

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA**

HOLLY C. AYERS

227 N. Bronough St. Suite 4200
Tallahassee, FL 32301

PLAINTIFF,

v.

**UNITED STATES DEPARTMENT
OF JUSTICE**

950 Pennsylvania Avenue, NW
Washington, DC 20530

and

**FEDERAL BUREAU OF
INVESTIGATION**

935 Pennsylvania Avenue, NW
Washington DC 20532

DEFENDANTS

Case: _____

Assigned to: _____

Assigned Date: _____

Description: FOIA/Privacy Act (I-DEC)

EXHIBITS TO COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Exhibit A: 2019.07.29 Hilton FBI FOIA Request

Exhibit B: 2019.07.31 FBI Response re Cleo Dabag

Exhibit C: 2019.07.31 FBI Response re Nilo Dabag

Exhibit D: 2019.07.31 FBI Response re Gary Hilton

Exhibit E: 2019.08.05 FBI Response Unusual Circumstance re Gary Hilton

Exhibit F: 2019.08.15 DOJ Hilton Letter Appealing FBI Response to FOIA.docx

Exhibit G: 2019.08.15 RE Question about request 1443273-000, Subject Nilo Dabag

Exhibit H: 2019.09.03 FOIA Appeal DOJ-AP-2019-006774 Submitted

Exhibit I: 2019.10.31 Attachment & email re Other-20191031144248-AP-2019-006774

Exhibit J: 2019.11.20 FBI Response re Nilo Dabag Post Appeal

Exhibit K: 2020.01.22 FBI Response re Estimate of Cost for Gary Hilton

Exhibit L: 2020.02.11 Fax Confirmation for FBI FOIA request Approval to make copies

Exhibit M: 2020.02.19 Email RE Question re FOIPA Request No. 1443288-000

Exhibit N: 2020.02.26 Email re FOIPA # 1443288-000

Exhibit O: 2020.02.27 Email re RE FOIPA # 1443288-000

Exhibit P: 2020.03.03 Email re RE FOIPA # 1443288-000

Exhibit Q: 2021.07.20 Email re Status of Records RE FOIPA # 1443288-000

Exhibit R: 2021.07.21 Email re Expedite Records RE FOIPA # 1443288-000

Exhibit S: 2021.07.22 Email response re Expedited Request RE FOIPA # 1443288-000

Exhibit T: 2021.07.27 FBI Response to the Expedited Request

Exhibit U: 2021.11.10 Email from FBI re Clarification RE Status of FOIPA Request

Exhibit V: 2021.12.01 FBI Acknowledgement Not Reducing Scope FOIPA # 1443288-000

Exhibit W: 2021.12.07 FBI Response Not Reducing RE FOIPA # 1443288-000

Exhibit X: 2021.12.10 Interim Release No. 1 Records Section 01

Exhibit Y: 2022.01.31 FBI Response re Audio Video RE FOIPA # 1443288-000

Exhibit Z: 2022.01.13 Interim Release No. 2 Records Section 01

Exhibit AA: 2022.02.11 Interim Release No. 3 Records Section 01

Exhibit BB: 2022.02.17 Final DOJ Hilton Letter Appealing FBI Responses to IR1 and IR2

Exhibit CC: 2022.03.02 Acknowledgment of FOIA Appeal A-2022-00864 (Hilton)

Exhibit DD: 2022.03.07 IR No. 1 & 2 Appeal Expedited Determination A-2022-00864

Exhibit EE: 2022.04.05 Interim Release No. 4 Records Section 01

Exhibit FF: 2022.05.10 FBI FINAL Response FOIA IR No. 1 & 2 A-2022-00864 Denied

Exhibit GG: 2022.05.19 Email from OIP RE follow-up to Appeal A-2022-00864

Exhibit HH: 2022.07.06 Interim Release No. 5 - 1443288-0 - FOIPA Release Letter IR5

Exhibit II: 2022.07.28 Final DOJ Hilton Letter Appealing FBI Response to FOIA IR5

Exhibit JJ: 2022.08.02 Acknowledgment of FOIA Appeal A-2022-01804 IR5

Exhibit KK: 2022.08.04 OIP Email Appeal Expedited Determination for A-2022-01804 IR5

Exhibit LL: 2022.09.07 DOJ Response to FOIA Appeal A-2022-01804 IR5

MEMORY TRANSMISSION REPORT

TIME : 07-29-2019 12:20
FAX NO.1 : 8509428809
NAME : FPD_TLH_CHU

FILE NO. : 411
DATE : 07.29 12:16
TO : 15408684391
DOCUMENT PAGES : 10
START TIME : 07.29 12:17
END TIME : 07.29 12:20
PAGES SENT : 10
STATUS : OK

SUCCESSFUL TX NOTICE

Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH F. MURRELL
Federal Public Defender



Reply to Tallahassee Division
227 N. Bronough Street
Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

Pensacola Division
Blount Building, 3 West Garden Street
Suite 200
Pensacola, FL 32502-5534
(904) 432-1418 Fax 434-3533
Gainesville Division
101 S.E. Second Place
Suite 112
Gainesville, FL 32601-6391
(352) 371-3822 Fax: 373-7844
Panama City Division
10 W. Government Street
Panama City, FL 32401
(904) 769-8580 Fax: 769-4591

July 29, 2019

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391
Total pages (including cover): 10

Re: Freedom of Information Act Request

To whom it may concern,

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, I hereby request copies of any and all records, including but not limited to: any files, reports, interviews, audio and video recordings, and other evidence maintained by your agency pertaining to 1) Gary Michael Hilton, 2) Nilo Dabag and 3) Cleo Dabag.

To assist your department with production of these documents, I have provided some identifying information below:

1. Gary Michael Hilton
 - a. Date of Birth: 11/22/1946
 - b. Social Security No.: 265-74-0703
 - c. Alias(es): Mac Hilton
 - d. See Attachment 1) Release form signed by Mr. Hilton.
2. Nilo Memo Dabag
 - a. Date of Birth: 09-26-1919

Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



Reply to Tallahassee Division
227 N. Bronough Street
Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

Pensacola Division
Blount Building, 3 West Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax 434-3855

Gainesville Division
101 S.E. Second Place
Suite 112
Gainesville, FL 32601-6591
(352) 373-5823 Fax: 373-7644

Panama City Division
30 W. Government Street
Panama City, FL 32401
(850) 769-8580 Fax: 769-8581

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 - b. Social Security No.: 265-74-0703
 - c. Alias(es): Mac Hilton
 - d. See Attachment 1) Release form signed by Mr. Hilton.
2. Nilo Memo Dabag
 - a. Date of Birth: 09-26-1919

- b. Social Security No.: 327-26-5257
- c. Alias(es): Memo Nilo Dabag
- d. Date of Death: 11/01/2006
- e. See Attachment 2) proof of death (Accurint search); and Attachment 3) next of kin release.

3. Cleo Dabag

- a. Date of Birth: 06-06-1925
- b. Social Security No.: 252-30-8277
- c. Alias(es): Cleo Reynolds Hilton Dabag
- d. Date of Death: 04-05-2010
- e. See Attachment 4) Death Certificate; Attachment 5) Gary's birth certificate; Attachment 6) next of kin release.

Additionally, I request a complete and thorough search of all filing systems and locations for all records maintained by your agency pertaining to the above mentioned requests, including but not limited to the Central Records System. If documents are denied in part or in whole, please specify which exemptions are claimed for each passage or whole document denied. Please also include a complete itemized inventory and a detailed factual justification of total or partial denial of documents. For potential "classified" or "confidential" documents, please include information about the classification (e.g., confidential, secret, top secret, etc.), the reason for classification, and the date or event for automatic declassification.

Our office would be willing to pay for the production or duplication of any documents. However, if there are fees associated with this request please inform me before processing. Please feel free to contact me at (850) 942-8818 or Holly_Ayers@fd.org. I look forward to receiving your response within the statutory time period.

Thank you for your consideration of this request, and I hope to hear from your office soon.

Sincerely,



Holly C. Ayers
Investigator, Capital Habeas Unit

AUTHORIZATION FOR RELEASE OF RECORDS

STATE OF FLORIDA)
) ss.
COUNTY OF UNION)

I, **GARY MICHAEL HILTON**, DOB **11/22/1946**, HEREBY AUTHORIZE release for inspection and photocopying any and all records, including those normally considered privileged and confidential, including but not limited to FBI records, medical records (all information, records, documents, reports, clinical abstracts, histories, and charts of every kind and description) any information relating to psychiatric, psychological and neuropsychological evaluations and records (including, but not limited to legal, medical and psychological records and alcohol and drug treatment records), social service agency records, school records, juvenile court records or any records incidental thereto, military record, prison and any other incarceration records (including pre-sentence reports, any testing results or medical evaluations and reports), any files kept by former or present legal counsel and any other records whatsoever to the following persons or to their designated agent:

**FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA
227 N. BRONOUGH STREET, SUITE 4200
TALLAHASSEE, FL 32301
850-942-8818**

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patients Records, 42 CFR Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it. This authorization and release shall remain valid and in effect until such time as I expressly revoke this consent.

I further authorize any and all prior counsel to release to the above listed agency all records and files in their possession. Additionally, I authorize prior counsel to speak with representatives of the Office of the Federal Public Defender about my case/cases.

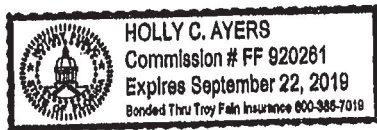
[Handwritten signature of Gary Michael Hilton]

Sworn and subscribed to me, this 26 day of July, 2019, by
_____, who is personally known to me or provided the
following identification: Prison ID card.

[Handwritten signature of Holly C. Ayers]

NOTARY PUBLIC, STATE OF FLORIDA

My commission expires:



Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State. The criminal record data in this product or service may include records that have been expunged, sealed, or otherwise have become inaccessible to the public since the date on which the data was last updated or collected.

Accurant does not constitute a "consumer report" as that term is defined in the federal Fair Credit Reporting Act, 15 USC 1681 et seq. (FCRA). Accordingly, Accurant may not be used in whole or in part as a factor in determining eligibility for credit, insurance, employment or another permissible purpose under the FCRA.

Your DPPA Permissible Use: Court, Law Enforcement, or Government Agencies
Your GLBA Permissible Use: Legal Compliance

Your DMF Permissible Use: Legitimate Business Purpose Pursuant to a Law, Government Rule, Regulation, or Fiduciary Duty

Comprehensive Report

Date: 07/24/19

Report processed by:

Federal Public Defender - Northern Dist of FL
 3 W GARDEN ST STE 200
 PENSACOLA, FL 32502
 850-432-1418 Main Phone

Subject Information

(Best Information for Subject)

Name: NILO N DABAG **D**
 Date of Birth: 9/26/1919
 Date of Death: 11/1/2006 (BROWARD, FL)
 Age at Death: 87 (Born 99 years ago)
 LexID: 000560410652
 SSN: 327-26-5257 issued in Illinois between 1/1/1936 and 12/31/1951
 View All SSN Sources

AKAs

(Names Associated with Subject)

D NILO DABAG
 Age: 99 SSN: 327-26-5257
 *SSN belongs to a person reported as deceased.
D MEMO NILO DABAG
 Age: 99 SSN: 327-26-5257
 *SSN belongs to a person reported as deceased.
D N DABAG
 Age: 99 SSN: 327-26-5257
 *SSN belongs to a person reported as deceased.
D MEMO N DABAG
 Age: 99 SSN: 327-26-5257
 *SSN belongs to a person reported as deceased.

Report Legend:

S - Shared Address
D - Deceased
D - Probable Current Address

Indicators

Bankruptcy: No
 Property: No
 Corporate Affiliations: No

NEXT OF KIN AUTHORIZATION FOR RELEASE OF CONFIDENTIAL RECORDS & INFORMATION

Directed To: FBI
 Name of decedent (print): Nilo Dabag
 Relationship to decedent (print): Step-son
 Date of birth of decedent (print): 9-26-1919
 Date of death of decedent (print): 11-01-2006
 Date of birth of requestor (print): 11-22-1946
 Address of requestor (print): C/O Federal Public Defender, 227 N. Bronough St., Ste 4200, Tallahassee, FL 32301

By way of this document, I, the Stepson of Nilo Dabag request and authorize you to provide to representatives from the **Federal Defender's Office for the Northern District of Florida - Capital Habeas Unit**, any and all types of information and/or records that pertain to the above named decedent.

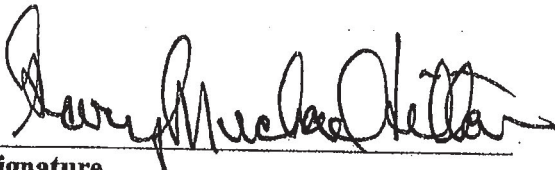
These documents can include academic, birth/death certificate (inclusive of any vital statistics records), adoption, correctional (including jail records), social security (inclusive of the social security number, social security card, social security earnings statements itemized or otherwise, yearly wage reports or any other record held by the local, state or federal offices that comprise the Social Security Administration), juvenile, employment (including Worker's Compensation), welfare benefits (food stamps, WIC, housing assistance or any other involvement in assistance programs), financial (including banking records), police (including arrest reports), medical (including records pertaining to communicable diseases), dental, military, psychological, psychiatric, probation and rehabilitation (including rehabilitation for alcohol and/or drug problems); any and all records prepared in connection with current or past civil, criminal, or juvenile cases; and any other correspondence or records pertaining to me.

