



Daniel Jeanguenin
Avocat
CCP 30-430258-0
Tel: +41 32 322 30 05
daniel.jeanguenin@gmx.ch

Oliver Weber
Fürsprecher
PC 60-719874-7
Tel: +41 32 322 68 13
Cell phone: +41 77 423 03 20
weberlaw@gmx.ch

Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

Connecticut State Police
Detective Mr. Richard Van Tine #732
Troop G
149 Prospect Street
Bridgeport, CT 06604
USA

Biel, Switzerland, 10 July, 2008

REQUEST FOR SEIZURE AND RECOVERY – Ferrari 250 GT, VIN 0799

Dear Richard

As discussed earlier, I am sending you enclosed one request for seizure (3 exemplars) and a voluminous dossier with 40 evidence documents on behalf of my client Dr. Andreas Gerber. The documents which I am sending you enclosed are the result of a long preparation work. You will see that my client and I really did our homework.

Regarding the evidence documents I would like to make two remarks:

Concerning the attachment 15, I would like to precise that the pictures no. 9-11 were not taken on the same day when Ferrari 0799 was transported to Marbella. Additionally I would like to inform, that picture no. 3 (attachment 15) was not taken in front of the house of my client, but in front of a garage. Regarding the attachment 32 you will notice that some sentences in the document are printed twice. I don't know what happened there. The same document, but differently illustrated (from the original homepage), can be found in attachment 33.

As I told you before, I will be in Asia from July 11 until August 6, 2008. You can reach me by Email (weberlaw@gmx.ch) or by cell phone (0041 77 423 03 20). I can also call you back if necessary.

A copy of this request and of the evidence documents goes to Bill Adams for information.

State of Connecticut Dept. of Public Safety Narrative Report DPS-302-C (Revised 04/03)	REPORT TYPE: <input type="checkbox"/> INITIAL CONTINUATION <input checked="" type="checkbox"/> SUPPLEMENTARY <input checked="" type="checkbox"/> RE-OPEN <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENTS <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE <input type="checkbox"/> TELETYPE <input type="checkbox"/> OTHER	DPS INCIDENT NUMBER: 0800265932 Page 1 of 1
---	--	---	--

Action Taken: On July 21st, 2008, this Detective received numerous documents from Oliver Weber, the Swiss attorney who represents the victim in this case. The documents highlight the investigation conducted by him on behalf of his client.

There are three "Requests for Seizure and Recovery." Each has an original signature of Mr. Weber. These "Requests" provide a detailed summary of the events surrounding the theft of the vehicle, the actions of individuals who have possessed the vehicle since its theft, and information on the current possessor who is believed to be Paul "Barney" Hallingby DOB: 11-11-46.

Mr. Weber also provided three "Directories of Evidence Documents," two of which have attachments. The primary "Directory" has original notarized statements and signatures and the other having attachments contains copies of those notarized statements and signatures. The attachments are various articles, statements, and other documents that support the accusations made in the aforementioned "Requests for Seizure and Recovery."

This Detective had previously received from Daniel Pilla of the NJ Motor Vehicle Commission, ownership information on the vehicle. This information shows that the vehicle was first titled to "Classic Coach Repair" of 1007 South Elmora Avenue in Elizabeth, NJ on November 9th, 1994. On November 29th, 1994, the vehicle was titled to Scott Rosen of 512 McKendimen Road in Medford, NJ. On December 5th, 1997, the vehicle was again titled to "Classic Coach Repair." On December 9th, 1997, the vehicle was titled to Jeffrey Schwartz of 110 Tekening Drive in Tenafly, NJ.

This Detective seized the following items as evidence in this case:

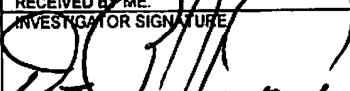

- Item #1-New Jersey title information.
- Item #2-Request for Seizure and Recovery.
- Item #3-Directory of Evidence Documents.

Attached to this report is a copy of the JD-CR-18 "Inventory of Property Seized without a Search Warrant."

This Detective has retained copies of the aforementioned items of evidence for reference purposes.

Detective Pinelli of the Statewide Auto Theft Task Force was advised of these events.

This case is closed Suspended.

CASE STATUS: <input type="checkbox"/> 1-ACTIVE <input type="checkbox"/> 2-CLEARED ARREST <input checked="" type="checkbox"/> 3-SUSPENDED		TYPE OF EXCEPTIONAL CLEARANCE: <input type="checkbox"/> 4-EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6-NO CRIMINAL ASPECT <input type="checkbox"/> F-FUGITIVE		<input type="checkbox"/> A-OFFENDER DECEASED <input type="checkbox"/> B-PROSECUTION DENIED <input type="checkbox"/> C-EXTRADITION DENIED <input type="checkbox"/> D-VICTIM UNCOOPERATIVE <input type="checkbox"/> E-JUVENILE-NO CUSTODY	
THE UNDERSIGNED, AN INVESTIGATOR DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATIONS & KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE 	INVESTIGATOR I.D. 732	REPORT DATE 07-22-08	SUPERVISOR SIGNATURE 	SUPERVISOR I.D. 27	APPROVAL DATE 7-25-08
Det. Richard Van Tine					

INVENTORY OF PROPERTY SEIZED WITHOUT A SEARCH WARRANT

JD-CR-18 Rev. 7-05 C.G.S. §§ 21a-262, 26-85, 26-90, 54-36a,g,h, 46b-121 and 53-278c.

PART A

COURT DOCKET NO.

PART B

COURT DOCKET NO.

CR

JUVENILE

COURT DOCKET NO.

☐ FOR P.D. USE ONLY
☐ WARRANT APPLIED FOR
☒ TO COURT

INSTRUCTIONS

1. Do not use this form if a search warrant is used.
2. Original must be filed with the Clerk of Court.
3. In the case of an arrest or referral, file with a uniform arrest report or Juvenile Summons/Complaint.
4. Last copy for Police Department use.

☐ To Court
☐ Destroy - No Value
☒ Case Pending
☐ Return to Owner
☐ Prisoner's
☐ Juvenile

POLICE CASE/RECEIPT NO.
 2800265932

TO THE SUPERIOR COURT AT (Address of court)

☐ JUVENILE ☒ G.A. No. 18 80 Doyle Road Litchfield, CT

UNIFORM ARREST REPORT/JUV. SUMMONS NO.

COURT APPEARANCE DATE

ARREST/REFERRAL

POLICE CASE/RECEIPT NO.

COMPANION CASE NO.

☐ MADE

☒ PENDING

0800265932

NAME, ADDRESS AND TEL. NO. OF DEFENDANT(S)/SUBJECT(S)

NAME, ADDRESS AND TEL. NO. OF COMPLAINANT(S)/OWNER(S)

1. Hallingby, Paul "Barney" 11-11-46
 Kings Hill Road Sharon, CT

1.

2.

2.

3.

3.

TYPE OF INCIDENT

Larceny I (by Possession)

TOWN OF SEIZURE

DATE OF SEIZURE

TYPE OF PROPERTY

Bridgeport

07-21-08

☐ STOLEN

☒ EVIDENCE

☐ LOST/FOUND

☐ INVESTIGATION

The following property was seized, in connection with a criminal/delinquency case: (Describe type, color, serial number, etc.)

- PROPERTY SEIZED
1. Item #1-New Jersey title information.
 2. Item #2-Request for Seizure and Recovery.
 3. Item #3-Directory of Evidence Documents.
 - 4.
 5. (No other items)
 - 6.
 - 7.
 - 8.
 - 9.
 - 10.
 - 11.
 - 12.

PART A INVENTORY NO.

PART B INVENTORY NO.

JUVENILE INVENTORY NO.

If cash money was seized, enter total amount here

(List each cash seizure separately on the numbered lines above.)

TOTAL AMOUNT OF CASH

\$ 0

SIGNED (Police Officer)

(Title)

DATE

DEPARTMENT

Detective

07-23-08

CSP MVFTF

PROPERTY ROOM USE ONLY

EVIDENCE PHOTOGRAPHED

DATE

REMARKS

☐ NO ☐ YES

DATE OUT

REASON

BY

DATE RETURNED

(over)

INVENTORY OF SEIZED PROPERTY

I am looking forward to hearing your news and I thank you very much for taking care of this case and for helping my client and me.

With kind regards

A handwritten signature in black ink, appearing to read 'Oliver Weber', with a stylized flourish at the end.

Oliver Weber
Attorney-at-Law



Daniel Jeanguenin
Avocat
CCP 30-430258-0
Tel: +41 32 322 30 05
daniel.jeanguenin@gmx.ch

Oliver Weber
Fürsprecher
PC 60-719874-7
Tel: +41 32 322 68 13
Cell phone: +41 77 423 03 20
weberlaw@gmx.ch

Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

Connecticut State Police
Detective Mr. Richard Van Tine #732
Troop G
149 Prospect Street
Bridgeport, CT 06604
USA

Biel, Switzerland, 10 July, 2008

REQUEST FOR SEIZURE AND RECOVERY – Ferrari 250 GT, VIN 0799

Dear Richard

As discussed earlier, I am sending you enclosed one request for seizure (3 exemplars) and a voluminous dossier with 40 evidence documents on behalf of my client Dr. Andreas Gerber. The documents which I am sending you enclosed are the result of a long preparation work. You will see that my client and I really did our homework.

Regarding the evidence documents I would like to make two remarks:

Concerning the attachment 15, I would like to precise that the pictures no. 9-11 were not taken on the same day when Ferrari 0799 was transported to Marbella. Additionally I would like to inform, that picture no. 3 (attachment 15) was not taken in front of the house of my client, but in front of a garage. Regarding the attachment 32 you will notice that some sentences in the document are printed twice. I don't know what happened there. The same document, but differently illustrated (from the original homepage), can be found in attachment 33.

As I told you before, I will be in Asia from July 11 until August 6, 2008. You can reach me by Email (weberlaw@gmx.ch) or by cell phone (0041 77 423 03 20). I can also call you back if necessary.

A copy of this request and of the evidence documents goes to Bill Adams for information.

I am looking forward to hearing your news and I thank you very much for taking care of this case and for helping my client and me.

With kind regards

A handwritten signature in black ink, appearing to read 'Oliver Weber', with a stylized flourish at the end.

Oliver Weber
Attorney-at-Law



Daniel Jeanguenin
Avocat
CCP 30-430258-0
Tel: +41 32 322 30 05
daniel.jeanguenin@gmx.ch

Oliver Weber
Fürsprecher
PC 60-719874-7
Tel: +41 32 322 68 13
Cell phone: +41 77 423 03 20
weberlaw@gmx.ch

Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

REQUEST FOR SEIZURE AND RECOVERY

of

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7, Post Office Box No. 811, CH-2501 Biel, Switzerland, phone 0041 32 322 68 13, fax 0041 32 322 68 04, cell phone 0041 77 423 03 20

requestor

versus

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

illegitimate possessor

Concerning: stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT (hereafter called "Ferrari 250 GT")

Submitted to the Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street, Bridgeport, CT 06604, United States of America

I. Request

1. Hereby the Connecticut State Police is courteously requested to seize Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT, probably located on the property of Mr. Paul L. "Barney" Hallingby at 31 Kings Hill Road, Sharon, CT 06069, USA, and to store this car in a safe place.
2. After seizure, Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT will be returned to the requestor or to his attorney.

II. Jurisdiction / procedure

1. Ferrari car 250 GT was stolen from the requestor on July 7 in 1993 in the city of Marbella in Spain. As will be proven hereafter this car is in the custody of Mr. Paul L. "Barney" Hallingby today and probably located at the address 31 Kings Hill Road, in Sharon, CT 06069, USA. Thus, the stolen Ferrari 250 GT is located in the state and jurisdiction of the Connecticut State Police. This authority is therefore competent to treat the present request for seizure.
2. The undersigning attorney-at-law is legally legitimated and properly empowered by his client based on the empowerment, dated 04.07.2007 (original German version).

Evidence	1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 (English version).	attachment 1
	2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 (original German version).	attachment 2
	3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of Ferrari 250 GT, dated July 3, 2008.	attachment 3
	4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version).	attachment 4

II. Reasons / Facts

1. The requestor is a Swiss Citizen and a Medical Doctor with his own medical practice in a small village called "Pieterlen". "Pieterlen" is located in the Canton of Berne, in Switzerland. A Canton can legally be compared with a State in America. In the late 1980s the requestor became an enthusiast for old sports cars and started to deal with Ferrari cars on a small scale as a hobby. In total the requestor bought five Ferrari cars. The most expensive Ferrari car the requestor ever bought was Ferrari model 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT. This car model was only produced 36 times (plus 5 prototypes) and is a rarity among Ferrari collectors and dealers. According to the original mechanical report of the Ferrari factory, Ferrari 250 GT was constructed between October 31, 1957 and February 4, 1958. The first owner of the car was Mr. Dino Fabbri from Milan, Italy, who bought Ferrari 250 GT from Mr. Enzo Ferrari on May 8, 1958.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 13 |
| | 4. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. | attachment 14 |

5. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.

2. The requestor bought Ferrari 250 GT from a well known sports car and luxury car dealer, namely Mr. Andreas Zenari, who is a Swiss Citizen too. Mr. Andreas Zenari has an excellent reputation among Ferrari dealers and collectors and he is the manager of the company "*Elite Diffusion*", located at Hauptstrasse, in CH-3284 Fräschels in Switzerland. Thanks to Mr. Andreas Zenari and his excellent contacts, the purchase of Ferrari 250 GT by the requestor could be arranged. Ferrari 250 GT was owned by Mr. Peter A. Bowers from Houston TX, USA from 1970 until April 17, 1989, who registered Ferrari 250 GT on Texas licence plates "365 VGV". On April 17, 1989 Mr. Bowers sold Ferrari 250 GT for USD 680,000.00 to Mr. Michael W. Sheehan, owner of the company "*European Auto Sales Inc.*" in Costa Mesa, CA, USA. Also Mr. Sheehan has an excellent reputation among Ferrari collectors and dealers. Mr. Sheehan himself sold Ferrari 250 GT to Mr. Andreas Zenari on 21. April 2008 for USD 780,000.00. The car was then shipped from the USA to Switzerland. The purchase contract between Mr. Sheehan and Mr. Zenari was arranged by Mr. W Schoch from Porche Sales Inc., who himself received a commission of USD 35,560.00 from Mr. Sheehan's "*European Auto Sales Inc.*" paid by bank check dated 05.15.1989.

- | | | |
|-----------------|--|--|
| Evidence | <ol style="list-style-type: none"> 1. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989
 2. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and <i>European Auto Sales Inc.</i>, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 | <p>attachment 16</p>
<p>attachment 17</p> |
|-----------------|--|--|

3. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
4. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
5. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
6. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
7. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
8. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
9. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

3. On April 27, 1989, the requestor purchased Ferrari 250 GT from Mr. Andreas Zenari for 1,700,000.00 Swiss Francs. Applying the then applicable exchange rate Swiss Franc/US Dollar in 1989, this amount was equivalent to USD 900,000.00 at that time. To drive Ferrari 250 GT the requestor was granted permission to use the number plates of Mr. An-

dreas Zenari registered under "BE 838 U". "BE" stands for Canton of Berne, "U" stands for car dealer. Additionally, the requestor used other number plates registered under "BE 1144 U" which belonged to a garage in a neighbouring village of "Pieterlen". Within Switzerland Ferrari 250 GT was insured by Swiss Mobiliar Insurance Company against all risks.

- Evidence**
1. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 7, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
 2. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffusion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 3. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
 4. After enjoying his car for a certain time the requestor decided to sell his Ferrari 250 GT. For that reason he wanted to offer his Ferrari 250 GT on the well known market place and jet set town Marbella in Spain, where he expected to achieve a good selling price. The requestor was already in contact with a garage in Marbella specialised in luxury cars. The name of the garage was "*Motorauto Marbella*", located at Avenida Ricardo Soriano, ed este 2 in 29601 Marbella, Spain, which was apparently managed by a Mr. Kelvin John Fisher, whose business partners were Mr. Gianni Meninno (an Italian citizen) and Mr. Pedro Manuel Poiares-Serra (a Portuguese citizen). Ferrari 250 GT was transported from Switzerland to Spain with three other Ferrari cars, which did not belong to the requestor. These three other Ferraris cars are the following models:

- Ferrari 250 GT Spider, Series 2, year of construction 1960, chassis no. 1893, red color with black leather interior.
- Ferrari 365 GT 2 + 2, year of construction 1970, chassis no. 13811, blue color, with black leather interior.
- Ferrari 250 GT/e2 + 2, year of construction 1961, chassis no. 2925, black color, with cream leather interior.

All four Ferrari cars were loaded on a truck for transportation to Marbella. This transport was prepared in front of the company "*Elite Diffusion*" in Fräschels, Switzerland as can be seen on the evidence pictures attached. The four cars were transported to Marbella without any problems. In Marbella the four Ferrari cars were stored in a warehouse of the mentioned garage "*Motorauto Marbella*". Negotiations for selling Ferrari 250 GT were conducted. In July 1993 the requestor advised an attorney to check whether everything was in order with his Ferrari car stored in the garage "*Motorauto Marbella*". This attorney checked the garage "*Motorauto Marbella*" on July 9, 1993, and noted that Ferrari 250 GT and the three other above mentioned cars had disappeared. The requestor immediately contacted the Spanish Police and asked them to search for his car. The Spanish Police found out that Ferrari 250 GT had been transported to Lisboa together with the three other above mentioned Ferrari cars on July 6 or 7, 1993. Based on their investigations the Spanish Police found a transportation company, namely "Pierre Motors" in Motril/Granada, which had transported the Ferrari 250 GT including the three other above mentioned Ferrari cars to a garage near the Hotel Ritz in Lisboa/Portugal. The name of the driver of the truck was Mr. Didier Martin Teixeira, who was assigned by Mr. Pedro Manuel Poiarés-Serra to transport the mentioned Ferrari cars from Marbella to Lisboa. Mr. Teixeira had probably not been informed about the fact, that Mr. Pedro Manuel Poiarés-Serra was a thief and not the owner of the Ferrari cars and that he was not in a position nor allowed to dispose of these cars. Based on information of Ferrari dealers and experts, the requestor heard that Ferrari 250 GT was offered for sale in Bologna/Italy by the Italian Mr. Gianni Mennino who was a business partner of Mr. Poiarés-Serra and Mr. Kelvin Fisher. The requestor did not hear anything about his car for a long time and he had to realize the fact that the Spanish Police was not investigating the theft of his car properly. The requestor was also told that there was a lot of corruption among law enforcement authorities, judges and the local government in Marbella. This corruption scandal later became public and was investigated by a special anticorruption judge as the attached newspaper articles prove. The luxury garage "*Motorauto Marbella*", as well as the Italian Mafioso and heavy criminal Gianni Mennino of the Santapaola Mafia clan

were involved in this corruption scandal. It later turned out that the garage "*Motorauto Marbella*" was a bogus company which was used by Mennino, Fisher and Poiares-Serra to conduct their crimes under the protection of Marbella authorities. Mennino was later arrested in Spain but could escape from prison and fled to Italy. He died in the year 2004.

