



*United States Attorney
Southern District of New York*

**FOR IMMEDIATE RELEASE
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**FORMER EMPLOYEE OF ART COLLECTOR CHARGED IN
MANHATTAN FEDERAL COURT WITH SCHEME TO SELL
STOLEN ANDY WARHOL ARTWORK**

PREET BHARARA, the United States Attorney for the Southern District of New York, JOSEPH M. DEMAREST, JR., the Assistant Director-in-Charge of the New York Field Office of the Federal Bureau of Investigation ("FBI"), JANET DiFIORE, the District Attorney for Westchester County, and THOMAS BELFIORE, the Commissioner of the Westchester County Department of Public Safety, announced today that JAMES S. BIEAR, surrendered today and was charged with mail and wire fraud in Manhattan federal court, in connection with a joint investigation conducted by the FBI and the Westchester County Police Department into BIEAR's possession of numerous pieces of notable artwork believed to have been stolen from his former employer. The federal charges relate to BIEAR's sale of one of those pieces of artwork, a Heinz 57 box created by the artist Andy Warhol, to an unwitting collector in New York City.

According to the Complaint unsealed today in Manhattan federal court:

In July 2008, BIEAR sold a Andy Warhol silkscreen on a wooden crate mimicking a Heinz 57 case of ketchup (the "Warhol Heinz 57 box") to an art collector in New York City for approximately \$220,000. In connection with the sale, BIEAR claimed that the Warhol Heinz 57 box had been gifted to him from his uncle who had legal title to the Warhol Heinz 57 box. In

truth and in fact, Andy Warhol had gifted the Warhol Heinz 57 box to an art collector (the "Art Collector") in 1964. In or around April 2007, the Warhol Heinz 57 box was noticed to be missing from the Art Collector's New York residence after a birthday party. BIEAR had been employed by the Art Collector at the time that the Warhol Heinz 57 box was believed to have been stolen.

BIEAR is charged with one count of mail fraud and one count of wire fraud. If convicted, he faces a maximum sentence of 40 years in prison and a fine of the greater of \$250,000 or twice the gross gain or loss caused by his crimes.

BIEAR also faces charges brought by the Westchester District Attorney's Office. According to the Felony Complaint filed in Westchester County court, BIEAR is charged with Criminal Possession of Stolen Property in the second degree in connection with BIEAR's possession of artwork also believed to have been stolen from his prior employer, specifically, an ink drawing by Francis Picabia titled, "Jean Cocteau par Francis Picabia." If convicted, BIEAR faces a maximum sentence of 15 years in prison.

BIEAR, 49, of Ossining, New York, is expected to be presented today before United States Magistrate Judge HENRY B. PITMAN and is expected to appear later today in state court in Ossining, New York.

Mr. BHARARA thanked the FBI, the Westchester District Attorney's Office, and the Westchester County Department of Public Safety for their work in the investigation.

The federal case is being prosecuted by the Office's Complex Frauds Unit. Assistant United States Attorney LISA P. KOROLOGOS is in charge of the prosecution. The state case is being handled by Assistant District Attorney BRIAN FITZGERALD for the Investigations Division at the Westchester District Attorney's Office.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

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