

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 09-050
v.	*	SECTION: "F"
TAYLOR WILLIAMS	*	
	* * *	

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant as well as the relevant history for sentencing purposes set forth below:

The defendant, **TAYLOR WILLIAMS (A/K/A MYRON MOREHEAD)** (hereinafter "the defendant" or "**WILLIAMS**"), has agreed to plead guilty as charged to Count One of the indictment. That Count charges him with criminal infringement of copyright in violation of Title 17, United States Code, Section 506, and 18, United States Code, Sections 2319(c) and 2. In pleading guilty, defendant admits the following facts, which establish his guilt and relevant sentencing facts beyond a reasonable doubt:

A. Conduct Concerning Count of Conviction

Between on or about July 16, 1998, until at least October 16, 1998, in Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant WILLIAMS (also known as Myron Morehead, Alex Williams and John Hightower), did willfully and for the purpose of commercial advantage and private financial gain infringe the copyright of copyrighted works, to wit the song “Nobody Else” performed by the artist Tyrese, the song “Thinkin’ Bout It” performed by the artist Gerald Levert, the song “Friend of Mine” performed by the artist Kelly Price, the song “Never Say Never Again” performed by the artists K-Ci & Jojo, the song “Stormy Monday Blues” performed by the artist Bobby “Blue” Bland, and the song “Pushin’ Weight” by the artist Ice Cube, by reproducing and distributing and by attempting to do so during a 180-day period ten (10) or more copies of one or more of the copyrighted works having a retail value of \$2,500 or more, in violation of Title 17, United States Code Section 506(a), and Title 18, United States Code, Sections 2319(c)(1) and 2.

Specifically, the defendant admits that – and the government’s evidence would have demonstrated that – in the late 1990s the defendant, who was then a resident of Chicago, using several pseudonyms, portrayed himself as a distributor of gospel and other music. The defendant solicited gospel musicians and musical groups for distribution contracts. In addition to this legitimate enterprise, the defendant created cd-recordable “master” disks of copyrighted music – mainly rap and old blues – and obtained thousands of copies of these infringing disks, which he would package and market mainly in the Chicago/Northern Indiana area. The defendant sold counterfeit cds with trademark infringing packaging to retailers and distributors, including Individuals A and B, who purchased hundreds of infringing compact disks from the defendant. At

the time that he sold these disks, the defendant well-knew that he did not have any ownership or valid copyrights to the music on these disks, or any other lawful right to copy and/or distribute the music on these disks.

Individuals A and B and other witnesses, if called to testify at trial, would have testified that they each purchased from the defendant over 10 disks containing copyrighted songs and having a retail value of \$2,500 or more during a 180-day period. Individual A, for example, would have testified that during the Summer of 1998 – specifically between July 16, 1998, and October 16, 1998 – Individual A purchased 150 copies of a compilation compact disk containing music by and/or featuring Shakur, Tyrese, Gerald Levert and others. Specifically, Individual A would have testified that during that three-month period, Individual A purchased 25 disks twice a month from the defendant for a total purchase from him during that period of 150 disks, for a total retail value of \$1500.

Individual B would testify similarly, namely that during the same three-month period during the late Summer of 1998, he/she purchased over 150 copies of the compilation compact disk from WILLIAMS as well as other disks; that he/she purchased 50 to 100 copies of compilation disk at a time; that he/she sold these copies at his/her retail store for \$10 per disk (for a total retail value of \$1500); would identify one of these compilation disks; and would testify about the quantities of compilation disks that WILLIAMS suggested that he could supply Individual B, including amounts in excess of those purchased by Individual B.

