

CRIMINAL WARRANT

MAGISTRATE COURT OF FULTON COUNTY:

GEORGIA, Fulton County.

AFFIDAVIT FOR ARREST

(Ga. Code Ann. 17-4-45)

Personally came Detective James Callaway, who on oath says that to the best of her knowledge and belief Tyree Simmons (hereinafter called the accused) did at 12 :00 A M., on the 8th day of January 2007 in the county aforesaid, commit the offense of 16-14-4 (RICO), in that said accused did **Show a distinct pattern of racketeering activity by violating the criminal reproduction statute of Georgia Law. He did offer for sale items that have been confirmed pirated by the Recording Industry Association of America. Simmons did sell pirated music on 01/03/2007 and 01/08/2007 without the consent of the owner of the copyright.** and this deponent makes the affidavit that a warrant may issue for his arrest.

Sworn to and subscribed before me,

This 1/16/07, 2007.


Deputy Clerk
State Court of Fulton County



Prosecutor,

STATE WARRANT FOR ARREST

(Ga. Code Ann. 17-4-46)

To any Sheriff, Deputy Sheriff, Coroner, Constable or Marshal of said state **GREETINGS:** For sufficient causes made known to the Deputy Clerk of this court (as Authorized by Acts 1922, p. 207), you are therefore commanded to arrest the body of the said accused named in the foregoing affidavit, change with the offense of Racketeering Influenced Corrupt Organization (R.I.C.O.)

and bring him before me or some other judicial officer of this state, to be dealt with as the law directs,
HEREIN FAIL NOT.

This 1/16/07, 2007.


JUDGE, SUPERIOR COURT OF FULTON COUNTY

WITNESSES FOR THE STATE

Name: Det. Michael Johnson

Address: 6311 A Murphy Dr. Morrow, Ga. 30260

Phone: 770-960-3003

Name: Inv. Phillip Brooks (RIAA)

Address: 1275 Kennestone Cir. #300 Marietta, Ga. 30066

Phone: 678-402-2000

Name: Inv. James Ginn (RIAA)

Address: 1275 Kennestone Cir. #300 Marietta, Ga. 30066

Phone: 678-402-2000

NOTES:

GEORGIA, FULTON COUNTY

I, do certify that the within and foregoing is a true complete and correct copy of the original in said court as appears by the original on file in the office of Clerk of Fulton Magistrate Court, consisting of 1 pages.

Witness my hand and the seal of said Court, this the 16 day of Jan, 2007.

[Signature]
DEPUTY CLERK, FULTON MAGISTRATE COURT

GEORGIA, Fulton County:
After hearing evidence the accused is

DISCHARGED _____

This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

DISMISSED: _____

This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

GEORGIA, Fulton County:

After hearing evidence it is ordered that the accused give bond of \$ _____

dollars for his/her appearance at the

STATE COURT / SUPERIOR COURT

of said county now in session, to answer to the

Charge of: _____

or in default that he /she be committed to jail.

This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

GEORGIA, FULTON COUNTY:

Executed the within warrant by arresting the

defendant, this _____, 20 ____.

ARRESTING OFFICER (S)

\$ _____
MAGISTRATE COURT OF FULTON COUNTY

No. 256458 MC

CRIMINAL WARRANT
THE STATE
VERSUS

Typee Simmons

RACE	DOB	SEX	HGT	WGT
W	1978	M	601	250
HAIR	EYE	SCARS/TATTOO		
BRO	BRO			

ADDRESS 2124 CHESHIRE BRIDGE RD.

BUSINESS: 147 WALKER ST. ATLANTA, GA.

Phone Number: _____

BOND \$: 0 no bond

Charge: R.I.C.O.

Prosecutor Name & Address: _____

Phone: _____

Atty./Prosecutor: Name/Address/Phone _____

Prosecutor Notified by: _____

Date: ___/___/___ Time: ___:___ am/pm

Person Notified: _____

Calendar Date and Number			

CRIMINAL WARRANT

**MAGISTRATE COURT OF FULTON COUNTY:
GEORGIA, Fulton County.**

AFFIDAVIT FOR ARREST

(Ga. Code Ann. 17-4-45)

Personally came Detective James Callaway, who on oath says that to the best of her knowledge and belief Donald Cannon (hereinafter called the accused) did at 12 :00 A M., on the 8th day of January 2007 in the county aforesaid, commit the offense of 16-14-4 (RICO), in that said accused did **Show a distinct pattern of racketeering activity by violating the criminal reproduction statute of Georgia Law. He did offer for sale items that have been confirmed pirated by the Recording Industry Association of America. Cannon did sell pirated music on 01/03/2007 and 01/08/2007 without the consent of the owner of the copyright.** and this deponent makes the affidavit that a warrant may issue for his arrest.