After realizing that Spanish Police could not and would not help him recover his stolen Ferrari 250 GT due to corruption, and knowing that his Ferrari was not located in Spain anymore, the requestor decided to activate Swiss Police and Interpol Berne.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of <i>Elite Diffsuion</i> before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 15 |
| | 2. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold"/transferred Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. | attachment 31 |
| | 3. Internet article on http://80srebron.blogspot.com dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. | attachment 32 |
| | 4. Internet article on http://80srebron.blogspot.com dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. | attachment 33 |
| | 5. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). | attachment 34 |

6. Internet article in the Spanish newspaper "El Mundo" on **attachment 35**
www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary).
 7. Internet article in the Spanish newspaper "El Mundo" on **attachment 36**
www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary).
 8. Internet article in the Spanish newspaper "El Pais" on **attachment 37**
www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).
 9. Internet article in the Spanish newspaper "El Mundo" on **attachment 38**
www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).
5. On March 16, 1995 the requestor filed a criminal complaint regarding the theft of Ferrari 250 GT at the office of the Cantonal Police of Berne, in the city of 2502 Biel, Switzerland. The Cantonal Police of Berne cooperated with Interpol Berne and Ferrari 250 GT was searched internationally and listed in the Interpol database as stolen since March 20, 1995. Interpol Berne also contacted Interpol Madrid, Lisboa and Interpol Washington between 1995 and 2001 and asked these authorities to support their investigations.

- Evidence**
1. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version) **attachment 4**
 2. Message from Interpol Berne to Interpol Washington dated March 27, 1995, informing about the theft of Ferrari 250 GT and requesting help in searching the car. **attachment 6**
 3. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of co-operation of Spanish and Portuguese Police **attachment 7**
 4. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
6. The requestor was later informed by Ferrari dealers and Ferrari experts that his Ferrari 250 GT was "sold"/transferred by the Mafioso Gianni Mennino to Frank "Joe" Triarsi, CEO of Classic Coach Ltd., Elisabeth, New Jersey 07202, USA in 1994. Mr. Triarsi is an official Ferrari dealer with a doubtful reputation and excellent contacts to Italy. Frank Triarsi "sold"/transferred Ferrari 250 GT for a suspiciously too low price of USD 300,000.00 to Dr. Scott Rosen, Bedford, NY, USA in September 1994. A price of USD 450,000.00 – 550,000.00 would have been a realistic price considering the difficult market situation in 1994/1995 when the Ferrari prices started to decrease. In 1995 the tail-lights of Ferrari 250 GT were changed and were placed horizontally at the top of the rear fenders.

- Evidence**
1. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250 GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00. **attachment 5**

2. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
 3. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site
www.barchetta.cc, proving that it has been widely known
for a long time in the Ferrari community that Ferrari 250
GT VIN 0799 was stolen.
7. In 1996 Ferrari 250 GT Dr. Scott Rosen apparently “sold”/transferred Ferrari 250 GT to Jeffrey Schwartz, Compass Metal Corporation, 1 Executive Drive, Fort Lee, NJ 07024, USA. In May 2000 Jeffrey Schwarz tried – according to Ferrari Expert Marcel Massini – to “sell” Ferrari 250 GT to Symbolic Motor Car Company, 7440 La Jolla Boulevard, La Jolla, CA 92037-5029, USA. But Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT. Symbolic Motor Car was never in possession of Ferrari 250 GT. The reaction of Symbolic Motor Car proves that it has been widely known for a long time in the Ferrari dealer and collector community that Ferrari 250 GT is a stolen car. A purchase in good faith was/is therefore not possible, especially considering the small number of produced cars of Series 1 (36 x), which makes it impossible to remain anonymous with such a car. The purchase of such an expensive and rare car also obliges a potential buyer to check the history of the car, as Symbolic Motor Car correctly and dutifully did.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site
www.barchetta.cc, proving that it has been widely known
for a long time in the Ferrari community that Ferrari 250
GT VIN 0799 was stolen.

8. In the Year 2000 Jeffrey Schwartz "sold"/transferred Ferrari 250 GT back to Dr. Scott Rosen. In January 19/20, 2001 Ferrari 250 GT was seen by Ferrari Expert Marcel Massini at the Cavallino Classic Concours Meeting at Moroso Raceway and Palm Beach/FL/USA, entered by Paul L. "Barney" Hallingby, resident at 31 King Hill Road, Sharon, Connecticut 06069, USA. Ferrari Expert Marcel Massini had a suspicious experience when he started taking pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.

- | | | |
|-----------------|---|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it is since a long time widely known in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989, taken in CH-3284 Fräschels/Switzerland in front of the garage of <i>Elite Diffusion</i> before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 15 |
| | 4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm | attachment 30 |

Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT

9. According to the information of the requestor Ferrari 250 GT is still in the possession of Paul Hallingby and it is possible that this car is located at 31 Kings Hill Road, Sharon, CT 06069, USA. Mr. Hallingby's business partner is Mr. Nick Soprano of Motor Classic & Competition Corporation, 868 North Broadway, White Plains, NY 10603, USA (www.motorclassicc corp.com). The requestor was informed by a German Ferrari dealer that Nick Soprano once tried to sell a replicated Ferrari 250 Le Mans (1964) as an original (on behalf of Hallingby). Furthermore Mr. Nick Soprano has a suspicious reputation among Ferrari dealers and collectors in Europe. Because of the close business relations between Mr. Hallingby and Mr. Soprano it is possible that Ferrari 250 GT is also located on the premises of Mr. Soprano's business which is Motor Classic & Competition Corp. at 868 North Broadway, White Plains, NY 10603. The reason why the requestor thinks that Ferrari 250 GT is still in the custody of Mr. Hallingby is, because the latter was seen at car shows and Concours like the Greenwich Ferrari Concours in 2005, where Mr. Hallingby was listed as the exhibitor of Ferrari 250 GT. In 2004 Mr. Hallingby also won a trophy from the Ferrari Club of America for his Ferrari 250 GT.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 | attachment 26 |

4. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. **attachment 27**

Source: www.barchetta.cc

5. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (on page 9) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (on page 13). **attachment 28**

Source:

www.greenwichconcours.com/2005Highlights.htm

6. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**

10. After receiving the information that Mr. Hallingby "bought"/received Ferrari 250 GT from Dr. Scott Rosen (probably in the year 2001) the requestor filed another criminal complaint regarding the crime of "larceny"/"receiving of stolen goods" at the Cantonal Police of Berne, at the office of the Police Department of Lengnau/Switzerland on March 19, 2008. As will be explained and proven hereafter, Mr. Hallingby was in bad faith when buying Ferrari 250 GT and he has therefore committed the crime of larceny. After filing the above mentioned criminal complaint, the Cantonal Police of Berne and Interpol Berne restarted their investigations and search regarding Ferrari 250 GT and entered Ferrari 250 GT in the Interpol database (ASF Vehicle) as stolen again. It is also relevant to know that the requestor has never been compensated by any insurance company for the loss of his car.

- Evidence**
1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**

2. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the **attachment 39**
offence of larceny according to title 53a (penal code) in
chapter 952, volume 13, of the General Statutes of Con-
necticut.

III. Legal aspects

Criminal Law Aspects

Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, New Jersey 07202, USA

It is evident that also Frank "Joe" Triarsi was in bad faith when he bought Ferrari 250 GT from the Italian Mafioso Gianni Mennino. As proven with several newspaper articles attached, Gianni Mennino was a heavy criminal and member of the Mafia family, namely the "Santapaola Clan". This information was in the newspaper and can also be read on the internet. Gianni Mennino was in prison in Spain and his escape from that prison was published in the newspaper. Gianni Mennino was not in the legal position to transfer any title to Frank Triarsi, especially as he had no papers documenting the transfer of ownership of Ferrari 250 GT from the requestor to him. Gianni Mennino was probably in the possession of the old Texas title of Mr. Peter Bowers and of some old service documents, as they were stored in the car when transported from Switzerland to Spain.

These documents are not relevant. To transfer the ownership from the requestor to Gianni Mennino a title and a purchase contract signed by the requestor would have been required. According to the Spanish investigations Mr. Gianni Mennino was known for using forged documents when selling property that did not belong to him. It is therefore possible that the present-day illegal possessor (Mr. Hallingby) might present such forged documents to "prove his title". Such documents must be ignored, as the requestor never signed and agreed to a purchase contract and never transferred his title on Ferrari 250 GT to anybody. The old Texas title of Mr. Bowers and service documents do not prove the transfer of property from the requestor to anyone, because these old documents were issued before the requestor became the owner of Ferrari 250 GT. Based on this information it can be concluded, that also Frank Triarsi was in bad faith when buying Ferrari 250 GT. He ignored his duty to check the history of Ferrari 250 GT carefully. No serious and honorable businessman and Ferrari dealer does business with a well known member of organized crime.

- Evidence**
1. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold"/*transferred* Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
 2. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
 3. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 33**
 4. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). **attachment 34**
 5. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary). **attachment 35**
 6. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary). **attachment 36**
 7. Internet article in the Spanish newspaper "El Pais" on www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the **attachment 37**

relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).

8. Internet article in the Spanish newspaper "El Mundo" on **attachment 38**
www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

There are three clear signs and evidence that Mr. Paul L. "Barney" Hallingby knew or could at least assume the fact that Ferrari car 250 GT is a stolen car.

1. On the famous Ferrari collector and dealer homepage with the link:
<http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm>
Ferrari 250 GT, VIN 0799 is mentioned as having been stolen for many years. The name of the requestor and Marbella/Spain (the place of the theft) is also mentioned on that internet site. The requestor never informed the holder of the internet site www.barchetta.cc. The operator of this Internet site must have other sources of information within the Ferrari community. Based on this publication of the history of Ferrari 250 GT on www.barchetta.cc it can be concluded, that it has been widely known for a long time in the Ferrari dealer and collector community, that Ferrari 250 GT was stolen.
2. The fact that Jeffrey Schwarz could not sell Ferrari 250 GT to Symbolic Motor Car Company in May 2000 (before Mr. Hallingby "bought"/received the car) and that Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT, proves that already in the late 1990s and in the year 2000 Ferrari dealers and collectors were informed about the theft and about the legal problems regarding Ferrari 250 GT.

3. The suspicious experience Ferrari Expert Marcel Massini made, when he started to take pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001 also raises questions. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.
4. If one buys a rare and expensive car such as the Ferrari 250 GT it is the buyer's duty to check the seriousness of his business partner and the history of the car and he has to be sure of the proper provenance of the car. With a simple phone call to a Ferrari dealer or some quick internet research Mr. Hallingby could have easily found out that Ferrari 250 GT was a stolen car. Because the Ferrari 250 GT is such a rare car, its history is perfectly documented and transparent and it is impossible to remain anonymous with such a car. The information regarding the theft of Ferrari 250 GT is freely available and Mr. Hallingby probably also knows about that fact as the reaction of his mechanic proves (see paragraph No. 3 above). He ignored this information and "bought"/received Ferrari 250 GT in bad faith.

Mr. Hallingby was, as explained above, not in good faith when he "bought"/received Ferrari car 250 GT and he has therefore committed the offence of larceny in the first degree (Class B felony) by receiving stolen property according to chapter 952, title 53a (penal code), Sec. 53a-119 (8) and Sec. 53a-122 (Volume 13) of the General Statutes of Connecticut. The prosecution and the investigations regarding this offence according to the penal code of Connecticut is in the jurisdiction of the Connecticut State Police. Receiving of stolen goods is also a severe crime according to Swiss penal code and the requestor therefore filed a criminal complaint regarding this offence in Switzerland on March 19, 2008.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) | attachment 9 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |

3. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT, VIN 0799 was stolen. **attachment 12**
4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was in bad faith when buying Ferrari 250 GT. **attachment 30**
5. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

Civil Law Aspects

The requestor never sold his Ferrari 250 GT and consequently never transferred any title of ownership to anyone. The requestor therefore legally remains the owner of Ferrari 250 GT. Nevertheless he has not seen his car for 15 years.

As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief (Source: ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY, No. 47465. 534 P.2d 1, 1975 OK 49, Decided: April 1, 1975., Rehearing Denied April 22, 1975., Supreme Court of Oklahoma).

Based on this legal foundation it can be reasoned that even if Mr. Scott Rosen and Mr. Paul Hallingby were in good faith when concluding the purchase contract regarding Ferrari 250 GT, which is very doubtful and contested by the requestor, Mr. Rosen was not in the legal

position to transfer any title to Mr. Hallingby regarding Ferrari 250 GT. The requestor remains the owner and only holder of the title and was not divested of title by the theft of Ferrari 250 GT in Marbella in 1993.

Evidence 1. Judgment of Supreme Court of Oklahoma dated April 1, **attachment 40**
1975, regarding the case ERNIE MILLER PONTIAC INC.
v. HOME INSURANCE COMPANY (Reference: No.
47465, 534 P.2d 1, 1975 OK 49)

Based on these facts and legal analysis this request is sufficiently motivated and the State Police of Connecticut is courteously asked to seize Ferrari 250 GT from Mr. Paul Hallingby or from any other person and to store this car in a safe place. In the name and on behalf of the requestor, I thank you very much in advance for your help and for your support.

With kind regards



Oliver Weber
Attorney-at-Law

3 copies submitted

Evidence documents according to attached directory

Sent as registered letter

Switzerland, CH-2501 Biel, July 9, 2008

Copy for information goes to:

- Mr. Bill Adams
- Mr. Dave Clydesdale, Fedpol, Federal Police, CH-3003 Bern, Switzerland
- Max Geissbühler, Cantonal Police Berne, CH-3013 Bern, Switzerland

DIRECTORY OF EVIDENCE DOCUMENTS

for the purpose of

REQUEST FOR SEIZURE

concerning stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58,
VIN 0799GT

submitted to

Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street,
Bridgeport, CT 06604, United States of America

by

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26,
CH-2542 Pieterlen, Switzerland

requestor

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7,
Post Office Box No. 811, CH-2501 Biel, Switzerland, Email: weberlaw@gmx.ch

July 9, 2008

- | | | |
|----|--|---------------------|
| 1. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008
(English version). | attachment 1 |
| 2. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007
(original German version). | attachment 2 |
| 3. | Affidavit – sworn statement Dr. A. Gerber regarding his ownership of
Ferrari 250 GT, dated July 3, 2008. | attachment 3 |
| 4. | Criminal complaint regarding the theft of Ferrari 250 GT submitted to
the Cantonal Police of the Canton of Berne, Switzerland, on March 16,
1995 (original German and notarized English version). | attachment 4 |
| 5. | Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the
Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250
GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in | attachment 5 |

summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00.

6. Message from Interpol Berne to Interpol Washington dated on March 27, 1995, informing about the theft of Ferrari 250 GT and requesting for help in searching the car. **attachment 6**
7. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
8. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
9. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**
10. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
11. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland **attachment 11**
12. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. **attachment 12**
13. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 13**
14. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. **attachment 14**

15. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
16. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 **attachment 16**
17. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 **attachment 17**
18. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
19. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
20. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
21. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
22. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
23. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
24. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

25. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 9, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
26. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 **attachment 26**
27. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. Source: www.barchetta.cc **attachment 27**
28. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (page 8) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (page 12). **attachment 28**
Source: www.greenwichconcours.com/2005Highlights.htm
29. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**
30. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT **attachment 30**
31. Internet article on www.telegraph.co.uk dated on 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold" Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
32. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan. **attachment 32**
33. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni **attachment 33**

Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan.

34. Internet article of the Ministry of Interior of Spain, dated 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated into English if necessary). **attachment 34**
35. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated into English if necessary). **attachment 35**
36. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated April 4, 2001, informing about the corruption in Marbella and about the incident when the Italian Mafioso Gianni Meninno escaped from the prison in Spain and fled to Italy. (Can be translated into English if necessary). **attachment 36**
37. Internet article in the Spanish newspaper "El Pais" on www.elpais.com dated 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated into English if necessary). **attachment 37**
38. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated into English if necessary). **attachment 38**
39. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

- 40. Judgment of Supreme Court of Oklahoma dated April 1, 1975, **attachment 40**
regarding the case ERNIE MILLER PONTIAC INC. v. HOME
INSURANCE COMPANY (Reference: No. 47465, 534 P.2d 1, 1975
OK 49)
- 41. Certificate of Mrs. Astrid Ischer, Translator and English Teacher, **attachment 41**
issued by the University of Cambridge in November 1991



Daniel Jeanguenin
Avocat
CCP 30-430258-0
Tel: +41 32 322 30 05
daniel.jeanguenin@gmx.ch

Oliver Weber
Fürsprecher
PC 60-719874-7
Tel: +41 32 322 68 13
Cell phone: +41 77 423 03 20
weberlaw@gmx.ch

Murtenstrasse 7, rue de Morat
Post Office Box No. 811
CH-2501 Biel-Bienne
Switzerland
Telefax +41 32 322 68 04

REQUEST FOR SEIZURE AND RECOVERY

of

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7, Post Office Box No. 811, CH-2501 Biel, Switzerland, phone 0041 32 322 68 13, fax 0041 32 322 68 04, cell phone 0041 77 423 03 20

requestor

versus

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

illegitimate possessor

Concerning: stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT (hereafter called "Ferrari 250 GT")

Submitted to the Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street, Bridgeport, CT 06604, United States of America

I. Request

1. Hereby the Connecticut State Police is courteously requested to seize Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT, probably located on the property of Mr. Paul L. "Barney" Hallingby at 31 Kings Hill Road, Sharon, CT 06069, USA, and to store this car in a safe place.
2. After seizure, Ferrari car 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT will be returned to the requestor or to his attorney.

II. Jurisdiction / procedure

1. Ferrari car 250 GT was stolen from the requestor on July 7 in 1993 in the city of Marbella in Spain. As will be proven hereafter this car is in the custody of Mr. Paul L. "Barney" Hallingby today and probably located at the address 31 Kings Hill Road, in Sharon, CT 06069, USA. Thus, the stolen Ferrari 250 GT is located in the state and jurisdiction of the Connecticut State Police. This authority is therefore competent to treat the present request for seizure.
2. The undersigning attorney-at-law is legally legitimated and properly empowered by his client based on the empowerment, dated 04.07.2007 (original German version).

Evidence	1. Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008 (English version).	attachment 1
	2. Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007 (original German version).	attachment 2
	3. Affidavit – sworn statement Dr. A. Gerber regarding his ownership of Ferrari 250 GT, dated July 3, 2008.	attachment 3
	4. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version).	attachment 4

II. Reasons / Facts

1. The requestor is a Swiss Citizen and a Medical Doctor with his own medical practice in a small village called "Pieterlen". "Pieterlen" is located in the Canton of Berne, in Switzerland. A Canton can legally be compared with a State in America. In the late 1980s the requestor became an enthusiast for old sports cars and started to deal with Ferrari cars on a small scale as a hobby. In total the requestor bought five Ferrari cars. The most expensive Ferrari car the requestor ever bought was Ferrari model 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58, VIN 0799GT. This car model was only produced 36 times (plus 5 prototypes) and is a rarity among Ferrari collectors and dealers. According to the original mechanical report of the Ferrari factory, Ferrari 250 GT was constructed between October 31, 1957 and February 4, 1958. The first owner of the car was Mr. Dino Fabbri from Milan, Italy, who bought Ferrari 250 GT from Mr. Enzo Ferrari on May 8, 1958.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 13 |
| | 4. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. | attachment 14 |

5. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
2. The requestor bought Ferrari 250 GT from a well known sports car and luxury car dealer, namely Mr. Andreas Zenari, who is a Swiss Citizen too. Mr. Andreas Zenari has an excellent reputation among Ferrari dealers and collectors and he is the manager of the company "*Elite Diffusion*", located at Hauptstrasse, in CH-3284 Fräschels in Switzerland. Thanks to Mr. Andreas Zenari and his excellent contacts, the purchase of Ferrari 250 GT by the requestor could be arranged. Ferrari 250 GT was owned by Mr. Peter A. Bowers from Houston TX, USA from 1970 until April 17, 1989, who registered Ferrari 250 GT on Texas licence plates "365 VGV". On April 17, 1989 Mr. Bowers sold Ferrari 250 GT for USD 680,000.00 to Mr. Michael W. Sheehan, owner of the company "*European Auto Sales Inc.*" in Costa Mesa, CA, USA. Also Mr. Sheehan has an excellent reputation among Ferrari collectors and dealers. Mr. Sheehan himself sold Ferrari 250 GT to Mr. Andreas Zenari on 21. April 2008 for USD 780,000.00. The car was then shipped from the USA to Switzerland. The purchase contract between Mr. Sheehan and Mr. Zenari was arranged by Mr. W Schoch from Porche Sales Inc., who himself received a commission of USD 35,560.00 from Mr. Sheehan's "*European Auto Sales Inc.*" paid by bank check dated 05.15.1989.

