

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

SEALED INDICTMENT

- v. - :

13 Cr.

JAMES MEYER, :

Defendant. :

13 CRIM 604

- - - - - X

COUNT ONE

(Interstate Transportation of Stolen Property)

The Grand Jury charges:

Relevant Persons and Entities

1. At all times relevant to this Indictment, Jasper Johns ("Johns") was, and remains to this day, an American artist known primarily for his paintings, prints, drawings, and sculptures. Johns maintains an office, archive, and art studio in Sharon, Connecticut (the "Johns Studio").

2. At all times relevant to this Indictment, JAMES MEYER, the defendant, was a studio assistant for Johns, a position MEYER held for over 25 years. While so employed, MEYER supported Johns in his creation of certain art at the Johns Studio, and had certain administrative responsibilities, including, among others, maintaining a studio file drawer containing pieces of art that were not yet completed by Johns and not authorized by Johns to be placed in the art market (the "Unauthorized Works").

The Scheme to Defraud

3. From at least in or about September 2006, up to and including at least in or about February 2012, JAMES MEYER, the defendant, removed at least twenty-two (22) individual pieces of the Unauthorized Works from the studio file drawer he was responsible for maintaining, and from elsewhere in the Johns Studio, and caused those pieces to be transported from the Johns Studio in Sharon, Connecticut to an art gallery located in Manhattan, New York (the "Gallery") for the purpose of selling those works in the art market without the knowledge or permission of Johns.

4. In furtherance of his scheme to defraud, JAMES MEYER, the defendant, represented to the owner of the Gallery (the "Gallery Owner"), and others, that each of these Unauthorized Works had been given to him as gifts by Johns when, in truth and in fact and as MEYER well knew, Johns never transferred ownership of those pieces to MEYER and never gave permission for those works to leave the Johns Studio. Nevertheless, MEYER provided sworn, notarized certifications to the Gallery Owner and others, stating, among other things, that these pieces were authentic works of Johns, that the art had been given to him by Johns directly, that he was the rightful owner of these works, and that he had the right to sell each piece. MEYER conditioned the sale of the Unauthorized Works on the signed agreement by

the purchaser that the art would be kept private for at least eight (8) years, during which time it would not be loaned, exhibited, or re-sold.

5. As a further part of his scheme to defraud, JAMES MEYER, the defendant, created fictitious inventory numbers for the Unauthorized Works and/or assigned to the Unauthorized Works registration numbers belonging to other pieces completed by Johns, to create the appearance that the pieces were finished works authorized by Johns to be sold in the market. However, in truth and in fact and as MEYER well knew, the Unauthorized Works were not ready for release and had not been assigned those inventory numbers by Johns or any member of his staff.

6. As a further part of his scheme to defraud, JAMES MEYER, the defendant, created fake pages for certain of the Unauthorized Works that appeared as if they were included in a 3-ring loose-leaf ledger book maintained at the Johns Studio of registered pieces of art, and that purported to show both the inventory number assigned to the work and the fact that the work had been "gifted to James Meyer." At various times, MEYER took photographs of these fake pages in the ledger book, which he sent via e-mail to the Gallery Owner, and which the Gallery Owner thereafter transmitted by interstate e-mails to prospective buyers for certain of the Unauthorized Works to

alleviate concerns about the provenance (*i.e.*, the history of ownership of a work of art) of the piece.

7. As a further part of his scheme to defraud, JAMES MEYER, the defendant, blatantly misrepresented to the Gallery Owner, and others, that certain of the Unauthorized Works would be included in an upcoming catalogue raisonné (*i.e.*, a monograph providing a comprehensive list of artworks by an artist, describing the works in a way so that they may be reliably identified by third parties) of Johns' works. However, in truth and in fact and as MEYER well knew, as unfinished pieces, none of the Unauthorized Works would appear in any such compilation.

8. Over the course of his almost six-year scheme to defraud, JAMES MEYER, the defendant, caused the Gallery Owner to sell twenty-two (22) of the Unauthorized Works on his behalf for a total of approximately \$6.5 million. In connection with these sales, MEYER caused the Gallery Owner to remit approximately \$3.4 million in sales proceeds to him via check or wire transfer, which funds were deposited in MEYER's account at a bank located in Connecticut.

Statutory Allegations

9. From at least in or about September 2006, up to and including at least in or about February 2012, in the Southern District of New York and elsewhere, JAMES MEYER, the defendant, willfully and knowingly, did transport, transmit, and transfer

in interstate commerce, goods, wares, and merchandise, of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, to wit, MEYER transported, and caused to be transported, unfinished works of art created by Johns from Connecticut to New York, knowing that they had been stolen.

(Title 18, United States Code, Sections 2314 and 2.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

10. The allegations contained in paragraphs 1 through 8 above are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

11. From at least in or about September 2006, up to and including at least in or about February 2012, JAMES MEYER, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, MEYER engaged in a scheme to defraud potential purchasers into buying the Unauthorized Works by, among other things, falsely representing the status and provenance of the artwork. In

furtherance of executing such scheme, MEYER caused, among other things, interstate e-mails to be sent from New York, New York to owners of certain art galleries and potential purchasers located elsewhere in the United States and abroad.

(Title 18, United States Code, Section 1343.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

12. As the result of committing the offenses alleged in Counts One and Two of this Indictment, JAMES MEYER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the charged offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of this Indictment.

Substitute Asset Provision

13. If any of the above-described forfeitable property, as a result of any act or omission of JAMES MEYER, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of JAMES MEYER, the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 28, United States Code, Section 2461; and Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA
United States Attorney

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INDICTMENT

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(18 U.S.C. §§ 1343, 2314 and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL



Foreperson.