Sworn to and subscribed before me,

This 1/16/07, 2007.
Michael Walker
Deputy Clerk
State Court of Fulton County

[Signature]
Prosecutor,

STATE WARRANT FOR ARREST

(Ga. Code Ann. 17-4-46)

To any Sheriff, Deputy Sheriff, Coroner, Constable or Marshal of said state **GREETINGS:** For sufficient causes made known to the Deputy Clerk of this court (as Authorized by Acts 1922, p. 207), you are therefore commanded to arrest the body of the said accused named in the foregoing affidavit, charge with the offense of Racketeering Influenced Corrupt Organization (R.I.C.O.)

and bring him before me or some other judicial officer of this state, to be dealt with as the law directs, **HEREIN FAIL NOT.**

This 1/16/07, 2007.
Michael Walker
JUDGE, SUPERIOR, COURT OF FULTON COUNTY

WITNESSES FOR THE STATE

Name: Det. Michael Johnson

Address: 6311 A Murphy Dr. Morrow, Ga. 30260

Phone: 770-960-3003

Name: Inv. Phillip Brooks (RIAA)

Address: 1275 Kennestone Cir. #300 Marietta, Ga. 30066

Phone: 678-402-2000

Name: Inv. James Ginn (RIAA)

Address: 1275 Kennestone Cir. #300 Marietta, Ga. 30066

Phone: 678-402-2000

NOTES:

GEORGIA, FULTON COUNTY
I, do certify that the within and foregoing is a true complete and correct copy of the original in said court as appears by the original on file in the office of Clerk of Fulton Magistrate Court, consisting of 1 pages.

Witness my hand and the seal of said Court, this the 16 day of Jan, 2007.

[Signature]
DEPUTY CLERK, FULTON MAGISTRATE COURT

GEORGIA, Fulton County:
After hearing evidence the accused is

DISCHARGED _____

This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

DISMISSED: _____

This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

GEORGIA, Fulton County:

After hearing evidence it is ordered that the accused give bond of \$ _____ dollars for his/her appearance at the

STATE COURT / SUPERIOR COURT of said county now in session, to answer to the Charge of: _____ or in default that he /she be committed to jail. This _____, 20 ____.

JUDGE, MAGISTRATE COURT-FULTON CO.

GEORGIA, FULTON COUNTY:
Executed the within warrant by arresting the defendant, this _____, 20 ____.

ARRESTING OFFICER (S)

\$ _____
MAGISTRATE COURT OF FULTON COUNTY
No. 256457 MC
CRIMINAL WARRANT
THE STATE
VERSUS

David Cannon

RACE	DOB	SEX	HGT	WGT
B	08/02/79	M	601	250
HAIR	EYE	SCARS/TATTOO		
BLK	BRO			

ADDRESS 2124 CHESHIRE BRIDGE RD.

BUSINESS: 147 WALKER ST. ATLANTA, GA.

Phone Number: _____
BOND \$: NO Bond
Charge: R.I.C.O.

Prosecutor Name & Address: _____
Phone: _____
Atty./Prosecutor: Name/Address/Phone _____

Prosecutor Notified by: _____
Date: ___/___/___ Time: ___:___ am/pm
Person Notified: _____

Calendar Date and Number			

Docket # _____

SEARCH WARRANT

Search Affidavit

Search Warrant

Return and Inventory

AFFIDAVIT AND APPLICATION FOR A SEARCH WARRANT

In The SUPERIOR Court of Fulton County
State of Georgia

FILED IN OFFICE

JAN 16 2007

Docket# Fulton County Superior Court
Fulton County, Georgia

410
12:45

The undersigned, Detective James P. Callaway, being duly sworn, deposes and says:

