro Van	
33 Green mesh mosquito net	White Astro Van	
34 Red and black North Face jacket, size M	White Astro Van	
35 Yellow bib overalls, size unknown	White Astro Van	
36 REI black pants, size L	White Astro Van	
37 Yellow Novara jacket, size unknown	White Astro Van	
38 REI purple and teal windbreaker jacket, size M	White Astro Van	
39 Westpoint Stevens black pillowcase	White Astro Van	
40 Westpoint Stevens navy blue pillowcase	White Astro Van	
41 North Face black windbreaker pants, size M	White Astro Van	
42 Green sleeping bag	White Astro Van	
43 Black nylon belt	White Astro Van	
44 REI teal windbreaker pants, size unknown	White Astro Van	
45 REI blue windbreaker pants, size unknown	White Astro Van	
46 REI purple windbreaker pants, size M	White Astro Van	
47 Ex Officio tan nylon pants, size XL	White Astro Van	
48 REI pink nylon jacket, size unknown	White Astro Van	
49 Mike Aqua Gear nylon yellow and green jacket, size unknown	White Astro Van	

50 Nike white mesh shirt, size L	White Astro Van
51 REI white and teal mesh shirt, size L	White Astro Van
52 North Face brown and purple sleeping bag	White Astro Van
53 Navy blue and brown hiking socks	White Astro Van
54 REI green puBover shirt, size unknown	White Astro Van
55 REI teal windbreaker pants, size M	White Astro Van
56 Navy blue and brown hiking socks	White Astro Van
57 REI white and teal mesh shirt, size L	White Astro Van
58 White towel	White Astro Van
59 White towel	White Astro Van
60 REI teal and purple shirt, size XL	White Astro Van
61 REI teal nylon wind pants, size M	White Astro Van
62 Orange camouflage Carson Supply brand shirt, size L	White Astro Van
63 REI teal nylon wind pants, size unknown	White Astro Van
64 REI purple and black nylon socks	White Astro Van
65 Miscellaneous socks	White Astro Van
66 REI white and teal mesh shirt, size L	White Astro Van
67 REI purple and teal mesh shirt, size unknown	White Astro Van
68 Miscellaneous washcloths	White Astro Van
69 North Face purple wind pants, size unknown	White Astro Van
70 REI blue nylon wind pants, size unknown	White Astro Van
71 Purple and green gloves	White Astro Van
72 Black, purple, blue, and green gloves	White Astro Van
73 Blue and red gloves	White Astro Van
74 REI purple nylon wind pants, size unknown	White Astro Van
75 Black and green gloves	White Astro Van
76 Pink gloves	White Astro Van
77 Green gloves	White Astro Van
78 REI teal and purple nylon shorts, size M	White Astro Van
79 Teal baseball cap	White Astro Van
80 Sequel white baseball cap	White Astro Van
81 White baseball cap	White Astro Van
82 White baseball cap	White Astro Van
83 Black winter hat	White Astro Van
84 Black baseball cap	White Astro Van
85 Black REI baseball cap	White Astro Van
86 Purple REI baseball cap	White Astro Van
87 White Sequel baseball cap	White Astro Van
88 White and green Sequel baseball cap	White Astro Van
89 Black and multi-colored baseball cap	White Astro Van
90 Black and multi-colored baseball cap	White Astro Van
91 White Columbia baseball cap	White Astro Van
92 Columbia purple winter hat	White Astro Van
93 Columbia purple winter hat	White Astro Van
94 Columbia purple winter hat	White Astro Van
95 Columbia purple winter hat	White Astro Van
96 Grey winter gloves, Snowstar brand	White Astro Van
97 REI yellow, purple, and teal winter hat	White Astro Van
98 Brown winter gloves	White Astro Van
99 Black, blue, yellow, and red baseball hat, Surf Designs brand	White Astro Van
100 White mesh baseball cap	White Astro Van
101 White and multi-colored Sequel baseball cap	White Astro Van
102 Black leather gloves, Thinsulate	White Astro Van