This document also authorizes you to **release and discuss with Kimberly Newberry as well as to her agents including Holly Ayers, Daniel Ashton or others as designated by Ms. Newberry** any and all information pertaining to me, including confidential information. This information can include information obtained from, given to, or exchanged with any and all physicians, experts, attorneys, police officers, witnesses, prosecutors, judges, probation officers, correctional officers, therapists, or any other individual.

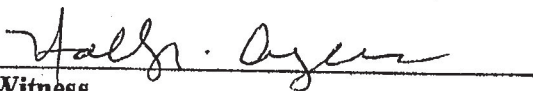
This information can be about any subject, including the content of communications relating to the preparation, litigation, negotiation, agreement and/or disposition of any and all cases in which I was a party or litigant, witness or potential witness. By way of this authorization I release you of all legal liability (in your individual and/or professional capacity) and/or repercussions that the release of this otherwise, confidential information without a release of information would have. Included in this releases is my authorization for you to communicate freely with the aforementioned parties about any additional knowledge you or your organization may have that is not contained within the documents.

I also authorize you to make photocopies of these documents and provide them to the aforementioned people. I authorize the original of this document, as well as any other type of

reproduction to have the same effect. Unless earlier revoked, this authorization will expire on the 30th day of 2 calendar years, from the signing. Attachment


Signature

7/26/19
Date


Witness

7/26/19
Date

NEXT OF KIN AUTHORIZATION FOR RELEASE OF CONFIDENTIAL RECORDS & INFORMATION

Directed To: FBI
 Name of decedent (print): Cleo Dabag
 Relationship to decedent (print): son
 Date of birth of decedent (print): 6-6-1925
 Date of death of decedent (print): 4-5-2010
 Date of birth of requestor (print): 11-22-46
 Address of requestor (print): 10 Federal Public Defender, 227 N. Bronough St., Ste 4200, Tallahassee, FL 32301

By way of this document, I, the son of Cleo Dabag request and authorize you to provide to representatives from the **Federal Defender's Office for the Northern District of Florida - Capital Habeas Unit**, any and all types of information and/or records that pertain to the above named decedent.

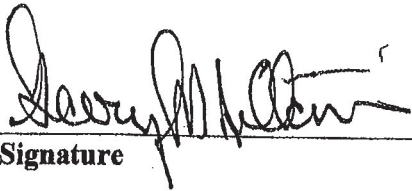
These documents can include academic, birth/death certificate (inclusive of any vital statistics records), adoption, correctional (including jail records), social security (inclusive of the social security number, social security card, social security earnings statements itemized or otherwise, yearly wage reports or any other record held by the local, state or federal offices that comprise the Social Security Administration), juvenile, employment (including Worker's Compensation), welfare benefits (food stamps, WIC, housing assistance or any other involvement in assistance programs), financial (including banking records), police (including arrest reports), medical (including records pertaining to communicable diseases), dental, military, psychological, psychiatric, probation and rehabilitation (including rehabilitation for alcohol and/or drug problems); any and all records prepared in connection with current or past civil, criminal, or juvenile cases; and any other correspondence or records pertaining to me.

This document also authorizes you to **release and discuss with Kimberly Newberry as well as to her agents including Holly Ayers, Daniel Ashton or others as designated by Ms. Newberry** any and all information pertaining to me, including confidential information. This information can include information obtained from, given to, or exchanged with any and all physicians, experts, attorneys, police officers, witnesses, prosecutors, judges, probation officers, correctional officers, therapists, or any other individual.

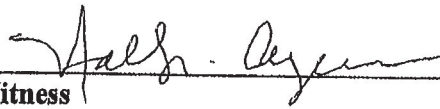
This information can be about any subject, including the content of communications relating to the preparation, litigation, negotiation, agreement and/or disposition of any and all cases in which I was a party or litigant, witness or potential witness. By way of this authorization I release you of all legal liability (in your individual and/or professional capacity) and/or repercussions that the release of this otherwise, confidential information without a release of information would have. Included in this releases is my authorization for you to communicate freely with the aforementioned parties about any additional knowledge you or your organization may have that is not contained within the documents.

I also authorize you to make photocopies of these documents and provide them to the aforementioned people. I authorize the original of this document, as well as any other type of

reproduction to have the same effect. Unless earlier revoked, this authorization will expire on the 30th day ~~or 2 calendar years~~ from the signing. Attachment


Signature

7/26/19
Date


Witness

7/26/19
Date

STATE OF SOUTH CAROLINA
CERTIFICATION OF VITAL RECORD

DEATH CERTIFICATION
STATE FILE NUMBER: 139-10-010906

DECEDENT'S INFORMATION:
NAME: *CLEO H DABAG*
AKA's: NOT LISTED
SEX: FEMALE

SOCIAL SECURITY NUMBER: 252-30-8277 ARMED FORCES: NO
DATE OF BIRTH: JUN 06 1925 AGE: 84 YEARS

DATE OF DEATH: APR 05 2010

PLACE OF DEATH INFORMATION:

TYPE: HOSPICE FACILITY

FACILITY NAME AND ADDRESS: HOSPICE OF CHARLESTON, INC., MOUNT PLEASANT, CHARLESTON COUNTY, SC 29464

DISPOSITION INFORMATION:

METHOD: CREMATION

PLACE: MCALISTER SMITH CREMATORY

LOCATION: CHARLESTON, SOUTH CAROLINA

DEMOGRAPHIC INFORMATION:

RESIDENCE: 1000 WESTBURY MEWS DRIVE, SUMMERVILLE, DORCHESTER COUNTY, SC, 29483

PLACE OF BIRTH: GEORGIA

MARITAL STATUS: WIDOWED (AND NOT REMARRIED)

SURVIVING SPOUSE'S NAME: NOT LISTED

FATHER'S NAME: CLAUDE REYNOLDS

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: *NADINE CALDWELL

INFORMANT'S INFORMATION:

INFORMANT'S NAME: FREDERICA MORGAN ROESSLER RELATIONSHIP: FRIEND

MAILING ADDRESS: 5312 KIRSHTEIN STREET, NORTH CHARLESTON, SC, 29418

FUNERAL HOME: MCALISTER SMITH FH FOR NEPTUNE SOCIETY, 2501 BEES FERRY ROAD, CHARLESTON, SC, 29414

FUNERAL DIRECTOR: MARK M. SMITH

LICENSE NUMBER: 2340

EMBALMER'S NAME: NOT LISTED

LICENSE NUMBER: NOT LISTED

CAUSE OF DEATH - PART I

MALIGNANT NEOPLASM OF THE BREAST-METASTATIC

PART II

CORONER CONTACTED? NO AUTOPSY PERFORMED? NO AUTOPSY AVAILABLE? NOT LISTED
ACTUAL OR PRESUMED TIME OF DEATH: 02:48 AM MANNER OF DEATH: NATURAL

INJURY INFORMATION:

DATE OF INJURY: NOT LISTED

TIME OF INJURY: NOT LISTED

INJURY AT WORK? NOT LISTED

PLACE OF INJURY: NOT LISTED

LOCATION OF INJURY: NOT LISTED

HOW THE INJURY OCCURRED?

NOT LISTED

CERTIFIER NAME AND TITLE: MD ROBERT SCOTT LAKE

LICENSE NUMBER: 22236

CERTIFIER'S ADDRESS: 676 WANDO PARK BLVD, MOUNT PLEASANT, SC, 29464

DATE FILED: APR 12 2010

DATE OF ISSUANCE: APR 13 2010

SPECIAL INSTRUCTIONS:

SC 00778799

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

C. Earl Hunter
C. Earl Hunter
Commissioner and State Registrar

Guang Zhao
Guang Zhao
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 05/01/2008

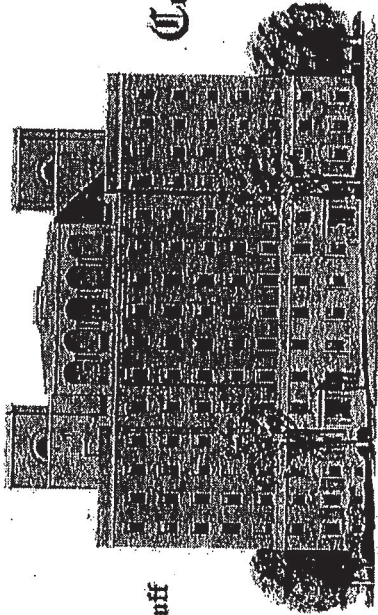


ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

EXHIBIT A

Crawford W. Long Memorial Hospital

Atlanta, Georgia

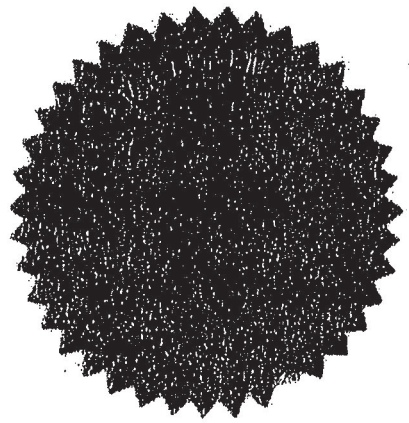


Family Minship Woodruff
Maternity Center

Certificate of Birth

This Certifies that Gary Michael Helton
was born to William Edward and Elna Marie Reynolds Helton
in this Hospital at 1:32 a. m. Friday
the twenty-second day of November A. D. 1946

In Witness Whereof the said Hospital has
caused this Certificate to be signed by its duly
authorized officer, and its Corporate Seal to
be hereunto affixed.



[Signature]
Administrator

W. W. D. Paul
Attending Physician

FORM 5 INCLUDES BIRTH CERTIFICATE
FRANKLIN CHOLLISTER INC. CHICAGO
DESIGN COPYRIGHTED 1931



Federal Bureau of Investigation
Washington, D.C. 20535

July 31, 2019

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

Request No.: 1443283-000
Subject: DABAG, CLEO

Dear Investigator Ayers:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the selected paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- ┌ Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- ┌ Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- ┌ Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, send your request to NARA at the following address:

National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
- ┌ Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- ┌ The portion of your request concerning an FBI identification record – commonly referred to as a criminal history record or “rap sheet” – has been forwarded to the Criminal Justice Information Services (CJIS) Division for processing. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- ┌ Requests for expedited processing are not applicable when a final response is issued within ten calendar days.

EXHIBIT B

- ☐ Police departments should be aware that the search conducted was limited to FBI records. Requests for criminal history records or rap sheets should be directed to Criminal Justice Information Services (CJIS). Information regarding CJIS is listed in the enclosed FBI FOIPA Addendum General Information Section.
- ☐ Records potentially responsive to your request were transferred to the National Personnel Records Center - Civilian Personnel Records (NPRC-CPR). In order to obtain information on a file located at the NPRC, your request must be mailed to the following address:

National Archives and Records Administration
ATTN: Archival Programs
P.O. Box 38757
St. Louis, MO 63138

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records on individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosures

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum includes information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes additional standard responses that apply to all requests for records on individuals. Part 3 includes general information about FBI records. For questions regarding Parts 1, 2, or 3, visit the www.fbi.gov/foia website under "Contact Us." Previously mentioned appeal and dispute resolution services are also available at the web address.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIA [5 U.S.C. § 552(c) (2006 & Supp. IV (2010))]. FBI responses are limited to those records subject to the requirements of the FOIA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **National Security/Intelligence Records.** The FBI can neither confirm nor deny the existence of national security and foreign intelligence records pursuant to FOIA exemptions (b)(1), (b)(3), and PA exemption (j)(2) as applicable to requests for records about individuals [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2); 50 U.S.C § 3024(i)(1)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that national security or foreign intelligence records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching those systems or locations where responsive records would reasonably be found. A reasonable search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization and encompasses the records of FBI Headquarters (FBIHQ), FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide and includes Electronic Surveillance (ELSUR) records. For additional information about our record searches visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheets. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **The National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ



Federal Bureau of Investigation
Washington, D.C. 20535

July 31, 2019

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

Request No.: 1443273-000
Subject: DABAG, NILO MEMO

Dear Investigator Ayers:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. The FOIPA Request Number listed above has been assigned to your request. Below you will find information relevant to your request. Please read each paragraph carefully.

You have requested records on one or more third party individuals. Please be advised the FBI will neither confirm nor deny the existence of such records pursuant to FOIA exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C). The mere acknowledgement of the existence of FBI records on third party individuals could reasonably be expected to constitute an unwarranted invasion of personal privacy. This is our standard response to such requests and should not be taken to mean that records do, or do not, exist. As a result, your request has been closed. Please visit www.fbi.gov, select "Services," "Information Management," and "Freedom of Information/Privacy Act" for more information about making requests for records on third party individuals (living or deceased).

If you submitted your request through the FBI's eFOIPA portal and you are receiving correspondence through standard mail, it was determined your request did not meet the eFOIPA terms of service.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

EXHIBIT C

Enclosed for your information is a copy of the Explanation of Exemptions.