- | | | |
|-----------------|--|---|
| Evidence | <ol style="list-style-type: none"> 1. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 2. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and <i>European Auto Sales Inc.</i>, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 | <p>attachment 16</p> <p>attachment 17</p> |
|-----------------|--|---|

3. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
4. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
5. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
6. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
7. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
8. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
9. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

3. On April 27, 1989, the requestor purchased Ferrari 250 GT from Mr. Andreas Zenari for 1,700,000.00 Swiss Francs. Applying the then applicable exchange rate Swiss Franc/US Dollar in 1989, this amount was equivalent to USD 900,000.00 at that time. To drive Ferrari 250 GT the requestor was granted permission to use the number plates of Mr. An-

dreas Zenari registered under "BE 838 U". "BE" stands for Canton of Berne, "U" stands for car dealer. Additionally, the requestor used other number plates registered under "BE 1144 U" which belonged to a garage in a neighbouring village of "Pieterlen". Within Switzerland Ferrari 250 GT was insured by Swiss Mobiliar Insurance Company against all risks.

- Evidence**
1. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 7, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
 2. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of *Elite Diffusion* before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
 3. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
 4. After enjoying his car for a certain time the requestor decided to sell his Ferrari 250 GT. For that reason he wanted to offer his Ferrari 250 GT on the well known market place and jet set town Marbella in Spain, where he expected to achieve a good selling price. The requestor was already in contact with a garage in Marbella specialised in luxury cars. The name of the garage was "*Motorauto Marbella*", located at Avenida Ricardo Soriano, ed este 2 in 29601 Marbella, Spain, which was apparently managed by a Mr. Kelvin John Fisher, whose business partners were Mr. Gianni Meninno (an Italian citizen) and Mr. Pedro Manuel Poiares-Serra (a Portuguese citizen). Ferrari 250 GT was transported from Switzerland to Spain with three other Ferrari cars, which did not belong to the requestor. These three other Ferraris cars are the following models:

were involved in this corruption scandal. It later turned out that the garage "*Motorauto Marbella*" was a bogus company which was used by Mennino, Fisher and Poiares-Serra to conduct their crimes under the protection of Marbella authorities. Mennino was later arrested in Spain but could escape from prison and fled to Italy. He died in the year 2004.

After realizing that Spanish Police could not and would not help him recover his stolen Ferrari 250 GT due to corruption, and knowing that his Ferrari was not located in Spain anymore, the requestor decided to activate Swiss Police and Interpol Berne.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage of <i>Elite Diffsuion</i> before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 15 |
| | 2. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who " <i>sold</i> "/transferred Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. | attachment 31 |
| | 3. Internet article on http://80srebron.blogspot.com dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. | attachment 32 |
| | 4. Internet article on http://80srebron.blogspot.com dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. | attachment 33 |
| | 5. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). | attachment 34 |

6. Internet article in the Spanish newspaper "El Mundo" on **attachment 35**
www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary).
 7. Internet article in the Spanish newspaper "El Mundo" on **attachment 36**
www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary).
 8. Internet article in the Spanish newspaper "El Pais" on **attachment 37**
www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).
 9. Internet article in the Spanish newspaper "El Mundo" on **attachment 38**
www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).
5. On March 16, 1995 the requestor filed a criminal complaint regarding the theft of Ferrari 250 GT at the office of the Cantonal Police of Berne, in the city of 2502 Biel, Switzerland. The Cantonal Police of Berne cooperated with Interpol Berne and Ferrari 250 GT was searched internationally and listed in the Interpol database as stolen since March 20, 1995. Interpol Berne also contacted Interpol Madrid, Lisboa and Interpol Washington between 1995 and 2001 and asked these authorities to support their investigations.

- Evidence**
1. Criminal complaint regarding the theft of Ferrari 250 GT submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 16, 1995 (original German and notarized English version) **attachment 4**
 2. Message from Interpol Berne to Interpol Washington dated March 27, 1995, informing about the theft of Ferrari 250 GT and requesting help in searching the car. **attachment 6**
 3. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of co-operation of Spanish and Portuguese Police **attachment 7**
 4. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
6. The requestor was later informed by Ferrari dealers and Ferrari experts that his Ferrari 250 GT was "sold"/transferred by the Mafioso Gianni Mennino to Frank "Joe" Triarsi, CEO of Classic Coach Ltd., Elisabeth, New Jersey 07202, USA in 1994. Mr. Triarsi is an official Ferrari dealer with a doubtful reputation and excellent contacts to Italy. Frank Triarsi "sold"/transferred Ferrari 250 GT for a suspiciously too low price of USD 300,000.00 to Dr. Scott Rosen, Bedford, NY, USA in September 1994. A price of USD 450,000.00 – 550,000.00 would have been a realistic price considering the difficult market situation in 1994/1995 when the Ferrari prices started to decrease. In 1995 the tail-lights of Ferrari 250 GT were changed and were placed horizontally at the top of the rear fenders.

- Evidence**
1. Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250 GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00. **attachment 5**

2. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
 3. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.
7. In 1996 Ferrari 250 GT Dr. Scott Rosen apparently “sold”/transferred Ferrari 250 GT to Jeffrey Schwartz, Compass Metal Corporation, 1 Executive Drive, Fort Lee, NJ 07024, USA. In May 2000 Jeffrey Schwarz tried – according to Ferrari Expert Marcel Massini – to “sell” Ferrari 250 GT to Symbolic Motor Car Company, 7440 La Jolla Boulevard, La Jolla, CA 92037-5029, USA. But Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT. Symbolic Motor Car was never in possession of Ferrari 250 GT. The reaction of Symbolic Motor Car proves that it has been widely known for a long time in the Ferrari dealer and collector community that Ferrari 250 GT is a stolen car. A purchase in good faith was/is therefore not possible, especially considering the small number of produced cars of Series 1 (36 x), which makes it impossible to remain anonymous with such a car. The purchase of such an expensive and rare car also obliges a potential buyer to check the history of the car, as Symbolic Motor Car correctly and dutifully did.

- Evidence**
1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – **attachment 11**
2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland
 2. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12**
on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen.

8. In the Year 2000 Jeffrey Schwartz "sold"/transferred Ferrari 250 GT back to Dr. Scott Rosen. In January 19/20, 2001 Ferrari 250 GT was seen by Ferrari Expert Marcel Massini at the Cavallino Classic Concours Meeting at Moroso Raceway and Palm Beach/FL/USA, entered by Paul L. "Barney" Hallingby, resident at 31 King Hill Road, Sharon, Connecticut 06069, USA. Ferrari Expert Marcel Massini had a suspicious experience when he started taking pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.

- | | | |
|-----------------|---|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it is since a long time widely known in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989, taken in CH-3284 Fräschels/Switzerland in front of the garage of <i>Elite Diffusion</i> before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. | attachment 15 |
| | 4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm | attachment 30 |

Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT

9. According to the information of the requestor Ferrari 250 GT is still in the possession of Paul Hallingby and it is possible that this car is located at 31 Kings Hill Road, Sharon, CT 06069, USA. Mr. Hallingby's business partner is Mr. Nick Soprano of Motor Classic & Competition Corporation, 868 North Broadway, White Plains, NY 10603, USA (www.motorclassicc corp.com). The requestor was informed by a German Ferrari dealer that Nick Soprano once tried to sell a replicated Ferrari 250 Le Mans (1964) as an original (on behalf of Hallingby). Furthermore Mr. Nick Soprano has a suspicious reputation among Ferrari dealers and collectors in Europe. Because of the close business relations between Mr. Hallingby and Mr. Soprano it is possible that Ferrari 250 GT is also located on the premises of Mr. Soprano's business which is Motor Classic & Competition Corp. at 868 North Broadway, White Plains, NY 10603. The reason why the requestor thinks that Ferrari 250 GT is still in the custody of Mr. Hallingby is, because the latter was seen at car shows and Concours like the Greenwich Ferrari Concours in 2005, where Mr. Hallingby was listed as the exhibitor of Ferrari 250 GT. In 2004 Mr. Hallingby also won a trophy from the Ferrari Club of America for his Ferrari 250 GT.

- | | | |
|-----------------|--|----------------------|
| Evidence | 1. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland | attachment 11 |
| | 2. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc , proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. | attachment 12 |
| | 3. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 | attachment 26 |

4. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. **attachment 27**

Source: www.barchetta.cc

5. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (on page 9) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (on page 13). **attachment 28**

Source:

www.greenwichconcours.com/2005Highlights.htm

6. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**

10. After receiving the information that Mr. Hallingby "bought"/received Ferrari 250 GT from Dr. Scott Rosen (probably in the year 2001) the requestor filed another criminal complaint regarding the crime of "larceny"/"receiving of stolen goods" at the Cantonal Police of Berne, at the office of the Police Department of Lengnau/Switzerland on March 19, 2008. As will be explained and proven hereafter, Mr. Hallingby was in bad faith when buying Ferrari 250 GT and he has therefore committed the crime of larceny. After filing the above mentioned criminal complaint, the Cantonal Police of Berne and Interpol Berne restarted their investigations and search regarding Ferrari 250 GT and entered Ferrari 250 GT in the Interpol database (ASF Vehicle) as stolen again. It is also relevant to know that the requestor has never been compensated by any insurance company for the loss of his car.

- Evidence**
1. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**

2. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the **attachment 39**
offence of larceny according to title 53a (penal code) in
chapter 952, volume 13, of the General Statutes of Con-
necticut.

III. Legal aspects

Criminal Law Aspects

Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, New Jersey 07202, USA

It is evident that also Frank "Joe" Triarsi was in bad faith when he bought Ferrari 250 GT from the Italian Mafioso Gianni Mennino. As proven with several newspaper articles attached, Gianni Mennino was a heavy criminal and member of the Mafia family, namely the "Santapaola Clan". This information was in the newspaper and can also be read on the internet. Gianni Mennino was in prison in Spain and his escape from that prison was published in the newspaper. Gianni Mennino was not in the legal position to transfer any title to Frank Triarsi, especially as he had no papers documenting the transfer of ownership of Ferrari 250 GT from the requestor to him. Gianni Mennino was probably in the possession of the old Texas title of Mr. Peter Bowers and of some old service documents, as they were stored in the car when transported from Switzerland to Spain.

These documents are not relevant. To transfer the ownership from the requestor to Gianni Mennino a title and a purchase contract signed by the requestor would have been required. According to the Spanish investigations Mr. Gianni Mennino was known for using forged documents when selling property that did not belong to him. It is therefore possible that the present-day illegal possessor (Mr. Hallingby) might present such forged documents to "*prove his title*". Such documents must be ignored, as the requestor never signed and agreed to a purchase contract and never transferred his title on Ferrari 250 GT to anybody. The old Texas title of Mr. Bowers and service documents do not prove the transfer of property from the requestor to anyone, because these old documents were issued before the requestor became the owner of Ferrari 250 GT. Based on this information it can be concluded, that also Frank Triarsi was in bad faith when buying Ferrari 250 GT. He ignored his duty to check the history of Ferrari 250 GT carefully. No serious and honorable businessman and Ferrari dealer does business with a well known member of organized crime.

- Evidence**
1. Internet article on www.telegraph.co.uk dated 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold"/*transferred* Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
 2. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 32**
 3. Internet article on <http://80srebron.blogspot.com> dated on 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connections to the Italian Santapaola Mafia clan. **attachment 33**
 4. Internet article of the Ministry of Interior of Spain, dated on 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated to English if necessary). **attachment 34**
 5. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated to English if necessary). **attachment 35**
 6. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated on April 4, 2001, informing about the corruption in Marbella and about the incident regarding the escape of the Italian Mafioso Gianni Meninno from the prison in Spain to Italy. (Can be translated to English if necessary). **attachment 36**
 7. Internet article in the Spanish newspaper "El Pais" on www.elpais.com, dated on 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the **attachment 37**

relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated to English if necessary).

8. Internet article in the Spanish newspaper "El Mundo" on **attachment 38** www.elmundo.es, dated on 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated to English if necessary).

Paul L. "Barney" Hallingby, 31 Kings Hill Road, Sharon, CT 06069, USA

There are three clear signs and evidence that Mr. Paul L. "Barney" Hallingby knew or could at least assume the fact that Ferrari car 250 GT is a stolen car.

1. On the famous Ferrari collector and dealer homepage with the link: <http://www.barchetta.cc/english/All.Ferraris/Detail/0799GT.250GT.Cabriolet.SI.htm> Ferrari 250 GT, VIN 0799 is mentioned as having been stolen for many years. The name of the requestor and Marbella/Spain (the place of the theft) is also mentioned on that internet site. The requestor never informed the holder of the internet site www.barchetta.cc. The operator of this Internet site must have other sources of information within the Ferrari community. Based on this publication of the history of Ferrari 250 GT on www.barchetta.cc it can be concluded, that it has been widely known for a long time in the Ferrari dealer and collector community, that Ferrari 250 GT was stolen.
2. The fact that Jeffrey Schwarz could not sell Ferrari 250 GT to Symbolic Motor Car Company in May 2000 (before Mr. Hallingby "*bought*"/*received* the car) and that Symbolic Motor Car backed out of the deal when they found out about the legal problems regarding Ferrari 250 GT, proves that already in the late 1990s and in the year 2000 Ferrari dealers and collectors were informed about the theft and about the legal problems regarding Ferrari 250 GT.

3. The suspicious experience Ferrari Expert Marcel Massini made, when he started to take pictures of Ferrari 250 GT at Cavallino Concours at Palm Beach, FL, in January 2001 also raises questions. Immediately after taking a picture of the chassis number of Ferrari 250 GT, the mechanic / aid of Paul Hallingby closed the hood of the car as fast as a flash. This reaction is weird and unusual in the Ferrari collector community. Normally collectors show their cars with pleasure and open the hood of their cars voluntarily without being asked. Obviously Paul Hallingby had something to hide, which the reaction of his mechanic proves.
4. If one buys a rare and expensive car such as the Ferrari 250 GT it is the buyer's duty to check the seriousness of his business partner and the history of the car and he has to be sure of the proper provenance of the car. With a simple phone call to a Ferrari dealer or some quick internet research Mr. Hallingby could have easily found out that Ferrari 250 GT was a stolen car. Because the Ferrari 250 GT is such a rare car, its history is perfectly documented and transparent and it is impossible to remain anonymous with such a car. The information regarding the theft of Ferrari 250 GT is freely available and Mr. Hallingby probably also knows about that fact as the reaction of his mechanic proves (see paragraph No. 3 above). He ignored this information and "bought"/received Ferrari 250 GT in bad faith.

Evidence	<ol style="list-style-type: none"> <li data-bbox="352 1518 1163 1648">1. Criminal Complaint regarding the offence “receiving of stolen goods”, submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) <li data-bbox="352 1648 1163 1765">2. History regarding Ferrari 250 GT, VIN 0799GT, 1957 – 2007, based on literature and consultation of Ferrari experts. <u>Source:</u> Ferrari expert, Marcel Massini, CH-8604 Volketswil. Switzerland 	<p data-bbox="1187 1518 1378 1648">attachment 9</p> <p data-bbox="1187 1648 1378 1765">attachment 11</p>
-----------------	---	--

3. History regarding Ferrari 250 GT, VIN 0799GT, published **attachment 12** on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT, VIN 0799 was stolen.
4. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 **attachment 30** Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was in bad faith when buying Ferrari 250 GT.
5. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the **attachment 39** offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut.

Civil Law Aspects

The requestor never sold his Ferrari 250 GT and consequently never transferred any title of ownership to anyone. The requestor therefore legally remains the owner of Ferrari 250 GT. Nevertheless he has not seen his car for 15 years.

As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief (Source: ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY, No. 47465. 534 P.2d 1, 1975 OK 49, Decided: April 1, 1975., Rehearing Denied April 22, 1975., Supreme Court of Oklahoma).

Based on this legal foundation it can be reasoned that even if Mr. Scott Rosen and Mr. Paul Hallingby were in good faith when concluding the purchase contract regarding Ferrari 250 GT, which is very doubtful and contested by the requestor, Mr. Rosen was not in the legal

position to transfer any title to Mr. Hallingby regarding Ferrari 250 GT. The requestor remains the owner and only holder of the title and was not divested of title by the theft of Ferrari 250 GT in Marbella in 1993.

Evidence 1. Judgment of Supreme Court of Oklahoma dated April 1, **attachment 40**
1975, regarding the case ERNIE MILLER PONTIAC INC.
v. HOME INSURANCE COMPANY (Reference: No.
47465, 534 P.2d 1, 1975 OK 49)

Based on these facts and legal analysis this request is sufficiently motivated and the State Police of Connecticut is courteously asked to seize Ferrari 250 GT from Mr. Paul Hallingby or from any other person and to store this car in a safe place. In the name and on behalf of the requestor, I thank you very much in advance for your help and for your support.

With kind regards



Oliver Weber
Attorney-at-Law

3 copies submitted

Evidence documents according to attached directory

Sent as registered letter

Switzerland, CH-2501 Biel, July 9, 2008

Copy for information goes to:

- Mr. Bill Adams
- Mr. Dave Clydesdale, Fedpol, Federal Police, CH-3003 Bern, Switzerland
- Max Geissbühler, Cantonal Police Berne, CH-3013 Bern, Switzerland

DIRECTORY OF EVIDENCE DOCUMENTS

for the purpose of

REQUEST FOR SEIZURE

concerning stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58,
VIN 0799GT

submitted to

Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street,
Bridgeport, CT 06604, United States of America

by

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26,
CH-2542 Pieterlen, Switzerland

requestor

represented by Oliver Weber, Attorney-at-Law; business address: Murtenstrasse 7,
Post Office Box No. 811, CH-2501 Biel, Switzerland, Email: weberlaw@gmx.ch

July 9, 2008

- | | | |
|----|--|---------------------|
| 1. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008
(English version). | attachment 1 |
| 2. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007
(original German version). | attachment 2 |
| 3. | Affidavit – sworn statement Dr. A. Gerber regarding his ownership of
Ferrari 250 GT, dated July 3, 2008. | attachment 3 |
| 4. | Criminal complaint regarding the theft of Ferrari 250 GT submitted to
the Cantonal Police of the Canton of Berne, Switzerland, on March 16,
1995 (original German and notarized English version). | attachment 4 |
| 5. | Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the
Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250
GT was put up for sale in Bologna/Italy by the Italian Mr. Mennino in | attachment 5 |

- summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00.
6. Message from Interpol Berne to Interpol Washington dated on March 27, 1995, informing about the theft of Ferrari 250 GT and requesting for help in searching the car. **attachment 6**
 7. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
 8. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
 9. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**
 10. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
 11. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland **attachment 11**
 12. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. **attachment 12**
 13. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 13**
 14. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. **attachment 14**

15. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 Pieterlen/Switzerland in front of the house of the requestor in 1989; taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001 by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 15**
16. Certificate of title to a motor vehicle, issued by the state of Texas to Peter A. Bowers, Houston, on 09.11.1970, who was the owner of Ferrari 250 GT from 1970 until April 17, 1989 **attachment 16**
17. Automobile purchase contract between Peter A. Bowers, Houston TX 77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627, represented by sales Manager Garry Roberts, dated April 3, 1989 **attachment 17**
18. Notarized statement of Peter A. Bowers, Houston, TX, declaring the sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated April 17, 1989. **attachment 18**
19. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the first payment of finder's fee (USD 7,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 19**
20. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to Lawrence Diaz regarding the second payment of finder's fee (USD 3,000.00) for the sale of Ferrari 250 GT VIN 0799 **attachment 20**
21. Deposit payment (advance) of USD 120,000.00 paid by Andreas Zenari, car dealer of the company *Elite Diffusion*, Fräschels, Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the intended purchase of Ferrari 250 GT VIN 0799 **attachment 21**
22. Purchase contract between *European Auto Sales Inc.* (represented by sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*, Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated April 21, 1989 (purchase price total USD 780,000.00) **attachment 22**
23. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to *W. Schoch Porsche Sales Inc.*, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 23**
24. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated 05.15.1989, regarding payment of commission of USD 35,560.00 for Ferrari 250 GT VIN 0799 **attachment 24**

25. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 9, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
26. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 **attachment 26**
27. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. Source: www.barchetta.cc **attachment 27**
28. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (page 8) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (page 12). **attachment 28**

Source: www.greenwichconcours.com/2005Highlights.htm
29. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**
30. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT **attachment 30**
31. Internet article on www.telegraph.co.uk dated on 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold" Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
32. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan. **attachment 32**
33. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni **attachment 33**

Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan.