103 Glacier Seas Valdez, Alaska white baseball cap	White Astro Van

104 Georgia license plate AFQ 1310	White Astro Van
105 Ultimate Direction blue bottle cooler	White Astro Van
106 Miscellaneous white rags	White Astro Van
107 Ultimate Direction blue bottle cooler	White Astro Van
108 White baseball cap	White Astro Van
109 Black bottle cooler	White Astro Van
110 Navy blue and brown hiking socks	White Astro Van
111 Navy blue and grey hiking socks	White Astro Van
112 White baseball cap	White Astro Van
113 REI purple nylon bag	White Astro Van
114 miscellaneous white rags	White Astro Van
115 6 tan socks, 1 blue sock	White Astro Van
116 North Face blue and yellow bag	White Astro Van
117 REI navy blue shorts, size unknown	White Astro Van
118 REI purple nylon wind pants, size M	White Astro Van
119 REI purple nylon wind pants, size unknown	White Astro Van
120 Nike Dry-Fit Navy blue shirt, size L	White Astro Van
121 North Face dark blue bag	White Astro Van
122 North Face black bag	White Astro Van
123 REI MSRXXGK2 black bag	White Astro Van
124 Honor brand red underwear	White Astro Van
125 Tan pillowcase	White Astro Van
126 Caribou green fanny pack	White Astro Van
127 yellow and pink baseball hat	White Astro Van
128 white cloths	White Astro Van
129 Black Columbia winter hat	White Astro Van
130 Purple Columbia winter hat	White Astro Van
131 Sierra Designs teal tent	White Astro Van
132 Head of broom, black and red	White Astro Van
133 Green hose	White Astro Van
134 Black polycarbonate baton	White Astro Van
135 black baton	White Astro Van
136 Victor hand pump, red and black	White Astro Van
137 Brinkmann QV flashlight	White Astro Van
138 Truper sling-blade	White Astro Van
139 Pro Zig hack-saw frame	White Astro Van
140 Night stick auto bar	White Astro Van
141 Hack-saw blade	White Astro Van
142 Sun Visor, grey	White Astro Van
143 Coleman cooler, white and red	White Astro Van
144 Red plastic basket with orange extension cord	White Astro Van
145 Brown electrical plug	White Astro Van
146 Small blue tote containing kitchen utensils, pink toothbrush, toothpaste, miscellaneous food items, etc.	White Astro Van
147 Small blue tote containing miscellaneous items, including pills, lighters, personal grooming supplies, keys, batteries, etc.	White Astro Van
148 Large blue tote containing miscellaneous items, including leashes, ropes, a radio, can openers, mouth wash, eye glasses, etc.	White Astro Van
149 Large blue tote containing miscellaneous items, including pornographic magazines, shoe inserts, miscellaneous chargers, Panasonic TV, AC/DC converter, hypodermic needles, miscellaneous medication, etc.	White Astro Van

150 Large blue tote containing miscellaneous items, including pots and pans, gas canisters, tin foil, laundry detergent, etc.	White Astro Van
151 Medium blue tote containing miscellaneous items including dog food, beans, rice, miscellaneous canned food, peanut butter, etc.	White Astro Van
152 Small blue tote containing miscellaneous items, including two air powered pistols (Daisy Powerline Model 1SXT CO2 BB gun, Serial # 6G05243, Serial # 6G10295), miscellaneous papers, tape, scissors, remote control, pills, personal lubricant, etc.	White Astro Van
153 Green plastic basket containing miscellaneous items, including a fly swatter, flashlights, air powered pistol (Daisy Powerline Model 1SXT CO2 BB gun, Serial # 6G06231), miscellaneous ropes, etc.	White Astro Van
154 White String	White Astro Van
155 Navy blue small tote containing miscellaneous items, including numerous cassette tapes, a bong, goggles, WD 40, roach and ant killer, etc.	White Astro Van
156 2 brown bottles containing an unknown substance	White Astro Van
