

AFFIDAVIT AND APPLICATION  
FOR SEARCH WARRANT  
OF  
CARROLL COUNTY, GEORGIA

THE UNDERSIGNED SPECIAL AGENT LAMAR DYAR, BEING DULY SWORN,  
DEPOSES AND SAYS:

I AM AN OFFICER OF THE STATE OF GEORGIA OR ITS POLITICAL SUBDIVISIONS  
CHARGED WITH THE DUTY OF ENFORCING THE CRIMINAL LAWS, AND THAT I HAVE  
REASON TO BELIEVE THAT IN CARROLL COUNTY, GEORGIA, ON THE PERSON,  
PREMISES OR PROPERTY DESCRIBED AS FOLLOWS: THE ENTIRE PREMISES,  
LOCATED AT THE OFFICE OF DR. PHIL CARROLL ASTIN III 702 DIXIE STREET,  
CARROLLTON, CARROLL COUNTY GEORGIA 30117 THERE IS NOW LOCATED  
CERTAIN INSTRUMENTS, ARTICLES, PERSON(S) OR THINGS, NAMELY: Any and all  
medical records pertaining to Christopher Michael Benoit D.O.B 05/21/1967 having social  
security number 258-95-0035, dated from first date of patient service to present date and any  
and all records pertaining to the excessive prescribing, administering, or dispensing of all  
controlled substances, and/or any pharmaceutical or clandestine controlled substances.

WHICH IS EVIDENCE IN THE INVESTIGATION OF UNLAWFUL DISTRIBUTION OF  
CONTROLLED SUBSTANCES WHICH IS IN VIOLATION OF O.C.G.A. 16-13-41f2)(3) AND  
16-13-42(A)(1) A VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCE ACT.

THE FACTS TENDING 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:

AFFLIANT STATES THAT AFFLIANT IS A SWORN AND CERTIFIED PEACE OFFICER  
IN THE STATE OF GEORGIA. AFFLIANT FURTHER STATES THAT AFFLIANT IS  
EMPLOYED WITH THE FAYETTE COUNTY SHERIFF'S DEPARTMENT AND CURRENTLY  
ASSIGNED TO THE FAYETTE COUNTY SHERIFF'S DRUG SUPPRESSION TASK FORCE  
WITH THE RESPONSIBILITY OF INVESTIGATING NARCOTIC RELATED CRIMES IN  
FAYETTE AND SURROUNDING COUNTIES.



SUPERIOR COURT JUDGE



AFFLIANT

PAGE 1

Attachment # 1  
File # [REDACTED]  
FileTi [REDACTED]

AFFIDAVIT AND APPLICATION  
FOR SEARCH WARRANT  
IN THE SUPERIOR COURT  
OF  
CARROLL COUNTY, GEORGIA

CONTINUED...

DURING AFFIANT'S TENURE AS A LAW ENFORCEMENT OFFICER, AFFIANT HAS WORKED ON AND PARTICIPATED IN THE EXECUTION OF NUMEROUS SEARCH AND SEIZURE WARRANTS. DURING AFFIANT'S INVESTIGATIONS, AFFIANT HAS SEIZED DOCUMENTS, FINANCIAL TRANSACTION PAPERS, PHONE LISTINGS, NOTES OF MONIES OWED AND EARNED, LEDGERS, COMPUTER, COMPUTER PAPERS, ASSETS HIDDEN IN OTHERS' NAMES, PACKAGING MATERIAL, PARAPHERNALIA, SCALES AND OTHER ITEMS RELATED TO NARCOTIC ACTIVITY. AFFIANT HAS TIED OTHER KNOWN VIOLATORS TO THE ABOVE DOCUMENTS SEIZED. AFFIANT HAS COMMONLY FOUND THAT NARCOTICS AND DOCUMENTS DESCRIBED ABOVE HAVE BEEN STORED AND KEPT IN THE RESIDENCE AND/OR OFFICES OF THE PERPETRATORS. AFFIANT HAS ALSO WORKED ON AND PARTICIPATED IN NUMEROUS NARCOTIC/DANGEROUS DRUG INVESTIGATIONS AND AS SUCH HAS SEIZED LARGE AMOUNTS OF CONTROLLED SUBSTANCES/DANGEROUS DRUGS THAT WERE KEPT IN THE RESIDENCE AND/OR OFFICES OF THE PERPETRATORS, AND OTHER ITEMS OF CONTRABAND COMMONLY ASSOCIATED WITH CONTROLLED SUBSTANCES/DANGEROUS DRUGS.

ON JUNE 26, 2007 PURSUANT TO A MURDER-SUICIDE INVESTIGATION IN FAYETTE COUNTY GEORGIA CASE#0705855 INVOLVING THE DEATH OF CHRISTOPHER MICHAEL BENOIT DOB 05-21-1967 EVIDENCE WAS OBTAINED FROM THE CRIME SCENE THAT REVEALED THAT DR. PHIL C ASTIN III HAD ISSUED PRESCRIPTIONS FOR TESTOSTERONE CYPIONATE TO CHRISTOPHER M. BENOIT. THROUGH INVESTIGATION AFFIANT WAS ABLE TO DETERMINE THAT JONES PHARMACY LOCATED AT 575 NORTH GLYNN STREET, FAYETTEVILLE, GEORGIA HAD FILLED THE PRESCRIPTIONS ISSUED TO CHRISTOPHER M. BENOIT. AFFIANT CONTACTED JONES PHARMACY AND WAS ABLE TO OBTAIN THE CUSTOMER RECORDS FOR CHRISTOPHER M. BENOIT, WHICH REVEALED THAT AN EXCESSIVE AMOUNT OF TESTOSTERONE CYPIONATE HAD BEEN PRESCRIBED BY DR. PHIL C. ASTIN III TO CHRISTOPHER M. BENOIT. JONES PHARMACY RECORDS INDICATE THAT FROM MAY 2006 UNTIL MAY 2007 SEVEN PRESCRIPTIONS WERE FILLED FOR TESTOSTERONE CYPIONATE 10mg. THE PRESCRIPTION ISSUED BY DR. PHIL C. ASTON III SHOW THE DOSAGE RATE OF FOR TESTOSTERONE CYPIONATE TO BE INJECTED AT A RATE OF 1ml PER MONTH. EACH PRESCRIPTION ISSUED WAS FOR 10 ml AND AT THE PRESCRIBED DOSAGE RATE THESE 10ml PRESCRIPTIONS WOULD BE ENOUGH FOR A TEN MONTH SUPPLY. BASED ON THE CUSTOMER RECORDS FROM JONES PHARMACY, CHRISTOPHER M. BENOIT OBTAINED 70 ml OF TESTOSTERONE CYPIONATE THAT WAS PRESCRIBED BY DR. PHIL C. ASTIN III FROM MAY 04, 2006 THRU MAY 09, 2007. THIS RATE OF 70ml IN TWELVE MONTHS TIME WOULD EQUAL A DOSAGE RATE OF 5.8ml PER MONTH WHICH IS IN EXCESS BY 50% OF FOOD AND DRUG ADMINISTRATION DOSAGE GUIDELINES.