34. Internet article of the Ministry of Interior of Spain, dated 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated into English if necessary). **attachment 34**
35. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated into English if necessary). **attachment 35**
36. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated April 4, 2001, informing about the corruption in Marbella and about the incident when the Italian Mafioso Gianni Meninno escaped from the prison in Spain and fled to Italy. (Can be translated into English if necessary). **attachment 36**
37. Internet article in the Spanish newspaper "El Pais" on www.elpais.com dated 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated into English if necessary). **attachment 37**
38. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated into English if necessary). **attachment 38**
39. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

- | | |
|---|----------------------|
| 40. Judgment of Supreme Court of Oklahoma dated April 1, 1975,
regarding the case ERNIE MILLER PONTIAC INC. v. HOME
INSURANCE COMPANY (Reference: No. 47465, 534 P.2d 1, 1975
OK 49) | attachment 40 |
| 41. Certificate of Mrs. Astrid Ischer, Translator and English Teacher,
issued by the University of Cambridge in November 1991 | attachment 41 |

DIRECTORY OF EVIDENCE DOCUMENTS

for the purpose of

REQUEST FOR SEIZURE

concerning stolen Ferrari 250 GT, Spider, Pinin Farina, Cabriolet, Series 1, 1957/58,
VIN 0799GT

submitted to

Connecticut State Police, Detective Mr. Richard Van Tine, Troop G, 149 Prospect Street,
Bridgeport, CT 06604, United States of America

by

Dr. Andreas Gerber, Medical Doctor, born 02.28.1947, resident at Bassbeltweg 26,
CH-2542 Pieterlen, Switzerland

Requestor

represented by Oliver Weber, Attorney-at-Law, with business address: Murtenstrasse 7,
Post Office Box No. 811, CH-2501 Biel, Switzerland, Email: weberlaw@gmx.ch

July 9, 2008

- | | | |
|----|---|---------------------|
| 1. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 07.03.2008
(English version). | attachment 1 |
| 2. | Empowerment Dr. A. Gerber/Atty. O. Weber dated 04.07.2007
(original German version). | attachment 2 |
| 3. | Affidavit – sworn statement Dr. A. Gerber regarding his ownership of
Ferrari 250 GT, dated July 3, 2008. | attachment 3 |
| 4. | Criminal complaint regarding the theft of Ferrari 250 GT submitted to
the Cantonal Police of the Canton of Berne, Switzerland, on March 16,
1995 (original German and notarized English version). | attachment 4 |
| 5. | Fax of Mr. Kuno Schaer from Solothurn, Switzerland, President of the
Ferrari Owners' Club, dated 02.21.1995, confirming that Ferrari 250
GT was put up for sale in Bologna/Italy by the Italian | attachment 5 |

Mr. Gianni Mennino in summer 1994 and that Ferrari 250 GT was transferred to Mr. Joe Triarsi from Classic Coach Ltd. (NJ, USA) who himself "sold"/transferred the car to Dr. Scott Rosen in Bedford, NY, USA, for USD 300,000.00.

6. Message from Interpol Berne to Interpol Washington dated on March 27, 1995, informing about the theft of Ferrari 250 GT and requesting for help in searching the car. **attachment 6**
7. Message from Interpol Berne to Interpol Madrid and Lisbon dated September 15, 1995, showing the lack of cooperation of Spanish and Portuguese Police **attachment 7**
8. Message from Interpol Washington to Interpol Berne dated January 2, 1997, informing about the illegitimate possessor of Ferrari 250 GT, Mr. Scot Rosen. **attachment 8**
9. Criminal Complaint regarding the offence "receiving of stolen goods", submitted to the Cantonal Police of the Canton of Berne, Switzerland, on March 19, 2008 (original German and notarized English version) **attachment 9**
10. Confirmation of Swiss Mobiliar Insurance Company, General agency Belp, CH-3123 Belp, Switzerland, dated 09.26.2007, regarding the insurance cover note and the fact that no compensation has ever been paid to requestor. **attachment 10**
11. History regarding Ferrari 250 GT, VIN 0799GT 1957 – 2007, based on literature and consultation of Ferrari experts. Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland **attachment 11**
12. History regarding Ferrari 250 GT, VIN 0799GT, published on the famous Ferrari collector and dealer internet site www.barchetta.cc, proving that it has been widely known for a long time in the Ferrari community that Ferrari 250 GT VIN 0799 was stolen. **attachment 12**
13. Directory of all models of type Ferrari 250 GT, Series 1, ever constructed (41 pieces in total); Source: Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland. **attachment 13**
14. Original mechanical report (in Italian) of Ferrari plant, documenting the construction of Ferrari 250 GT, VIN 0799GT (during period from 10.31.57 to 02.04.57). Engine number, gearbox number and construction dates are highlighted in the document. **attachment 14**

15. Pictures of Ferrari 250 GT VIN 0799GT, taken in CH-2542 **attachment 15**
Pieterlen/Switzerland in front of the house of the requestor in 1989;
taken in CH-3284 Fräschels / Switzerland in front of the garage "*Elite Diffusion*" before transportation to Marbella/Spain and taken at
Cavallino Concours at Palm Beach/FL/USA on 19.-20. January 2001
by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland.
16. Certificate of title to a motor vehicle, issued by the state of Texas to **attachment 16**
Peter A. Bowers, Houston, on 09.11.1970, who was the owner of
Ferrari 250 GT from 1970 until April 17, 1989
17. Automobile purchase contract between Peter A. Bowers, Houston TX **attachment 17**
77098, and *European Auto Sales Inc.*, Costa Mesa, CA 92627,
represented by sales Manager Garry Roberts, dated April 3, 1989
18. Notarized statement of Peter A. Bowers, Houston, TX, declaring the **attachment 18**
sale of Ferrari 250 GT VIN 0799 to *European Auto Sales Inc.*, dated
April 17, 1989.
19. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to **attachment 19**
Lawrence Diaz regarding the first payment of finder's fee (USD
7,000.00) for the sale of Ferrari 250 GT VIN 0799
20. Bank check dated 04.17.1989 issued by *European Auto Sales Inc.* to **attachment 20**
Lawrence Diaz regarding the second payment of finder's fee (USD
3,000.00) for the sale of Ferrari 250 GT VIN 0799
21. Deposit payment (advance) of USD 120,000.00 paid by Andreas **attachment 21**
Zenari, car dealer of the company *Elite Diffusion*, Fräschels,
Switzerland to *European Auto Sales Inc.* on 04.06.1989 regarding the
intended purchase of Ferrari 250 GT VIN 0799
22. Purchase contract between *European Auto Sales Inc.* (represented by **attachment 22**
sales manager Garry Roberts) and Andreas Zenari, *Elite Diffusion*,
Fräschels, Switzerland, regarding Ferrari 250 GT VIN 0799, dated
April 21, 1989 (purchase price total USD 780,000.00)
23. Bank check dated 05.15.1989 issued by *European Auto Sales Inc.* to **attachment 23**
W. Schoch Porsche Sales Inc., regarding payment of commission of
USD 35,560.00 for Ferrari 250 GT VIN 0799
24. Disbursement request, *European Auto Sales Inc./ W. Schoch*, dated **attachment 24**
05.15.1989, regarding payment of commission of USD 35,560.00 for
Ferrari 250 GT VIN 0799

25. Confirmation/statement issued by car dealer Andreas Zenari, *Elite Diffusion*, CH-3284 Fräschels, Switzerland, to and for Dr. Andreas Gerber on June 9, 2008, confirming the sale of Ferrari 250 GT VIN 0799 to Dr. Andreas Gerber on April 27, 1989. **attachment 25**
26. Pictures of Paul "Barney" Hallingby, taken at a Ferrari auction in Maranello/Italy on May 18, 2008 **attachment 26**
27. Exhibitors' list / car list of Greenwich Concours on June 5, 2005, listing Barney Hallingby as the exhibitor of Ferrari 250 VIN 0799GT (see picture) and proving that this stolen Ferrari car is in the custody of Hallingby. Source: www.barchetta.cc **attachment 27**
28. Highlights from 2005 Greenwich Concours, documentation with pictures, showing Barney Hallingby driving Ferrari 250 GT VIN 0799 (page 9) and listing Barney Hallingby as the exhibitor of Ferrari 250 GT VIN 0799 (page 13). **attachment 28**
Source: www.greenwichconcours.com/2005Highlights.htm
29. Internet article of Ferrari Club of America (New England Region) regarding the Fifth Annual FCA / NER Concorso Ferrari, dated 06.19.2005, listing Barney Hallingby as the 2004 trophy winner with Ferrari 250 GT VIN 0799 **attachment 29**
30. Email of Mr. Marcel Massini, Ferrari Expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated Mai 1, 2008, describing his experiences with the assistant of Barney Hallingby at Cavallino Concours at Palm Beach/FL/USA in January 2001 when taking pictures of Ferrari 250 VIN 0799 and explaining why he thinks Barney Hallingby was not in good faith when buying Ferrari 250 GT **attachment 30**
31. Internet article on www.telegraph.co.uk dated on 10.20.2007 proving the criminal conduct of the Italian Mafioso Gianni Meninno, who "sold" Ferrari 250 GT VIN 0799 to Frank "Joe" Triarsi, Classic Coach Ltd., Elisabeth, NJ 07202, USA, in 1994. **attachment 31**
32. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan. **attachment 32**
33. Internet article on <http://80srebron.blogspot.com> dated 12.12.2007 showing and proving the criminal conduct of the Italian Mafioso Gianni **attachment 33**

Meninno in Marbella/Spain and his connection to the Italian Santapaola Mafia clan.

34. Internet article of the Ministry of Interior of Spain, dated 02.02.2001, exposing the criminal conduct of the Italian Mafioso Gianni Meninno and informing about his imprisonment together with two other criminals. (Can be translated into English if necessary). **attachment 34**
35. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 07.13.1999, describing the criminal conduct of the Italian Mafioso Gianni Meninno and the corruption among officials in the city of Marbella/Spain. (Can be translated into English if necessary). **attachment 35**
36. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated April 4, 2001, informing about the corruption in Marbella and about the incident when the Italian Mafioso Gianni Meninno escaped from the prison in Spain and fled to Italy. (Can be translated into English if necessary). **attachment 36**
37. Internet article in the Spanish newspaper "El Pais" on www.elpais.com dated 07.13.1999, informing about the anticorruption criminal procedure in Marbella, led by prosecutor Carlos Jiménez Villarejo, and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. (Can be translated into English if necessary). **attachment 37**
38. Internet article in the Spanish newspaper "El Mundo" on www.elmundo.es, dated 06.23.1999, informing about the anticorruption criminal procedure in Marbella and exposing the relations and connections between former judges and law enforcement agencies and the Italian Mafia, namely Gianni Meninno. The article also shows connections between the garage and bogus company "Motorauto Marbella" and Gianni Meninno. (Can be translated into English if necessary). **attachment 38**
39. Printout of Sec. 53a-119 and Sec. 53a-122 regarding the offence of larceny according to title 53a (penal code) in chapter 952, volume 13, of the General Statutes of Connecticut. **attachment 39**

- 40. Judgment of Supreme Court of Oklahoma dated April 1, 1975, **attachment 40**
regarding the case ERNIE MILLER PONTIAC INC. v. HOME
INSURANCE COMPANY (Reference: No. 47465, 534 P.2d 1, 1975
OK 49)
- 41. Certificate of Mrs. Astrid Ischer, Translator and English Teacher, **attachment 41**
issued by the University of Cambridge in November 1991

Empowerment

Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen

hereafter named the principal, empowers herewith

Attorney Oliver Weber and his substitutes, located at Murtenstrasse 7, Post Office Box 811, 2501 Biel,
member of the Swiss and Bernese Lawyers' Association, with post delivery address at his lawyer's office in Biel,

to represent the principal regarding the case of damage concerning Ferrari 250 GT (1957)

The attorney is empowered to represent the principal in this legal matter and to undertake all necessary measures in his name, including the measures which legally underlie a special empowerment. The attorney protects the interests of the principal according to law and equity and handles the mandate conscientiously; he is committed to loyalty and bound to professional secrecy. Unless otherwise advised by the principal, the attorney is empowered to transfer information via telefax and email.

The principal is obliged to pay the lawyer's fee and the expenses of the attorney according to the provisions of the cantonal and federal law on attorneys. Different written fee agreements are reserved. The principal is obliged, if requested, to disburse sufficient advance to the attorney and to pay further deposits if necessary at a later date.

All disputes between the principal and the attorney are to be settled in the court of Biel, unless the Bar Association of the Canton of Berne, located at Hochschulstrasse 17, Post Office Box, 3001 Berne, has competent jurisdiction. In case of a dispute, the principal releases the attorney from his obligation of professional secrecy regarding the court procedure or the procedure at the Attorney's Chamber. A possible request to fix the lawyer's fee can be addressed to the Bar Association of the Canton of Berne.

An identical duplicate of this empowerment has been handed to the principal. The empowerment can be revoked at any time.

Place and date: Biel, 07.03.2008



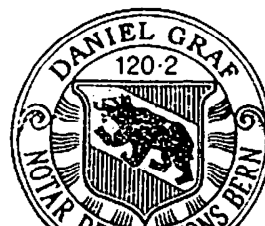
The Attorney-at-Law: Oliver Weber

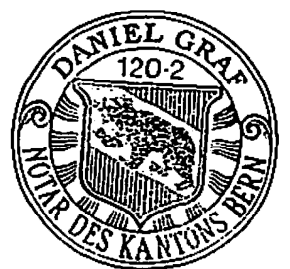


The principal: Dr. Andreas Gerber

Provisions concerning the rights and obligations of attorneys and principals are listed in the following laws:

- Rules of professional conduct of the Bar Association of the Canton of Berne, dated September 18, 1998
- Regulation on lawyers' fees, dated May 17, 2006
- Cantonal Act on Attorneys, dated March 26, 2006
- Federal Act on the Freedom of Movement for Lawyers, dated June 23, 2000
- Swiss Obligation Code, Art. 394 ff.





I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated July 4, 2007, has been correctly and authentically translated from German into English.



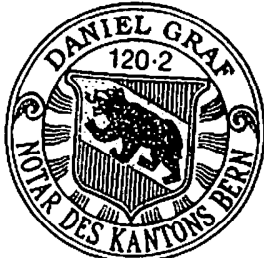
Astrid Ischer-Protzen

Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signatures of Dr. Andreas Gerber, born on February 28, 1947, with place of origin in Heimiswil/Switzerland, domiciled at Bassbeltweg 26 in CH-2542 Pieterlen/Switzerland, of Mrs. Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland and of Attorney Oliver Weber, born on July 17, 1976, with place of origin in Zug / Switzerland, domiciled at Theodor-Kocherstrasse 9 in CH-2502 Biel/Switzerland according to Swiss law and the Den Hague Convention dated 10.05.1961 regarding this translated empowerment, dated and signed July 3, 2008 (original German document, dated and signed July 4, 2007).



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Switzerland, Confederation, Canton of Berne

This public document

2. has been signed by

Daniel Graf

3. acting in the capacity of

Notary

4. bears the seal/stamp of

Notary's office
of the Canton of Berne

Certified

5. at Berne

Jörg Vogt

6. the

4.7.2008

7. by

official of the Chancellery of State of the Canton of Berne

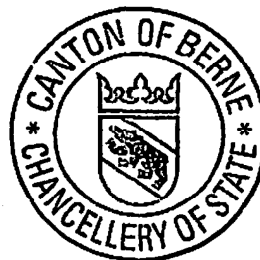
8. under number:

2586

9. Stamp/seal

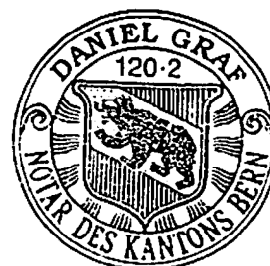
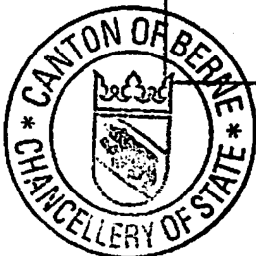
10. Signature

[Signature]



Tax: CHF

15.-



VOLLMACHT

Herr Dr. Andreas Gerber, Bassbeltweg 26, 2542 Pieterlen
nachstehend Vollmachtgeber genannt, bevollmächtigt hiermit unter Einräumung des
Substitutionsrechtes

Herrn Fürsprecher Oliver Weber, Murtenstrasse 7, Postfach 811, 2501 Biel
Mitglied des Schweizerischen und des Bernischen Anwaltsverbandes, mit Zustellungsdomizil
auf seiner Kanzlei in Biel

zur Vertretung in Sachen Schadensfall Ferrari 250 GT (Jg. 1957)

Der Fürsprecher wird ermächtigt, den Vollmachtgeber in dieser Sache zu vertreten und alle
dazu erforderlichen Vorkehren, auch solche, wofür das Gesetz eine Spezialvollmacht ver-
langt, in seinem Namen zu treffen. Der Fürsprecher wahrt die Interessen des Vollmachtge-
bers nach Recht und Billigkeit und besorgt das ihm Anvertraute gewissenhaft; gleichzeitig
verpflichtet er sich zu Treue und Verschwiegenheit. Ohne gegenteilige schriftliche Weisung
des Vollmachtgebers ist der Fürsprecher ermächtigt, ihm Mitteilungen mit Telefax und mit E-
mail zu übermitteln.


Der Vollmachtgeber verpflichtet sich zur Bezahlung des Honorars und der Auslagen des
Fürsprechers nach Massgabe der Bestimmungen des Gesetzes über die Fürsprecher. Ab-
weichende schriftliche Honorarvereinbarungen bleiben vorbehalten. Der Vollmachtgeber
verpflichtet sich, dem Fürsprecher auf dessen Verlangen einen angemessenen Vorschuss
zu leisten und diesen nötigenfalls zu ergänzen.

Alle Streitigkeiten zwischen dem Vollmachtgeber und dem Fürsprecher sind, soweit nicht
nach Gesetz die Anwaltskammer des Kantons Bern, Hochschulstrasse 17, Postfach, 3001
Bern, zuständig ist, durch das Gericht in Biel zu entscheiden. Für Streitigkeiten zwischen ihm
und dem Fürsprecher entbindet der Vollmachtgeber diesen dem Gericht und der Anwalts-
kammer gegenüber vom Berufsgeheimnis. Ein allfälliges Begehren um Festsetzung der
Honorarforderung ist an die Anwaltskammer des Kantons Bern zu richten.

