

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF)
)
THE EXTRADITION OF)
)
ALEXANDER HILTON)

Misc. No. 13ms7043 JCB

COMPLAINT
(18 U.S.C. §3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. in this matter I act for and on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, which includes the Government of Scotland (United Kingdom);
2. there is an extradition treaty in force between the United States and the United Kingdom, (*see* Extradition Treaty between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland, and related Exchanges of Letters, signed on March 31, 2003, and the Instrument as completed by Article 3(2) of the Agreement on Extradition between the Government of the United States and the Government of the European Union signed 25 June 2003, as to the application of the Treaty on Extradition between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland, with related exchanges of notes, signed at London December 16, 2004. The Annex to the Instrument reflects the integrated text of the provisions of the 2003 Treaty and the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003. *See* Exhibit 1, Declaration of Ron Katwan, containing description and explanation of the treaty and a copy of the relevant provisions);

3. pursuant to the treaty, the Government of the United Kingdom has submitted a formal request through diplomatic channels for the extradition of **Alexander Hilton** (*see* Exhibit 2, Certified Request for Extradition);

4. **Alexander Hilton** was charged with attempted murder in violation of the common law of Scotland, committed within the jurisdiction of the requesting state, and a warrant for his arrest was issued on December 2, 2012, by Charles N. MacNair, Queen's Counsel, Sheriff of Tayside Central and Fife at Cupar upon a petition presented by the Procurator Fiscal of Court for the Public Interest (*see* Exhibit 2, Certified Request for Extradition, Annex A, the petition and warrant issued against Hilton);

5. the warrant was issued on the basis of the facts set forth in the Request for Extradition. (See Exhibit 2, Sections 2-5). In summary, it is alleged that on or about March 5, 2011, at St. Andrews University in Scotland, **Alexander Hilton** was in a room with several classmates, including Robert Forbes. Hilton presented Forbes with a bottle of red wine. The bottle was full, but the metal seal cap had been broken, as if it had been opened. Hilton told Forbes the bottle was a gift and that he should accept it. Thereafter, Hilton continuously encouraged Forbes to drink from the bottle but stated that no one else should. As a direct result of Hilton's encouragement, Forbes consumed most of the contents of the bottle. Forbes noticed that the wine was foul tasting (as did two other students who tasted it), yet Hilton continued to urge Forbes to drink it, going so far as to "coin" the bottle, a student drinking game in which a person places a coin into a bottle and the person with the bottle has to drink all the contents of it in one go. Unbeknownst to Forbes, Hilton had spiked the wine with methanol, a substance which is toxic to humans. Over the course of the next hours and days, Forbes fell ill and complained of severe headaches, joint pain, nausea, wheezing, balance problems and blurred vision. Forbes

was eventually hospitalized (his consumption of alcohol that night biologically inhibited the methanol in his system from metabolizing and therefore delayed its toxic effect) and doctors discovered that he was the victim of methanol poisoning. In the opinion of the treating doctors, the high levels of methanol in his blood would have resulted in Forbes' death had he not received medical attention and treatment, which included haemodialysis. As it happened, Forbes completely lost his eyesight which over time has improved, although it is unknown if he will ever fully regain his eyesight and he still requires and receives medical treatment. In a search of Hilton's dorm room in the days following the incident, police recovered evidence that Hilton had purchased a plastic funnel and glass measuring jug from a local store. They also recovered Hilton's Asus Electronic Notebook. A subsequent forensic analysis of the Notebook showed that it accessed web pages on March 7, 2011 (two days after the poisoning but two days before Forbes' condition was diagnosed) containing information about methanol poisoning and the long term effects of methanol poisoning. Additionally, the analysis showed that on an unknown date a Google search had been carried out for the terms "methanol mixed with ethanol;"

6. **Alexander Hilton** may be found within the jurisdiction of this court at 25 Pheasant Hollow Run, Princeton, Massachusetts.

7. **Ron Katwan**, an attorney in the Office of the Legal Adviser of the United States Department of State, has provided the Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the extradition treaty between the United States and the United Kingdom, stating that the offense for which extradition is demanded is covered by the treaty, and confirming that the documents supporting the request for extradition are properly certified by the principal American diplomatic or consular officer in the United Kingdom, in accordance with Title 18, United States Code,

Section 3190, so as to enable them to be received in evidence; and

8. the declaration from the Department of State with its attachments, including a copy of the diplomatic note from the requesting state, a copy of the relevant extradition treaty, and the certified documents submitted in support of the request (marked collectively as Exhibit 1 and 2) are filed with this complaint and fully incorporated by reference herein.

9. The government requests that the Court issue an arrest warrant as requested by the Government of the United Kingdom. There are several reasons why a warrant should issue in this case. Whenever there is an applicable extradition treaty in force, and a complaint made, upon a finding of probable cause, the court may issue a “warrant for the apprehension of the person so charged.” 18 U.S.C. § 3184. The extradition process is primarily an executive responsibility with a specially defined role for a judicial officer to determine whether to certify to the Secretary of State that the submitted evidence is “sufficient to sustain the charge.” 18 U.S.C. § 3184. Thus, in the ordinary course, the Court should defer to the government’s request to employ standard procedures. Additionally, extradition matters have exceedingly important foreign policy implications. When a treaty partner makes a reasonable request it is critically important to honor and oblige that request, for obvious reasons. Wright v. Henkel, 190 U.S. 40 (1903). Finally, the seriousness of the charge and the particular facts offered in support suggest the fugitive’s mental or emotional state may be troubled, suggesting a higher than normal risk of flight and potential danger. For all these reasons, the government strongly requests the Court issue an arrest warrant and order it be sealed until the fugitive is arrested.¹

WHEREFORE, the undersigned requests that a warrant for the arrest of Alexander Hilton

¹ Hilton, through his counsel, has asked the U.S. Attorney to allow voluntary appearance in lieu of an arrest warrant. As discussed above, the government does not believe that is an appropriate course of action.

be issued in accordance with the Extradition Treaty between the United States and the United Kingdom, and Title 18, United States Code, Section 3184, so that the fugitive may be arrested and brought before this court, "to the end that the evidence of criminality may be heard and considered," and that this complaint and the warrant be placed under the seal of the court until such time as the warrant is executed.



THEODORE B. HEINRICH
ASSISTANT UNITED STATES ATTORNEY

Sworn to before me and subscribed in my presence this 12th day of February, 2013, at Boston, Massachusetts.



JENNIFER C. BOAL
UNITED STATES MAGISTRATE JUDGE