BASED UPON EVIDENCE OF OVER PRESCRIBING MEDICATIONS FOR CHRISTOPHER M. BENOIT AFFIANT HAS REASON TO BELIEVE THAT DR. PHIL C. ASTIN III IS PRESCRIBING OUTSIDE OF THE SCOPE OF NORMAL MEDICAL PRACTICE FOR ADDITIONAL PATIENTS.

BASED ON THE INVESTIGATION AND BACKGROUND INFORMATION FROM THE AFFIANT, A SEARCH WARRANT IS REQUESTED FOR THE ABOVE ADDRESS.

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.

[Signature]  
AFFIANT

SPECIAL AGENT  
TITLE

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27 DAY OF June, 2007, AT 9:10 p.m.

[Signature]  
JUDGE OF SUPERIOR COURT  
CARROLL COUNTY  
GEORGIA

SEARCH WARRANT  
IN THE SUPERIOR COURT OF CARROLL COUNTY  
STATE OF GEORGIA

TO: ALL PEACE OFFICERS OF THE STATE OF GEORGIA

AFFIDAVIT HAVING BEEN MADE BEFORE ME BY SPECIAL AGENT LAMAR DYAR, AN OFFICER CHARGED WITH THE DUTY OF ENFORCING THE CRIMINAL LAWS, THAT HE HAS REASON TO BELIEVE THAT IN CARROLL COUNTY, GEORGIA ON THE FOLLOWING DESCRIBED PERSON, PREMISES OR PROPERTY: THE ENTIRE PREMISES, LOCATED AT THE OFFICE OF DR. PHIL CARROLL ASTIN III 702 DIXIE STREET, CARROLLTON, CARROLL COUNTY GEORGIA. THERE IS NOW LOCATED CERTAIN INSTRUMENTS, ARTICLES, PERSON(S) OR THINGS, NAMELY: Any and all medical records pertaining to Christopher Michael Benoit D.O.B 05/21/1967 having social security number 258-95-0035 dated from first date of patient service to present date and any and all records pertaining to the prescribing, administering, or dispensing of all controlled substances, and/or any pharmaceutical or clandestine controlled substances.

WHICH IS EVIDENCE IN THE INVESTIGATION OF UNLAWFUL DISTRIBUTION OF CONTROLLED SUBSTANCES WHICH IS IN VIOLATION OF O.C.G.A. 16-13-41f(2)(3) AND 16-13-42(A)(1) A VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCE ACT ITEMS MAY INCLUDE ANY PHARMACUETICALS AND/OR CLANDESTINE CONTROLLED SUBSTANCES, FINANCIAL TRANSACTION PAPERS, DOCUMENTS, CURRENCY, LEDGERS, ADDRESS BOOKS, PHONE LISTINGS, NOTES OF MONIES OWED AND EARNED, ASSETS HIDDEN IN OTHERS' NAMES, COMPUTERS, COMPUTER PAPERS, AND OTHER ITEMS RELATED TO NARCOTIC ACTIVITY. ANY PAPERS OR RECORDS RELATED TO CONTROLLED SUBSTANCES SUCH AS, BOOKS, RECEIPTS, LEDGERS, PAPERS, DOCUMENTARY BUSINESS RECORDS, APPOINTMENT BOOKS, MEDICAL RECORDS, MEDICAL TREATMENT LOGS PERTAINING TO ADMINISTERING OR DISPENSING OF CONTROLLED SUBSTANCES, PATIENT APPOINTMENT LOGS, INVOICES, SHIPPING RECORDS, ADDRESS BOOKS, BANK STATEMENTS AND RECORDS, CELL PHONE RECORDS, CUSTOMER RECORDS, CREDIT CARD STATEMENTS. ALL OF THE ABOVE RECORDS WHETHER STORED ON PAPER OR MAGNETIC MEDIA SUCH AS TAPES, CASSETTE, DISK, DISKETTE, OR ON MEMORY STORAGE DEVICES SUCH AS OPTICAL DISKS, PROGRAMMABLE INSTRUMENTS SUCH AS TELEPHONES, ELECTRONIC ADDRESS BOOKS, CALCULATORS, OR ANY OTHER STORAGE MEDIA, TOGETHER WITH INDICIA OF USE, OWNERSHIP, POSSESSION OR CONTROL OF SUCH RECORDS, CONNECTED WITH AND/OR POSSESSED TO FACILITATE THE DIVERSION OF CONTROLLED SUBSTANCES. ELECTRONIC DATA PROCESSING AND STORAGE DEVICES, COMPUTERS AND COMPUTER SYSTEMS, INCLUDING CENTRAL PROCESSING UNITS; INTERNAL AND PERIPHERAL STORAGE DEVICES SUCH AS FIXED DISKS, EXTERNAL HARD DISKS, FLOPPY DISK DRIVES AND DISKETTES, TAPE DRIVES AND TAPES, OPTICAL STORAGE DEVICES, OR OTHER TEMPORARY STORAGE DEVICES. WHICH IS IN VIOLATION OF O.C.G.A. 16-13-41f(2)(3) AND 16-13-42(A)(1) A VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCE ACT.

