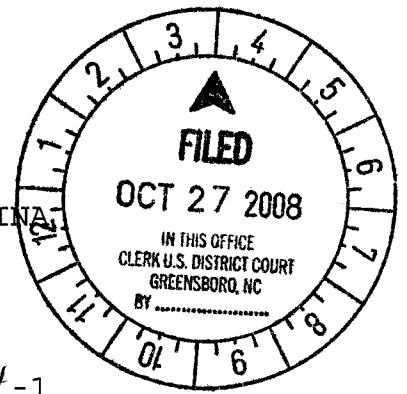


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :  
 :  
 v. : 1:08CR 384-1  
 :  
 DEMARIO JAMES ATWATER :

The Grand Jury charges:

COUNT ONE

On or about March 5, 2008, in the County of Orange, in the Middle District of North Carolina, DEMARIO JAMES ATWATER, with the intent to cause death and serious bodily harm, did take a motor vehicle, that is, a 2005 Toyota Highlander, VIN JTEDP21A250047971, which had been transported, shipped and received in interstate and foreign commerce, from the person and presence of another, by force and violence and by intimidation, and resulting in the death of Eve Marie Carson; in violation of Title 18, United States Code, Sections 2119(3) and 2.

COUNT TWO

On or about March 5, 2008, in the County of Orange, in the Middle District of North Carolina, DEMARIO JAMES ATWATER, during and in relation to a crime of violence for which he could be prosecuted in a court of the United States, that is, carjacking, in violation of Title 18, United States Code, Section 2119, did knowingly carry and use, by discharging, firearms, that is, a Harrington and Richardson 12 gauge short-barreled shotgun, model

Topper 158, serial number AL246386, and an Excam .25 caliber semiautomatic pistol, serial number M11062, and in the course of said violation caused the death of a person, Eve Marie Carson, through the use of said firearms, such killing being a murder; all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), 924(c)(1)(B)(i), 924(j)(1) and 2.

COUNT THREE

On or about March 5, 2008, in the County of Orange, in the Middle District of North Carolina, DEMARIO JAMES ATWATER, having been convicted on June 28, 2007, in the Superior Court of Granville County, Oxford, North Carolina, of a crime punishable by imprisonment for a term exceeding one year, that is, felon in possession of a firearm, and having been convicted on February 16, 2005, in the Superior Court of Wake County, Raleigh, North Carolina, of crimes punishable by imprisonment for a term exceeding one year, that is, breaking and entering, larceny, and possession of stolen goods, knowingly did possess in commerce and affecting commerce firearms, that is, a Harrington and Richardson 12 gauge short-barreled shotgun, model Topper 158, serial number AL246386, and an Excam .25 caliber semiautomatic pistol, serial number M11062; in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.


COUNT FOUR

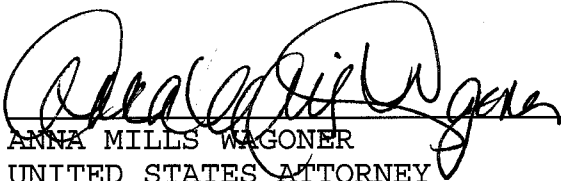
On or about March 5, 2008, in the County of Orange, in the Middle District of North Carolina, DEMARIO JAMES ATWATER did knowingly possess a firearm, that is, a Harrington and Richardson 12 gauge short-barreled shotgun, model Topper 158, serial number AL246386, having a barrel length of less than 18 inches, which had not been registered to him in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841; in violation of Title 26, United States Code, Sections 5861(d) and 5871, and Title 18, United States Code, Section 2.

A TRUE BILL:

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FOREPERSON

  
\_\_\_\_\_  
CLIFTON T. BARRETT  
ASSISTANT UNITED STATES ATTORNEY  
CHIEF, CRIMINAL DIVISION

  
\_\_\_\_\_  
ANNA MILLS WAGONER  
UNITED STATES ATTORNEY