Ein gleichlautendes Doppel dieser Vollmacht steht zur Verfügung des Vollmachtgebers. Die
Vollmacht ist jederzeit widerrufbar.

Ort und Datum:

Biel, 4. 07. 12

Der Fürsprecher: 

Der Vollmachtgeber:



Bestimmungen über Rechte und Pflichten von Fürsprecher und Vollmachtgeber finden sich in folgenden Erlassen:

- Landesregeln des Bernischen Anwaltsverbandes vom 18. September 1998
- Parteikostenverordnung vom 17. Mai 2006 (PKV)
- Kantonales Anwaltsgesetz vom 28. März 2006 (KAG)
- Bundesgesetz vom 23. Juni 2000 über die Freizügigkeit der Anwältinnen und Anwälte (BGFA)
- Schweizerisches Obligationenrecht, Art. 394 ff

(3)


Affidavit – Sworn Statement

Concerning: Stolen Ferrari 250 GT, Spider, Pinin Farina, Series 1, 1957, VIN 0799GT

I, Dr. Andreas Gerber, domiciled at Bassbeltweg 26, CH-2542 Pieterlen, Switzerland, born on 28.02.1947, Swiss citizen, swear that the following statement is the whole truth and nothing but the truth:

1. I, Dr. Andreas Gerber, state and swear that I am the only legal and legitimate owner of Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT.
2. I swear that I purchased Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT, from the car dealer Mr. Andreas Zenari, Manager of the company "Elite Diffusion", domiciled at Hauptstrasse, CH-3284 Fräschels in Switzerland on April 27, 1989. The purchase price was CHF 1,700,000.00.
3. I confirm that Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was transported to Marbella / Spain on my behalf. The purpose of this transport to Spain was to sell the car in Marbella, where I had expected a good market place. For that reason Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was stored in a warehouse of a garage called "Motorauto Marbella". It later turned out that this garage was a bogus company with organized criminals involved.
4. To the best of my knowledge my Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT was stolen on July 7, 1993 from the warehouse of the garage "Motorauto Marbella" in Marbella. The Ferrari car was then apparently transported to Lisboa (Portugal) and was later shipped to the USA. In the USA the car was apparently transferred by an Italian called Mr. Gianni Meninno to a Ferrari car dealer in Elisabeth, New Jersey 07202, USA. Mr. Gianni Meninno was a dangerous criminal and member of the Santapaola Mafia clan who died in 2004.
5. Additionally I state that I filed a criminal complaint regarding this theft at the Cantonal Police of Berne, Switzerland, on 03.16.1995, after realizing that the Spanish police was not investigating properly due to corruption. After I had been informed that my Ferrari car was not located in Spain anymore, but probably in the USA, I wanted the Swiss Police, especially Interpol Berne, to continue the investigations. A new criminal complaint regarding the offence "receiving of stolen goods" was filed on 03.19.2008 at the Cantonal Police of Berne, Switzerland, after I was told that my Ferrari car had been illegally "sold"/ transferred in the USA.
6. Furthermore I confirm and state that no compensation has ever been paid to me regarding the loss of my Ferrari car 250 GT, Spider, Series 1, 1957, VIN 0799GT.

Place / Date: Switzerland, City of 2502 Biel, July 3, 2008

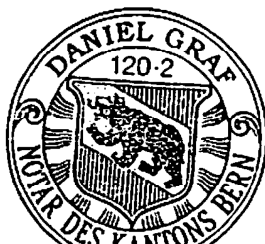


Dr. Andreas Gerber, MD, born on February 28, 1947, with place of origin in Heimiswil/Switzerland, domiciled at Bassbeltweg 26 in CH-2542 Pieterlen/Switzerland.

I, Daniel Graf, Notary Public in the Canton of Berne, Switzerland, hereby notarize and legalize the signature and the affidavit of Dr. Andreas Gerber officially according to Swiss law and according to the Den Hague Convention of 10.05.1961.



Daniel Graf, Notary Public



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office

of the Canton of Berne

Certified

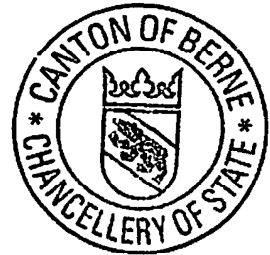
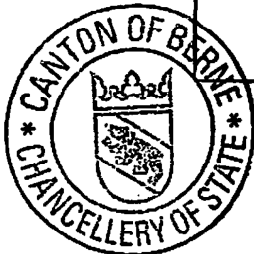
5. at Berne 6. the 4. 7. 2008

7. by Jörg Vogt

official of the Chancellery of State of the Canton of Berne

8. under number: 2582

9. Stamp/seal 10. Signature [Signature]



Tax: CHF 15.-



Cantonal Police
Head Office of Police and Military affairs
of Canton of Berne

Criminal complaint - Vehicles

Received on 03.20.1995

Record No. 4117

International

Police Unit

stationary Police, 2502 Biel

Date 03.16.1995 1605

Judicial Office

Office of investigating justice 2502 Biel

Accused Person

unknown

Plaintiff / Damaged Person

Dr. Andreas Gerber, 02.28.47, from Heimiswil, Canton of Berne, Medical Doctor, resident in 2542 Pieterlen, Bassbeltweg 26
Telephone 032/87 28 38 (business) 032/87 26 01 (private)

Site of crime

Spain, Marbella

Date of crime

Summer 1993

Type of crime /
Legal provisions

Art. 139 Criminal Code / Theft

Type of vehicle

passenger car

Brand / Type

Ferrari 250 GT Spid.

License plate / signs

none

Chassis number

VIN 0799

Color

gray, metallized

First matriculation

1957

mileage

?

serial number

?

Type number

?

Condition

well preserved

Value

CHF 800,000.00

Insurance Company/Agency

none

Was it secured – how?

with ignition key and door

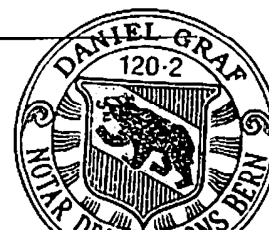
Particularities

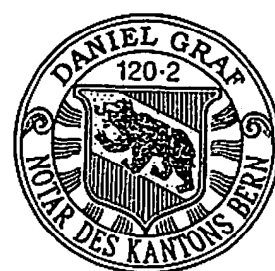
Series 1, red leather interior

Documented by

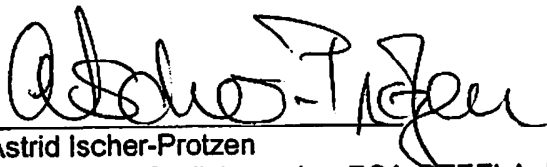
read and confirmed

Commander Herzig





I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated March 16, 1995, has been correctly and authentically translated from German into English.



Astrid Ischer-Protzen

Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public

Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by

Daniel Graf

3. acting in the capacity of

Notary

4. bears the seal/stamp of

Notary's office
of the Canton of Berne

Certified

5. at Berne

Jörg Vogt

6. the

4. 7. 2008

7. by

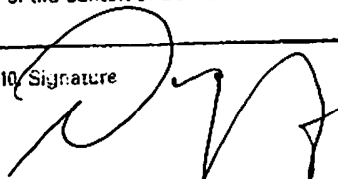
official of the Chancellery of State of the Canton of Berne

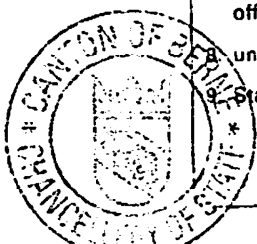
8. under number:

2585

9. Stamp/seal

10. Signature





Tax: CHF

N.



internationales

20. MÄZ 1995	LO
--------------	----

4117

4

Dienststelle

Stationierte Polizei 2502 Biel

Datum 16.03.1995 16

Richteramt

Untersuchungsrichteramt 2502 BIEL

Angeschuldigter

UNBEKANNT

0063

Geschädigter

Dr. Gerber Andreas, 28.2.47, von Heimiswil BE, Dr. med.
Arzt, wft. 2542 Pieterlen, Bassbeltweg 26
Tf 032/87 28 38 G 032/87 26 01 P
Spanien, Marbella

Tatort

Tatzeit

Im Sommer 1993

Delikt

Gesetzesbestimmungen

Diebstahl/StGB Art. 139

Fahrzeugart

Personenwagen

Fabrikmarke/Typ

Ferrari 250 GT Spid

Kontrollschild/Kennzeichen

ohne

Fahrgestellnummer

VIN 0799

Farbe

grau metallisiert

1. Inverkehrsetzung

1957

Kilometer-Stand

?

Stamm-Nummer

?

Typenschein-Nr.

?

Zustand

gut erhalten

Verkehrswert

Fr. 800'000.-

Versicherungsgesellschaft/Agentur

keine

War es gesichert - wie ?

Zündschl. und Türen

Besonderheiten

Serie I, Interieur Leder rot

Aufgenommen durch

Kpl Herzig

Abgelesen und bestätigt



Polizei- und Militärdirektion
des Kantons Bern

4

Dienststelle Stationierte Polizei 2502 Biel Datum 16.03.1995 1601

Richteramt Untersuchungsrichteramt 2502 BIEL

Angeschuldigter UNBEKANNT

Geschädigter Dr. Gerber Andreas, 28.2.47, von Heimiswil BE, Dr. med.
Arzt, wft. 2542 Pieterlen, Bassbeltweg 26

Tatort Spanien, Marbella

Tatzeit Im Sommer 1993

Delikt

Gesetzesbestimmungen

Diebstahl/StGB Art. 139

Fahrzeugart

Personenwagen

Fabrikmarke/Typ

Ferrari 250 GT Spid

Kontrollschild/Kennzeichen

ohne

Fahrgestellnummer

VIN 0799 ✓

Farbe

grau metallisiert

1. Inverkehrsetzung

1957

Kilometer-Stand

?

Stamm-Nummer

?

Typenschein-Nr.

?

Zustand

gut erhalten

Verkehrswert

Fr. 800'000.-

Versicherungsgesellschaft/Agentur

keine

War es gesichert - wie ?

Zündschl. und Türen

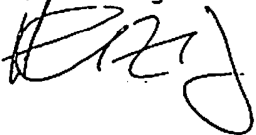
Besonderheiten

Serie I, Interieur Leder rot

Aufgenommen durch

Abgelesen und bestätigt

Kp. Herzig



5

Translation of Fax message from Mr. Kuno Schär from the city of Solothurn/Switzerland, president of Ferrari Owners' Club of Switzerland, dated February 21, 1995.

Dear Mr. Gerber

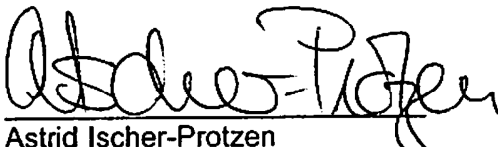
After (Ferrari) 0799 GT was put up for sale by the Italian Mennino in Bologna (Italy) last summer, the car was transferred to the American car dealer Joe Triarcy of Classic Coach Ltd. at the end of 1994. This man has now sold (Ferrari) 0799 GT for USD 300,000.00 to

Dr. Scott Rosen
182 Succabone
Bedford
New York
USA
Office phone 001-516-489-3300
Fax 001-516-489-0204
Private phone 001-201-564-8524
Cell Phone 001-516-384-7112

Dr. Rosen is a dentist and he also owns a (Ferrari) Dino and a (Ferrari) 512 BB. He also bought one of the only three Lamborghini Countach built with steel some time ago from the dealer Chris Cox in Chapel Hill/USA. The steel Lambo Countach was built for crash tests!

Signed by Kuno Schär
02.21.1995
Ferrari Owners' Club Switzerland

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated February 21, 1995, has been correctly and authentically translated from German into English.

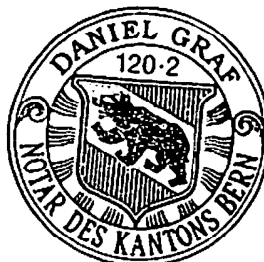


Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by

Daniel Graf

3. acting in the capacity of

Notary

4. bears the seal/stamp of

Notary's office

of the Canton of Berne

Certified

5. at Berne

6. the

4. 7. 2008

7. by

Jörg Vogt

official of the Chancellery of State of the Canton of Berne

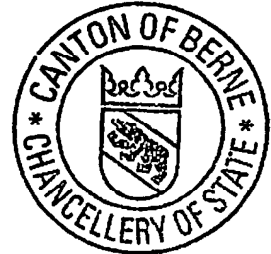
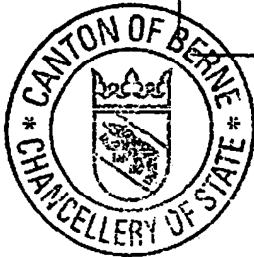
8. under number:

2587

9. Stamp/seal

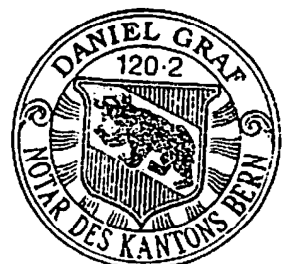
10. Signature

[Signature]



Tax: CHF

N. -



Lieber Herr Gekes.

Nachdem 0799 GT im letzten Sommer vom Italiener Mennino in Bologna zum Kauf angeboten wurde, gelangte der Wagen Ende 1994 an den amerikanischen Händler Joe Triarcy von Classic Coach Ltd. Dieser hat nun 0799 GT für US\$ 300'000 verkauft an

Dr. Scott ROSEN
182 Succabona
Bedford
New York
USA

Telefon Büro 001-516-489-3300
Fax Büro 001-516-489-0204
Telefon privat 001-201-564-8524
Mobiltelefon 001-516-384-7112

Dr. Rosen ist Zahnarzt und besitzt auch einen Dino sowie einen 512 BB. Er kaufte vor einiger Zeit auch einen von nur drei in Stahl gebauten Lamborghini Countach vom Händler Chris Cox in Chapel Hill/USA. Die Lambo Countach in Stahl wurden für die Crash Tests gebaut!

K. Schär
21.2.95

FFRRR
OWNERS' CLUB SWITZERLAND

(6)

Remote UA for Windows X.400 Message Printed By : AUTO-PRINT @ 27 Mar 1995 08:41

Date: 27 Mar 1995 08:45

Subject: BERNE B2433 1331 MEG/KMW

Kopie von Abt.
Internat. Rechtshilfe

Message From: s=BERNE/o=INTERPOL-SUISSE/u=INTERPOL/p=EJPD/a=ARCOM/c=CH

Enclosure - 2b3e6d4b.001, 604 bytes

BERNE B2433 1331 MEG/KMW 950327 0745 GMT

ROUTINE

15-9609/11932 FY

TO: WASHIN ZONE Z12

NOTRE REF.: B2433 1331 - MEG

PRIERE DE PARTICIPER AUX RECHERCHES ET DE NOUS AVISER EN CAS DE
DECOUVERTE DE LA VOITURE SUIVANTE:

MARQUE: FERRARI

TYPE: 250 GT SPIDER

COULEUR: GRISE

MODELE: 1957

VIN: 0799

dfx

IMMATRICULATION:

CETTE VOITURE A ETE VOLEE DU 1.5 93-30.9.1993, A E-MARBELLA, PAR DES
AUTEURS INCONNUS, AU PREJUDICE DE GERBER, ANDREAS,
DOMICILIE A CH-PIETERLEN BE.

MEILLEURES SALUTATIONS. REMERCIEMENTS.

FEDERALPOL BERNE - R. Megert

END

IP BERNE

(7)

Remote UA for Windows X.400 Message Printed By : AUTO-PRINT @ 15 Sep 1995 14:1.

Date: 15 Sep 1995 13:11

Subject: BERNE 216543

Message From: s=BERNE/o=INTERPOL-SUISSE/u=INTERPOL/p=EJPD/a=ARCOM/c=CH

Enclosure - 2c96ba60.001, 585 bytes

BERNE 216543 950915 1211 GMT

URGENT

TO: MADRID

BERNE IP/BE 216543/HLR -00021470- C/VA

RE YOUR D/L OF 18.4.95, FILE EXPTE 6041/28 JR 2897/3 CONCERNING
VEHICLE MAKE FERRARI 250 GT SPIDER, VIN 0799.
WE HAVE NOT HEARD FROM YOU, NOR FROM IP LISBON, SINCE YOUR LETTER OF
18.4.95. PLEASE INFORM US URGENTLY ABOUT THE ACTUAL SITUATION.
TKS COOP. RGDS.

END

IP BERNE

15-09-95 OUT 0700

~~15-09-95 OUT 0700~~

NORMAL

FROM: INTERPOL WASHINGTON

TO: BERNE

DATE: 2 JAN 97 22.48

OUR REF: 950302855/NHO

11v

YOUR REF: IP/BE 216543/HLR -00028287-C/VA

REGARDING: ADDRESS CHECK

REFERENCE IS MADE TO YOUR MESSAGE, DATED 19 SEP 96, CONCERNING SCOTT ROSEN, RESIDING IN BEDFORD NEW YORK. THE NEW YORK STATE POLICE AUTHORITIES HAVE ADVISED THAT THE SUBJECT IS NOT WANTED IN NEW YORK; THE TRUE IDENTITY IS NOT VERIFIABLE FROM THE ABOVE INFORMATION. THE AREA CODE FOR BEDFORD IS (914). THE FOLLOWING NUMBERS ARE NOT LISTED TO THE ABOVE SUBJECT: (516) 489-3300 AND (516) 489-0204. THE PRIVATE TELEPHONE NUMBER (201) 564-8524 IS LISTED IN NEW JERSEY TO TRIARSI, F/M DAGMAR, RESIDING IN SHORT HILLS, NEW JERSEY.

REGARDS.

IN ANY REPLY, PLEASE QUOTE: 950302855/NHO

FOR POLICE COURT/USE ONLY
INTERPOL WASHINGTON

...
...betreffend Scott Rosen, wohnhaft Bedford New York. Die New York State Police hat mitgeteilt, dass Scott Rosen nicht gesucht wird. Die genaue Identität kann aufgrund der gegebenen Informationen nicht ermittelt werden. Die Vorwahl für Bedford lautet (914). Die folgenden Nummern lauten nicht auf Scott Rosen: ... Die private Telefonnummer ... lautet auf TRIARSI Dagmar, wohnhaft Short Hills, New Jersey...

...


INTERPOL BERNE

Cantonal Police

Criminal complaint

Regional Police
of District Seeland – Bernese Jura

Solothurnstrasse 11
2543 Lengnau
Telephone 032 346 86 81
Telefax 032 346 86 84

Office of Investigating Justice I
District of Bernese Jura-Seeland
Amtshaus, Spitalstrasse 14
2501 Biel

Lengnau, March 19, 2008

Case officer Franz Leuenberger, Stationary Police

Entry of complaint in the office of the Cantonal Police in Lengnau on Wednesday, March 19, 2008, 02:00 PM, personally by the plaintiff, who was accompanied by his lawyer.

Type of crime receiving of stolen goods

receiving of stolen goods
Art. 160 of Criminal Code

Site of crime Bassbeltweg 25, 2542 Pieterlen, Canton of Berne, Switzerland and USA, States of New York, New Jersey and Connecticut respectively

Date in the period between Monday, 01.01.2001 and Thursday 02.28.2002 and in the period between the beginning of 2001 and the beginning of 2002 respectively

Plaintiff / damaged person Gerber Andreas
Date of birth 02.28.1947 Sex: male
Place of origin Heimiswil, Canton of Berne, Switzerland
Profession Medical Doctor
Native language German procedural language: German
Constitution as plaintiff Yes file a criminal complaint: Yes

Legally represented by Weber Oliver
Date of birth 07.17.1976 Sex: male
Place of origin Zug, Canton of Zug, Switzerland
Profession Attorney-at-Law
Office address 2500 Biel/Bienne / Canton of Berne, Switzerland, Murtenstrasse 7
Native language German procedural language: German
Address appendix Post Office Box 811

Statement of facts Ferrari 250 GT Spider, VIN 0799, gray, former value CHF 800,000.00, was stolen in the city of Marbella, Spain, from the garage "Motorauto Marbella" on 07.07.1993, later transferred to the USA as stolen goods.

