

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N.C.

APR 12 2016

U.S. DISTRICT COURT
W. DIST. OF N.C.

UNITED STATES OF AMERICA)
)
 v.)
)
 FORREST DAKOTA HILL)
 _____)

DOCKET NO. 1: 16 CR 49

FACTUAL BASIS

NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. On Sunday, March 29, 2015, the Cherokee Indian Police Department (CIPD) received a 911 call. The caller stated that a male had been stabbed and was bleeding at the Luftee Baptist Church, also known as the Smokemont Baptist Church. CIPD responded to the scene and found a man, later identified as victim Tyler Britton Gaddis (Gaddis), inside the church and bleeding. Cherokee Indian EMS also responded to the scene and found that Gaddis was deceased. The church is located within the boundaries of the Great Smoky Mountains National Park, so CIPD notified the National Parks Service (NPS), who in turn notified the Federal Bureau of Investigation (FBI).

2. The investigation revealed that Gaddis, HILL, and another individual drove to the church together. At some point during their time together there, HILL stabbed Gaddis with a knife several times intending to cause his death. The attack was unprovoked by Gaddis. HILL

then left the church with the other individual. Attempts were later made to conceal evidence both by burning the clothing that HILL and the other individual wore as well as by cleaning the interior of the vehicle.

3. An autopsy was performed and revealed that the cause of death was "internal hemorrhage due to multiple stab wounds." In total, the autopsy revealed 9 stab wounds of the chest, back, and neck. Another 7-8 wounds were seen on the right wrist and hand and appear to be defensive wounds.

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY


JOHN D. PRITCHARD
ASSISTANT UNITED STATES ATTORNEY


DAVID A. THORNELOE
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.


Fredilyn Sison, Attorney for Defendant

DATED: 4-9-16