Sincerely,

A handwritten signature in black ink, appearing to read "D Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosure

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
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SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

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- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

EXHIBIT C



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 31, 2019

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- Your request has been received at FBI Headquarters for processing.
- You submitted your request via the FBI's eFOIPA system.
 - We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
 - We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- The subject of your request is currently being processed and documents will be released to you upon completion.
- Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- For the purpose of assessing any fees, we have determined:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

EXHIBIT D

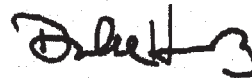
Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division



Federal Bureau of Investigation
Washington, D.C. 20535

August 5, 2019

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

Please be advised that "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include one or more of the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination on your request within 20 days (excluding weekend and legal public holidays). Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

The application of "unusual circumstances" is not a determination of how the FBI will respond to your substantive request, this letter provides notice that these "unusual circumstances" apply to processing and delay the determination of your request. See 5 U.S.C. §§ 552 (a)(6)(A)(viii); (a)(6)(B).

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Office of the

FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



CAPITAL HABEAS UNIT
227 N. Bronough Street Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

August 15, 2019

Director, Office of Information Policy (OIP)
U.S. Department of Justice
1425 New York Avenue NW, Suite 11050
Washington, D.C. 20530-0001

FOIPA Request No.: 1443273-000, Subject: Nilo Memo Dabag

To Whom It May Concern:


Please consider this letter as an administrative appeal of the July 31, 2019, written response of the Federal Bureau of Investigation (FBI) to my request for records concerning Nilo Memo Dabag under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a.

My July 29, 2019, FOIPA submission failed to include additional documentation showing that Gary Hilton's step-father is Nilo Memo Dabag, and therefore his next-of-kin release should be sufficient for us to obtain any all records that the FBI possess on Mr. Dabag. I am attaching those documents to this appeal. These documents include Cleo and Nilo Dabag's marriage license, as well as two school related documents of Gary Hilton's showing that Mr. Dabag was listed as his father/step-father.

I am also including a print out from Ancestry.com, which shows that Mr. Dabag is deceased.

I appreciate your time and attention in processing this appeal and look forward to the FBI granting immediate access to these files regardless of exemptions. Please do not hesitate to contact me in the course of reviewing this appeal.

Respectfully,


Holly C. Ayers
Investigator, Capital Habeas Unit
Federal Public Defender
Northern District of Florida
227 N. Bronough St., Suite 4200
Tallahassee, FL 32301
(850) 942-8818
Holly_Ayers@fd.org

February 17

APPLICATION FOR MARRIAGE LICENSE C. J. NO. 78-142

(MAN'S) Name Nilo Dabag Address 1302 Tampania Avenue,
Carmillo Tampa, Florida
Age 35 Color Wht Birthplace Montevideo, Uruguay, S. A.
Married before? yes Divorced? yes Where? Los Angeles,
Reynolds and California Occupation Horse Trainer

(WOMAN'S) Name Gleo/Hilton Address 3820 Avon Street,
Tampa, Florida
Age 29 Color Wht Birthplace Atlanta, Ga.
Married before? yes Divorced? yes Where? Atlanta,
Ga. Occupation Supervisor

INSTRUCTIONS
Use Check Sheet Form V. S. #302
(1) Enclose a copy of each application filed.
(2) Enter the number of fees and show amount of money remitted.
(3) Show the total number of original licenses recorded and enclose same.

State Board of Health
Bureau of Vital Statistics

STATE OF FLORIDA,
COUNTY OF _____
Before me, the undersigned authority,
personally appeared _____
and _____
who being first duly sworn, depose and
say that he the parent of the said
_____ who is _____ years of age, and that he
do hereby consent to the marriage of the
said _____ to _____
Lic. issued February 7, 1955
Subscribed and sworn to before me
this, the _____ day of _____, 19 _____
(TITLE)

It is expected that _____
Unknown _____
Address _____
will perform the ceremony.
STATE OF FLORIDA,
COUNTY OF Hillsborough
Before me, the undersigned authority per-
sonally appeared the persons above named
who, being first duly sworn, depose and say
that the information given by each of them as
above set forth is true and correct, and that
neither of them is married at this time and
that they are not related within the prohibited
degree.
Nilo Dabag
Gleo Reynolds Hilton
Subscribed and sworn to before me this, the
3rd day of February, 19 55
Ethel S. Roberts
Notary Public
(TITLE)

V. S. #300

C. J. No. 142

Marriage License
CENTRAL BUREAU OF VITAL STATISTICS
State of Florida, Hillsborough County

Be my Minister of the Gospel, or my Officer Legally Authorized to Solemnize the Rite of Matrimony:
Licenses, Application having been made to the County Judge of Hillsborough County, of the State of Florida, for a license for marriage, and it appearing to the satisfaction of said County Judge that no legal impediments exist to the marriage now sought to be solemnized,
These are therefore, To authorize you to unite in the

Holy Estate of Matrimony

Nilo De bag

and

Cleo Reynolds Hilton

and that you make record of the same,

Duly certified under your hand, to the County Judge aforesaid,
Witness, my name as County Judge, and the seal of said Court, at the Courthouse in Tampa, this 7th day of February, A. D. 1955.

THIS LICENSE NOT VALID AFTER March 8, 1955 (SEAL)

WILLIAM C. BROOKER, County Judge.

CERTIFICATE OF MARRIAGE

By Ethel S. Roberts Clerk

I Certify, that the within named

Nilo De bag

and

Cleo Reynolds Hilton

were

by me, the undersigned, duly united in the Holy Estate of Matrimony, by authority of the within license. Done this 7th day of February, A. D. 1955, at Tampa Florida.

Witness: Mary Ann Garcia

Ethel S. Roberts (Seal)

Witness:

Ethel S. Roberts

SIGNATURE AND TITLE OF MINISTER OR LEGALLY AUTHORIZED OFFICER
Notary Public

Returned this 7th day of February, A. D. 1955, and recorded in Marriage Book 78, Page 142

WILLIAM C. BROOKER, County Judge.

UNION HIGH SCHOOL DISTRICT PARENT FILE COPY OF DAVIS COUNTY FLORIDA CUMULATIVE GUIDANCE RECORD

NAME: Hilton Gary Michael BIRTH DATE: 11-22-46

LAST NAME: Hilton FIRST NAME: Gary Michael DATE: 11-22-46

ADDRESS: 1111 S. ... CITY: MIAMI SPRINGS STATE: FL ZIP: 33154

ENTERED: 10-14-58 WITHDRAWN: 3-24-59

SCHOOL: MIAMI SPRINGS JR HIGH

EXPLANATION OF SCHOLARSHIP & CONDUCT GRADES: A-(100-93) Excellent; B-(92-85) Good; C-(81-70) Average; D-(66-70) Lower Average; E-(60-65) Minimum; F-(50-60) Failing; G-(40-50) Failing; H-(30-40) Failing; I-(20-30) Failing; J-(10-20) Failing; K-(0-10) Failing.

EXPLANATION OF SYMBOLS FOR EFFORT: 1-Satisfactory; 2-Improvement shown but further progress necessary; and 3-Insufficient.

GRADE	1st & 2nd	3rd & 4th	5th & 6th	7th & 8th	9th & 10th	11th & 12th	Remarks
Math 1	C	B	B	B	B	B	
English	C	B	B	B	B	B	
U.S. History	C	B	B	B	B	B	
Science	C	B	B	B	B	B	
Phys Ed	C	B	B	B	B	B	
ART	C	B	B	B	B	B	
MUSIC	C	B	B	B	B	B	
Foreign	C	B	B	B	B	B	
Health	C	B	B	B	B	B	
Character	C	B	B	B	B	B	
Days Present	C	B	B	B	B	B	
Days Absent	C	B	B	B	B	B	
Days Tardy	C	B	B	B	B	B	

GRADE	1st & 2nd	3rd & 4th	5th & 6th	7th & 8th	9th & 10th	11th & 12th	Remarks
Math	C	B	B	B	B	B	
English	C	B	B	B	B	B	
U.S. History	C	B	B	B	B	B	
Science	C	B	B	B	B	B	
Phys Ed	C	B	B	B	B	B	
ART	C	B	B	B	B	B	
MUSIC	C	B	B	B	B	B	
Foreign	C	B	B	B	B	B	
Health	C	B	B	B	B	B	
Character	C	B	B	B	B	B	
Days Present	C	B	B	B	B	B	
Days Absent	C	B	B	B	B	B	
Days Tardy	C	B	B	B	B	B	

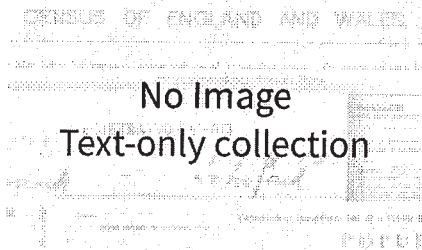
Resigned to Work Next Year - Grade of B Date 10-10-58 Certified By [Signature]

i **Note:** Your privacy is our priority. See how we have updated our [Privacy Statement](#) and [Terms & Conditions](#). You can learn more [here](#).



Nilo Dabag

in the U.S., Social Security Death Index, 1935-2014



Request copy of original application

Add alternate information

Report issue

Name: Nilo Dabag

Last Residence: 33021 Hollywood, Broward, Florida

Born: 26 Sep 1919

Died: 1 Nov 2006

State (Year) SSN issued: Illinois (Before 1951)

Save

Cancel

Source Citation

Issue State: *Illinois*; Issue Date: *Before 1951*

Source Information

Ancestry.com. *U.S., Social Security Death Index, 1935-2014* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2014.






Original data: Social Security Administration. *Social Security Death Index, Master File*. Social Security Administration.

Description

The Social Security Administration Death Master File contains information on millions of deceased individuals with United States social security numbers whose deaths were reported to the Social Security Administration. Birth years for the individuals listed range from 1875 to last year. Information in these records includes name, birth date, death date, and last known residence. [Learn more...](#)

Suggested Records



-  Rio de Janeiro, Brazil, Immigration Cards, 1900-1965
Mome Nilo Dabag
-  U.S., Social Security Applications and Claims Index, 1936-2007
Mome Nilo Dabag
-  Rio de Janeiro, Brazil, Immigration Cards, 1900-1965
Mome Nilo Dabag
-  Florida, Naturalization Records, 1847-1995
Mahomet Nilo Dabag
-  New Orleans, Passenger Lists, 1813-1963
Memo Nilo Dabag



Write a comment.

Make a Connection

[Find others](#) who are researching Nilo Dabag in Public Member Trees

From: [FOIPAQUESTIONS](#)
To: [Holly Ayers](#)
Subject: RE: Question about request 1443273-000, Subject: Nilo Memo Dabag
Date: Thursday, August 15, 2019 10:15:19 AM

Dear Ms. Ayers,

You have indicated interest in requesting records concerning one or more third party individuals. The FBI recognizes an important privacy interest in the requested information. You may receive greater access to these records (if they exist) by providing one of the following: (1) an authorization and consent from the individual(s) (i.e., express authorization and consent of the third party); (2) proof of death (i.e., proof that your subject is deceased); or (3) a justification that the public interest in disclosure outweighs personal privacy (i.e., a clear demonstration that the public interest in disclosure outweighs personal property interests).

The U. S. Department of Justice CERTIFICATION OF IDENTITY (Authorization to Release Information to Another Person)-FORM DOJ-361 can be used to provide consent. Note-please provide the following information on the OPTIONAL: Authorization to Release Information to Another Person line: Your name, title/business (if applicable) and a complete and current mailing address. Acceptable forms of proof of death include; obituaries, death certificates, recognized sources that can be documented, written media, Who's Who in America, FBI file that indicates person is deceased or the Social Security Death Index. A waiver or proof of death is not required if date of birth is 100 years ago or greater. Note-a web link in itself does not satisfy proof of death. Additionally, the document provided with the request does not cite a source. Upon receipt of proof of death, this request can be reopened.

Information regarding the Freedom of Information/Privacy Act is available at <http://www.fbi.gov/> or <http://www.fbi.gov/foia/>. If you require additional assistance please contact me.

Thank you,

Public Information Officer

Record/Information Dissemination Section (RIDS) FBI-Information Management Division
170 Marcel Drive, Winchester, VA 22602-4843
Direct: (540) 868-4593
Fax: (540) 868-4391
Questions E-mail: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Holly Ayers [mailto:Holly_Ayers@fd.org]
Sent: Thursday, August 15, 2019 9:32 AM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: Question about request 1443273-000, Subject: Nilo Memo Dabag

Good morning. I wanted clarification on this request. I requested records on my client's step-father. He is deceased. When I submitted my request, I included a notification from Accurant (a Lexus Nexus company with access to public records) indicating our client's step-father is deceased. I also included a next-of-kin release stating that our client and Mr. Dabag are related. I have additional documentation to show further that they are related. My question is 1) was my death notification sufficient enough to establish Mr. Dabag is in fact deceased and/ or 2) was the documentation I provided sufficient enough to show the relationship between my client and Mr. Dabag?

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Federal Public Defender's Office
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail and delete this e-mail.

Thank you for your cooperation.

From: admin@foiaonline.gov
To: [Holly Ayers](#)
Subject: FOIA Appeal DOJ-AP-2019-006774 Submitted
Date: Tuesday, September 3, 2019 3:09:10 PM

This message is to notify you of a new appeal submission to the FOIAonline application.
Appeal information is as follows:

- Appeal Tracking Number: DOJ-AP-2019-006774
- Request Tracking Number: 1443273
- Requester Name: Holly Ayers
- Date Submitted: 08/22/2019
- Appeal Status: Submitted
- Description: FBI



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Holly C. Ayers
Capital Habaes Unit
Suite 4200
227 North Bronough Street
Tallahassee, FL 32301
Holly_ayers@fd.org

Re: Appeal No. DOJ-AP-2019-006774
Request No. 1443273-000
MWH:DRC

VIA: Email

Dear Holly Ayers:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning three individuals. Please note that the FBI administratively divided your request into three request files. The subject of this appeal is limited to the portion of your request for records concerning Nilo Memo Dabag. I note that your appeal concerns the FBI's refusal to confirm nor deny the existence of records responsive to your request.

