

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 09-</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>January 22, 2009</u></b>
<b>FORREST R. SMITH, III</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 1343 (wire fraud – 3 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 1341 (mail fraud – 1 count)</b>

**INDICTMENT**

**COUNTS ONE THROUGH THREE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. The website eBay.com (“eBay”) was a popular online marketplace, where registered account holders could buy or sell just about any item or product, often through the use of auctions. Among the items regularly listed for auction and sale on eBay were new and used books, including many by well-known authors, some of whom are deceased. Sometimes, the books were advertised as having been signed by the author. When this happened, the seller generally included a photograph of the author’s purported signature on the auction webpage. Typically, a book signed by its author had a substantially higher starting bid price and sales price than an unsigned copy of the same book written by the same author.

**THE SCHEME**

2. From in or about 2002 to on or about December 15, 2008, defendant

**FORREST R. SMITH, III**

devised and intended to devise a scheme to defraud hundreds of eBay book purchasers and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

### **MANNER AND MEANS**

It was part of the scheme that:

3. Defendant FORREST R. SMITH, III established multiple accounts on eBay, including one with the user identification “bigdaddy\_books” and one with the user identification “bev103162smith.”

4. Defendant FORREST R. SMITH, III used the eBay account “bigdaddy\_books” primarily to purchase books over the Internet.

5. Defendant FORREST R. SMITH, III used the eBay account “bev103162smith” primarily to sell books over the Internet.

6. Most of the books that defendant FORREST R. SMITH, III purchased through the eBay account “bigdaddy\_books” had not been signed by their authors.

7. After receiving the unsigned books he had purchased through eBay account “bigdaddy\_books,” defendant FORREST R. SMITH, III often forged the authors’ signatures in the books.

8. Defendant FORREST R. SMITH, III then auctioned and sold the books with the forged authors’ signatures through his eBay account “bev103162smith.”

9. By representing that the books with forged signatures actually had been signed by their authors, defendant FORREST R. SMITH, III was able to sell them at a much higher price than he would have been able to sell the same books as unsigned.

10. Defendant FORREST R. SMITH, III forged the signatures of deceased authors on the books he sold on eBay through account “bev103162smith,” including Truman Capote, James Michener, Norman Mailer, Leon Uris, Kurt Vonnegut, and more recently, Michael Crichton.

11. Defendant FORREST R. SMITH, III also forged the signatures of living authors on the books he sold on eBay through account “bev103162smith,” including Tom Clancy, John Grisham, John Irving, Toni Morrison, Annie Proulx, Anne Rice, Philip Roth, and Tom Wolfe.

12. Defendant FORREST R. SMITH, III was able to forge the signatures into the books he sold on eBay through account “bev103162smith” by obtaining copies of each of the authors’ actual signatures, bringing the signatures to a stamp-making company, and having ink-based stamps made for each signature. Then, when defendant SMITH purchased an unsigned book, he used the ink-based stamp to create the forged signature.

13. In addition to using his eBay account “bigdaddy\_books” to buy unsigned books, defendant FORREST R. SMITH, III obtained other unsigned books from libraries, estate sales and book stores. In each instance, he used the ink-based stamps to forge authors’ signatures in the books and then sell them through eBay account “bev103162smith.”

14. More than 400 different eBay users purchased what they believed were signed books from defendant FORREST R. SMITH, III through eBay account “bev103162smith” since December 2006, when in fact, defendant SMITH had forged those signatures.

15. Since March 2002, defendant FORREST R. SMITH, III received more than \$300,000 in revenue from sales of what he falsely represented were signed books on eBay account “bev103162smith.”

16. On or about each of the dates set forth below, in Reading, in the Eastern District of Pennsylvania, defendant

**FORREST R. SMITH, III**

for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

<b>COUNT</b>	<b>DATE</b>	<b>DESCRIPTION</b>
1	November 16, 2008	Listing for auction on eBay, through user identification “bev103162smith,” what defendant SMITH claimed was a signed copy of “Interview with the Vampire” by Anne Rice
2	November 16, 2008	Listing for auction on eBay, through user identification “bev103162smith,” what defendant SMITH claimed was a signed copy of “A Tree of Night” by Truman Capote
3	December 8, 2008	Listing for auction on eBay, through user identification “bev103162smith,” what defendant SMITH claimed were signed copies of approximately 20 books, including those authored by Michael Crichton, Kurt Vonnegut, Annie Proulx, and John Grisham.

All in violation of Title 18, United States Code, Section 1343.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 15 of Counts One through Three are re-alleged here.
2. On or about November 24, 2008, in Reading, in the Eastern District of Pennsylvania, defendant

**FORREST R. SMITH, III**

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by mail according to the directions thereon, a payment for two books that defendant SMITH misrepresented had been signed by their authors.

In violation of Title 18, United States Code, Section 1341.

**A TRUE BILL:**

---

**GRAND JURY FOREPERSON**

---

**LAURIE MAGID**  
**Acting United States Attorney**