Crime object
Position 1 car, Code DK 91





Brand: Ferrari, Type: 250 GT, Series 1, Material: steel/iron, Color: gray, VIN 0799, first matriculation: 1957, current value: CHF 3,800,000.00

Total 1 x 3,800,000.00 Value: circa CHF 3,800,000.00

Total amount **circa CHF 3,800,000.00**

Through acquaintances in the Ferrari collector und dealer scene and based on Internet research the attorney of the plaintiff found out that the searched car is located in the USA and has apparently changed its unlawful possessor. Further investigations are currently being made in the USA.

Based on the above mentioned reasons and findings I am obliged to file a criminal complaint against the unknown person.

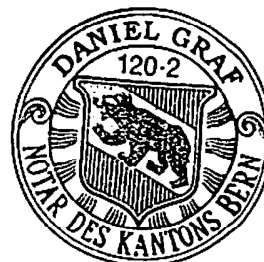
I am constituted as a plaintiff according to civil law and criminal law.

Gerber Andreas

Franz Leuenberger
Chief Guard Officer

Appendix:

- Form to constitute as private plaintiff and for filing of criminal complaint





Crime Unit

Head Office of Police and Military affairs
of Canton of Berne

Type of crime receiving of stolen goods

Site of crime USA, States of New York, New Jersey and Connecticut

Date from January 2001 until beginning of 2002

Alleged criminal unknown

Plaintiff / damaged person Dr. Andreas Gerber

represented by Oliver Weber, Attorney-at-Law
Murtenstrasse 7, Post Office Box 811, CH-2501 Biel

I. Request for punishment I hereby request to punish above mentioned person () Yes () No

Concerning:

II. Private complaint/claim I am hereby constituted as private plaintiff against above mentioned person and want to execute my plaintiff's rights in the procedure (right to offer evidence, right to consult the records, right to appeal, etc.)

1. Private plaintiff
in the criminal procedure I request the punishment of the accused person (X) Yes () No

and / or

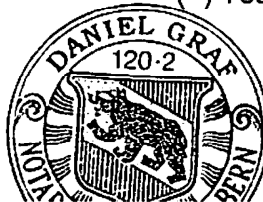
2. Private plaintiff
in the civil procedure I hereby claim the following civil rights (X) Yes () No
namely a) Compensation for damages of CHF 3,800,000.00
b) Compensation for immaterial damage indefinite

Supporting documents
(Explanatory statements)

3. Only answer, if question 1 and 2 have been answered with "Yes".

a) Do you request to be summoned and consulted by the investigating judge? () Yes (X) No

b) Do you request the fixation of a deadline for consulting the records and to offer evidence before the closure of the preliminary inquiry? () Yes (X) No





These rights can be abandoned without affecting your rights in the main procedure in the judging court.

Place, date Lengnau, 03.19.2008

The signatory confirms having read the explanations on the following page.

Signature signature of Dr. Andreas Gerber / signature of Atty. Oliver Weber
.....

This declaration
must be returned
to the Investigating
Judge
.....

by
.....

Should this declaration not be returned within the period prescribed it will be assumed that the plaintiff abstains from his request for punishment and from his rights as a private plaintiff.

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated March 19, 2008, has been correctly and authentically translated from German into English.

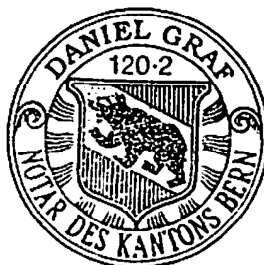


Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office
of the Canton of Berne

Certified

5. at Berne Jörg Vogt

6. the 4. 7. 2008

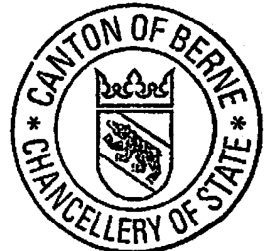
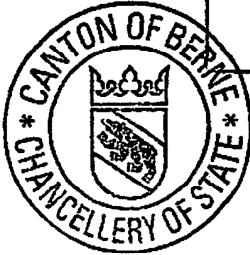
7. by _____

official of the Chancellery of State of the Canton of Berne

8. under number: 2584

9. Stamp/seal _____

10. Signature [Signature]



Tax: CHF NT.-



Solothurnstrasse 11
2543 Lengnau
Telefon 032 346 86 81
Telefax 032 346 86 84

Untersuchungsrichteramt I
Berner Jura - Seeland
Amtshaus, Spitalstrasse 14
2501 Biel

Lengnau, 19. März 2008

EL Fall Franz Leuenberger, Stationierte Polizei

Eingang der Meldung Mittwoch, 19. März 2008, 14:00 Uhr, durch den Kläger in Begleitung seines Anwaltes persönlich im Büro der Kapo Lengnau.

Betrifft Hehlerei
Hehlerei
StGB Art. 160

Ort 2542 Pieterlen/BE, CH, Bassbeltweg 26
bezw. USA, New York, New Jersey und Connecticut

Zeit Montag, 01.01.2001 bis Donnerstag, 28.02.2002
bezw. anfangs 2001 - anfangs 2002

Geschädigt Gerber Andreas
Geburtsdatum 28.02.1947 **Geschlecht** m
Heimort, Staat Heimiswil BE, Schweiz
Beruf Arzt
Privatadresse 2542 Pieterlen/BE CH, Bassbeltweg 26
Muttersprache Deutsch **Verhandlungssprache** Deutsch
Privatklägerschaft Ja **Strafantrag** Ja

Gesetzlich vertreten durch Weber Oliver
Geburtsdatum 17.07.1976 **Geschlecht** m
Heimort, Staat Zug ZG, Schweiz
Beruf Fürsprecher
Geschäftsadresse 2500 Biel/Bienne/BE CH, Murtenstrasse 7
Muttersprache Deutsch **Verhandlungssprache** Deutsch
Zusatz Postfach 811

Tatvorgehen In Marbella E, aus Garage Motor Auto Marbella, am 07.07.1993 gestohlener Ferrari 250 GT Spider, VIN 0799, grau, damaliger Verkehrswert 800'000.-, in den USA als Hehlware übernommen.

Deliktsgut

Position 1 Fahrzeug, DK 91



Marke Ferrari, Typ 250 GT Serie 1, Material Stahl/Eisen, Farbe grau,
VIN 0799, 1. Inverkehrssetzung 1957, Aktueller Verkehrswert ca. Fr.
3'800'000.--

Total 1 x 3'800'000.00 Wert ca. CHF 3'800'000.00

Gesamtbetrag

ca. CHF 3'800'000.00

Durch Bekannte in der Ferrari- Sammler und Händler-Szene sowie auf Grund einer Internetrecherche gelangte dem Anwalt des Geschädigten zur Kenntnis, dass sich das gesuchte Fahrzeug in den USA befindet und offenbar den unrechtmässigen Besitzer gewechselt hat. Weitere Abklärungen werden derzeit in den USA vorgenommen.

Aus den erwähnten Gründen und Erkenntnissen sehe ich mich gezwungen, gegen den oder die unbekannten Person(en) Strafanzeige zu erstatten.

Der Anzeiger konstituiert sich sowohl im Straf- als auch im Zivilpunkt als Privatkläger


Gerber Andreas


Franz Leuenberger
Wachtchef-Stv.

Beilagen

-Strafantrag/Privatklage

Info:INE:-

Kriminalabteilung

Polizei- und Militärdirektion
des Kantons Bern

Betrifft

Hehlerei

Ort

USA, New York, New Jersey und Connecticut

Zeit

Jan 2001 - bis anfangs 2002

Tatverdächtig

Unbekannt

Geschädigt

Dr. Andreas Gerber

vertreten durch

Fürsprecher Oliver Weber,
Murtensch. 7, Postfach 811, 2501 Biel

I. Strafantrag

Ich stelle gegen oben erwähnte Person Strafantrag

☐ Ja☐ Nein

wegen

II. Privatklage

Ich stelle mich gegen oben erwähnte Person als Privatkäger/in und will im Verfahren meine Parteirechte ausüben (Beweisantrags-, Akteneinsichts- und Rekursrecht etc.)

1. Privatkäger/in im
Strafpunkt

Ich verlange die Bestrafung des/der Angeklagten

☒ Ja☐ Nein

und / oder

2. Privatkäger/in im
Zivilpunkt:

Ich mache Zivilansprüche geltend

☒ Ja☐ Nein

nämlich

a) eine Schadenssumme von

CHF 3'800'000.-

b) eine Genugtuungssumme von

CHF unbestimmt

Belege

(Begründung der Zivilklage)

3. Nur beantworten, wenn bei Frage 1 oder 2 „Ja“ eingesetzt wurde.

a) Verlangen Sie, vom Untersuchungsrichter vorgeladen oder befragt zu werden?

☐ Ja☒ Nein

b) Verlangen Sie Fristansetzung zur Akteneinsicht und Stellung von Beweisanträgen vor Abschluss der Voruntersuchung?

☐ Ja☒ Nein


Sie können darauf verzichten, ohne dass Ihre Rechte im Hauptverfahren vor dem urteilenden Gericht deswegen beeinträchtigt werden.

Ort, Datum

Leugnan, 19.3.2008

Der/Die Unterzeichnete bestätigt, von den Erläuterungen auf der nachfolgenden Seite Kenntnis genommen zu haben.

Unterschrift

gus Diese Erklärung ist
zurückzusenden an das
Untersuchungsrichteramt

bis

Falls diese Erklärung nicht innerhalb der Frist zurückgeschickt wird, wird angenommen, es werde auf einen Strafantrag und die Konstituierung als Privatkäger/in verzichtet.

10

GA Belp, P.O. Box 144, CH-3123 Belp

TO WHOM IT MAY CONCERN

Your message dated

-

Your contact person

Patrick Cuénoud

patrick.cuenoud@mobi.ch

Direct dial

++41 31 818 44 40

Date

26.09.2007/PC

Cover note confirmation: Ferrari 250 Pinin Farina Spider, series 1

Dear Sirs

We hereby confirm that Dr. Andreas Gerber, MD, Bassbeltweg 26 from 2542 Pieterlen, Switzerland, had a fully comprehensive coverage binder (cover note) with our company, dated June 7-1989, regarding his Ferrari 250 Pinin Farina Spider, Series 1, chassis number 0799 GT, year 1957, # of licence plates BE 1114-U.

The insured value of the car was 1,700,000.00 Swiss Francs, the deductible was fixed at 10,000.00 Swiss Francs.

We hereby also confirm that we have not provided any compensation to Dr. A. Gerber regarding the theft of his Ferrari car in 1993 in Spain.

Yours sincerely

Swiss Mobiliar Insurance Company
General agency Belp



Patrick Cuénoud
head of sales support

History regarding

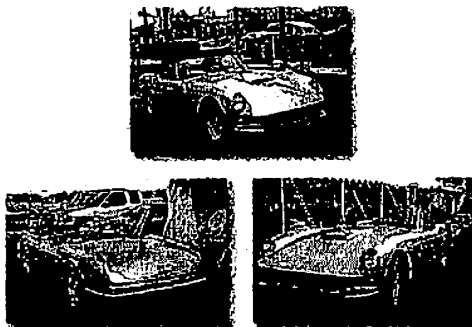
Ferrari 250 GT, Cabriolet, Series 1, Pinin Farina, Spider, 1957 Chassis No. 0799

The 16th of total 40 (36) units built

1957/1958	Construction
May 8 1958	Sold by Enzo Ferrari to first owner Dino Fabbri, Milan, Italy
May 20, 1958	Sold by Fabbri to Guido Monzino, Milan, Italy
February 13, 1959	Sold by Monzino to Valentino Blancardi, resident in Bordighera, Italy
January 25, 1961	Sold by Blancardi to Italo Musico, Milan, Italy
March 1962	Converted to disc brakes at the factory in Maranello
June 15, 1961	Sold by Musico to Antonio Antorina, Modena, Italy
October 3, 1964	Sold by Antorina to Maria Antonietta Lodi, Reggio Emilia, Italy
1967	Imported to the USA – Repainted metallic gray with red interior
1968	Sold by Tom Meade to Lawrence Kitt Tucker, Jacksonville, FL, USA
September 11, 1970	Sold by Tucker to Peter A. Bowers, Houston, TX, USA
1970	Registered on Texas license plates "365 VGV"
17. April 1989	Sold by Bowers for USD 680'000 to Michael W. Sheehan's European Auto Sales Inc. Costa Mesa, CA, USA
21. April 1989	Sold by Sheehan to Swiss car dealer Andreas Zenari, Elite Diffusion, resident in Fräschels, Switzerland
April 27, 1989	Sold by Andreas Zenari to Dr. Andreas Gerber, resident in Pieterlen, Switzerland
July 7, 1993	Stolen from Dr. Andreas Gerber, out of a fictive garage/warehouse of a bogus company in Marbella, Spain - car disappeared and searched by the police / Interpol
September 1994	Car sold by Frank Triarsi of Classic Coach Ltd. Elisabeth, New Jersey 07202, USA, to Dr. Scott Rosen, resident in Bedford, NY, USA
1996	Sold by Rosen to Jeffrey Schwartz, Fort Lee, NJ, USA
2000	Dr. Andreas Gerber tries to recover his stolen car.

Mai 2000	Schwarz tries to sell the car to Symbolic Motor Car Co. La Jolla, CA, USA, but Symbolic backed out of the deal, when they found out about the legal problems regarding the car. Symbolic never bought the car.
2000	Schwartz sold the car back to Dr. Scott Rosen
October 2000	car still in the custody of Dr. Scott Rosen
January 19-20, 2001	car observed during the Cavallino Classic X Concours at Moroso Raceway and Palm Beach, FL, USA, entered by Paul L. "Barney" Hallingby, resident in Sharon, CT, USA.
December 2007	car still in the custody of Paul Hallingby, Sharon, CT, USA

250 GT PF Cabriolet Series I



0799GT 57
250 GT PF Cabriolet Series I, LHD
Color exterior nero MM 11911
Color interno pelle naturale Connolly 3218

Date	Result	Event	Driver	#	Reference
62/mar	- converted to disc brakes by the factory				
67	- Tom Meade, Modena, I - been rebuilt by the factory, 52,000 km				
6.	- L. Kitt Tucker, Jacksonville, FL, USA				
71	- Peter A Bowers, Houston, TX, USA				
71- 75	FOCUSA Rosters by Peter A Bowers, Houston, TX				
Still owned by Bowers in the early 90's					
..	- Gerber, Marbella, E (car disappeared, stolen)				
93	- EAS, CA, USA				
93	- Giorgio Schoen, Milano, I				
95	- Classic Coach Ltd, NY, USA				
95	- Scott Rosen, Medford, NJ, USA				
97/may/12	- Jeff Schwartz, USA traded for s/n 0775GT + \$225k				
00/jun	- Scott Rosen, USA - bought back \$525k				
00/jun	- offered for \$595k				
00/may	- offered by SMC, La Jolla, CA, USA - 100-point flawless restoration				
00/may	- called the day the car was put on the market, heard it was in "limbo"				
00/may	- there are legal problems				
01/jan	- Paul Hallingby, CT, USA				



Ferrari 250 GT Cabriolet Series I Pinin Farina 1956-1959

#	CHASSIS#	PF JOB#	ENTRY DATE	EXTERIOR COLOR	INTERIOR COLOR	STP	HEAD-LIGHTS	CHASSIS TYPE	ENGINE TYPE	INTERNAL ENGINE#
1	0655 GT	15775	12-28-56	China red	Natural leather	LHD	Covered	508 B	128 B	
2	0663 GT	15778	02-21-57	Racing red	Black leather	LHD	Covered	508 B	128 B	656
3	0705 GT	15780	05-02-57	Amaranth	Natural leather	LHD	Covered	508 B	128 B	85 B
4	0709 GT	15789	05-02-57	Senna Green	Natural leather	LHD	Covered			
5	0729 GT	19451	07-04-57	China red	White leather	LHD	Covered	508 C	128 C	066 C
6	0735 GT	19452	07-31-57	White	Red Connolly	LHD	Covered	508 C	128 C	
7	0737 GT	19453	07-31-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	064 C
8	0759 GT	19454	09-09-57	White	Natural leather	LHD	Covered	508 C	128 C	
9	0775 GT	19455	10-03-57	Red	Natural leather	LHD	Covered	508 C	128 C	
10	0777 GT	19457	10-14-57	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	0106 C
11	0779 GT	19456	10-14-57	White	Natural leather	LHD	Covered	508 C	128 C	0102 C
12	0783 GT	19458	10-14-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	108 C
13	0789 GT	19459	10-18-57	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	124 C
14	0791 GT	19460	10-18-57	White	Blue Connolly	LHD	Covered			
15	0795 GT	19461	10-19-57	Grey metallic	Red Connolly	LHD	Covered	508 C	128 C	138 C
16	0799 GT	19463	11-05-57	Black	Natural leather	LHD	Covered	508 C	128 C	140 C
17	0801 GT	19464	11-05-57	Grey metallic	Red Connolly	LHD	Covered	508 C	128 C	064 C
18	0809 GT	19465	11-16-57	Red metallic	Natural leather	LHD	Covered	508 C	128 C	
19	0811 GT	19462	11-09-57	Yellow AGIP	Green Connolly	RHD	Covered			
20	0813 GT	19466	11-19-57	Beige	Beige Connolly	LHD	Covered	508 C	128 C	190 C
21	0829 GT	19467	11-22-57	Red metallic	Natural Connolly	LHD	Covered	508 C	128 C	
22	0845 GT	19468	01-04-58	Ivory	Black Connolly	LHD	Covered			
23	0849 GT	19469	01-13-58	White	Turquoise Conn.	LHD	Covered	508 C	128 C	
24	0873 GT	19470	01-18-58	White	Blue Connolly	LHD	Covered	508 C	128 C	220 C
25	0913 GT	15803	03-21-58	Grey metallic	Black Connolly	LHD	Covered	508 C	128 C	
26	0915 GT	15804	03-21-58	Red metallic	Black Connolly	LHD	Covered	508 C	128 C	
27	0917 GT	15805	03-21-58	Black	Natural Connolly	LHD	Covered	508 C	128 C	
28	0921 GT	19471	03-27-58	Amaranth	Beige Connolly	RHD	Covered	508 C	128 C	
29	0961 GT	15807	05-17-58	Ruby red	Natural Connolly	LHD	Covered	508 C	128 C	
30	0963 GT	15808	05-17-58	Black	Red Connolly	LHD	Covered	508 D	128 C	270 GT
31	0979 GT	15809	06-21-58	Red	Black Connolly	LHD	Covered	508 D	128 D	044 D
32	0981 GT	15810	06-21-58	China red	Black Connolly	LHD	Covered	508 D	128 D	
33	0999 GT			(Was 0663 GT)		LHD				
34	1075 GT	15811	08-29-58	Andalusia Gold	Beige Connolly	LHD	Covered	508 D	128 D	0282 C
35	1079 GT	15812	09-03-58	Shell Grey	Red Connolly	LHD	Covered	508 D	128 D	060 D
36	1179 GT	15844	11-15-58	Bordeaux Red	White Connolly	LHD	Covered	508 D	128 D	0204 D
37	1181 GT	15845	11-28-58	Racing Red	White Connolly	LHD	Covered	508 D	128 D	0272 D
38	1193 GT	15846	11-28-58	Black	Red Connolly	LHD	Open	508 D	128 D	
39	1211 GT	15847	12-04-58	White	Natural Connolly	LHD	Open	508 D	128 D	0290 D
40	1439 GT	19472	05-08-59	White	Red Connolly	LHD	Open	508 D	128 D	0454 D
41	1475 GT	19473	05-29-59	Sun Yellow	Brown Connolly	LHD	Open	508 D	128 D	0466 D

