



**UNITED STATES ATTORNEY'S OFFICE**  
*Southern District of New York*

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**FORMER CARETAKER OF ELDERLY MILLIONAIRE SENTENCED IN  
MANHATTAN FEDERAL COURT TO 10 YEARS IN PRISON FOR  
STEALING \$3.2 MILLION AND VALUABLE ARTWORK**

*Defendant Stole Works by Andy Warhol, Marcel Duchamp, and Others*

Preet Bharara, the United States Attorney for the Southern District of New York, announced that JAMES STEPHEN BIEAR, 51, of Ossining, New York, was sentenced today to 10 years in prison for stealing \$3.2 million and artwork, including Andy Warhol's silkscreen on a wooden crate, mimicking a Heinz 57 case of ketchup (the "Warhol Heinz 57 box"), from his former employer, an elderly millionaire. BIEAR was found guilty on November 22, 2010, of 10 counts of interstate transportation of stolen property, wire, mail, bank and credit card fraud, and money laundering, after a two week jury trial. BIEAR was sentenced today in Manhattan federal court by U.S. District Judge P. Kevin Castel, who also presided over the trial.

Manhattan U.S. Attorney Preet Bharara said: "Instead of caring for his vulnerable elderly employer, Bear callously defrauded him of millions of dollars of cash and cherished works of art. Today's sentence ensures Bear will be punished for his crimes and sends a clear and important message to others that the victimization of the elderly and the infirm will not be tolerated."

According to the evidence introduced at trial, other proceedings in this case, and documents previously filed in Manhattan federal court:

From 2005 through 2007, BIEAR worked as a driver and personal assistant to a wealthy individual in Manhattan and Vermont (the "Victim"). Over the span of those two years, BIEAR gained access to the Victim's bank account information, credit cards, checks, and extensive art collection. In July 2006, BIEAR transferred approximately \$3.2 million from the Victim's bank account in Australia into the Victim's bank account in Vermont, and then to BIEAR's own bank account in California. BIEAR also stole other money, artwork, and personal property from the Victim, including the Warhol Heinz 57 box; a playing card on paper by Marcel Duchamp; an ink drawing by Francis Picabia; a watercolor by Joe Brainard; a charcoal drawing by Alex Katz; and the Victim's antique silverware.

After stealing the Warhol Heinz 57 box, BIEAR sold it to an art collector in New York City for \$220,000 by fraudulently asserting that the box had been given to him as a gift by his uncle, and by creating a phony letter of provenance. In fact, Andy Warhol had given the Warhol Heinz 57 box to the Victim, in approximately 1964. BIEAR also forged a check for over \$52,000 from the Victim's bank account and used his credit cards without authorization to pay

for luxury items such as European vacations, expensive dinners, Tiffany silverware, jewelry, and ski equipment.

BIEAR also laundered the money he stole from the Victim through the all-cash purchase of: a house in Ossining, New York (the “Ossining House”), antique furniture, Oriental rugs, and various other artwork. In August 2009, BIEAR falsely reported that one of the paintings had been stolen from his home in Ossining, and then filed a fraudulent insurance claim. In October 2009, law enforcement recovered the painting from BIEAR’s attic while executing a search warrant.

BIEAR is facing charges in Westchester County arising from his statements to the local law enforcement authorities concerning the purported stolen painting. BIEAR’s interest in the Ossining House has been forfeited to the United States. It is anticipated that proceeds from the sale of the house will be used to compensate BIEAR’s victims.

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In addition to the prison term, which reflected sentencing enhancements for abusing a position of trust and a vulnerable victim, Judge Castel sentenced BIEAR to four years of supervised release, imposed a \$3.5 million forfeiture judgment, and ordered him to pay a \$1,000 special assessment fee. Restitution will be determined at a later date.

While sentencing BIEAR, Judge Castel said that “he was a con man and a thief. And not a particularly good one at that.” The judge also noted that, “he considered his actions, he thought about his actions, and he was greedy in the extreme.”

Mr. Bharara praised the Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigation Boston Field Office, the Westchester County Department of Public Safety, the Village of Ossining Police Department, the Westchester County District Attorney’s Office, and the United States Attorney’s Office for the District of Vermont, for their outstanding work on the case.

The case is being prosecuted by the Office’s Complex Frauds Unit. Assistant United States Attorney Lisa P. Korologos is in charge of the prosecution.

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