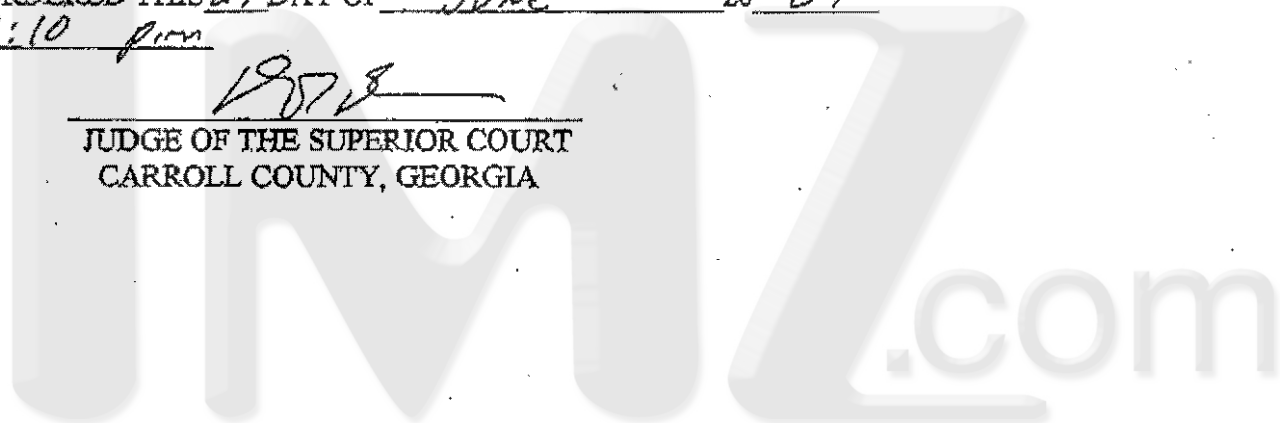
BASED UPON THE AFFIDAVIT GIVEN UNDER OATH OR AFFIRMATION AND ALL OTHER EVIDENCE GIVEN TO ME UNDER OATH OR AFFIRMATION, I AM SATISFIED THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A CRIME IS BEING COMMITTED OR HAS BEEN COMMITTED AND THAT THE PROPERTY DESCRIBED ABOVE IS PRESENTLY LOCATED ON THE PERSON, PREMISES OR PROPERTY DESCRIBED ABOVE.

YOU ARE HEREBY COMMANDED TO ENTER, SEARCH AND SEIZE WITHIN TEN(10) DAYS OF THIS DATE, THE PERSON(S), PREMISES OR PROPERTY DESCRIBED ABOVE. A COPY OF THIS WARRANT IS TO BE LEFT WITH THE PERSON TO BE SEARCHED, OR IF NO PERSON IS AVAILABLE, ON THE PREMISES OR VEHICLE SEARCHED, AND WITH A WRITTEN RETURN, INCLUDING AN INVENTORY OF ANY THINGS SEIZED, SHALL BE MADE BEFORE ME OR A COURT OF COMPETENT JURISDICTION WITHOUT UNNECESSARY DELAY AFTER THE EXECUTION OF THIS SEARCH WARRANT.

SO ORDERED THIS 27 DAY OF June 20 07

AT 9:10 pm

[Signature]  
JUDGE OF THE SUPERIOR COURT  
CARROLL COUNTY, GEORGIA



United States District Court

DUPLICATE

NORTHERN DISTRICT OF GEORGIA

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

UNDER SEAL  
APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

A brick, single story building located at  
702 Dixie Street, Carrollton, Georgia 30117,  
with a plaque affixed to the building reading,  
"Phillippe C. Astin, III, M.D. Internal Medicine"

CASE NUMBER: 1:07-MJ-740

I, Anissa M. Jones, being duly sworn depose and say:

I am a Diversion Investigator of the Drug Enforcement Administration and have reason to believe that  
on the property or premises known as

702 Dixie Street, Carrollton, Georgia 30117

in the Northern District of Georgia there is now concealed a certain person or property, namely:

See Exhibit A to the attached Affidavit

which is property which constitutes evidence of the commission of a criminal offense, and property which has  
been used as the means of committing a criminal offense,  
concerning a violation of Title 21, United States Code, Section 841(a)(1). The facts to support a finding of Probable Cause are  
as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

(X) Yes ( ) No

*Anissa M. Jones*  
\_\_\_\_\_  
Signature of Affiant  
Anissa M. Jones

Sworn to before me, and subscribed in my presence

June 29, 2007  
Date

at Atlanta, Georgia  
City and State

LINDA T. WALKER  
United States Magistrate Judge  
Name and Title of Judicial Officer  
AUSA Carol M. Kayser

*Linda T. Walker*  
\_\_\_\_\_  
Signature of Judicial Officer

**AFFIDAVIT**

I, Anissa M. Jones, having been duly sworn, do hereby state as follows:

1. Your affiant is a Diversion Investigator with the Drug Enforcement Administration (DEA) and has been so employed for approximately three and one half years. Prior to that time I was a special education teacher for eight years. During my employment with the DEA I have completed the twelve week Drug Enforcement Administration Academy, Quantico, Va., where I was instructed in the ways prescription drugs are diverted from legitimate use. I was also instructed in the analysis of medical and drug dispensing records. Currently, as a Diversion Investigator, I am empowered by the United States Department of Justice, Drug Enforcement Administration, to investigate violations and alleged violations of the Controlled Substance Act relating to the diversion of licit pharmaceutical controlled substances to the illicit market. I am also required to investigate conformity with federal regulations involving all aspects of handling pharmaceutical controlled substances.

2. Your affiant has conducted investigations into the unlawful dispensation of controlled substances by physicians and pharmacies, the possession, the possession with intent to distribute, the distribution of controlled substances, and the associated conspiracies in violation of Title 21, United States Code, Sections 841(a)(1) and 846. I also have consulted with experienced investigators who have conducted numerous such investigations to discuss the facts of this case. Based on my training, experience and conversations with other experienced investigators with whom I am associated, I am aware that:

(a) Medical offices are required to, and normally retain, dispensing and administration records reflecting controlled substances administered, and dispensed, as set forth more specifically below.

(b) Medical records reflect patient and payment information and are kept in medical offices during the normal course of business.

(c) Prescription pads are normally kept in offices, exam rooms and laboratories of medical practices that prescribe controlled substances.

(d) Medical records reflect exam results, test results, possible diagnosis and treatment, and typically contain information relating to the medical justification for prescribing medications.