157 Small blue tote containing miscellaneous items, including work tools.	White Astro Van
158 2 cell phones, VX3200 user guide	White Astro Van
159 Black plastic bag containing miscellaneous items, including tennis ball, first aid supplies, condoms, batteries, flashlight, etc.	White Astro Van
160 White plastic bag containing miscellaneous items, including numerous leashes, water bottles, camera, rubbing alcohol, etc.	White Astro Van
161 Small blue tote containing miscellaneous items, including camp stoves, stove related gear, black REI bags, etc.	White Astro Van
162 Large blue tote containing miscellaneous items, including numerous maps, numerous papers, video tapes, dog brushes, etc.	White Astro Van
163 Box of Juicy fruits	White Astro Van
164 Sony cassette radio	White Astro Van
165 Black pouch containing miscellaneous items including medical bills, stamps, lottery tickets, etc.	White Astro Van
166 Large green tote containing miscellaneous items, including tent stakes, Copperhead powered CO2 cartridges, sewing kit, candles, various personal grooming supplies, potato chips, Frontline Plus pills, rubber gloves, tape, etc.	White Astro Van
167 4 vehicle ramps	White Astro Van
168 Green bag containing numerous tent poles	White Astro Van
169 Tent poles, leash, ball, brush, metal scraps	White Astro Van
170 Teal bag containing numerous tent poles	White Astro Van
171 2 folding chairs and 1 folding card table	White Astro Van
172 Small blue tote containing miscellaneous items, including rubbing alcohol, bags of tobacco, eye glasses, lighters, keys, knife, brush, cup, etc.	White Astro Van
173 2 medium size blue bins, 4 blue bin lids	White Astro Van
174 Clear plastic tarp	White Astro Van
175 Green bungee cord	White Astro Van
176 Tire	White Astro Van

177	3 Red Blitz 5 Gal. gas cans, 1 red Blitz 2 Gal. gas can in wht. Trash bag	White Astro Van	
178	Yellow raincoat, size L	White Astro Van	
179	Swab of blood from sliding passenger door, exterior	White Astro Van	E-378479
180	Yellow jacket with blood stain	White Astro Van	E-378479
181	Paper towel with blood stain from under rear floor mat	White Astro Van	E-378479
182	Section of driver's seat with blood stain	White Astro Van	E-378479
183	Hair from sliding door	White Astro Van	E-378479
184	Swab from headliner, rear center of vehicle	White Astro Van	E-378479
185	Swab from headliner, front passenger seat	White Astro Van	E-378479
186	Blue fanny pack with contents: pill bottle, zip lock bag with 2 napkins, compass, zip lock bag w/ 2 note cards, Whistle w/ black lanyard, clear bottle w/ green liquid, 2 lighters, Buck pocket knife, silver tweezers, Kroger brand lip treatment, allergy tablets, numerous rubber bands, zip lock bag w/ Ga driver's license and misc papers, key	White Astro Van	E-378477
187	2 rolls of duct tape	White Astro Van	E-378478
188	Seatbelt unit	White Astro Van	E-378478
189	Monadnock cardboard insert	White Astro Van	E-378478
190	Swab from purple hat, Van	White Astro Van	E-378480
191	Swabs from yellow raincoat, Van	White Astro Van	E-378480
192	plastic container with hair fiber taken from dog leash, item 153	White Astro Van	E-378481
193	plastic container with hair fiber taken from folded paper towel, item 152	White Astro Van	E-378481
194	Swab from yellow receipt in blue fanny pack	White Astro Van	E-191944
195	Swab from stain on blue fanny pack, exterior	White Astro Van	E-191944
196	Swab from black trash bag, Van	White Astro Van	E-191944
197	Section of carpet from rear cargo area of van	White Astro Van	E-191944
198	2001 White Chevrolet Astro Van bearing NC tag WWZ8113	White Astro Van	