I am Detective James P. Callaway. I am a sworn Peace Officer in and for the State of Georgia. I am in compliance with the statutes of Title 35 of the Official Code of Georgia and I am, therefore entitled to apply for and execute a search and seizure warrant as set forth in the statutes of Title 17 of the Official Code of Georgia Annotated. I am a sworn Peace Officer for the City of Morrow, Fulton County, Georgia and have eleven years experience in local Law Enforcement. I am also a duly sworn Deputy Sheriff with the Clayton County Sheriff's Office assigned to the Sheriff's Vice Joint Task Force. I am federally trained in asset forfeiture. I have participated in over 500 arrests. I have participated in the seizure of cars, U.S. currency, and real estate. I have shut down illegal gambling operations, Houses of Prostitution, and shut down piracy operations in conjunction with the Recording Industry Association of America. I have reason to believe that in Fulton County, Georgia, on the person, premises, or property described as follows:

The address of 147 Walker Street Atlanta, Georgia. Starting from 6311 Murphy Dr. (Morrow Police Headquarters) go to Lake Harbin Rd. Take a left on Lake Harbin Rd to Georgia Highway 54. Take a left onto Highway 54 and travel for .04 miles to Interstate 75. Take a right heading northbound on Interstate 75. Travel north on 75 for 13.1 miles to Fulton St. Exit #246. Take a left onto Fulton St. and follow it for half a mile. Take a right onto McDaniel St. and cross over Interstate 20. Take a right onto Peters St. and then take a slight left onto Walker St. 147 Walker St. is .4 miles down the street and is described as a warehouse with white cinderblock construction. There is a brown roll up bay door beside a walkthrough door that is gray. The numbers 147 are on the door.

There is now located certain instruments, articles, person(s), or things, namely:

1. Currency and Securities that were realized through a violation of Criminal Reproduction and Sale of Recorded Material.
2. Person or Persons engaged in the act of Criminal Reproduction and Sale of Recorded Material.
3. Items derived or realized through a violation of Criminal Reproduction and Sale of Recorded Material.
4. Equipment such as CD Burners, DVD Burners, Computers and their hard drives, Printers, and other forms of media used to reproduce and counterfeit copy written music and movies.
5. Financial Documents from the illegal business to include ledgers, books, electronic media,
6. Conveyances for transportation that were used to facilitate the crime of Criminal Reproduction and Sale of Recorded Material and violations of State R.I.C.O. statues.

All of which is present in violation of:

O.C.G.A. 16-8-60 Reproduction of recorded material; transfer, sale, distribution, circulation.

O.C.G.A. 16-14-4 Racketeering Influenced Corrupt Organization (RICO)

The facts tending to establish probable cause that a crime has been, or is being committed and the above described instruments, articles or things described above are presently located at the above described premises or property are as follows:

I, Detective James Callaway, hereinafter referred to as the Affiant, am a certified Police Officer with the City of Morrow Police Department and also a Sworn Deputy Sheriff with the Fulton County Sheriff's Office having jurisdiction in Fulton County and throughout the State of Georgia. I have eleven years of law enforcement experience during which time I have participated in approximately 500 arrests. I am Federally trained in asset forfeiture. I have participated in the seizure of cars, U.S. currency, and real estate. I have shut down illegal gambling operations, Houses of Prostitution, and shut down piracy operations in conjunction with the Recording Industry Association of America. Total in counterfeit seizures now exceeds 14 million dollars.

1. The Affiant believes that a search of the premises, curtilage and lot described as 147 Walker Street, Atlanta, Fulton County, Georgia will reveal the presence of contraband, specifically, U.S. Currency, securities, negotiable instruments, Weapons, Conveyances for transportation, Financial Documents, CD burners, DVD burners, Computers, Printers, media used to facilitate the violation of State Laws and Federal Laws for Criminal Reproduction and Sale of Recorded Material to include instrumentalities used to facilitate said violation, written records and other evidence of transactions in the Sale, Transfer, Distribution, and Circulation of recorded material, as well as other items of contraband.
2. On 12/19/2006 the Affiant went to Southlake Mall in Morrow, Georgia, on a complaint of pirated music being sold from a kiosk in the mall. Affiant located the kiosk and looked at several CDs that did appear to violate the true name and address statute under the criminal sale and reproduction of recorded material. The employees of the kiosk did state to affiant that they were in the business of selling music and not just the artwork like the insert disclaimer noted. The kiosk has a large selection of "mixed tapes". These mixed tapes are compilations of recorded material that has been reproduced without the consent of the record labels that own the music. These mixed tapes also do not have the true name and address of the true owner of the music on the disc. The true labels of the artists are Interscope Records

and Def Jam recordings among many others. None of the labels have their names or addresses on the CDs as required by law. The CDs were coming from a company named, "**The Aphilliates**".