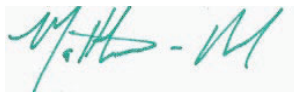
After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request to the FBI for a search for responsive records. If the FBI locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remand, please contact the FBI directly at (540) 868-1535.

If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

10/31/2019

X 

Matthew W. Hurd
Acting Chief, Administrative Appeals Staff
Signed by: MATTHEW HURD

EXHIBIT I

From: no-reply@foiaonline.gov
To: [Holly Ayers](#)
Subject: Final Disposition, Request DOJ-AP-2019-006774
Date: Thursday, October 31, 2019 2:47:24 PM
Attachments: [Other-20191031144248-Ayers, Holly, AP-2019-006774, FBI - remand for search.pdf](#)

DOJ-AP-2019-006774 has been processed with the following final disposition: Completely Reversed/Remanded.



Federal Bureau of Investigation
Washington, D.C. 20535

November 20, 2019

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

Appeal No.: AP 20196774
Request No.: 1443273-000
Subject: DABAG, NILO MEMO

Dear Investigator Ayers:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Based on the information you provided, we conducted a search of the places reasonably expected to have records. However, we were unable to identify records responsive to your request. Therefore, your request is being closed. If you have additional information pertaining to the subject of your request, please submit a new request providing the details, and we will conduct an additional search.

Please see the selected paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Please be advised that your request was reopened based on the additional information you provided. A new search was conducted, and we were unable to identify responsive records.
- Records potentially responsive to your request were destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. Record retention and disposal is carried out under supervision of the National Archives and Records Administration (NARA) according to Title 44 United States Code Section 3301, Title 36 Code of Federal Regulations (CFR) Chapter 12 Sub-chapter B Part 1228, and 36 CFR 1229.10. Please be advised that the General Records Schedule (GRS) disposition authority for FOIPA records is DAA-GRS-2016-0002-0001 (GRS 4.2, Item 020).
- Records potentially responsive to your request were transferred to the National Archives and Records Administration (NARA). If you wish to review these records, file a FOIPA request with NARA at the following address:

National Archives and Records Administration
Special Access and FOIA
8601 Adelphi Road, Room 5500
College Park, MD 20740-6001
- Potentially responsive records were identified during the search. However, we were advised that they were not in their expected locations. An additional search for the missing records also met with unsuccessful results. Since we were unable to review the records, we were unable to determine if they were responsive to your request.
- The portion of your request concerning an FBI identification record – commonly referred to as a criminal history record or “rap sheet” – has been forwarded to the Criminal Justice Information Services (CJIS) Division for processing. For additional information, see the enclosed FBI FOIPA Addendum General Information Section.
- Requests for expedited processing are not applicable when a final response is issued within ten calendar days.

EXHIBIT J

Police departments should be aware that the search conducted was limited to FBI records. Requests for criminal history records or rap sheets should be directed to Criminal Justice Information Services (CJIS). Information regarding CJIS is listed in the enclosed FBI FOIPA Addendum General Information Section.

Records potentially responsive to your request were transferred to the National Personnel Records Center - Civilian Personnel Records (NPRC-CPR). In order to obtain information on a file located at the NPRC, your request must be mailed to the following address:

National Archives and Records Administration
ATTN: Archival Programs
P.O. Box 38757
St. Louis, MO 63138

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ



Federal Bureau of Investigation

Washington, D.C. 20535

January 22, 2020

INVESTIGATOR HOLLY C. AYERS
 FEDERAL PUBLIC DEFENDER'S OFFICE
 FOR THE NORTHERN DISTRICT OF FLORIDA
 CAPITAL HABEAS UNIT
 SUITE 4200
 227 NORTH BRONOUGH STREET
 TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
 Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The Federal Bureau of Investigation (FBI) has located approximately 197,177 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

If all potentially responsive pages are released on CD, you will owe \$5,920.00 in duplication fees (395 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you owe \$9,853.85 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$_____ in duplication fees (____ releases at \$15.00 each, less \$5.00 credit for the first release).

The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$250.00 (17 CDs at \$15.00 each, less \$5.00 credit for the first CD).

You will owe approximately \$___ in international shipping fees.

The estimated total cost for processing your request is approximately \$6,170.00 for CD releases or \$9,853.85 for paper releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

EXHIBIT K

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.

I am willing to pay fees of a different amount.

Please specify amount: _____

Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.

Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

MEMORY TRANSMISSION REPORT

TIME : 02-07-2026 12:40
FAX NO.1 : 8509428809
NAME : FPD_TLH_CHU

FILE NO. : 454
DATE : 02.07 12:38
TO : 15408684997
DOCUMENT PAGES : 4
START TIME : 02.07 12:39
END TIME : 02.07 12:40
PAGES SENT : 4
STATUS : OK

SUCCESSFUL TX NOTICE

Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



Reply to Tallahassee Division
227 N. Bronough Street
Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

Pensacola Division
Blount Building, 3 West Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax 432-3055
Gainesville Division
101 S.E. Second Place
Suite 112
Gainesville, FL 32601-6391
(352) 373-3822 Fax: 373-7644
Panama City Division
20 W. Government Street
Panama City, FL 32401
(850) 769-8580 Fax: 769-6391

February 11, 2020

Work Process Unit
Records/Information Dissemination Section
Information Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602
Fax #: (540) 868-4997
Total pages (including cover): 4

Re: FOIPA Request No.: 1443288-000, Subject Gary Michael Hilton

To whom it may concern,

Please find my response to the letter from your agency dated January 22, 2020, regarding my request for records. This letter is to inform you that we are willing to pay the amount up to \$6,170.00 for CD releases of information for records related to this request and subject (FOIPA Request No.: 1443288-000, Subject Gary Michael Hilton). This letter is being sent via fax within the 30 day time period. Please find attached to this facsimile our response (the page with the appropriate checked box).

Thank you for your consideration of this request, and I hope to hear from your office soon.

Sincerely,

Holly C. Ayers
Investigator, Capital Habeas Unit

Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



Reply to Tallahassee Division
227 N. Bronough Street
Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

Pensacola Division
Blount Building, 3 West Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax 434-3855

Gainesville Division
101 S.E. Second Place
Suite 112
Gainesville, FL 32601-6591
(352) 373-5823 Fax: 373-7644

Panama City Division
30 W. Government Street
Panama City, FL 32401
(850) 769-8580 Fax: 769-8581

February 11, 2020

Work Process Unit
Records/Information Dissemination Section
Information Management Division
Federal Bureau of Investigation
170 Marcel Drive
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Fax #: (540) 868-4997
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Thank you for your consideration of this request, and I hope to hear from your office soon.

Sincerely,

Holly C. Ayers
Investigator, Capital Habeas Unit

EXHIBIT L



Federal Bureau of Investigation

Washington, D.C. 20535

January 22, 2020

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request. Please see the selected paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

The Federal Bureau of Investigation (FBI) has located approximately 197,177 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00. Below you will find check boxes and informational paragraphs about your request. Please read each one carefully.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.



If all potentially responsive pages are released on CD, you will owe \$5,920.00 in duplication fees (395 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you owe \$9,853.85 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.



You submitted your request via the FBI's eFOIPA system. Releases will be made to you electronically, and you will owe \$_____ in duplication fees (_____ releases at \$15.00 each, less \$5.00 credit for the first release).



The FBI's eFOIPA system cannot transmit digital media files, and they will need to be released on CD. The FBI located audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$250.00 (17 CDs at \$15.00 each, less \$5.00 credit for the first CD).



You will owe approximately \$_____ in international shipping fees.

The estimated total cost for processing your request is approximately \$6,170.00 for CD releases or \$9,853.85 for paper releases.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemptions. Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

No payment is required at this time. You must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD) unless your request qualifies for eFOIPA releases. You must also indicate your preference regarding the estimated duplication fees from the following four (4) options:

I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter. *up to \$16,170.00 for CD releases*

I am willing to pay fees of a different amount.

Please specify amount: _____

Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees.

Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals. "Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record/Information Dissemination Section; Information Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, D.C. 20001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

From: [FOIPAQUESTIONS](#)
To: [Holly Ayers](#)
Subject: RE: Question re: FOIPA Request No.: 1443288-000, Subject: Gary Michael Hilton
Date: Wednesday, February 19, 2020 3:09:36 PM

Dear Ms. Ayers,

Your fax has not been received. The FBI has now received your additional correspondence regarding your Freedom of Information/Privacy Act (FOIPA) request and it has been forwarded to the assigned analyst for review and determination.

Respectfully,

Public Information Officer

FBI - Information Management Division
170 Marcel Drive
Winchester, VA 22602
O: (540) 868-4593
F: (540) 868-4391
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Holly Ayers [mailto:Holly_Ayers@fd.org]
Sent: Wednesday, February 19, 2020 8:42 AM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: Question re: FOIPA Request No.: 1443288-000, Subject: Gary Michael Hilton
Importance: High

Good morning. I wanted to confirm that my fax was received on 2/11/2020 with my response attached indicating that I am willing to pay for the records I requested in reference to FOIPA Request No.: 1443288-000, Subject Gary Michael Hilton. Our fax machine was not working properly that day so the date on the fax indicates I sent my response on 2/7/2020, but that is an error. I sent this fax on 2/11/2020. If you could please confirm, I would greatly appreciate it (see attached).

EXHIBIT M

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Federal Public Defender's Office
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail and delete this e-mail.

Thank you for your cooperation.

From: [FBI.FOIPA.NEGOTIATION](#)
To: [Holly Ayers](#)
Subject: FOIPA # 1443288-000
Date: Wednesday, February 26, 2020 12:06:10 PM

Good Afternoon Investigator Ayers,

We're contacting you about the FOIA request you made for records concerning Gary Hilton. By letter dated January 22, 2020 you were informed that the FBI located approximately 197,177 pages and audio/video media files potentially responsive to your request. After further review the FBI has located approximately 191,177 pages and audio/video media potentially responsive. Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium (51-950 pages), large (951-8000 pages), and extra-large (over 8000 pages) sub-tracks based upon request size.

Simple track requests typically require the least amount of time to process. The more potentially responsive pages a request has, the more complex it becomes, greatly increasing the time required for processing. Generally, the larger the file, the longer it takes to process. A review of your request determined that it is currently in the x-large complex request large processing track. Given our current workload and staffing levels, it may yet be a long time before you begin to receive material from this request.

Reducing the scope of your request may accelerate the processing and allow for a more timely receipt of the information you seek, as it could potentially place your request into a smaller, faster processing track. Would you be willing to consider reducing the scope of your request? If so, we would be happy to help you to decide the best approach to take. If you are looking for something specific, we could approach the scope reduction process in that way. The current average time to complete an x-large track request is approximately 67 months.

Below is a list of all tracks and the average time approximately to complete each. Hopefully this breakdown will be helpful to you in reducing the scope of this request.

Simple track request (0- 50 pages) current average time is approximately 5 months to complete
Medium track request (51-950 pages) current average time is approximately 26 months to complete
Large track request (951-8000 pages) current average time is approximately 53 months to complete
X-Large track request (over 8000 pages) current average time is approximately 67 months to complete

Please let us know if you would like to potentially reduce the scope of your request. If you reduce the size, you can request the additional records with a new FOIA request upon completion of this one.

We can be reached via email at fbi.foipa.negotiation@fbi.gov, or you may call 540-868-4894. We appreciate your patience and hope to hear from you soon.

Sincerely,

Negotiation Team
FBI - Information Management Division
170 Marcel Drive
Winchester, VA 22602
O: (540) 868-4894
Status Checks: foipaquestions@fbi.gov

From: [Holly Ayers](#)
To: [FBI.FOIPA.NEGOTIATION](#)
Subject: RE: FOIPA # 1443288-000
Date: Thursday, February 27, 2020 8:39:47 AM

Negotiation Team,

Our office received the email below dated February 26, 2020, about the size of the records we requested, as well as the timeframe in which we can expect to receive these records. At this time, we do not want to reduce the scope of our request. If you have any other questions or concerns, please feel free to contact me via email or at the office number below.

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Federal Public Defender's Office
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail and delete this e-mail.

Thank you for your cooperation.

-----Original Message-----

From: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Wednesday, February 26, 2020 12:06 PM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Good Afternoon Investigator Ayers,

We're contacting you about the FOIA request you made for records concerning Gary Hilton. By letter dated January 22, 2020 you were informed that the FBI located approximately 197,177 pages and audio/video media files potentially responsive to your request. After further review the FBI has located approximately 191,177 pages and audio/video media potentially responsive. Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium (51-950 pages), large (951-8000 pages), and extra-large (over 8000 pages) sub-tracks based upon request size.

