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STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-20559-CR-MIDDLEBROOKS-M/GARBER
CASE NO. _____

18 U.S.C. § 371
18 U.S.C. § 2314
18 U.S.C. § 2315
18 U.S.C. § 981(a)(1)(C)
21 U.S.C. § 853(p)

UNITED STATES OF AMERICA

v.

PEDRO ANTONIO MARCUELLO GUZMAN,
and
MARIA MARTHA ELISA ORNELAS LAZO,

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

COUNT 1
(Conspiracy to Transport and Sell Stolen Property)
(18 U.S.C. § 371)

Beginning in or around October 2011, and continuing through on or about July 17, 2012, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

PEDRO ANTONIO MARCUELLO GUZMAN,
and
MARIA MARTHA ELISA ORNELAS LAZO,

did knowingly and willfully combine, conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- (a) to knowingly transport, transmit, and transfer in interstate and foreign commerce goods, wares, and merchandise, valued at \$5,000 or more, knowing the same to have been stolen, unlawfully converted and taken by fraud, in violation of Title 18, United States Code, Section 2314; and
- (b) to knowingly receive, possess, conceal, store, sell, and dispose of goods, wares and merchandise, valued at \$5,000 or more, which have crossed a State and United States boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Section 2315.

PURPOSE AND OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy for the defendants and their co-conspirators to unjustly enrich themselves by taking possession of stolen merchandise, that is, an original Henri Matisse painting, and then reselling that merchandise for profit.

OVERT ACTS

In furtherance of the conspiracy, at least one of the co-conspirators committed and caused to be committed, in the Southern District of Florida, at least one of the following overt acts, among others:

1. On or about December 1, 2011, in Miami-Dade County, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** met with an agent of the Federal Bureau of Investigation (“FBI”), who was acting in an undercover capacity (“UC1”), and a confidential informant (“CI”), to discuss the sale of the Henri Matisse painting “Odalisque in Red Pants,” which had been reported

stolen from the Caracas Museum of Contemporary Art (Museo de Arte Contemporaneo de Caracas (MACCSI)) in Caracas, Venezuela in or around December 2002.

2. On or about December 5, 2011, in Miami-Dade County, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** provided the CI with the password for an email account and instructions to access a folder within the email account in order to view photographs of the painting.

3. On or about December 15, 2011, in Miami-Dade County, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** met with UC1 and the CI to continue discussions for the sale of the Henri Matisse painting, including the method of payment and the possibility of utilizing a courier to transport the painting to Miami, Florida from Mexico.

4. On or about December 20, 2011, in Miami-Dade County, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** sent an e-mail to UC1 advising UC1 that the wife of a Mexican associate was willing to travel from Mexico to Miami, Florida with the painting.

5. On or about March 13, 2012, in Miami Beach, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** met with UC1 and advised UC1 that the courier in Mexico would be able to travel with the painting on or about June 14, 2012.

6. On or about June 8, 2012, in Miami Beach, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** agreed upon a date of July 17, 2012 as the date for the sale of the stolen Henri Matisse painting to UC1, set a sales price of \$740,000.00 for the stolen painting, and established that the sales price would be paid partly in cash and partly by wire transfer.

7. On or about July 13, 2012, in Miami-Dade County, Florida, defendant **PEDRO ANTONIO MARCUELLO GUZMAN** advised UC1 that the courier's name was **MARIA**

MARTHA ELISA ORNELAS LAZO and that she would be traveling from Mexico City, Mexico to Miami, Florida on July 16, 2012.

8. On or about July 16, 2012, defendant **MARIA MARTHA ELISA ORNELAS LAZO** arrived at Miami International Airport from Mexico City, Mexico, carrying a red tube.

9. On or about July 16, 2012, in Miami Beach, Florida, defendants **PEDRO ANTONIO MARCUELLO GUZMAN** and **MARIA MARTHA ELISA ORNELAS LAZO** met with UC1 and another FBI agent, acting in an undercover capacity and posing as an art dealer ("UC2"), to finalize the details of the sale of the Henri Matisse painting.

10. On or about July 17, 2012, in Miami Beach, Florida, defendants **PEDRO ANTONIO MARCUELLO GUZMAN** and **MARIA MARTHA ELISA ORNELAS LAZO** met with UC1 and UC2 to conduct the sales transaction for the stolen Henri Matisse painting.

11. On or about July 17, 2012, in Miami Beach, Florida, defendants **PEDRO ANTONIO MARCUELLO GUZMAN** and **MARIA MARTHA ELISA ORNELAS LAZO** produced the Henri Matisse painting titled "Odalisque in Red Pants" from inside a red tube and defendant **MARIA MARTHA ELISA ORNELAS LAZO** provided UC1 with a bank account number to which to wire payment for the painting.

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(Interstate Transportation of Stolen Property)
(18 U.S.C. § 2314)

On or about July 16, 2012, in Miami-Dade County, in the Southern District of Florida, the defendants,

**PEDRO ANTONIO MARCUELLO GUZMAN,
and
MARIA MARTHA ELISA ORNELAS LAZO,**

did knowingly transport, transmit, and transfer in interstate and foreign commerce, goods, wares and merchandise valued at \$5,000 or more, that is, an original Henri Matisse painting, knowing the same to have been stolen, unlawfully converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

**COUNT 3
(Possession of Stolen Property)
(18 U.S.C. § 2315)**

On or about July 17, 2012, in Miami-Dade County, in the Southern District of Florida, the defendants,

**PEDRO ANTONIO MARCUELLO GUZMAN,
and
MARIA MARTHA ELISA ORNELAS LAZO,**

did knowingly receive, possess, conceal, store, sell, and dispose of goods, wares and merchandise, valued at \$5,000 or more, that is, an original Henri Matisse painting, which have crossed a State and United States boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, in violation of Title 18, United States Code, Sections 2315 and 2.

CRIMINAL FORFEITURE ALLEGATION

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants,


**PEDRO ANTONIO MARCUELLO GUZMAN,
and
MARIA MARTHA ELISA ORNELAS LAZO,**

have an interest.

2. Upon conviction of a violation of, or a conspiracy to violate, Title 18, United States Code, Section 2314 or Title 18, United States Code, Section 2315, as alleged in this Indictment, the defendant so convicted shall forfeit all of his or her interest to the United States in any property, real or personal, which constitutes or is derived from proceeds traceable to such violation, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c) and the procedures set forth at Title 21, United States Code, Section 853.

A TRUE BILL ,



WIFREDO A. FERRER
UNITED STATES ATTORNEY



ELISA CASTROLUGO
ASSISTANT UNITED STATES ATTORNEY