© Marcel Massini 21/02/08



Telaio tipo	508 C	matricola	0799 GT
Motore tipo	128 C	matricola	0799 GT
Cambio tipo	308 B	matricola	45 C
Ponte tipo	508 C	matricola	70 GTC
Collaudo il	Consegnato il		
Cliente			

Autotelaio tipo 508 C Motore matricola N. 0799 GT Telaio matricola N. 0799 GT

FOGLIO MONTAGGIO AUTOTELAIO

Passo 2600 N. interno

Trasmissione 508C/528 ⁴⁹⁶ con giunto ant. Febri e 80 e post. Saga

Freni ant. 552C/516 ruote 552 senza compressore cil. diametro 28 FB

Freni post. 552C/516 " 552 tamburi 17 cil. diametro 28

Mozzi ant. 1.05/70856/857 post. 342/70865/866

Pneumatici e ruote 16x5,50 3592 pneumatici 175/400

Ammortizzatori ant. 508C/61457 post. 508C/61106

Sterzo Sontola guida ZE R=1/20 volante 308/329 guida sinistra

Radiatore acqua e olio 508C/61003

Serbatoio carburante tipo 508C/320137 capacità lit. 90

Indicatore di livello 31

Marmitta di scarico ANTONI doppie Prolunghe diametro

Batteria DAEGLER H 11

Motore N. 0140

Cambio N. 45 C

Ponte N. 70 GTC R=3x34

Frizione Fichtel & Sachs

Pedaliere 508C/115 con pompa unica

Sospens. anter. 508C

Volle anter. 512/64556 Kg. 400 fless. 0,19

Balestre poster. dis. 308/61122 Carico Kg. 295 N. foglie 9x4 fless. 92

Carrozzeria FARINA con volante NARDI

Strumenti di bordo BOTTETTI in Ka tipo 20 GTC

Quadretto

NOTE: La vettura consegnata è montata in pieno e viene consegnata

Il primo e ultimo tipo di collaudi sono stati eseguiti il 12/8/61

La vettura è stata montata in pieno e viene

Il primo e ultimo collaudo sono stati eseguiti il 31/3/62

Il collaudo in carrozzeria il 31/10/57

Autolubrificatore tipo 508 C Motore tipo 128 C Matricola N. 0799/GT N. Interno 0140 C

FOGLIO MONTAGGIO MOTORE

Basamento 128C/10629 Coppe olio 128C/11987 Filtri
Albero motore 128C/12261
Pistone BORGO rif. 3671 Rapp. 9,2 Peso gr. 228
Anello tenuta 1 torsionale + 1 conico Raschiolio 1 da 5,4
Bielle 125/14102 Peso gr. 434 Pompa acqua 128C/26449
Teste cilindri 128C/17272 Canne Trione al Cr/Mi Coperchi 128C/17212/270
Guarnizioni teste 212/10388 ALLIRAGLIATO Colombo; 250/10420 anelli rame amianto
Valvola asp. tipo 400/16135 Valvola scarico tipo 225/16675
Molle richiamo valvole diametro 128C/17281/2 Albero distribuzione 128C/17220/1 Alzata
Scatola distribuzione 128C/22479
Pompa mand. olio 128C/25551 Pompa di recupero NO
Pompa benzina 1 FLSA 11184 Filtro benzina Pres. aria
Carburatore tipo WEBER 26 DCL3 N. 3
Press. d'aria FAT 4101
Accensione con spinterogeno tipo GT 19.5 DTR/13 Fase: $D = \frac{AA\ 27/65}{CS\ 73/17} S = \frac{AA\ 28/67}{CS\ 74/18}$
Frizione tipo F. & S. Carico
Giocchi albero motore 0,05 Puntaria 0,15 0,2

PRIMO MONTAGGIO

Data inizio montaggio Data fine montaggio Montatori

Guerzoni M.

OSSERVAZIONI

Baschieri S.

Pistoni Borgo con un solo raschiolio.
Guarnizioni delle teste tipo ALLIRAGLIATO Colombo.

Data 4/2/58

Il Capo Reparto Franchini

OSSERVAZIONI DEL PRIMO RODAGGIO

Motore regolare, sta bene sotto carico.
Pressione nel carter 20/25 % PEO a pieno regime.
MOTORE DELL'ERARIO.

Il Capo Reparto Paddel

SECONDO MONTAGGIO

Data inizio lavoro Data fine lavoro Montatori

OSSERVAZIONI

Autolestaio tipo.....508 C.....

Matricola N.....0799 GT.....

FOGLIO MONTAGGIO CAMBIO

Cambio tipo.....508 C..... Matricola..... N. Int.....45 C.....
 Scalola e coperchi.....508B20/53500 grisa 508C/51933.....
 Marce 4 con ingranaggi tipo 508C bonderizzati.....
 Sincronizzatore.....515 PGL-ONE.....
 Ingr. prim. II..... III..... V..... ingr. rinvio II..... III..... V.....
 Albero rinvio.....508B20/53500.....
 Rinvio ad angolo per contachilometri.....GI..... Rapporto.....8x34.....
 Pompa lubrificazione.....GI..... corpo pompa 843/53044.....
 Comando marce laterale sinistro con marce invertite.....
 Giunto.....Fraboni e 30.....
 Prova al banco.....BUON.....

NOTE

Ingranaggi con boccole in metallo bianco Trione.

Data 1/2/33..... Montato da Bellentini..... Il Capo Reparto.....Franchini.....

Autolestaio tipo.....508 C.....

Matricola N.....0799 GT.....

FOGLIO MONTAGGIO PONTE

Ponte tipo.....508 C..... Matricola..... N. Int.....70 GTC.....
 Coppia conica.....8x34..... Modulo corona.....4.....
 Planetari.....508B/59147..... Scatola differenz.....508C/59227/228.....
 Satelliti.....514/59107..... Cuscinetti.....RIV.....
 Autobloccante.....NO..... Ceppi.....509/69123.....
 Semiassi.....508B/61276..... Portaceppi.....508C/69224.....
 Bracci laterali.....508C/61455..... Cilindretti.....e 28.....
 Flange di attacco..... Guarnizioni freni.....FRIT DO 553.....

Carburante.....98/100 KO..... Carburatore.....3. 25021. 36 DOL3..... Lubrificante.....X 100 10 W 30.....
 Candele.....3/4 IF..... Toratura: Diff.....127..... Getto.....1.65..... Minimo.....60..... Getto pompa.....60x3.....
 Centrotori.....2.5..... Freno aria.....200..... Tappo - Spillo.....22.5.....
 Pozzello.....F.8..... Consumo carburante = Gr./HP ore.....
 Fori di progressione..... Livello a m/m.....3.5..... Consumo olio = gr..... In ore.....
 Pressione olio..... Temper. olio.....
 Rodaggio ore.....
 Note di funzion.....

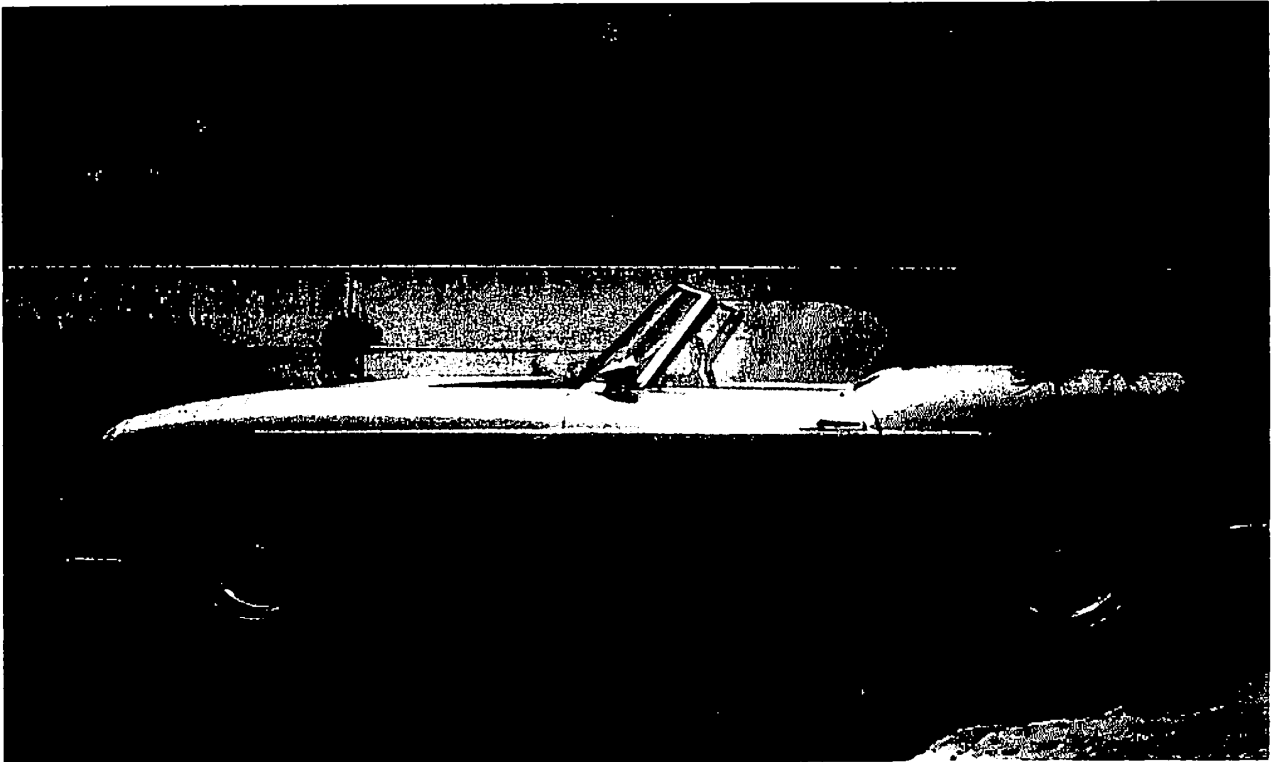
Motoristi { Pinelli

Entrato in servizio.....Franchini.....

Pictures of Ferrari 250 GT, VIN 0799GT

Picture 1–5; taken in Pieterlen/Switzerland in front of the house of the requestor in 1989

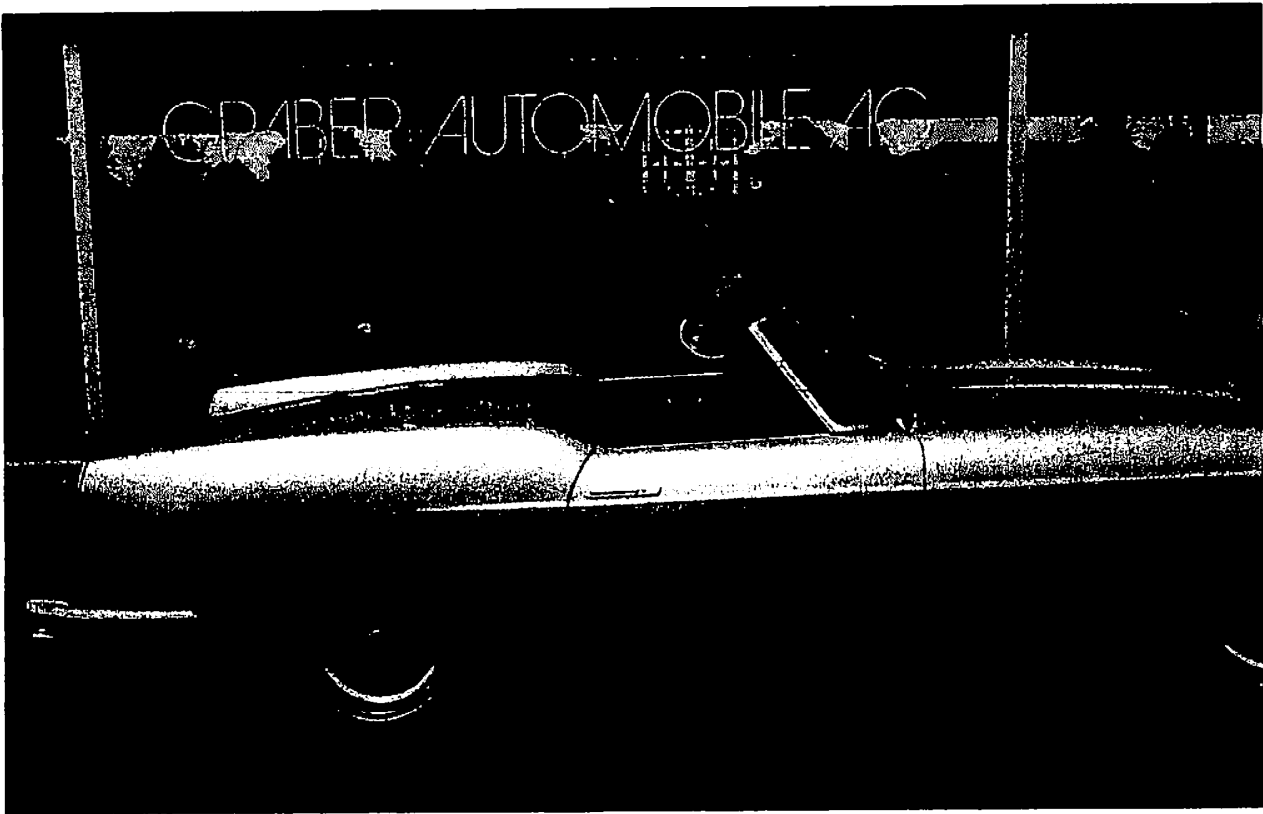
Picture 1



Picture 2



Picture 3



Picture 4

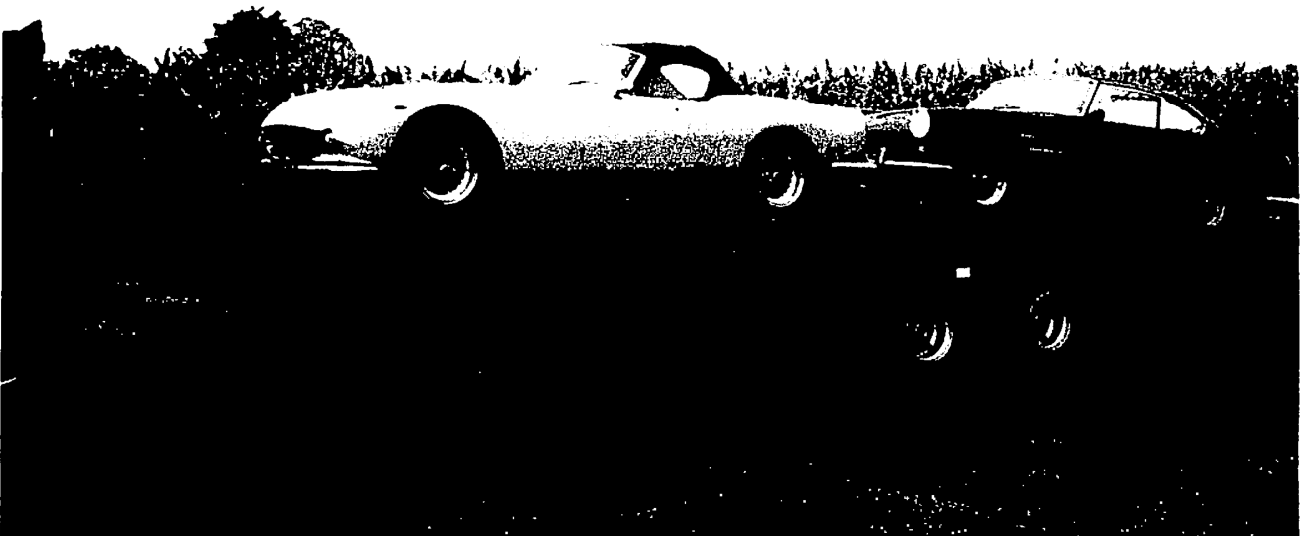


Picture 5



**Pictures 6-11; taken in CH-3284 Fräschels / Switzerland in front of the garage
"Elite Diffusion" before transportation to Marbella/Spain**

Picture 6



Picture 7



Picture 8



Picture 9



Picture 10

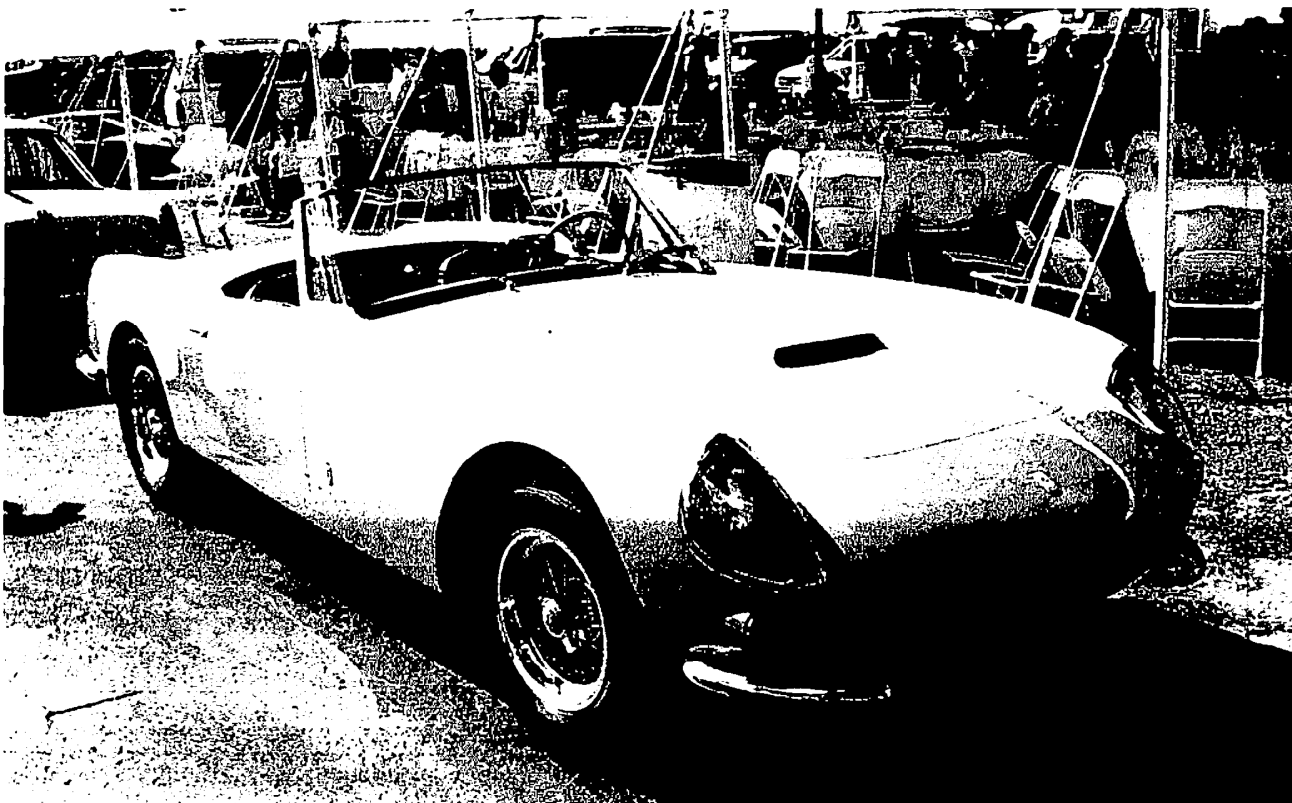


Picture 11



**Pictures 12-16; taken at Cavallino Concours at Palm Beach/FL/USA on 19. - 20. January 2001
by Ferrari expert, Marcel Massini, CH-8604 Volketswil, Switzerland**