EXHIBIT O

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Simple track request (0- 50 pages) current average time is approximately 5 months to complete Medium track request (51-950 pages) current average time is approximately 26 months to complete Large track request (951-8000 pages) current average time is approximately 53 months to complete X-Large track request (over 8000 pages) current average time is approximately 67 months to complete

Please let us know if you would like to potentially reduce the scope of your request. If you reduce the size, you can request the additional records with a new FOIA request upon completion of this one.

We can be reached via email at fbi.foipa.negotiation@fbi.gov, or you may call 540-868-4894. We appreciate your patience and hope to hear from you soon.

Sincerely,

Negotiation Team
FBI - Information Management Division
170 Marcel Drive
Winchester, VA 22602
O: (540) 868-4894
Status Checks: foipaquestions@fbi.gov

From: [FBI.FOIPA.NEGOTIATION](#)
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000
Date: Tuesday, March 3, 2020 8:13:21 AM

Good Morning Investigator Ayers,

Thank you for your email confirmation concerning the scope reduction of this request. We will move forward with processing without reducing the scope of this request.

Any future status inquiries please go to foipaquestions@fbi.gov

We appreciate your patience.

Sincerely,

Negotiation Team
FBI - Information Management Division
170 Marcel Drive
Winchester, VA 22602
O: (540) 868-4894
Status Checks: foipaquestions@fbi.gov

-----Original Message-----

From: Holly Ayers [mailto:Holly_Ayers@fd.org]
Sent: Thursday, February 27, 2020 8:40 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Subject: RE: FOIPA # 1443288-000

Negotiation Team,

Our office received the email below dated February 26, 2020, about the size of the records we requested, as well as the timeframe in which we can expect to receive these records. At this time, we do not want to reduce the scope of our request. If you have any other questions or concerns, please feel free to contact me via email or at the office number below.

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Federal Public Defender's Office
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

This e-mail contains PRIVILEGED and CONFIDENTIAL information intended only for the use of the addressee(s) named above. If you are not the intended recipient of this e-mail, or an authorized employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify us by reply e-mail and delete this e-mail.

Thank you for your cooperation.

-----Original Message-----

From: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Wednesday, February 26, 2020 12:06 PM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Good Afternoon Investigator Ayers,

We're contacting you about the FOIA request you made for records concerning Gary Hilton. By letter dated January 22, 2020 you were informed that the FBI located approximately 197,177 pages and audio/video media files potentially responsive to your request. After further review the FBI has located approximately 191,177 pages and audio/video media potentially responsive. Requests are processed in the order in which they are received through our multi-track processing system, and the FBI receives a voluminous amount of requests on a daily, weekly, monthly, and annual basis. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium (51-950 pages), large (951-8000 pages), and extra-large (over 8000 pages) sub-tracks based upon request size.

Simple track requests typically require the least amount of time to process. The more potentially responsive pages a request has, the more complex it becomes, greatly increasing the time required for processing. Generally, the larger the file, the longer it takes to process. A review of your request determined that it is currently in the x-large complex request large processing track. Given our current workload and staffing levels, it may yet be a long time before you begin to receive material from this request.

Reducing the scope of your request may accelerate the processing and allow for a more timely receipt of the information you seek, as it could potentially place your request into a smaller, faster processing track. Would you be willing to consider reducing the scope of your request? If so, we would be happy to help you to decide the best approach to take. If you are looking for something specific, we could approach the scope reduction process in that way. The current average time to complete an x-large track request is approximately 67 months.

Below is a list of all tracks and the average time approximately to complete each. Hopefully this breakdown will be helpful to you in reducing the scope of this request.

Simple track request (0- 50 pages) current average time is approximately 5 months to complete Medium track request (51-950 pages) current average time is approximately 26 months to complete Large track request (951-8000 pages) current average time is approximately 53 months to complete X-Large track request (over 8000 pages) current average time is approximately 67 months to complete

Please let us know if you would like to potentially reduce the scope of your request. If you reduce the size, you can request the additional records with a new FOIA request upon completion of this one.

We can be reached via email at fbi.foipa.negotiation@fbi.gov, or you may call 540-868-4894. We appreciate your patience and hope to hear from you soon.

Sincerely,

EXHIBIT P

Negotiation Team
FBI - Information Management Division
170 Marcel Drive
Winchester, VA 22602
O: (540) 868-4894
Status Checks: foipaquestions@fbi.gov

From: FOIPAQUESTIONS@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000 - Gary Hilton
Date: Tuesday, July 20, 2021 5:48:06 AM

Good morning,

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 152 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 922 days, large processing track are currently averaging approximately 1,964 days, and extra-large processing track are currently averaging 2,360 days for processing.

Your request is currently in the complex request extra-large processing track, and the estimated date of completion for your request is February 2026. If your request is considered a complex track, considering reducing the scope of your request may accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss reducing the scope of your request, please indicate so and a representative will be in contact.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>

EXHIBIT Q

Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Monday, July 19, 2021 3:34 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: [EXTERNAL EMAIL] - FOIPA # 1443288-000 - Gary Hilton

Good afternoon. I was wondering if you could let me know the status of my request - FOIPA # 1443288-000 on Gary Hilton.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



Reply to Tallahassee Division
227 N. Bronough Street
Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax 942-8809

Pensacola Division
Blount Building, 3 West Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax 434-3855

Gainesville Division
101 S.E. Second Place
Suite 112
Gainesville, FL 32601-6591
(352) 373-5823 Fax: 373-7644

Panama City Division
30 W. Government Street
Panama City, FL 32401
(850) 769-8580 Fax: 769-8581

July 21, 2021

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Email: foipaquestions@fbi.gov

SENT VIA ELECTRONIC TRANSMISSION

Re: Request to Expedite FOIPA # 1443288-000 - Gary Hilton (CAPITAL CASE)

To whom it may concern,

This letter is in response to your email dated July 20, 2021, regarding a status update on the records of Gary Hilton. The estimated date of completion for our request is February 2026.

Our office is currently drafting a petition for writ of habeas corpus in federal district court in the Northern District of Florida. The records in your possession are potentially crucial to our petition.

While we do not have an exact date to file our petition, we only have six (6) days left on Mr. Hilton's AEDPA (Anti-Terrorism and Effective Death Penalty Act) clock once the Florida Supreme Court makes its ruling on his Motion for Post-Conviction Relief, which could occur at any time.

Mr. Hilton's case is a capital case, and he is currently housed on Florida's Death Row. We ask that you expedite these records in your possession as this relates to Mr. Hilton's due process rights, and is in accordance with Department of Justice standards permitting expedition based on 28 C.F.R. §16.5(e)(1)(iii): "The loss of substantial due process of rights."

Please feel free to contact me at (850) 942-8818 or Holly_Ayers@fd.org. Thank you for your consideration of this expedited request.

Sincerely,

/s/ Holly C. Ayers
Holly C. Ayers
Investigator
Capital Habeas Unit

From: [Holly Ayers](#)
To: FOIPAQUESTIONS@FBI.GOV
Subject: RE: FOIPA # 1443288-000 - Gary Hilton
Date: Wednesday, July 21, 2021 2:35:37 PM
Attachments: [2021.07.21 Request to Expedite Records - Gary Hilton \(002\).pdf](#)

I apologize. Please see the corrected date of this request – 7.21.2021.

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Wednesday, July 21, 2021 2:26 PM
To: FOIPAQUESTIONS@FBI.GOV
Subject: RE: FOIPA # 1443288-000 - Gary Hilton

Please see the attached request to expedite these records.

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@FBI.GOV>
Sent: Tuesday, July 20, 2021 5:48 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: FOIPA # 1443288-000 - Gary Hilton

Good morning,

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 152 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 922 days, large processing track are currently averaging approximately 1,964 days, and extra-large processing track are currently averaging 2,360 days for processing.

Your request is currently in the complex request extra-large processing track, and the estimated date of completion for your request is February 2026. If your request is considered a complex track, considering reducing the scope of your request may accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss

reducing the scope of your request, please indicate so and a representative will be in contact.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Monday, July 19, 2021 3:34 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: [EXTERNAL EMAIL] - FOIPA # 1443288-000 - Gary Hilton

Good afternoon. I was wondering if you could let me know the status of my request - FOIPA # 1443288-000 on Gary Hilton.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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EXHIBIT R

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Thank you for your cooperation.

From: FOIPAQUESTIONS@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000 - Gary Hilton
Date: Thursday, July 22, 2021 10:54:31 AM

Good morning,

The FBI has received your additional correspondence regarding your Freedom of Information/Privacy Act (FOIPA) request and it has been forwarded to the assigned analyst for review and determination.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

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From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Wednesday, July 21, 2021 2:36 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000 - Gary Hilton

I apologize. Please see the corrected date of this request – 7.21.2021.

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
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Thank you for your cooperation.

From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Wednesday, July 21, 2021 2:26 PM
To: FOIPAQUESTIONS@FBI.GOV
Subject: RE: FOIPA # 1443288-000 - Gary Hilton

Please see the attached request to expedite these records.

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@FBI.GOV>
Sent: Tuesday, July 20, 2021 5:48 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: FOIPA # 1443288-000 - Gary Hilton

Good morning,

Thank you for your inquiry regarding the status of your Freedom of Information Act/Privacy (FOIPA) request. A review of your request has determined the following:

The request is presently awaiting assignment to a Disclosure analyst who will then review the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

You may check the status of your request online at <http://vault.fbi.gov> by clicking on the 'Check Status of Your FOI/PA Request' link. Online status reports are updated weekly.

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Your request is currently in the complex request extra-large processing track, and the estimated date of completion for your request is February 2026. If your request is considered a complex track, considering reducing the scope of your request may accelerate the process as it could potentially place your request in a quicker processing track. This may also reduce any search and duplication costs, if applicable, and allow for a more timely receipt of your information. If you wish to discuss reducing the scope of your request, please indicate so and a representative will be in contact.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps>
Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you

need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Monday, July 19, 2021 3:34 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Subject: [EXTERNAL EMAIL] - FOIPA # 1443288-000 - Gary Hilton

Good afternoon. I was wondering if you could let me know the status of my request - FOIPA # 1443288-000 on Gary Hilton.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.



FEDERAL PUBLIC DEFENDER
RECEIVED

U.S. Department of Justice

AUG - 2 2021

Federal Bureau of Investigation
Washington, D.C. 20535

TALLAHASSEE, FL

July 27, 2021

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE
FOR THE NORTHERN DISTRICT OF FLORIDA
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

This is in reference to your letter directed to the Federal Bureau of Investigation (FBI), in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Pursuant to the Department of Justice (DOJ) standards permitting expedition, expedited processing can only be granted when it is determined that a FOIPA request involves one or more of the below categories.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i): "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii): "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii): "The loss of substantial due process of rights."
- 28 C.F.R. §16.5 (e)(1)(iv): "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have provided enough information concerning the statutory requirements permitting expedition; therefore, your request is approved.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

From: FOIPAQUESTIONS@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael
Date: Wednesday, November 10, 2021 2:23:41 PM

Good afternoon,

Interim releases are made for complex requests. Releases made from the paper portion of the file consist of approximately 500 reviewed pages.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Wednesday, November 10, 2021 2:07 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Good afternoon. Thank you for this response. Can you clarify what you mean by "... the first release is January 2022"? Does that mean that we are getting so many pages at a time for X number of years until we have received everything?

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@FBI.GOV>

Sent: Wednesday, November 10, 2021 1:27 PM

To: Holly Ayers <Holly_Ayers@fd.org>

Subject: RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Good afternoon,

A review of your request has determined the following: The request is presently assigned to a Disclosure analyst who is reviewing the records to determine if any redactions are required pursuant to subsections of Title 5, U. S. Code, Section 552 and 552a.

The estimated date of completion for the first release is January 2022.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at
<http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: FOIPAQUESTIONS

Sent: Tuesday, November 9, 2021 10:06 AM

To: Holly Ayers <Holly_Ayers@fd.org>

Subject: RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Good morning,

The FBI has received your additional inquiry regarding your Freedom of Information/Privacy Act (FOIPA) request and it has been forwarded to the assigned analyst for review. A response to your inquiry is forthcoming.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Friday, October 29, 2021 12:55 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Please see the attached indicating our approval for expedited records. I was just curious if you can give an estimated timeframe as we have to file Mr. Hilton's federal habeas petition in federal court in a couple of weeks. Any estimate would be helpful.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FOIPAQUESTIONS@FBI.GOV <FOIPAQUESTIONS@FBI.GOV>
Sent: Friday, October 29, 2021 12:44 PM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Good afternoon,

This is in response to your inquiry regarding a time frame for completion regarding requests for expedited processing. Once expedited processing has been approved, the Record/Information Dissemination Section will process the request "as soon as practicable."

Thank you,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Friday, October 29, 2021 12:05 PM
To: FOIPAQUESTIONS <FOIPAQUESTIONS@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - Status of FOIPA Request No.: 1443288-000, Subject: Hilton, Gary Michael

Good afternoon. I am writing to check the status of my request. If you could please give me an estimation of when these records would be available to us, I would greatly appreciate it.

Sincerely,

Holly C. Ayers
Investigator - Capital Habeas Unit

Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000
Date: Wednesday, December 1, 2021 7:43:41 AM

Good Morning Ms. Ayers,

Thank you for the email confirmation concerning the scope reduction of this request. We will move forward with processing without reducing the scope of this request.