(e) Office documents kept in the normal course of business reflect daily billing, accounts received, bank records, deposit receipts, telephone records, appointment books and sign in sheets. These financial records and billing documents often contain evidence to establish the patients who has consulted with the doctor or who has received prescriptions from the doctor.

(f) Computers are used in medical offices to record patient information, appointments, billing and payment records, work schedules and other information needed to operate a medical practice.

3. The facts set forth in this affidavit are based upon my own knowledge and participation in the investigation, information obtained from other investigators who participated in the investigation, and other independent sources. I have not set forth every fact known to me about this case at this time, and instead have included only those facts necessary to support a finding of probable cause.

4. Title 21, United States Code, Section 841(a)(1) makes it unlawful for a practitioner, a person authorized by the DEA to distribute controlled substances in the usual course of medical practice, to distribute controlled substances outside the usual scope of medical practice and not for legitimate medical purposes.

#### Background

5. According to 21 Code of Federal Regulations (C.F.R.) § 1301.12 (a) a registered location is a principal place of business where controlled substances are manufactured, distributed, imported, exported, or dispensed by a DEA registrant. 21 CFR § 1304 requires a registered practitioner to keep records of controlled substances that are dispensed to the patient, other than by prescribing or administering, in the lawful course of professional practice. A registered practitioner is not required to keep records of controlled substances that are prescribed in the lawful course of professional practice, unless such substances are prescribed in the course of maintenance or detoxification treatment. A registered practitioner is not required to keep records of controlled substances that are administered and dispensed in the lawful course of professional practice unless the practitioner regularly engages in the dispensing or administering

of controlled substances and charges patients, either separately or together with charges for other professional services, for substances so dispensed or administered. A registered practitioner is also required to keep records of controlled substances administered in the course of maintenance or detoxification treatment of an individual.

6. Each practitioner must maintain inventories and records of controlled substances listed in Schedules I and II separately from all other records maintained by the registrant. Likewise, inventories and records of controlled substances in Schedules III, IV, and V must be maintained separately or in such a form that they are readily retrievable from the ordinary business records of the practitioner. All records related to controlled substances must be maintained and be available for inspection for a minimum of two years.

7. I know that hydrocodone is a semi-synthetic opiod derived from two of the naturally occurring opiates, codeine and thebaine. Hydrocodone is an orally active narcotic analgesic and antitussive. Sales and production of this drug have increased significantly in recent years, as have diversion and illicit use. Hydrocodone is commonly available in tablet, capsule, and syrup

form. Hydrocodone is a Schedule III drug under the Controlled Substances Act. According the fiscal year 2006, Quarter 1 Drug Trend Report, hydrocodone and hydrocodone products are among the most commonly abused and diverted controlled substances in the Atlanta, Georgia area. Hydrocodone products typically sell for \$1.00 per milligram on the black market. Hydrocodone is always combined with another substance such as acetaminophen or ibuprofen and comes in varying strengths such as 2.5mg/500, 5mg/500, 7.5mg/500 and 10mg/650 (the first number represents the amount of hydrocodone and second represents the amount of other substance such as acetaminophen). Some of the common brand names for hydrocodone products are Norco, Lorcet, Lortab, and Vicodin. Legitimate use of hydrocodone is for relief of pain.

8. I know that Alprazolam is a short acting drug in the class of central nervous system agents Benzodiazepines. Alprazolam is marketed in the United States for management of anxiety disorder or the short-term relief of symptoms of anxiety. Alprazolam is a Schedule IV drug under the Controlled Substances Act. Alprazolam is often abused because it induces a state of euphoria and disinhibition. Alprazolam is available in tablet form in varying strengths, .25mg, .50mg, 1mg, and 2mg. A popular brand name of Alprazolam is Xanax. Xanax was listed as one of the most commonly

abused and diverted controlled substances during the first quarter of 2001 and sold for \$5.00 per milligram in the Atlanta, Georgia area.

9. I know that Percocet is the brand name for Oxycodone and Acetaminophen products such as Oxycodone 5/325. Oxycodone is in the class of central nervous system agents, Opiate Agonist/Narcotic. Oxycodone is a Schedule II drug under the Controlled Substances Act. The principal use of Oxycodone is for the management of moderate to severe pain. According to the DEA Fiscal Year 2006, Quarter 1 Drug Trends Report, Oxycodone is one of the most commonly abused/diverted drugs in the Atlanta, Georgia area and sells for a street price of \$22.00 per tablet.

10. Based on my knowledge as well as my conversation with a pharmacologist who is familiar with testosterone, I know that testosterone is a steroid hormone from the androgen group. The original and primary use of testosterone is for the treatment of males who have too little or no natural endogenous testosterone production - males with hypogonadism, a hormonal deficiency that alters the body's appearance. Appropriate use for this purpose is legitimate hormone replacement therapy, which maintains serum testosterone levels in the normal range. Over the years

testosterone has also been given for many purposes besides replacement. It may be administered to an athlete in order to improve performance, and is considered to be a form of "doping" in most sports. There are several application methods for testosterone, including intra-muscular injections, transdermal gels and patches, and implantable pellets. Anabolic steroids (of which testosterone is one) have also been taken to enhance muscle development, strength, or endurance. They do so directly by increasing the muscles' protein synthesis.

#### Statement of Probable Cause

11. This affidavit is submitted in support of an application for search warrants for: (1) a brick, single story building located at 702 Dixie Street, Carrollton, Georgia 30117, with a plaque affixed to the building reading, "Phillippe C. Astin, III, M.D. Internal Medicine," and (2) a single family residence located at 532 Cedar Street, Carrollton, Georgia, 30117, more specifically described as a single-story dwelling, white in color with a black roof, with a porch facing the street, and the numbers "532" to the right of the door, and all appurtenances located thereon.

12. DR. PHIL ASTIN III is registered with the DEA under the provisions of the Controlled Substance Act, 21 U.S.C. Section 823

et. seq., as a Practitioner and has been assigned DEA registration number BA3167790 to handle schedule II through V controlled substances. Dr. ASTIN is registered at 702 Dixie Street, Carrollton, Georgia 30117 in the Northern District of Georgia. This is the location of Dr. ASTIN's medical practice.