Law enforcement agents would have testified to, and the government would have sought the admission of, the aforementioned compilation disk as well as other allegedly infringing compact disks created, marketed and sold by WILLIAMS. The infringing works created, marketed, and sold

by the defendant to Individual A, Individual B, and others during this 180-day period included the following copyrighted songs:

- i. “Nobody Else” performed by the artist Tyrese;
- ii. “Thinkin’ Bout It” performed by the artist Gerald Levert;
- iii. “Friend of Mine” performed by the artist Kelly Price;
- iv. “Never Say Never Again” performed by the artists K-Ci & Jojo;
- v. “Stormy Monday Blues” performed by the artist Bobby “Blue” Bland;
- vi. “Pushin’ Weight” by the artist Ice Cube.

Some of these songs appeared as part of the aforementioned compilation disk, that is, a disk containing songs by various artists.

Representatives of the copyright holders for the aforementioned musicians would have testified that, upon reviewing the compilation disk sold by WILLIAMS to Individuals A and B, they were able to identify music on that disk that was copyrighted; that they held the relevant copyright to that specific music on that disk; and that WILLIAMS had not obtained permission to reproduce that music on that disk.

The disks sold by the defendant were all “compilation” or “mix” disks that did not duplicate existing, commercially available disks. As such, they had a retail value in the venues where they were sold that was less than the usual disk.

Through a summary chart and the testimony of a law enforcement witness who prepared the summary chart, the government would have established that the aggregate retail value of the hundreds of infringing disks sold by WILLIAMS to Individuals A and B during the aforementioned 180-day period in 1998 had a retail value of more than \$2500.

B. Relevant Conduct

In addition, the government would have established through witness testimony and documentary and other evidence that in October 1998, the defendant (using another false name, John Hightower) ordered 1000 copies each of two different Blues compilations that included material for which he did not have proper copyright permission to reproduce from Record Production Company A.

A representative of Record Company A would have testified that in October 1998, a man calling himself John Hightower placed an order over the telephone for 1000 copies each of the aforementioned Blues Compilations; that on October 13, 1998, and on October 15, 1998, "John Hightower" sent Record Company A via Federal Express a total of four cd recordable master disks to be copied for these orders. "Hightower" also sent Record Company A a false and fraudulent memorandum dated October 13, 1998, purporting to be from Individual C, a radio station manager in Atlanta authorizing the copying of the disks for promotional purposes. Testimony would demonstrate that "John Hightower" was really the defendant, WILLIAMS.

Individual C would have testified that he/she wrote the memo and provided it to WILLIAMS, but that this memorandum did not concern or have anything to do with the Blues compilation disks that WILLIAMS (a/k/a Hightower) had ordered from Record Company A. Instead, the memo was for an entirely different purpose, and that Individual C certainly never understood or intended that the memo be used by WILLIAMS to procure copies of the Blues compilations.

The government would have called witnesses and admitted evidence that three of the disks the defendant sent to Record Company A contained copyrighted material. Specifically, the

copyright holders of individual songs on the Blues compilation disks created by WILLIAMS would have testified as to their legal ownership of the relevant copyrights to songs on the disks and that they did not give WILLIAMS permission to reproduce or otherwise use the copyrighted materials. They, and a witness from the Recording Industry Association of America (RIAA), would have testified about the average retail value of a compilation compact disk of this type.

A law enforcement witness would have testified about a search of WILLIAMS'S vehicle he conducted on or about October 16, 1998, and items seized during that search, including a copy of the Federal Express receipts for the October 13th and October 15th shipments by "Hightower" to Record Company A and approximately 20 copies of infringing compact disks; and other materials including telephone records that link WILLIAMS to the identity John Hightower.

C. Agreed Loss Amount

As a result of defendant's aforementioned conduct, the parties agree that the retail value of the infringing items exceeded \$20,000 but was less than \$40,000.

JORDAN GINSBERG
Assistant United States Attorney
Illinois Bar Roll No. 6282956

Date

TAYLOR WILLIAMS (A/K/A MYRON MOREHEAD)
Defendant

Date

JOHN WILSON REED
LA Bar Roll No.
Attorney for the Defendant

Date