Any future status inquiries please go to foipaquestions@fbi.gov

Sincerely,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Tuesday, November 30, 2021 3:05 PM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good afternoon. We would **NOT** like to reduce the scope of our request at this time.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300

Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Monday, November 29, 2021 11:41 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Good Morning Ms. Ayers,

We're contacting you about the FOIPA request above. The FBI located approximately 191,177 pages and audio/video media files potentially responsive to your request. In your cost letter response, you agreed to pay up to \$6,170.00 for processing.

The FOIA analyst is beginning to review and process the potentially responsive material for this request.

You were notified by the Public Information Officer via email that you should receive the first interim release in approximately January 2022.

Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. Would you be willing to consider reducing the scope of your request to place it in a smaller, potentially faster processing track?

For overall clarification- After further review of the potentially responsive pages there is a main file and sub files. The main file contains approximately 242 potentially responsive pages. The remaining approximately 190,935 potentially responsive pages are within sub files which contains supplemental documents to the main files.

After further review it appears that the potentially responsive pages are within the date range of 2007-2012.

We could narrow the scope of this request by limiting to the main file or narrow the scope by limiting to a specific date(s) within the date range of 2007 – 2012.

Please let us know if you would like to move forward with reducing the scope of your request. If you do reduce the scope of your request, you can request additional material with a new FOIPA request upon completion of this one.

Sincerely,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: FBI.FOIPA.NEGOTIATION@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000
Date: Tuesday, December 7, 2021 10:14:02 AM

Good morning Ms. Ayers,

Thank you for your response. Our FOIPA program will proceed accordingly.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Tuesday, December 7, 2021 8:50 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good morning. We will continue with our request intact and will **NOT** be reducing the scope at this time.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>

Sent: Monday, December 6, 2021 1:31 PM

To: Holly Ayers <Holly_Ayers@fd.org>

Subject: RE: FOIPA # 1443288-000

Dear Ms. Ayers,

Thank you for your response. The information requested is still under review by the processing analyst and I am; therefore, unable to provide further information into the contents of the documents. Sealed court documents are removed from processing as "Other -Sealed" with underlying exemptions, if applicable. As the pages have not yet been reviewed, I'm unable determine if/what underlying exemptions may apply.

Please advise if you would like to move forward with reducing the scope of your request as described, or if you would like to continue with your request intact.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Monday, December 6, 2021 9:42 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good morning. Could you perhaps provide me with the case number(s) associated with the seal court documents, as that may help me and my team decide on the best route for us regarding these exempted files? Also, can you site to what exemption(s) these sealed court documents would fall into? Is there a blanket exemption because it is sealed by a Court?

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Friday, December 3, 2021 11:15 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Dear Ms. Ayers,

My apologies for reaching out on this request again; however, I wanted to further clarify one piece involving your request. Our Negotiation Team has

EXHIBIT W

been made aware that within the potentially responsive documents there are sealed court documents with attachments (estimating approximately 150,000 of the approximately 191,117 pages) that would be withheld in their entirety based on exemptions. As our requests are processed in approximately 500 reviewed pages per release, there will be several months where you may be receiving no documents as all reviewed pages will be withheld based on these processing determinations. In order to expedite our responses to you, our proposal would be to eliminate these sealed court documents and attachments from processing that would be withheld in their entirety. I understand if you do not choose to go this route; however, I just wanted to make you aware of this so that you could better formulate your decision concerning a possible reduction.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: FBI.FOIPA.NEGOTIATION
Sent: Wednesday, December 1, 2021 7:43 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: FOIPA # 1443288-000

Good Morning Ms. Ayers,

Thank you for the email confirmation concerning the scope reduction of this request. We will move forward with processing without reducing the scope of this request.

Any future status inquires please go to foipaquestions@fbi.gov

Sincerely,

Negotiation Team
Federal Bureau of Investigation

Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Tuesday, November 30, 2021 3:05 PM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good afternoon. We would **NOT** like to reduce the scope of our request at this time.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>

Sent: Monday, November 29, 2021 11:41 AM

To: Holly Ayers <Holly_Ayers@fd.org>

Subject: FOIPA # 1443288-000

Good Morning Ms. Ayers,

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The FOIA analyst is beginning to review and process the potentially responsive material for this request.

You were notified by the Public Information Officer via email that you should receive the first interim release in approximately January 2022.

Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. Would you be willing to consider reducing the scope of your request to place it in a smaller, potentially faster processing track?

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After further review it appears that the potentially responsive pages are within the date range of 2007-2012.

We could narrow the scope of this request by limiting to the main file or narrow the scope by limiting to a specific date(s) within the date range of 2007 – 2012.

Please let us know if you would like to move forward with reducing the scope of your request. If you do reduce the scope of your request, you can request additional material with a new FOIPA request upon completion of this one.

Sincerely,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.





U.S. Department of Justice

Federal Bureau of Investigation
 Washington, D.C. 20535

December 10, 2021

INVESTIGATOR HOLLY C. AYERS
 FEDERAL PUBLIC DEFENDER'S OFFICE
 FOR THE NORTHERN DISTRICT OF FLORIDA
 CAPITAL HABEAS UNIT
 SUITE 4200
 227 NORTH BRONOUGH STREET
 TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
 Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input checked="" type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>Fed. R. Crim. P. 6(e)</u>	<input checked="" type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input checked="" type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

518 pages were reviewed and 135 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
 - This information has been referred to the OGA(s) for review and direct response to you.
 - We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

Pursuant to FOIPA regulations, the duplication cost for each CD or eFOIPA release is \$15.00. You are entitled to 100 free pages, which is reflected as a \$5.00 credit toward your first interim release. There will be a \$40.00 charge when the third interim release is made. This fee accounts for the \$10.00 balance from the \$15.00 fee of the first release, the \$15.00 fee for the second release, and the \$15.00 fee for the third release. Following the third release, you will be charged \$15.00 for each subsequent release. This is the first interim release of information responsive to your FOIPA request. No payment is due at this time.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

Duplicate copies of the same document were not processed.

Sealed court records are not eligible for release under the Freedom of Information Act. Material responsive to your request has been withheld and marked “OTHER-Sealed” pursuant to appropriate order(s) issued by federal district courts.

For your information, a search of the indices to our Central Records System reflected there were additional records potentially responsive to your Freedom of Information/Privacy Acts (FOIPA) request. We have attempted to obtain this material so it could be reviewed to determine whether it was responsive to your request. We were advised that the potentially responsive records were not in their expected location and could not be located after a reasonable search. Following a reasonable waiting period, another attempt was made to obtain this material. This search for the missing records also met with unsuccessful results.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1443288-0

Total Deleted Page(s) = 383

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From: FOIPAQUESTIONS@FBI.GOV
To: [Holly Ayers](#)
Subject: RE: FOIPA # 1443288-000
Date: Monday, January 31, 2022 8:30:44 AM

Good morning,

The FBI located audio and video files that are potentially responsive to your request. This material has not been reviewed by a FOIA analyst. Our requests are processed in approximately 500 reviewed pages per release. We do not have an estimated date of completion for the audio and video files at this time.

Respectfully,

Public Information Officer
FBI - Information Management Division
200 Constitution Drive
Winchester, VA 22602
O: (540) 868-4593
E: foipaquestions@fbi.gov

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Friday, January 28, 2022 8:20 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good morning. I have a question about some records we have already received – there is reference to a CD of an interview and a copy of the CD cover or sleeve, but

EXHIBIT Y

the actual audio or video interview is not included. Will our office eventually get a copy of this interview? Will the recordings come separately? If so, when?

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Tuesday, December 7, 2021 10:13 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: FOIPA # 1443288-000

Good morning Ms. Ayers,

Thank you for your response. Our FOIPA program will proceed accordingly.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Tuesday, December 7, 2021 8:50 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good morning. We will continue with our request intact and will **NOT** be reducing the scope at this time.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Monday, December 6, 2021 1:31 PM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: RE: FOIPA # 1443288-000

Dear Ms. Ayers,

Thank you for your response. The information requested is still under review by the processing analyst and I am; therefore, unable to provide further information into the contents of the documents. Sealed court documents are removed from processing as "Other -Sealed" with underlying exemptions, if applicable. As the pages have not yet been reviewed, I'm unable determine if/what underlying exemptions may apply.

Please advise if you would like to move forward with reducing the scope of your request as described, or if you would like to continue with your request intact.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>
Sent: Monday, December 6, 2021 9:42 AM
To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Cc: Holly Ayers <Holly_Ayers@fd.org>
Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good morning. Could you perhaps provide me with the case number(s) associated with the seal court documents, as that may help me and my team decide on the best route for us regarding these exempted files? Also, can you site to what exemption(s) these sealed court documents would fall into? Is there a blanket exemption because it is sealed by a Court?

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit

Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Friday, December 3, 2021 11:15 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Dear Ms. Ayers,

My apologies for reaching out on this request again; however, I wanted to further clarify one piece involving your request. Our Negotiation Team has been made aware that within the potentially responsive documents there are sealed court documents with attachments (estimating approximately 150,000 of the approximately 191,117 pages) that would be withheld in their entirety based on exemptions. As our requests are processed in approximately 500 reviewed pages per release, there will be several months where you may be receiving no documents as all reviewed pages will be withheld based on these processing determinations. In order to expedite our responses to you, our proposal would be to eliminate these sealed court documents and attachments from processing that would be withheld in their entirety. I understand if you do not choose to go this route; however, I just wanted to make you aware of this so that you could better formulate your decision concerning a possible reduction.

Respectfully,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: FBI.FOIPA.NEGOTIATION

Sent: Wednesday, December 1, 2021 7:43 AM

To: Holly Ayers <Holly_Ayers@fd.org>

Subject: RE: FOIPA # 1443288-000

Good Morning Ms. Ayers,

Thank you for the email confirmation concerning the scope reduction of this request. We will move forward with processing without reducing the scope of this request.

Any future status inquiries please go to foipaquestions@fbi.gov

Sincerely,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.



From: Holly Ayers <Holly_Ayers@fd.org>

Sent: Tuesday, November 30, 2021 3:05 PM

To: FBI.FOIPA.NEGOTIATION <FBI.FOIPA.NEGOTIATION@FBI.GOV>

EXHIBIT Y

Subject: [EXTERNAL EMAIL] - RE: FOIPA # 1443288-000

Good afternoon. We would **NOT** like to reduce the scope of our request at this time.

Thank you,

Holly C. Ayers
Investigator - Capital Habeas Unit
Office of the Federal Public Defender
227 N. Bronough Street - Suite 4200
Tallahassee, FL 32301-1300
Tel: (850) 942-8818 ext. 1318
Fax: (850) 942-8809
Cell: (850) 296-5188

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Thank you for your cooperation.

From: FBI.FOIPA.NEGOTIATION@FBI.GOV <FBI.FOIPA.NEGOTIATION@FBI.GOV>
Sent: Monday, November 29, 2021 11:41 AM
To: Holly Ayers <Holly_Ayers@fd.org>
Subject: FOIPA # 1443288-000

Good Morning Ms. Ayers,
We're contacting you about the FOIPA request above. The FBI located approximately 191,177 pages and audio/video media files potentially responsive to your request. In your cost letter response, you agreed to pay up to \$6,170.00 for processing.
The FOIA analyst is beginning to review and process the potentially responsive material for this request.
You were notified by the Public Information Officer via email that you should receive the first interim release in approximately January 2022.

Reducing the scope of your request may accelerate the processing, allow for a timelier receipt of the information you seek, and reduce the duplication costs, if applicable. Would you be willing to consider reducing the scope of

your request to place it in a smaller, potentially faster processing track?

For overall clarification- After further review of the potentially responsive pages there is a main file and sub files. The main file contains approximately 242 potentially responsive pages. The remaining approximately 190,935 potentially responsive pages are within sub files which contains supplemental documents to the main files.

After further review it appears that the potentially responsive pages are within the date range of 2007-2012.
We could narrow the scope of this request by limiting to the main file or narrow the scope by limiting to a specific date(s) within the date range of 2007 – 2012.

Please let us know if you would like to move forward with reducing the scope of your request. If you do reduce the scope of your request, you can request additional material with a new FOIPA request upon completion of this one.

Sincerely,

Negotiation Team
Federal Bureau of Investigation
Fbi.foipa.negotiation@fbi.gov

Status Checks: <https://vault.fbi.gov/fdps-1/@@search-fdps> | foipaquestions@fbi.gov

For additional information, please visit the www.fbi.gov/foia website.





U.S. Department of Justice

Federal Bureau of Investigation
 Washington, D.C. 20535

January 13, 2022

INVESTIGATOR HOLLY C. AYERS
 FEDERAL PUBLIC DEFENDER'S OFFICE FOR THE NORTHERN DISTRICT OF FLORIDA
 FEDERAL PUBLIC DEFENDER'S OFFICE
 CAPITAL HABEAS UNIT
 SUITE 4200
 227 NORTH BRONOUGH STREET
 TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
 Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input checked="" type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>Fed. R. Crim. P 6(e)</u>	<input checked="" type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

470 pages were reviewed and 153 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

Pursuant to FOIPA regulations, the duplication cost for each CD or eFOIPA release is \$15.00. You are entitled to 100 free pages, which is reflected as a \$5.00 credit toward your first interim release. There will be a \$40.00 charge when the third interim release is made. This fee accounts for the \$10.00 balance from the \$15.00 fee of the first release, the \$15.00 fee for the second release, and the \$15.00 fee for the third release. Following the third release, you will be charged \$15.00 for each subsequent release. This is the second interim release of information responsive to your FOIPA request. No payment is due at this time.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

Duplicate copies of the same document were not processed.