13. On June 25, 2007, Chris BENOIT was found dead at his residence, 130 Green Meadow Lane, Fayetteville, Georgia 30214, a community south of Atlanta. In a DEA investigation of RX WEIGHT LOSS currently being prosecuted in the Northern District of Georgia, Mr. BENOIT was previously identified as an excessive purchaser of injectable steroids, a Schedule III controlled substance. DEA Diversion indices provided by the Office of Diversion Control, as well as evidence found at the crime scene by the Fayette County, Georgia Sheriff's Office, identified Dr. ASTIN as the supplier of various pharmaceutical controlled substances, including injectable anabolic steroids, that were found in Mr. BENOIT's residence. Dr. ASTIN has been the subject of concern for excessive and/or suspicious prescribing activity by the Carrollton, Georgia Police Department and local area pharmacies. Dr. ASTIN has also been the subject of disciplinary action by the Georgia State Board of Medical Examiners for reasons related to competence or character.

14. Through prescription records for Chris BENOIT maintained at Jones Pharmacy, located at 575 Glenn Street, Fayetteville, Georgia 30214, Dr. ASTIN has been identified as prescribing, on average, a 10 month supply of anabolic steroids to Mr. BENOIT every three (3) to four (4) weeks from May 4, 2006 through May 9, 2007. My basis for identifying the customary dosage and use of anabolic steroids arises from conversations an officer had with Ralph Balchin, the pharmacist at Jones Pharmacy, who reviewed these prescriptions.

15. On June 27, 2007, agents executed a state search warrant at the medical office of Dr. ASTIN. Agents seized copies of prescriptions written by Dr. ASTIN for Testosterone, Xanax, Adderall, Concerta, Hydrocodone, Oxycodone, and Soma which were consistent, in terms of quantities, dosages, and frequencies of the prescriptions, with illegal prescription drug abuse. Multiple undated copies of prescriptions for controlled substances were found in various medical records. During the search, Dr. ASTIN arrived carrying the medical records for BENOIT, which he told investigators he had retrieved from the residence located at 532 Cedar Street, Carrollton, Georgia, 30117. Dr. ASTIN said that this was his mother's house, and that he was presently staying there.

16. An initial review stated dispensing records indicated that Dr. ASTIN administered injections and provided take-home syringes of Demerol for a staff member. During the search, Dr. ASTIN stated he knew that writing multiple undated prescriptions issued to the same individuals at the same time was illegal.

17. A preliminary review of Dr. ASTIN'S prescription writing activity indicates that he authorized approximately one million dosage units of various pharmaceutical controlled substances in the last two years. The prescriptions also included significant quantities of injectable Testosterone cypionate, an anabolic steroid. In my training and experience, this is an excessive amount of prescriptions for a sole practitioner medical office in a rural location such as Carrollton.

18. Based on my investigation and experience, it is my opinion that there is probable cause to believe that Dr. ASTIN has been prescribing controlled substances outside the course of a legitimate medical practice and for non-legitimate medical use in violation of Title 21 U.S.C., Section 841(a)(1). Additionally, I believe that, based on the fact that ASTIN brought BENOIT'S medical file from the residence at 532 Cedar Street, Carrollton,

Georgia, 30117, probable cause exists that DR. ASTIN's business and medical records, as identified more specifically in Exhibit A, are located in this residence.

TMZ.com

EXHIBIT A

1. Any and all controlled substances not being used in the normal course of business and/or controlled substances reflecting that they were returned to the location by a patient.
  
2. Any and all books, documents and records; including but not limited to the medical records of the listed patients; including medical tests, test results and physician notes, calendars, appointment books, sign-in sheets; prescriptions and prescription pads, insurance records, billing or payment information, receipts and receipt books.
  
3. Computers and computer generated documents reflecting patient information, medical records, billing or payment information, financial records, medical tests and results, appointments, or insurance records of the listed patients.
  
4. Address and/or telephone books and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, financial institutions and other individuals or businesses with whom a financial relationship exists.

5. Indicia of occupancy, residency, rental and/or ownership of the premises described herein, including but not limited to, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements and keys.

6. Any and all Federal order forms, records of inventory, invoices and other controlled substance records required to be kept under Title 21, United States Code and the Code of Federal Regulations.

# United States District Court

NORTHERN DISTRICT OF GEORGIA

DUPLICATE

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

**UNDER SEAL  
SEARCH WARRANT**

A brick, single story building located at  
702 Dixie Street, Carrollton, Georgia 30117,  
with a plaque affixed to the building reading,  
"Phillippe C. Astin, III, M.D. Internal Medicine"

CASE NUMBER: 1:07-MJ-740

TO: Diversion Investigator Anissa M. Jones of the Drug Enforcement Administration, and any Authorized Officer of the United States

Affidavit having been made before me by Anissa M. Jones who has reason to believe that on the property or premises known as:

**702 Dixie Street, Carrollton, Georgia 30117**

in the Northern District of Georgia there is now concealed a certain person or property, namely

**See Exhibit A attached hereto**

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

July 8, 2008  
DATE

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search IN THE DAYTIME - 6:00 A.M. - 10:00 P.M. - and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to LINDA T. WALKER as required by law.

June 29, 2007  
Date and Time Issued

1:50p.m.

at Atlanta, Georgia  
City and State

LINDA T. WALKER  
United States Magistrate Judge  
Name and Title of Judicial Officer  
AUSA Carol M. Kayser

*Linda T. Walker*  
Signature of Judicial Officer

RETURN

Date Warrant Received

Date and Time Warrant Executed

Copy of Warrant and Receipt For Items Left With

Inventory Made in the Presence of

Inventory of Person or Property Taken Pursuant to the Warrant



CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

\_\_\_\_\_

Subscribed, sworn to, and returned before me this date.