3. On 12/19/2006 Affiant called investigators with RIAA (Recording Industry Association of America) to advise them of the illegal sales of music at the Kiosk at Southlake Mall. Investigators with the RIAA advised affiant that the sale of these "mixed tapes" is of huge concern for the Recording Industry of America and takes away legitimate sales from the true owners of the music.
4. On 12/20/2006 Affiant went with investigators from the RIAA to the Kiosk at Southlake Mall to make a controlled purchase of the illegal CDs. While at the Kiosk we learned that the supplier of the "mixed tapes" was "DJ Drama". He takes songs from numerous artists and puts them on his own CD. Several CDs were purchased and confirmed through affidavit by the RIAA that these CDs in fact are not authorized and violate the true name and address portion of the state statute. The CDs were turned over to the Affiant for evidentiary purposes.
5. On 01/03/2007 Affiant made an online purchase from the source of the mixed tapes (www.theaphilliates.com) and had it sent to the City of Morrow Police Department at 6311 A Murphy Dr. Morrow, Georgia, 30260. The source of the duplication and shipping is at 147 Walker Street. The items were the same as those sold at Southlake Mall. The CDs arrived at the Police Station via US mail and all violated the true name and address portion of 16-8-60.
6. On 01/08/2007 Affiant made another online purchase from the source of the mixed tapes (www.theaphilliates.com) and had them sent to the City of Morrow Police Department. The CDs arrived via US Mail and had a return address of 147 Walker St. in Atlanta, Fulton County, Georgia. The CDs had artists such as Beyonce, Micheal Jackson, Gnarlz Barkley, and Christina Aguilera. All of these artists are under contract with major record labels such as RCA records, Universal, and Sony Music. This music is copyrighted and was reproduced without the consent of the owners of the copyright. These CDs contained numerous performances of RIAA member company artists. The website and CDs have a disclaimer stating that the CDs are not pirated that you are buying the artwork and the music is free. Under 16-8-60 you cannot reproduce or distribute in any manner copyrighted material even if you give it away for free. The site also takes bulk orders of the CDs making it that much more of an economic impact on legitimate sales.
7. On 01/12/2007 I met with members of the Recording Industry Association of America and showed them the CDs that I had purchased from "**The Aphilliates**". They certified to me that the CDs are pirated material and do not have the permission of the true owner of the music to be reproduced.
8. **Independent Investigation.** The Affiant has conducted an investigation of this enterprise operation. The CDs are coming from DJs known as "**the Aphilliates**". The main person behind the mixed tapes is a DJ known as DJ Drama. His real name is Tyree

Simmons. He has engaged himself in the illegal business of reproducing copyrighted material and selling it at malls like Southlake Mall and online. While he does legitimate work by being a DJ for artists and at Clubs his work reproducing other peoples music is illegal. There is a disclaimer on the CDs and on the website that tell consumers that the items are for promotional use only. Promotional use items by definition are free. The site says that the music is free but you are paying for the artwork. The factual basis for the case is that the music is reproduced, packaged for sale, and then distributed. People are buying these CDs for the music and not the artwork. The release of this music has not contractually been released by the true owners of the music. This crime takes a toll on honest retailers in Fulton County. This crime robs the retailers of revenue that could have been generated legitimately. Tax revenue for the State of Georgia and Fulton County also suffers from this type of activity. The company "the Aphilliates" is the company that reproduces these CDs. They are listed as a LLC with the Secretary of State's Office. The principals of "The Aphilliates" are Tyree Simmons, Brandon Douglas, and Don Cannon. The principal business address is 147 Walker St., Fulton County, Atlanta, Georgia. The website theaphilliates and gangstagrills are registered to Tyree Simmons.