Sealed court records are not eligible for release under the Freedom of Information Act. Material responsive to your request has been withheld and marked “OTHER-Sealed” pursuant to appropriate order(s) issued by federal district courts.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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U.S. Department of Justice

Federal Bureau of Investigation
 Washington, D.C. 20535

February 11, 2022

INVESTIGATOR HOLLY C. AYERS
 FEDERAL PUBLIC DEFENDER'S OFFICE FOR THE NORTHERN DISTRICT OF FLORIDA
 FEDERAL PUBLIC DEFENDER'S OFFICE
 CAPITAL HABEAS UNIT
 SUITE 4200
 227 NORTH BRONOUGH STREET
 TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
 Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
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503 page(s) were reviewed and 1 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **“Part 1”** of the Addendum includes standard responses that apply to all requests. **“Part 2”** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

This is the third interim release of information responsive to your FOIPA request. Accordingly, upon receipt of the enclosed CD, please go to www.pay.gov to make an electronic payment* in the amount of \$40.00 or make a check or money order payable to the Federal Bureau of Investigation and mail it to the Initial Processing Operations Unit, Record Information/Dissemination Section, Information Management Division, Federal Bureau of Investigation, 200 Constitution Drive, Winchester, VA 22602. Please include the FOIPA Request Number with your payment. Failure to pay for this release within thirty (30) days from the date of this letter will close any pending FBI FOIPA requests from you. Nonpayment will also cause an automatic denial of any future FOIPA requests.

*Pay.gov is a secure web-based application that accepts credit card and ACH payments online, and is hosted by the United States Department of the Treasury, Bureau of the Fiscal Service. For frequent FOIPA requesters, it is recommended to create a Pay.gov account to retain an online history of payments made through Pay.gov and to retain specific information for future payments. To make an electronic payment, complete the FBI Freedom of Information Act and Privacy Act Form located on Pay.gov. Please note: if a refund is necessary, there is less processing time to refund a credit card payment than an ACH payment.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

EXHIBIT AA

Inquiries regarding your Other Government Agency (OGA) referral, designated within the release as "Referral/Direct," may be directed to:

United States Department of Agriculture
Alexis Graves
1400 Independence Avenue, SW
South Building, Room 4101
Washington, DC 20250-1300

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FOI/PA
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Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA



RANDOLPH P. MURRELL
Federal Public Defender

Gainesville Office
101 S.E. Second Place, Ste 112
Gainesville, FL 32601-6591
(352) 373-5823 Fax: 373-7644

Pensacola Office
3 W. Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax: 434-3855

Reply to Tallahassee Office
227 N. Bronough Street, Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax (850) 942-8809

February 17, 2022

Freedom of Information Act Appeal

Office of Information Policy (OIP)
Attention: Director of OIP
U.S. Department of Justice
441 G Street, NW, 6th Floor
Washington, D.C. 20530

FOIPA Request No.: 1443288-000, Subject: Gary Michael Hilton

Director:

Please consider this letter an administrative appeal of both the December 10, 2021, intermittent release of records and the January 13, 2022, intermittent release of records regarding the numerous pages withheld from disclosure citing “OTHER – Sealed Pursuant to Court Order”. It is our assertion that you must disclose to us at the very least 1) a copy of the Court’s order sealing these documents, and 2) a *Vaughn* Index¹ listing each document, a brief title that describes each document, and that it is being withheld pursuant to a court order.

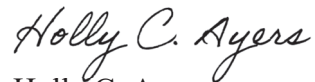
An agency withholding documents under seal “ha[s] the burden of showing the existence of the court seal, that the documents are subject to the court order, and that ‘the court issued the seal with the intent to prohibit the [Agency] from disclosing the [documents] as long as the seal remains in effect.’” *Senate of Com. of Puerto Rico v. U.S. Dep’t of Just.*, No. CIV. A. 84-1829 (CRR), 1993 WL 364696, at *7 (D.D.C. Aug. 24, 1993) (citing *Morgan v. U.S. Dep’t of Just.*, 923 F.2d 195, 198 (D.C. Cir. 1991)). Thus, we request that you provide us with information sufficient

¹ *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973) (The Agency should compile an itemized index which correlates the reason for refusing to produce a document with the actual portions of the document); *see also N.Y. Times Co. v. United States DOJ*, 758 F.3d 436, 438-40 (2d Cir. 2014).

to show “how many documents are under court seal, when they were placed under seal and in what case, and any and all further information necessary for [a court] to determine whether the documents allegedly under seal were properly withheld.” *Id.* at 19. Merely stating that responsive records are subject to a court order or other restriction is insufficient. *Agility Pub. Warehousing Co. K.S.C. v. NSA*, 113 F. Supp. 3d 313, 334-35 (D.D.C. 2015) (citing *Morgan*, 923 F.2d at 198).

I appreciate your time and attention in processing this appeal promptly. I do ask that this appeal decision be made as soon as possible as Mr. Hilton must make the district court judge overseeing his federal habeas petition aware of the status of this appeal on or before March 10, 2022. Please do not hesitate to contact me while reviewing this appeal.

Respectfully,



Holly C. Ayers
Investigator, Capital Habeas Unit
Federal Public Defender
Northern District of Florida
227 N. Bronough St., Suite 4200
Tallahassee, FL 32301
(850) 942-8818
Holly_Ayers@fd.org

https://www.fedex.com/shipping/html/en/PrintFrame.html

Freedom of Information Act Appeal

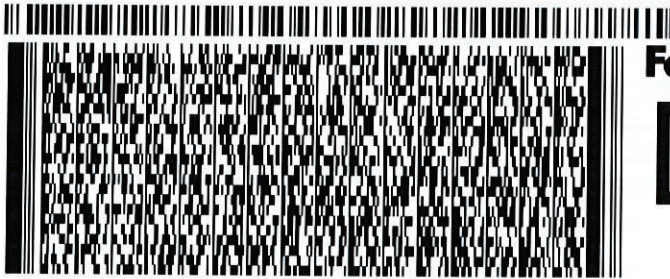
ORIGIN ID: TLHA (850) 942-8818
GLENDA SPEARS
NDFLPD
227 N. BRONOUGH STREET, SUITE 4200
TALLAHASSEE, FL 32301
UNITED STATES US

SHIP DATE: 17FEB22
ACTWGT: 1.00 LB
CAD: 109240563/INET4460
BILL SENDER

TO ATTENTION: DIRECTOR OF OIP
OFFICE OF INFORMATION POLICY (OIP)
U.S. DEPARTMENT OF JUSTICE
441 G STREET, NW, 6TH FLOOR
U S GOVERNMENT OFFIC DC 20530

(850) 942-8818 REF: CHU-G. HILTON- HA
INV. DEPT:
PO:

560LJ20270FE4A



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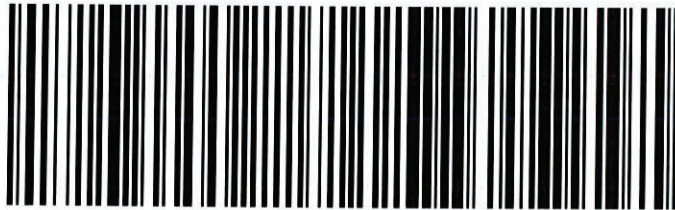
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Freedom of Information Act Appeal

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
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Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

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Shipment Receipt

Address Information**Ship to:**

Attention: Director of OIP
Office of Information Policy
(OIP)

U.S. Department of Justice
441 G Street, NW, 6th Floor

U S GOVERNMENT
OFFICES, DC

20530

US

8509428818

Ship from:

Glenda Spears

NDFLPD

227 N. Bronough Street,
Suite 4200

TALLAHASSEE, FL

32301

US

8509428818

Shipment Information:

Tracking no.: 776074267755

Ship date: 02/17/2022

Estimated shipping charges: 0.00

Package Information

Pricing option: FedEx Standard Rate

Service type: Standard Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Federal Pub. Defender Office-573

Your reference: CHU-G. Hilton- HA

P.O. no.:

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Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

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Friday, February 18, 2022 at 9:49 am



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FROM

TALLAHASSEE, FL US

TO

U S GOVERNMENT OFFICES, DC US

[MANAGE DELIVERY](#)

Travel History

TIME ZONE
Local Scan Time



Friday, February 18, 2022

9:49 AM	U S GOVERNMENT OFFICES, DC	Delivered
9:15 AM	WASHINGTON, DC	At local FedEx facility
9:15 AM	WASHINGTON, DC	On FedEx vehicle for delivery
7:56 AM	WASHINGTON, DC	At local FedEx facility
6:42 AM	DULLES, VA	At destination sort facility
4:11 AM	MEMPHIS, TN	Departed FedEx hub

Thursday, February 17, 2022

11:27 PM	MEMPHIS, TN	Shipment arriving On-Time
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EXHIBIT BB

11:17 PM

MEMPHIS, TN

Arrived at FedEx hub

9:05 PM

TALLAHASSEE, FL

Left FedEx origin facility

5:34 PM

TALLAHASSEE, FL

Picked up

12:29 PM

Shipment information sent to FedEx

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Shipment Facts

TRACKING NUMBER

776074267755

SERVICE

FedEx Standard Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Mailroom

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

CHU-G. Hilton- HA


PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

SHIP DATE

2/17/22 

SHIPMENT-FACTS.COD-DETAIL

\$0.00

STANDARD TRANSIT

2/18/22 before 4:30 pm 

ACTUAL DELIVERY

2/18/22 at 9:49 am



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

March 02, 2022

Holly_Ayers@fd.org

Dear Holly Ayers:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the FBI regarding Request No. 1443288-000 on 02/25/2022.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2022-00864 . Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

EXHIBIT CC

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Acknowledgment of FOIA Appeal A-2022-00864
Date: Wednesday, March 2, 2022 11:44:51 AM
Attachments: [a-22-00864.pdf](#)

EXTERNAL SENDER

The Office of Information Policy has received your FOIA Appeal. Please see the attached acknowledgment letter.

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Appeal Expedited Determination for Appeal Number A-2022-00864
Date: Monday, March 7, 2022 1:34:12 PM

EXTERNAL SENDER

Expedited Determination decision has been made on Appeal Number A-2022-00864 with the decision of Granted.



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

April 5, 2022

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE FOR THE NORTHERN DISTRICT OF FLORIDA
FEDERAL PUBLIC DEFENDER'S OFFICE
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
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_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
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<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

511 page(s) were reviewed and 1 page(s) is being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

EXHIBIT EE

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

This is the 4th interim release of information responsive to your FOIPA request. Accordingly, upon receipt of the enclosed CD, please go to www.pay.gov to make an electronic payment* in the amount of \$15.00 or make a check or money order payable to the Federal Bureau of Investigation and remit it to the Initial Processing Operations Unit, Record Information/Dissemination Section, Information Management Division, Federal Bureau of Investigation, 200 Constitution Drive, Winchester, VA 22602. Please include the FOIPA Request Number with your payment. Failure to pay for this release within thirty (30) days from the date of this letter will close any pending FBI FOIPA requests from you. Nonpayment will also cause an automatic denial of any future FOIPA requests.

*Pay.gov is a secure web-based application that accepts credit card and ACH payments online, and is hosted by the United States Department of the Treasury, Bureau of the Fiscal Service. For frequent FOIPA requesters, it is recommended to create a Pay.gov account to retain an online history of payments made through Pay.gov and to retain specific information for future payments. To make an electronic payment, complete the FBI Freedom of Information Act and Privacy Act Form located on Pay.gov. Please note: if a refund is necessary, there is less processing time to refund a credit card payment than an ACH payment.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 10, 2022

Holly Ayers
Suite 4200
227 N. Bronough Street
Tallahassee, FL 32301
Holly_Ayers@fd.org

Re: Appeal No. A-2022-00864
Request No. 1443288-000
DRC:AMF

VIA: Email

Dear Holly Ayers:

You appealed, on behalf of your client Gary Michael Hilton, from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act (FOIA) request for access to records concerning investigation files pertaining to your client. I note that your appeal concerns the records that were withheld based on a court sealing order.

After carefully considering your appeal, I am affirming the FBI's action on your request. Please be advised that a portion of the records maintained by the FBI are protected from disclosure by a court seal issued by the United States District Court for the Northern District of Florida. In this instance, the FBI lacks authority to consider the releasability of this information under the FOIA. See GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375, 384-86 (1980) (finding "no discretion for the agency to exercise" when records are sealed, thus no improper withholding).

Please note that the FBI has contacted the District Court to verify that the court seal continues to prohibit disclosure of the records you seek. In the event that the District Court informs the FBI that the court seal no longer prohibits disclosure of these records, the FBI will reopen your request and take further action as appropriate.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a

EXHIBIT FF

lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

X *Daniel Castellano*

Daniel Castellano,
Associate Chief, for
Matthew Hurd,
Chief, Administrative Appeals Staff

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Response to FOIA Appeal A-2022-00864
Date: Tuesday, May 10, 2022 8:14:16 AM
Attachments: [A-2022-00864 Response.pdf](#)

EXTERNAL SENDER

The Office of Information Policy has made its final determination on your FOIA Appeal Number A-2022-00864. A copy of this determination is enclosed for your review, along with any enclosures, if applicable. Thank you.