\_\_\_\_\_

U.S. Judge or Magistrate

\_\_\_\_\_

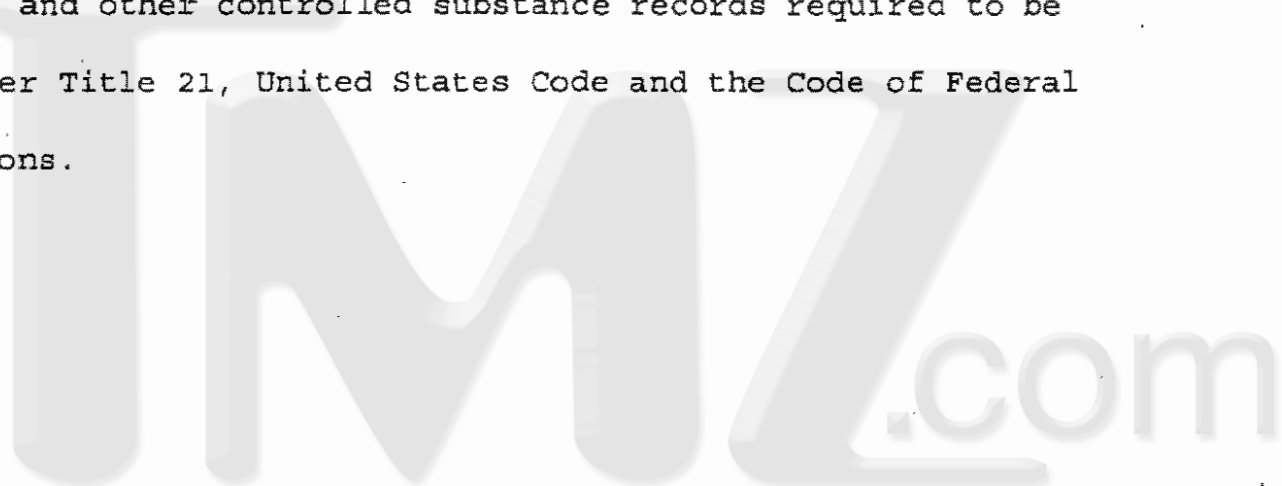
Date

EXHIBIT A

1. Any and all controlled substances not being used in the normal course of business and/or controlled substances reflecting that they were returned to the location by a patient.
  
2. Any and all books, documents and records; including but not limited to the medical records of the listed patients; including medical tests, test results and physician notes, calendars, appointment books, sign-in sheets; prescriptions and prescription pads, insurance records, billing or payment information, receipts and receipt books.
  
3. Computers and computer generated documents reflecting patient information, medical records, billing or payment information, financial records, medical tests and results, appointments, or insurance records of the listed patients.
  
4. Address and/or telephone books and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, financial institutions and other individuals or businesses with whom a financial relationship exists.

5. Indicia of occupancy, residency, rental and/or ownership of the premises described herein, including but not limited to, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements and keys.

6. Any and all Federal order forms, records of inventory, invoices and other controlled substance records required to be kept under Title 21, United States Code and the Code of Federal Regulations.



# United States District Court

NORTHERN DISTRICT OF GEORGIA

# DUPLICATE

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

UNDER SEAL

## APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

One single story dwelling, white in color with a black roof, with a porch facing the street, and the numbers "532" to the right of the door, being more particularly described as 532 Cedar Street, Carrollton, Georgia 30117, including all appurtenances located thereon

CASE NUMBER: 1:07-MJ-739

I, Anissa M. Jones, being duly sworn depose and say:

I am a Diversion Investigator of the Drug Enforcement Administration and have reason to believe that on the property or premises known as

**532 Cedar Street, Carrollton, Georgia 30117**

in the Northern District of Georgia there is now concealed a certain person or property, namely:

See Exhibit A to the attached Affidavit

which is property which constitutes evidence of the commission of a criminal offense, and property which has been used as the means of committing a criminal offense, concerning a violation of Title 21, United States Code, Section 841(a)(1). The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

(X) Yes ( ) No

*Anissa M. Jones*  
\_\_\_\_\_  
Signature of Affiant  
Anissa M. Jones

Sworn to before me, and subscribed in my presence

June 29, 2007  
Date

at Atlanta, Georgia  
City and State

LINDA T. WALKER  
United States Magistrate Judge  
Name and Title of Judicial Officer  
AUSA Carol M. Kayser

*Linda T. Walker*  
\_\_\_\_\_  
Signature of Judicial Officer

**AFFIDAVIT**

I, Anissa M. Jones, having been duly sworn, do hereby state as follows:

1. Your affiant is a Diversion Investigator with the Drug Enforcement Administration (DEA) and has been so employed for approximately three and one half years. Prior to that time I was a special education teacher for eight years. During my employment with the DEA I have completed the twelve week Drug Enforcement Administration Academy, Quantico, Va., where I was instructed in the ways prescription drugs are diverted from legitimate use. I was also instructed in the analysis of medical and drug dispensing records. Currently, as a Diversion Investigator, I am empowered by the United States Department of Justice, Drug Enforcement Administration, to investigate violations and alleged violations of the Controlled Substance Act relating to the diversion of licit pharmaceutical controlled substances to the illicit market. I am also required to investigate conformity with federal regulations involving all aspects of handling pharmaceutical controlled substances.

2. Your affiant has conducted investigations into the unlawful dispensation of controlled substances by physicians and pharmacies, the possession, the possession with intent to distribute, the distribution of controlled substances, and the associated conspiracies in violation of Title 21, United States Code, Sections 841(a)(1) and 846. I also have consulted with experienced investigators who have conducted numerous such investigations to discuss the facts of this case. Based on my training, experience and conversations with other experienced investigators with whom I am associated, I am aware that:

(a) Medical offices are required to, and normally retain, dispensing and administration records reflecting controlled substances administered, and dispensed, as set forth more specifically below.

(b) Medical records reflect patient and payment information and are kept in medical offices during the normal course of business.

(c) Prescription pads are normally kept in offices, exam rooms and laboratories of medical practices that prescribe controlled substances.

(d) Medical records reflect exam results, test results, possible diagnosis and treatment, and typically contain information relating to the medical justification for prescribing medications.

(e) Office documents kept in the normal course of business reflect daily billing, accounts received, bank records, deposit receipts, telephone records, appointment books and sign in sheets. These financial records and billing documents often contain evidence to establish the patients who has consulted with the doctor or who has received prescriptions from the doctor.

(f) Computers are used in medical offices to record patient information, appointments, billing and payment records, work schedules and other information needed to operate a medical practice.

3. The facts set forth in this affidavit are based upon my own knowledge and participation in the investigation, information obtained from other investigators who participated in the investigation, and other independent sources. I have not set forth every fact known to me about this case at this time, and instead have included only those facts necessary to support a finding of probable cause.