9. Deponent shows that, based on the above and foregoing facts and information, he has probable cause to believe that the aforesaid property, namely items used to operate and fund, a place that participates in the criminal reproduction and sales of recorded material, is concealed upon the aforesaid premises, person(s), curtilage, vehicles, and lot and is subject to seizure and makes the affidavit so that a search warrant may be issued for the aforesaid premises, curtilage, person (s), vehicles, and lot.

For the above reasons, Affiant has probable cause to believe that there is now contained on the premises, described above, additional materials and evidence of this crime or others at other times with other victims .

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

AFFIANT


Det. James P. Callaway

Sworn to and subscribed to before me this 14 day of January, 2007,

at 12:34 (A.M.) (P.M.)


Judge of the Superior Court
Fulton County, Georgia

Search Warrant

In The SUPERIOR Court of Fulton County
State of Georgia

Docket# _____

TO: ALL PEACE OFFICERS OF THE STATE OF GEORGIA

Affidavit having been made before me by Detective James P. Callaway, an officer charged with the duty of enforcing Criminal Laws, that he has reason to believe that in Fulton County, Georgia, on the person(s), premises, or property described as follows:

The address of 147 Walker Street Atlanta, Georgia. Starting from 6311 Murphy Dr. (Morrow Police Headquarters) go to Lake Harbin Rd. Take a left on Lake Harbin Rd to Georgia Highway 54. Take a left onto Highway 54 and travel for .04 miles to Interstate 75. Take a right heading northbound on Interstate 75. Travel north on 75 for 13.1 miles to Fulton St. Exit #246. Take a left onto Fulton St. and follow it for half a mile. Take a right onto McDaniel St. and cross over Interstate 20. Take a right onto Peters St. and then take a slight left onto Walker St. 147 Walker St. is .4 miles down the street and is described as a warehouse with white cinderblock construction. There is a brown roll up bay door beside a walkthrough door that is gray. The numbers 147 are on the door.

There is now located certain instruments, articles, person(s) or things, namely:

- 1. Currency and Securities that were realized through a violation of Criminal Reproduction and Sale of Recorded Material.**
- 2 Person or Persons engaged in the act of Criminal Reproduction and Sale of Recorded Material.**
- 3 Items derived or realized through a violation of Criminal Reproduction and Sale of Recorded Material.**
- 4 Equipment such as CD Burners, DVD Burners, Computers and their hard drives, Printers, and other forms of media used to reproduce and counterfeit copy written music and movies.**
- 5 Financial Documents from the illegal business to include ledgers, books, electronic media,**
- 6 Conveyances for transportation that were used to facilitate the crime of Criminal Reproduction and Sale of Recorded Material.**

All of which are present in violation of:

O.C.G.A. 16-8-60 Reproduction of recorded material; transfer, sale, distribution, circulation.

O.C.G.A. 16-14-4 Racketeering Influenced Corrupt Organization (RICO)

Based upon the affidavit given under oath or affirmation and all other evidence given to me under oath or affirmation, I am satisfied that there is probable cause to believe that a crime is being committed or has been committed and that the property described above is presently located on the persons, premises, or property described above.

You are hereby commanded to enter, search and seize within ten (10) days of this date, the person, premises, or property described above. A copy of this warrant is to be left with the person searched, or if no person is available, on the premises or vehicle searched, and a written return, including an inventory of any thing seized, shall be made before me or a court of competent jurisdiction without unnecessary delay after the execution of his Search Warrant.

SO ORDERED this 16 day of January, 2007,
at 12:34 (A.M.) (P.M.)



Judge of the SUPERIOR Court
Fulton County, Georgia

RETURN OF SERVICE

This Search Warrant was not executed and is being returned to the judicial officer that issued it.

I executed this Search Warrant on the _____, day of _____, 2006 at _____ (A.M.)(P.M.) and searched the person(s), premises or property described in the warrant. A copy of this warrant:

Was left with _____

Was left in the following conspicuous place _____

because no one was available to be given the warrant.

Attached hereto is an inventory consisting of _____ page, of the instruments, articles, and/or things which were seized pursuant this Search Warrant. The inventory was made in the presence of _____ and I swear or affirm that this inventory is a true and detailed account of all instruments, articles and/or things seized pursuant to this Search Warrant.

Affiant _____

Title _____

Sworn and subscribed before me this _____ day of _____ 2006

Judge Fulton County Superior Court