

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

08-20586 CR-SEITZ

18 U.S.C. § 371

MAGISTRATE JUDGE
O'SULLIVAN

UNITED STATES OF AMERICA

v.

BERNARD JEAN TERNUS,

Defendant.

FILED 5/11/08
2008 JUN 26 PM 12:44
SOUTHERN DISTRICT OF FLORIDA

INDICTMENT

The Grand Jury charges that:

Beginning in or about August 2007, and continuing through on or about June 4, 2008, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

BERNARD JEAN TERNUS,

did knowingly and willfully combine, conspire, confederate, and agree with Unindicted Co-Conspirator A, known to the grand jury, Unindicted Co-Conspirator B, known to the grand jury, and others, known and unknown to the grand jury, to commit an offense against the United States, that is: to knowingly transport or transfer in interstate or foreign commerce goods, wares, and merchandise of the value of \$5,000 or more, knowing the same to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314 and 2.

OBJECT AND PURPOSE OF THE CONSPIRACY

It was an object and purpose of the conspiracy for **BERNARD JEAN TERNUS** and others known and unknown to the grand jury to unlawfully enrich themselves by transporting or transferring in interstate or foreign commerce four paintings having a value greater than \$5,000 knowing those paintings to have been stolen, which stolen paintings are as follows: “Cliffs near Dieppe” by Claude Monet; “The Lane of Poplars at Moret” by Alfred Sisley; “Allegory of Water” by Jan Brueghel the Elder; and “Allegory of Earth” by Jan Brueghel the Elder; all of which were stolen on or about August 5, 2007, from the Musee des Beaux-Arts, also known as the Museum of Fine Arts, in Nice, France (hereinafter, “the Nice Paintings”).

MANNER AND MEANS

It was part of the conspiracy that:

1. From in or about August 2007 and until in or about June 2008, defendant **BERNARD JEAN TERNUS** together with others known and unknown to the grand jury would broker the sale of the Nice Paintings knowing that the Nice Paintings had been stolen.
2. **BERNARD JEAN TERNUS** would travel from Miami outside the State of Florida to France and meet with others known and unknown to the grand jury for the purpose of brokering the sale of the Nice Paintings.
3. **BERNARD JEAN TERNUS** would travel from Miami outside the State of Florida to Spain and meet with others known and unknown to the grand jury for the purpose of brokering the sale of the Nice Paintings.
4. Unindicted Co-Conspirator A, known to the grand jury, and Unindicted Co-Conspirator C, known to the grand jury, would travel from Spain to Miami in the State of Florida

and meet with **BERNARD JEAN TERNUS** and others known and unknown to the grand jury for the purpose of brokering the sale of the Nice Paintings.

OVERT ACTS

In furtherance of the conspiracy and to achieve the object and purpose thereof, at least one of the co-conspirators known to the grand jury committed or caused to be committed, in the Southern District of Florida, and elsewhere, the following overt act, among others:

1. On or about October 8, 2007, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity and asked them if they could help him sell the Nice Paintings.

2. On or about October 18, 2007, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity and negotiated for the sale of the Nice Paintings, which, according to **BERNARD JEAN TERNUS**, were then located in southern France.

3. On or about October 25, 2007, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity and negotiated for the sale of the Nice Paintings.

4. On or about December 17, 2007, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity and discussed his recent trip to France and reported that he had access to the Nice Paintings.

5. On or about January 5, 2008, **BERNARD JEAN TERNUS** met with an F.B.I. special agent working in an undercover capacity and negotiated for the sale of the Nice Paintings and planned a meeting in Spain for the purpose of selling the Nice Paintings.

6. On or about January 19, 2008, **BERNARD JEAN TERNUS** and Unindicted Co-Conspirator B, known to the grand jury, met in Barcelona, Spain with three F.B.I. special agents working in an undercover capacity and negotiated for the sale of the Nice Paintings, intending to arrange for the transfer of the Nice Paintings in Spain to undercover F.B.I. special agents.

7. On or about January 31, 2008, **BERNARD JEAN TERNUS** met with an F.B.I. special agent working in an undercover capacity and discussed a two-part transaction whereby the undercover F.B.I. special agent would meet Unindicted Co-Conspirator B in Barcelona, Spain where two of the Nice Paintings would be sold to the undercover F.B.I. special agent and the two remaining Nice Paintings would be sold on a separate date to the undercover F.B.I. special agent.

8. On or about March 27, 2008, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity and discussed the terms and structure of the sale of the Nice Paintings.

9. On or about April 10, 2008, **BERNARD JEAN TERNUS** met with two F.B.I. special agents working in an undercover capacity during which meeting **BERNARD JEAN TERNUS**, in concert with Unindicted Co-Conspirator B, and the undercover F.B.I. special agents agreed that the undercover F.B.I. special agents would take delivery of the Nice Paintings in France and a representative of Unindicted Co-Conspirator B, who would receive payment for the Nice Paintings, would travel to Miami to meet with the undercover F.B.I. special agents.

10. On or about April 16, 2008, Unindicted Co-Conspirator A and Unindicted Co-Conspirator C arrived in Miami, Florida from Madrid, Spain.

11. On or about April 18, 2008, **BERNARD JEAN TERNUS**, Unindicted Co-Conspirator A, and Unindicted Co-Conspirator C met with two F.B.I. special agents working in an undercover capacity and negotiated the terms and structure of the sale of the Nice Paintings.

12. On or about April 20, 2008, **BERNARD JEAN TERNUS** and Unindicted Co-Conspirator A met with two F.B.I. special agents working in an undercover capacity and negotiated a two-part sale of the Nice Paintings in France for approximately €3 million (Euros).

13. On or about May 16, 2008, Unindicted Co-Conspirator A and others unknown to the grand jury met in France with an officer from the French National Police working in an undercover capacity at which time two of the Nice Paintings were shown to the undercover French National Police officer. The undercover French National Police officer agreed to purchase the Nice Paintings on behalf of the undercover F.B.I. special agents.

14. On or about June 4, 2008, Unindicted Co-Conspirator A, Unindicted Co-Conspirator B, and others unknown to the grand jury were arrested by French National Police officers in and around southern France when the Nice Paintings were going to be sold to the undercover French National Police Officer, and the Nice Paintings were recovered in Marseilles, France.

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

CRIMINAL FORFEITURE ALLEGATION

1. The above allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C), and Title 21, United States Code, Section 853.

2. Upon conviction of the offense alleged in this Indictment, defendant **BERNARD JEAN TERNUS** shall forfeit to the United States all property, real and personal, which constitutes or is derived from proceeds traceable to such violation.


3. If the property described above as being subject to forfeiture, as a result of any act or omission of defendant **BERNARD JEAN TERNUS**,

- (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;

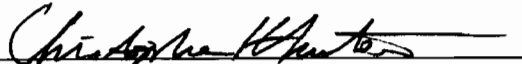
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the defendant up to the value of the above property.

All pursuant to Title 28, United States Code, Section 2461, Title 18, United States Code, Section 981(a)(1)(C), and Title 21, United States Code, Section 853.

A TRUE BILL 



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



CHRISTOPHER J. HUNTER
ASSISTANT UNITED STATES ATTORNEY