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MONDAY, MAY 2, 2011
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CRM
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TDD (202) 514-1888

CALIFORNIA MAN PLEADS GUILTY FOR ROLE IN DISTRIBUTING PIRATED MUSIC DURING FIVE-YEAR PERIOD

WASHINGTON – Richard Franco Montejano, 29, of Harbor City, Calif., pleaded guilty today to conspiring to commit criminal copyright infringement, announced Assistant Attorney General Lanny A. Breuer of the Criminal Division, U.S. Attorney André Birotte Jr. for the Central District of California and U.S. Attorney Neil H. MacBride for the Eastern District of Virginia.

Montejano pleaded guilty before U.S. District Judge George H. King in Los Angeles to one count of conspiracy to commit willful copyright infringement by the distribution of a work being prepared for commercial distribution.

In his plea agreement, Montejano admitted that from 2002 to September 2007, he was a member and leader of an Internet music release group known as “Old School Classics” or “OSC.” OSC was a “warez” group that specialized in the unauthorized reproduction and distribution of copyrighted music using the Internet.

According to court documents, warez groups such as OSC are music piracy groups that act as first-providers of copyrighted works to the “warez scene.” These groups obtain copyrighted works, sometimes from industry insiders before the work’s commercial release, and then prepare the works for distribution. Once a warez release group prepares a stolen work for distribution, the material is distributed to servers of affiliated warez groups. This sharing with other groups is generally based on getting access to the pirated works of those groups. From there, many of the works copied and distributed by warez groups ultimately are distributed to an even wider audience through peer-to-peer networks.

Montejano admitted that he maintained a computer server at his Harbor City residence to which other OSC members uploaded pirated music. He admitted that a member of OSC uploaded the Kanye West album “Graduation,” to Montejano’s server in August 2007, more than one week before the album was commercially released. Montejano also admitted using his server to upload pirated music to other warez group servers.

In addition, Montejano admitted that after the break-up in January 2007 of another warez group known as “Rabid Neurosis” or “RNS,” OSC began obtaining pre-release music from two former RNS members known to Montejano as “adeg” and “StJames.” Both adeg and StJames, whose true identities were Bennie Glover and James Anthony Dockery, respectively, were

employed at a North Carolina factory that manufactured compact discs for Universal Music Group and its subsidiary labels. Glover and Dockery pleaded guilty on Oct. 15, 2009, to conspiracy to commit willful copyright infringement. Both defendants were sentenced on Jan. 15, 2010, in U.S. District Court in Alexandria, Va., to three months in prison and two years of supervised release.

At sentencing, scheduled for July 25, 2011, Montejano faces a maximum penalty of five years in prison and a \$250,000 fine.

The case is part of a multi-year federal investigation of organized piracy groups responsible for the illegal distribution of significant amounts of copyrighted movies, software, games and music through the Internet. The investigation of music piracy groups was led by agents from the FBI's Washington Field Office-Northern Virginia Resident Agency.

The case is being prosecuted by Assistant U.S. Attorney Jay Prabhu of the U.S. Attorney's Office for the Eastern District of Virginia, Trial Attorney Kendra Ervin of the Computer Crime and Intellectual Property Section in the Justice Department's Criminal Division and Assistant U.S. Attorney Lisa Feldman of the U.S. Attorney's Office for the Central District of California.

The guilty plea announced today is an example of the type of efforts being undertaken by the Department of Justice Task Force on Intellectual Property (IP Task Force). Attorney General Eric Holder created the IP Task Force to combat the growing number of domestic and international intellectual property crimes, protect the health and safety of American consumers, and safeguard the nation's economic security against those who seek to profit illegally from American creativity, innovation and hard work. The IP Task Force seeks to strengthen intellectual property rights protection through heightened criminal and civil enforcement, greater coordination among federal, state and local law enforcement partners, and increased focus on international enforcement efforts, including reinforcing relationships with key foreign partners and U.S. industry leaders. To learn more about the IP Task Force, go to www.justice.gov/dag/iptaskforce/.

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