4. Title 21, United States Code, Section 841(a)(1) makes it unlawful for a practitioner, a person authorized by the DEA to distribute controlled substances in the usual course of medical practice, to distribute controlled substances outside the usual scope of medical practice and not for legitimate medical purposes.

#### Background

5. According to 21 Code of Federal Regulations (C.F.R.) § 1301.12 (a) a registered location is a principal place of business where controlled substances are manufactured, distributed, imported, exported, or dispensed by a DEA registrant. 21 CFR § 1304 requires a registered practitioner to keep records of controlled substances that are dispensed to the patient, other than by prescribing or administering, in the lawful course of professional practice. A registered practitioner is not required to keep records of controlled substances that are prescribed in the lawful course of professional practice, unless such substances are prescribed in the course of maintenance or detoxification treatment. A registered practitioner is not required to keep records of controlled substances that are administered and dispensed in the lawful course of professional practice unless the practitioner regularly engages in the dispensing or administering

of controlled substances and charges patients, either separately or together with charges for other professional services, for substances so dispensed or administered. A registered practitioner is also required to keep records of controlled substances administered in the course of maintenance or detoxification treatment of an individual.

6. Each practitioner must maintain inventories and records of controlled substances listed in Schedules I and II separately from all other records maintained by the registrant. Likewise, inventories and records of controlled substances in Schedules III, IV, and V must be maintained separately or in such a form that they are readily retrievable from the ordinary business records of the practitioner. All records related to controlled substances must be maintained and be available for inspection for a minimum of two years.

7. I know that hydrocodone is a semi-synthetic opiod derived from two of the naturally occurring opiates, codeine and thebaine. Hydrocodone is an orally active narcotic analgesic and antitussive. Sales and production of this drug have increased significantly in recent years, as have diversion and illicit use. Hydrocodone is commonly available in tablet, capsule, and syrup

form. Hydrocodone is a Schedule III drug under the Controlled Substances Act. According the fiscal year 2006, Quarter 1 Drug Trend Report, hydrocodone and hydrocodone products are among the most commonly abused and diverted controlled substances in the Atlanta, Georgia area. Hydrocodone products typically sell for \$1.00 per milligram on the black market. Hydrocodone is always combined with another substance such as acetaminophen or ibuprofen and comes in varying strengths such as 2.5mg/500, 5mg/500, 7.5mg/500 and 10mg/650 (the first number represents the amount of hydrocodone and second represents the amount of other substance such as acetaminophen). Some of the common brand names for hydrocodone products are Norco, Lorcet, Lortab, and Vicodin. Legitimate use of hydrocodone is for relief of pain.

8. I know that Alprazolam is a short acting drug in the class of central nervous system agents Benzodiazepines. Alprazolam is marketed in the United States for management of anxiety disorder or the short-term relief of symptoms of anxiety. Alprazolam is a Schedule IV drug under the Controlled Substances Act. Alprazolam is often abused because it induces a state of euphoria and disinhibition. Alprazolam is available in tablet form in varying strengths, .25mg, .50mg, 1mg, and 2mg. A popular brand name of Alprazolam is Xanax. Xanax was listed as one of the most commonly

abused and diverted controlled substances during the first quarter of 2001 and sold for \$5.00 per milligram in the Atlanta, Georgia area.

9. I know that Percocet is the brand name for Oxycodone and Acetaminophen products such as Oxycodone 5/325. Oxycodone is in the class of central nervous system agents, Opiate Agonist/Narcotic. Oxycodone is a Schedule II drug under the Controlled Substances Act. The principal use of Oxycodone is for the management of moderate to severe pain. According to the DEA Fiscal Year 2006, Quarter 1 Drug Trends Report, Oxycodone is one of the most commonly abused/diverted drugs in the Atlanta, Georgia area and sells for a street price of \$22.00 per tablet.

10. Based on my knowledge as well as my conversation with a pharmacologist who is familiar with testosterone, I know that testosterone is a steroid hormone from the androgen group. The original and primary use of testosterone is for the treatment of males who have too little or no natural endogenous testosterone production - males with hypogonadism, a hormonal deficiency that alters the body's appearance. Appropriate use for this purpose is legitimate hormone replacement therapy, which maintains serum testosterone levels in the normal range. Over the years

testosterone has also been given for many purposes besides replacement. It may be administered to an athlete in order to improve performance, and is considered to be a form of "doping" in most sports. There are several application methods for testosterone, including intra-muscular injections, transdermal gels and patches, and implantable pellets. Anabolic steroids (of which testosterone is one) have also been taken to enhance muscle development, strength, or endurance. They do so directly by increasing the muscles' protein synthesis.

#### Statement of Probable Cause

11. This affidavit is submitted in support of an application for search warrants for: (1) a brick, single story building located at 702 Dixie Street, Carrollton, Georgia 30117, with a plaque affixed to the building reading, "Phillippe C. Astin, III, M.D. Internal Medicine," and (2) a single family residence located at 532 Cedar Street, Carrollton, Georgia, 30117, more specifically described as a single-story dwelling, white in color with a black roof, with a porch facing the street, and the numbers "532" to the right of the door, and all appurtenances located thereon.

12. DR. PHIL ASTIN III is registered with the DEA under the provisions of the Controlled Substance Act, 21 U.S.C. Section 823

et. seq., as a Practitioner and has been assigned DEA registration number BA3167790 to handle schedule II through V controlled substances. Dr. ASTIN is registered at 702 Dixie Street, Carrollton, Georgia 30117 in the Northern District of Georgia. This is the location of Dr. ASTIN's medical practice.

13. On June 25, 2007, Chris BENOIT was found dead at his residence, 130 Green Meadow Lane, Fayetteville, Georgia 30214, a community south of Atlanta. In a DEA investigation of RX WEIGHT LOSS currently being prosecuted in the Northern District of Georgia, Mr. BENOIT was previously identified as an excessive purchaser of injectable steroids, a Schedule III controlled substance. DEA Diversion indices provided by the Office of Diversion Control, as well as evidence found at the crime scene by the Fayette County, Georgia Sheriff's Office, identified Dr. ASTIN as the supplier of various pharmaceutical controlled substances, including injectable anabolic steroids, that were found in Mr. BENOIT's residence. Dr. ASTIN has been the subject of concern for excessive and/or suspicious prescribing activity by the Carrollton, Georgia Police Department and local area pharmacies. Dr. ASTIN has also been the subject of disciplinary action by the Georgia State Board of Medical Examiners for reasons related to competence or character.