From: [Kara Ottervanger](#)
To: [Castellano, Daniel \(OIP\)](#)
Cc: [Holly Ayers](#)
Subject: RE: follow-up to Appeal A-2022-00864
Date: Thursday, May 19, 2022 9:51:11 AM

Thank you.

Kara R. Ottervanger, Esq.
Federal Public Defender's Office
Northern District of Florida
Capital Habeas Unit
227 N. Bronough Street, Suite 4200
Tallahassee, FL 32301
Direct: 850-942-8818 ext. 3311
Cell: 239-340-8922
Kara.Ottervanger@fd.org

From: Castellano, Daniel (OIP) <Daniel.Castellano@usdoj.gov>
Sent: Thursday, May 19, 2022 9:22 AM
To: Kara Ottervanger <Kara_Ottervanger@fd.org>
Subject: follow-up to Appeal A-2022-00864

Good morning,

I believe that the case with the sealing orders applicable to the withheld documents is 1:11-cr-00049-MR-DLH-1 out of the Western District of North Carolina. If you have further questions, you may reach out to the FBI at 540-868-4593.

Sincerely,

Daniel R. Castellano
Associate Chief, Administrative Appeals Staff
Office of Information Policy – DOJ
202.616.3214



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 6, 2022

INVESTIGATOR HOLLY C. AYERS
FEDERAL PUBLIC DEFENDER'S OFFICE FOR THE NORTHERN DISTRICT OF FLORIDA
FEDERAL PUBLIC DEFENDER'S OFFICE
CAPITAL HABEAS UNIT
SUITE 4200
227 NORTH BRONOUGH STREET
TALLAHASSEE, FL 32301-1300

FOIPA Request No.: 1443288-000
Subject: HILTON, GARY MICHAEL

Dear Investigator Ayers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
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<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

500 pages were reviewed and 0 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

Based on the information you provided, we conducted a main entity record search of the Central Records System (CRS) per our standard search policy. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

This is the 5th interim release of information responsive to your FOIPA request. Accordingly, upon receipt of the enclosed CD, please go to www.pay.gov to make an electronic payment* in the amount of \$15.00 or make a check or money order payable to the Federal Bureau of Investigation and remit it to the Initial Processing Operations Unit, Record Information/Dissemination Section, Information Management Division, Federal Bureau of Investigation, 200 Constitution Drive, Winchester, VA 22602. Please include the FOIPA Request Number with your payment. Failure to pay for this release within thirty (30) days from the date of this letter will close any pending FBI FOIPA requests from you. Nonpayment will also cause an automatic denial of any future FOIPA requests.

*Pay.gov is a secure web-based application that accepts credit card and ACH payments online, and is hosted by the United States Department of the Treasury, Bureau of the Fiscal Service. For frequent FOIPA requesters, it is recommended to create a Pay.gov account to retain an online history of payments made through Pay.gov and to retain specific information for future payments. To make an electronic payment, complete the FBI Freedom of Information Act and Privacy Act Form located on Pay.gov. Please note: if a refund is necessary, there is less processing time to refund a credit card payment than an ACH payment.

EXHIBIT HH

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

Sealed court records are not eligible for release under the Freedom of Information Act. Material responsive to your request has been withheld and marked "OTHER-Sealed" pursuant to appropriate order(s) issued by federal district courts.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FOI/PA
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- Page 31 ~ b7E;
- Page 32 ~ b7E;
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Page 68 ~ b6; b7C; b7E;
Page 69 ~ b6; b7C; b7E;
Page 70 ~ b6; b7C; b7E;
Page 71 ~ b6; b7C; b7E;
Page 72 ~ b6; b7C; b7E;

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Office of the
FEDERAL PUBLIC DEFENDER
NORTHERN DISTRICT OF FLORIDA

RANDOLPH P. MURRELL
Federal Public Defender



Gainesville Office
101 S.E. Second Place, Ste 112
Gainesville, FL 32601-6591
(352) 373-5823 Fax: 373-7644

Pensacola Office
3 W. Garden Street
Suite 200
Pensacola, FL 32502-5654
(850) 432-1418 Fax: 434-3855

Reply to Tallahassee Office
227 N. Bronough Street, Suite 4200
Tallahassee, FL 32301-1300
(850) 942-8818 Fax (850) 942-8809

July 28, 2022

Freedom of Information Act Appeal

Office of Information Policy (OIP)
Attention: Director of OIP
U.S. Department of Justice
441 G Street, NW, 6th Floor
Washington, D.C. 20530

FOIPA Request No.: 1443288-000, Subject: Gary Michael Hilton

Director:

Please consider this letter an administrative appeal of the fifth interim release of information sent to our office on July 6, 2022, regarding the numerous pages withheld from disclosure citing “OTHER – Pursuant to United States Court Order”. It is our assertion that you must disclose to us at the very least 1) a copy of the Court’s order sealing these documents, and 2) a *Vaughn* Index¹ listing each document, a brief title that describes each document, and that it is being withheld pursuant to a court order.

An agency withholding documents under seal “ha[s] the burden of showing the existence of the court seal, that the documents are subject to the court order, and that ‘the court issued the seal with the intent to prohibit the [Agency] from disclosing the [documents] as long as the seal remains in effect.’” *Senate of Com. of Puerto Rico v. U.S. Dep’t of Just.*, No. CIV. A. 84-1829 (CRR), 1993 WL 364696, at *7 (D.D.C. Aug. 24, 1993) (citing *Morgan v. U.S. Dep’t of Just.*, 923 F.2d 195, 198 (D.C. Cir. 1991)). Thus, we request that you provide us with information sufficient

¹ *Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973) (The Agency should compile an itemized index which correlates the reason for refusing to produce a document with the actual portions of the document); *see also N.Y. Times Co. v. United States DOJ*, 758 F.3d 436, 438-40 (2d Cir. 2014).

to show “how many documents are under court seal, when they were placed under seal and in what case, and any and all further information necessary for [a court] to determine whether the documents allegedly under seal were properly withheld.” *Id.* at 19. Merely stating that responsive records are subject to a court order or other restriction is insufficient. *Agility Pub. Warehousing Co. K.S.C. v. NSA*, 113 F. Supp. 3d 313, 334-35 (D.D.C. 2015) (citing *Morgan*, 923 F.2d at 198).

I appreciate your time and attention in processing this appeal promptly. I do ask that this appeal decision be made as soon as possible as Mr. Hilton’s Federal Habeas case has been temporarily stayed in district court, but that could change at any time. Please do not hesitate to contact me while reviewing this appeal.

Respectfully,

/s/ Holly C. Ayers

Holly C. Ayers

Investigator, Capital Habeas Unit

Federal Public Defender

Northern District of Florida

227 N. Bronough St., Suite 4200

Tallahassee, FL 32301

(850) 942-8818

Holly_Ayers@fd.org

Freedom of Information Act Appeal

ORIGIN ID: TLHA (850) 942-8818
TERRI BLOODWORTH
227 N. BRONOUGH STREET, SUITE 4200
TALLAHASSEE, FL 32301
UNITED STATES US

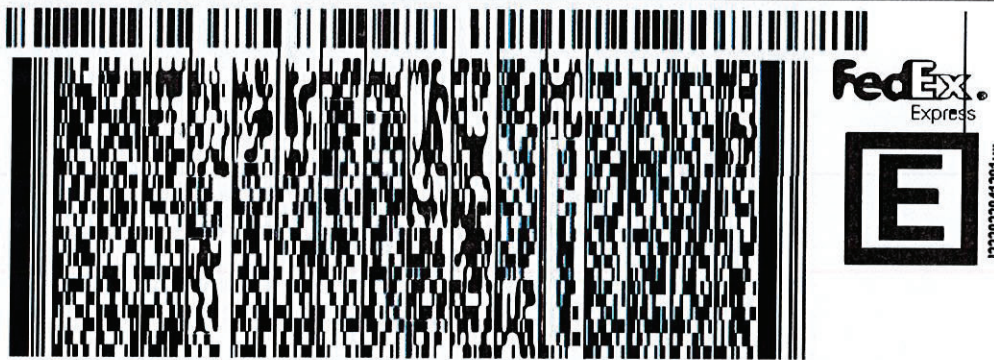
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ACTWGT: 1.00 LB
CAD: 109240563/NET4490
BILL SENDER

TO ATTENTION: DIRECTOR OF OIP
OFFICE OF INFORMATION POLICY OIP
U.S. DEPARTMENT OF JUSTICE
441 G STREET, NW, 6TH FLOOR
U S GOVERNMENT OFFIC DC 20530

(850) 942-8818 REF: HILTON
INV. PO DEPT:

581J20A92/FE4A

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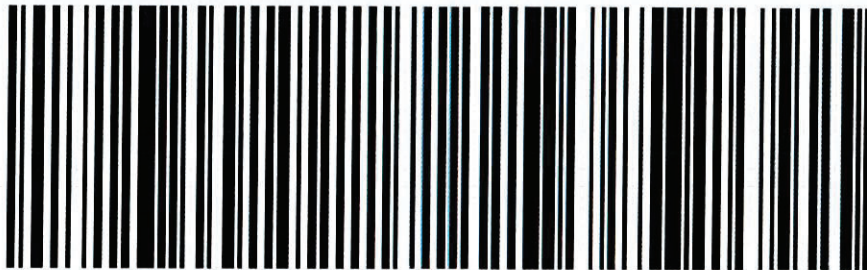


FRI - 29 JUL 4:30P
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DC-US IAD



Freedom of Information Act Appeal

7/28/22, 9:33 AM

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Dear Customer,

The following is the proof-of-delivery for tracking number: 777510602975

Delivery Information:

Status:	Delivered	Delivered To:	Mailroom
Signed for by:	D.HILL	Delivery Location:	
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday		U S GOVERNMENT OFFICES, DC,
		Delivery date:	Jul 29, 2022 10:28

Shipping Information:

Tracking number:	777510602975	Ship Date:	Jul 28, 2022
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
U S GOVERNMENT OFFICES, DC, US,		Tallahassee, FL, US,	

Reference Hilton

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Acknowledgment of FOIA Appeal A-2022-01804
Date: Tuesday, August 2, 2022 4:19:57 PM
Attachments: [a-2022-01804.pdf](#)

EXTERNAL SENDER

The Office of Information Policy has received your FOIA Appeal. Please see the attached acknowledgment letter.



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

August 02, 2022

Holly_Ayers@fd.org

Dear Holly Ayers:

This is to advise you that the Office of Information Policy (OIP) of the U.S. Department of Justice received your administrative appeal from the action of the FBI regarding Request No. 1443288 on 08/01/2022.

In an attempt to afford each appellant equal and impartial treatment, OIP has adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number A-2022-01804. Please refer to this number in any future communication with OIP regarding this matter. Please note that if you provided an email address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIA STAR, you may also check the status of your appeal by logging into your account.

Sincerely,

Priscilla Jones

Priscilla Jones
Supervisory Administrative Specialist

EXHIBIT JJ

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Appeal Expedited Determination for Appeal Number A-2022-01804
Date: Thursday, August 4, 2022 11:19:27 AM

EXTERNAL SENDER

Expedited Determination decision has been made on Appeal Number A-2022-01804 with the decision of Granted.



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 7, 2022

Holly Ayers, Esq.
Federal Defender's Office
Northern District of Florida
Suite 4200
227 N. Bronough Street
Tallahassee, FL 32301
Holly_Ayers@fd.org

Re: Appeal No. A-2022-01804
Request No. 1443288
DRC:AMF

VIA: Email

Dear Holly Ayers:

You appealed, on behalf of your client Gary Michael Hilton, from the action of the Federal Bureau of Investigation (FBI) on your Freedom of Information Act (FOIA) request for access to records concerning investigation files pertaining to your client. I note that your appeal concerns the FBI's Fifth interim response which withheld in full certain responsive records pursuant to a court sealing order.

After carefully considering your appeal, I am affirming the FBI's action on your request. Please be advised that a portion of the records maintained by the FBI are protected from disclosure by a court seal issued by the United States District Court for the Northern District of Florida. In this instance, the FBI lacks authority to consider the releasability of this information under the FOIA. See GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375, 384-86 (1980) (finding "no discretion for the agency to exercise" when records are sealed, thus no improper withholding).

Please note that the FBI has contacted the District Court to verify that the court seal continues to prohibit disclosure of the records you seek. In the event that the District Court informs the FBI that the court seal no longer prohibits disclosure of these records, the FBI will reopen your request and take further action as appropriate.

Furthermore, I am denying your request that we itemize and justify each item of the information withheld. You are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals. See, e.g., Citizens for Responsibility & Ethics in Wash.

EXHIBIT LL

v. FEC, 711 F.3d 180, 187 n.5 (D.C. Cir. 2013).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

X *Daniel Castellano*

Daniel Castellano,
Associate Chief, for
Matthew W. Hurd,
Chief, Administrative Appeals Staff

From: [Administrator Email](#)
To: [Holly Ayers](#)
Cc: No-Reply.OIP.FOIASTAR@usdoj.gov
Subject: Response to FOIA Appeal A-2022-01804
Date: Wednesday, September 7, 2022 10:34:17 AM
Attachments: [A-2022-01804 Response.pdf](#)

EXTERNAL SENDER

The Office of Information Policy has made its final determination on your FOIA Appeal Number A-2022-01804. A copy of this determination is enclosed for your review, along with any enclosures, if applicable. Thank you.