14. Through prescription records for Chris BENOIT maintained at Jones Pharmacy, located at 575 Glenn Street, Fayetteville, Georgia 30214, Dr. ASTIN has been identified as prescribing, on average, a 10 month supply of anabolic steroids to Mr. BENOIT every three (3) to four (4) weeks from May 4, 2006 through May 9, 2007. My basis for identifying the customary dosage and use of anabolic steroids arises from conversations an officer had with Ralph Balchin, the pharmacist at Jones Pharmacy, who reviewed these prescriptions.

15. On June 27, 2007, agents executed a state search warrant at the medical office of Dr. ASTIN. Agents seized copies of prescriptions written by Dr. ASTIN for Testosterone, Xanax, Adderall, Concerta, Hydrocodone, Oxycodone, and Soma which were consistent, in terms of quantities, dosages, and frequencies of the prescriptions, with illegal prescription drug abuse. Multiple undated copies of prescriptions for controlled substances were found in various medical records. During the search, Dr. ASTIN arrived carrying the medical records for BENOIT, which he told investigators he had retrieved from the residence located at 532 Cedar Street, Carrollton, Georgia, 30117. Dr. ASTIN said that this was his mother's house, and that he was presently staying there.

16. An initial review stated dispensing records indicated that Dr. ASTIN administered injections and provided take-home syringes of Demerol for a staff member. During the search, Dr. ASTIN stated he knew that writing multiple undated prescriptions issued to the same individuals at the same time was illegal.

17. A preliminary review of Dr. ASTIN'S prescription writing activity indicates that he authorized approximately one million dosage units of various pharmaceutical controlled substances in the last two years. The prescriptions also included significant quantities of injectable Testosterone cypionate, an anabolic steroid. In my training and experience, this is an excessive amount of prescriptions for a sole practitioner medical office in a rural location such as Carrollton.

18. Based on my investigation and experience, it is my opinion that there is probable cause to believe that Dr. ASTIN has been prescribing controlled substances outside the course of a legitimate medical practice and for non-legitimate medical use in violation of Title 21 U.S.C., Section 841(a)(1). Additionally, I believe that, based on the fact that ASTIN brought BENOIT'S medical file from the residence at 532 Cedar Street, Carrollton,

Georgia, 30117, probable cause exists that DR. ASTIN's business and medical records, as identified more specifically in Exhibit A, are located in this residence.

TMZ.com

EXHIBIT A

1. Any and all controlled substances not being used in the normal course of business and/or controlled substances reflecting that they were returned to the location by a patient.
  
2. Any and all books, documents and records; including but not limited to the medical records of the listed patients; including medical tests, test results and physician notes, calendars, appointment books, sign-in sheets; prescriptions and prescription pads, insurance records, billing or payment information, receipts and receipt books.
  
3. Computers and computer generated documents reflecting patient information, medical records, billing or payment information, financial records, medical tests and results, appointments, or insurance records of the listed patients.
  
4. Address and/or telephone books and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, financial institutions and other individuals or businesses with whom a financial relationship exists.

5. Indicia of occupancy, residency, rental and/or ownership of the premises described herein, including but not limited to, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements and keys.

6. Any and all Federal order forms, records of inventory, invoices and other controlled substance records required to be kept under Title 21, United States Code and the Code of Federal Regulations.

# United States District Court

NORTHERN DISTRICT OF GEORGIA

# DUPLICATE

In the Matter of the Search of

(Name, address or brief description of person or property to be search)

**UNDER SEAL  
SEARCH WARRANT**

CASE NUMBER: 1:07-MJ-739

One single story dwelling, white in color with a black roof, with a porch facing the street, and the numbers "532" to the right of the door, being more particularly described as 532 Cedar Street, Carrollton, Georgia 30117, including all appurtenances located thereon

TO: Diversion Investigator Anissa M. Jones of the Drug Enforcement Administration, and any Authorized Officer of the United States

Affidavit having been made before me by Anissa M. Jones who has reason to believe that on the property or premises known as:

**532 Cedar Street, Carrollton, Georgia 30117**

in the Northern District of Georgia there is now concealed a certain person or property, namely

**See Exhibit A attached hereto**

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

*July 8, 2008*  
DATE

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search IN THE DAYTIME - 6:00 A.M. - 10:00 P.M. - and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to LINDA T. WALKER as required by law.

June 29, 2007 *1:50 p.m.* at Atlanta, Georgia  
Date and Time Issued City and State

LINDA T. WALKER  
United States Magistrate Judge  
Name and Title of Judicial Officer  
AUSA Carol M. Kayser

*Linda T. Walker*  
Signature of Judicial Officer

**RETURN**

Date Warrant Received

Date and Time Warrant Executed

Copy of Warrant and Receipt For Items Left With

Inventory Made in the Presence of

Inventory of Person or Property Taken Pursuant to the Warrant



**CERTIFICATION**

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

\_\_\_\_\_

Subscribed, sworn to, and returned before me this date.

\_\_\_\_\_

U.S. Judge or Magistrate

\_\_\_\_\_

Date

EXHIBIT A

1. Any and all controlled substances not being used in the normal course of business and/or controlled substances reflecting that they were returned to the location by a patient.
  
2. Any and all books, documents and records; including but not limited to the medical records of the listed patients; including medical tests, test results and physician notes, calendars, appointment books, sign-in sheets; prescriptions and prescription pads, insurance records, billing or payment information, receipts and receipt books.
  
3. Computers and computer generated documents reflecting patient information, medical records, billing or payment information, financial records, medical tests and results, appointments, or insurance records of the listed patients.
  
4. Address and/or telephone books and papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers and/or telex numbers of co-conspirators, financial institutions and other individuals or businesses with whom a financial relationship exists.

---

5. Indicia of occupancy, residency, rental and/or ownership of the premises described herein, including but not limited to, utility and telephone bills, canceled envelopes, rental, purchase or lease agreements and keys.

6. Any and all Federal order forms, records of inventory, invoices and other controlled substance records required to be kept under Title 21, United States Code and the Code of Federal Regulations.