Picture 12



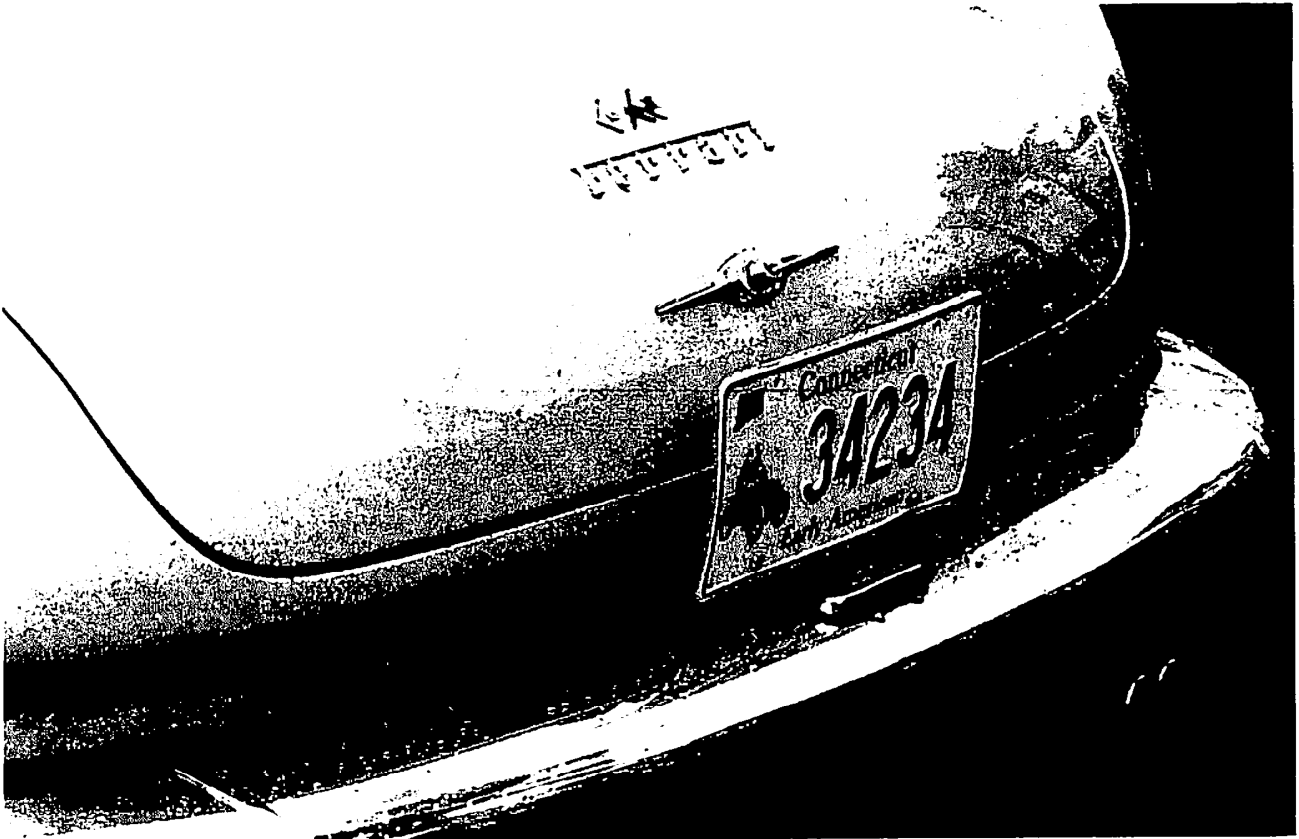
Picture 13



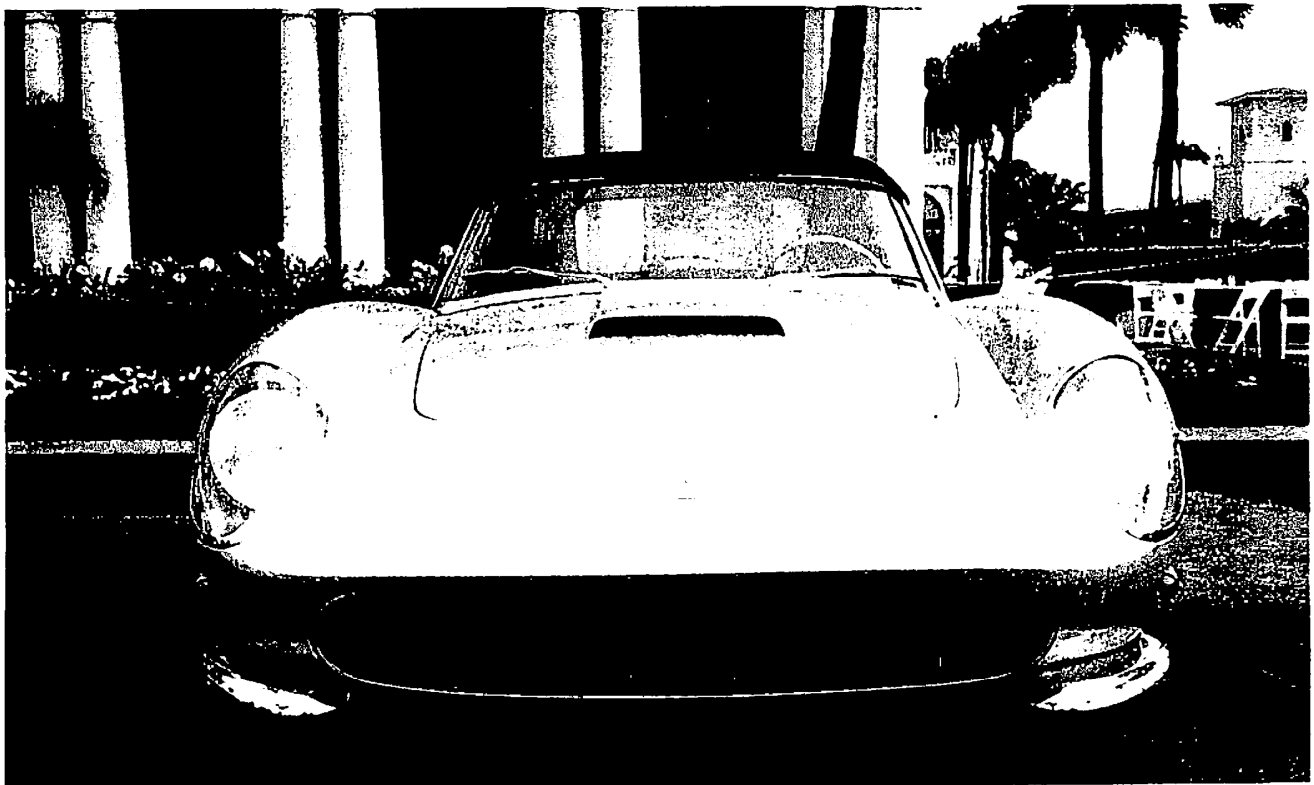
Picture 14



Picture 15



Picture 16



CERTIFICATE OF TITLE TO A MOTOR VEHICLE			
<small>DO NOT ACCEPT TITLE SHOWING ERASURE ALTERATION OR MUTATION</small> The State Highway Department certifies that the applicant herein named has been duly registered in the office of the Department as the lawful owner of the Motor Vehicle described below.			
MAKE OF VEHICLE FERRARI YEAR MODEL BODY STYLE 1958 12DR TITLE NUMBER NTF852 PREVIOUS YEAR		MOTOR OR VEHICLE IDENTIFICATION NUMBER 10799 WEIGHT 3000 INDEX NUMBER 5434916	
OWNER IF LIEN RECORDED		DATE OF LIEN NONE	
LIEN HOLDER FOR OWNER IF NO LIEN PETER A BOWERS 224 SAGE RD HOUSTON, TEX 77027		TITLE NUMBER 56560922 DATE TITLE ISSUED 09/11/70 ORIGINAL	
This Title must be signed in ink upon receipt <i>Peter A Bowers</i> SIGNATURE OF OWNER OR AGENT		1ST LIEN RELEASED DATE OF LIEN NAME AND ADDRESS OF 2ND LIEN HOLDER	
The applicant has stated under oath that he is the owner of the above described motor vehicle, subject to the herein described lien and encumbrances and no others, and it appears upon the official records of the Department that at the date of the issuance of this certificate, said motor vehicle is subject to the liens hereinbefore enumerated.		2ND LIEN RELEASED DATE BY J. C. DINGWALL STATE HIGHWAY ENGINEER <i>R. W. Townsley</i> R. W. TOWNSLEY, DIRECTOR MOTOR VEHICLE DIVISION	
KEEP THIS CERTIFICATE ON FILE IN A SAFE PLACE STATE OF TEXAS			



European
Auto
Sales,
Inc.

PURCHASE AGREEMENT

DATE: April 3/89

MR. PETER BOWERS
3100 RICHMOND AVE. SUITE 305
HOUSTON, TX
77098
BUS. PHONE 713 520 5072 HM. PHONE 713 520 6350
TELEX TELEFAX

AUTOMOBILE PURCHASE FROM MR. PETER BOWERS.

YEAR: 1958 MAKE: FERRARI MODEL: 250 PF CABRIOLET

VEHICLE IDENTIFICATION NUMBER: 0799

LICENSE NUMBER: 365 VQU TX COLOR: SILVER

PURCHASE PRICE: \$680,000⁰⁰

OTHER: \$50,000⁰⁰ Deposit Rec'd 4.3.89 \$685,000⁰⁰ AFTER 4.15.89 P.B.

BALANCE DUE IN 15-20 DAYS OR
SOONER.

WARRANTY / GUARANTEE: AS SEEN by GARRY ROBERTS

THIS AUTOMOBILE IS BEING SOLD AND DELIVERED EXCLUSIVELY UNDER THE
TERMS AND CONDITIONS OF THIS CONTRACT

Peter Bowers
SIGNATURE OF SELLER
as amended per tele. conv.

Garry Roberts
GARRY ROBERTS SALES MGR

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205



European
auto
sales,
inc.

PURCHASE AGREEMENT

DATE: April 3/89

MR. PETER BOWERS
3100 RICHMOND AVE. SUITE 305
HOUSTON, TX
77098
BUS. PHONE 713 520 5072 HM. PHONE 713 520 6350
TELEX TELEFAX

AUTOMOBILE PURCHASE FROM MR. PETER BOWERS.

YEAR: 1958 MAKE: FERRARI MODEL: 250 PF CABRIOLET

VEHICLE IDENTIFICATION NUMBER: 0799

LICENSE NUMBER: 365 VQV TX COLOR: SILVER

PURCHASE PRICE: \$680,000⁰⁰

OTHER: \$50,000⁰⁰ Deposit Rec'd.

BALANCE DUE IN 15-20 DAYS OR
SOONER.

WARRANTY / GUARANTEE: AS SEEN by GARRY ROBERTS

THIS AUTOMOBILE IS BEING SOLD AND DELIVERED EXCLUSIVELY UNDER THE
TERMS AND CONDITIONS OF THIS CONTRACT.

SIGNATURE OF SELLER

GARRY ROBERTS SALES MGR

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205

4.17.1989

I, Peter A. Bowers, hereby sell
Ferrari number 0799 to
European Auto Sales, Inc.
in accordance with the
attached contract.

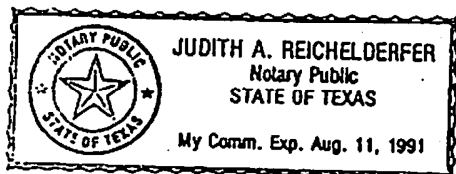
Peter A. Bowers

THE STATE OF TEXAS

COUNTY OF HARRIS

Before me, a Notary Public, on this day personally appeared
PETER A. BOWERS, known to me to be the person whose name is subscribed to
the foregoing instrument and acknowledged to me that he executed the same
for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 17th day of April, 1989.



Judith A. Reichelderfer
JUDITH A. REICHELDERFER
Notary Public in and for Harris County, Texas

EUROPEAN AUTO SALES, INC.

10108


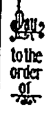
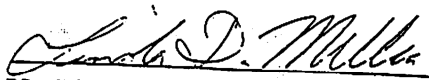
TO: LAWRENCE DIAZ

1ST PAYMENT ON FINDERS FEE FOR 1958 FERRARI 250
S/N 0799 STK# 1471

TOTAL AMOUNT: 7,000.00

EAS# 751




SS# 564-52-2107

	European auto sales, inc.	NATIONAL BANK OF SOUTHERN CALIFORNIA	10108
	1445 Bateach Street Tel (714) 642-0054	Costa Mesa, CA 92627 Fax (714) 642-1205	
			
	DATE		
	04-17-89		
	AMOUNT		
SEVEN THOUSAND DOLLARS AND 00/100			***\$7,000.00***
LAWRENCE DIAZ			
			
⑈010108⑈ ⑆122239801⑆ 01⑈056⑈816⑈			

TO: LAWRENCE DIAZ

2NS PAYMENT ON FINDERS FEE FOR 1958 FERRARI 250
S/N 0799 STK# 1471TOTAL AMOUNT 3000.00
EAS# 751

SS# 564-52-2107

	europaen auto sales, inc.	NATIONAL BANK OF SOUTHERN CALIFORNIA	10109
	<small>1445 babcock street tel (714) 642-0054</small>	<small>santa ana, ca 92704 fax (714) 642-1205</small>	
			
	DATE		AMOUNT
	04-17-89		***\$3,000.00***
	THREE THOUSAND DOLLARS AND 00/100		
	LAWRENCE DIAZ		
			
	⑈010109⑈ ⑆122239801⑆ 01⑈056⑈816⑈		

(21)

EUROPEAN AUTO SALES, INC.
INCOMING WIRE INFORMATION

DATE: 4/6/89
TIME: 4:00
BANK PERSONNEL: Cheryl

AMOUNT: \$ 120,000.00
CO. REMITTING: Indir Zenari
INSTRUCTIONS: Deposit on ath # 1471,
'58 Fer. 250 PF Cabriolet,
slr 0799.
Full price - \$680,000.00

=====

FOR ACCOUNTING USE ONLY

=====

ACCOUNT	DEBIT	CREDIT

PREPARED BY: L. A. Venderbox



European Auto Sales, Inc.

AUTOMOBILE PURCHASE INVOICE

DATE:

April 21/89

MR. ZENARI
C/O BIRKART TRANSPORT AG
LEONHARDSSTRASSE 53
CH-4003 BASEL
SWITZERLAND

TEL: 41 61 22 82 55

CONFIRMATION OF AUTOMOBILE PURCHASE FROM OUR FIRM.

YEAR: 58 MAKE: Ferrari MODEL: 250 PF CABRIO

VEHICLE IDENTIFICATION NUMBER: 0799

LICENSE NUMBER: 0/5

COLOR:

SILVER

STOCK # 1471

PURCHASE PRICE:

\$ 780,000⁰⁰

APPLICABLE CALIFORNIA STATE TAX:

0/5

APPLICABLE CALIFORNIA LICENSE FEES:

0/5

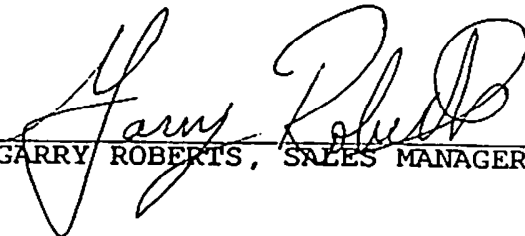
TOTAL:

\$ 780,000⁰⁰

TERMS OF
SALE.

FOB

EAS-


GARRY ROBERTS, SALES MANAGER

1665 babcock street
costa mesa, ca 92627
(714) 642-0054
telex 299313 FERR UR
telefax (714) 642-1205

COMMISSION ON STK #1471, 1958 FERRARI 250 PF/CAB, 3MN00799



EUROPEAN CAR SALES, INC.

1444 Buena Vista St.
Tel (714) 642-0254

Suite 1000, 9011
Tel (714) 642-0255

NATIONAL BANK OF SOUTHERN CALIFORNIA
SANTA ANA, CA 92704
80-3980-1272

1030

Pay to the order of

THIRTY-FIVE THOUSAND FIVE-HUNDRED SIXTY & 00/100
W. SCHOCH PORSCHE SALES, INC.

DATE

5/15/89

AMOUNT

\$35,560.00

W. Harry E. Robert
NOT NEGOTIABLE

⑈C10301⑈ ⑈122239801⑈ 01⑈056⑈01⑈

EUROPEAN AUTO SALES, INC.

DISBURSEMENT REQUEST

AMOUNT:

\$ 35,560

CHECK DATE:

5/15/89

PAYABLE TO:

W. Schoch Porsche Sales

DESCRIPTION:

Commission 1958 Ferrari

250 PF Calais Series 1 s/n 0799

ST # 1471

FOR ACCOUNTING USE ONLY

ACCOUNT	DEBIT	CREDIT

DELIVER CHECK:

MAIL CHECK:

PREPARED BY:

APPROVED BY:

GR

Elite



Diffusion

Classic & Sportcars

ELITE DIFFUSION
CH-3284 Fräschels

Fräschels, Switzerland, June 9, 2008

Confirmation – Statement regarding Ferrari 250 GT Cabriolet, Series 1, Pinin Farina Spider, 1957, Chassis No. 0799GT

Herby I Andreas Zenari, Swiss Citizen, Car dealer and owner of the company „Elite Diffusion“ located at Hauptstrasse, CH-3284 Fräschels in Switzerland, state and confirm that I have sold one Ferrari car 250 GT, Cabriolet, Series 1 Pinin Farina, Spider, 1957, with Chassis No. 0799GT to Dr. Andreas Gerber, resident at Bassbeltweg 26, CH-2542 Pieterlen, in Switzerland, on April 27, 1989.

The agreed selling price was fixed at 1'700'000.00 Swiss Francs and was paid cash by Dr. Andreas Gerber to me.

Additionally I can confirm that the above mentioned Ferrari car was bought by me from Michael W. Sheehan, European Auto Sales Inc., Costa Mesa, CA, USA, in early April 1989.

Further on I would also like to state, that Dr. Andreas Gerber was allowed to use my Swiss dealer licence plate No. "BE 838 U" in the year 1989 to drive the above mentioned Ferrari car.

I am informed that Dr. Gerber's Ferrari car has been stolen in Marbella, Spain, on July 7, 1993, where it was located in a warehouse of a bogus company.

Zenari

Andreas Zenari, Manager
Elite Diffusion

Elite  **Diffusion**

Classic & Sportcars
031 755 69 69 3284 Fräschels

Pictures of Mr. Paul „Barney“ Hallingby

Taken at a Ferrari auction in Maranello / Italy on May 18, 2008

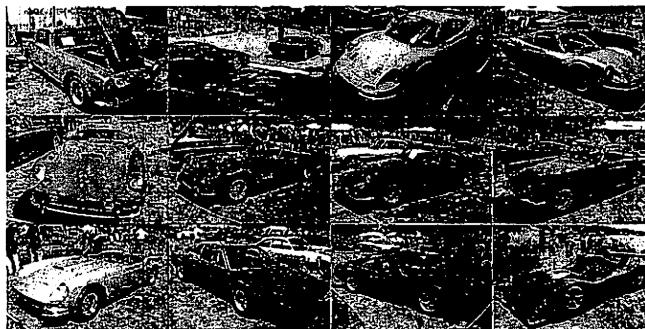
Picture 1



Picture 2



Gallery



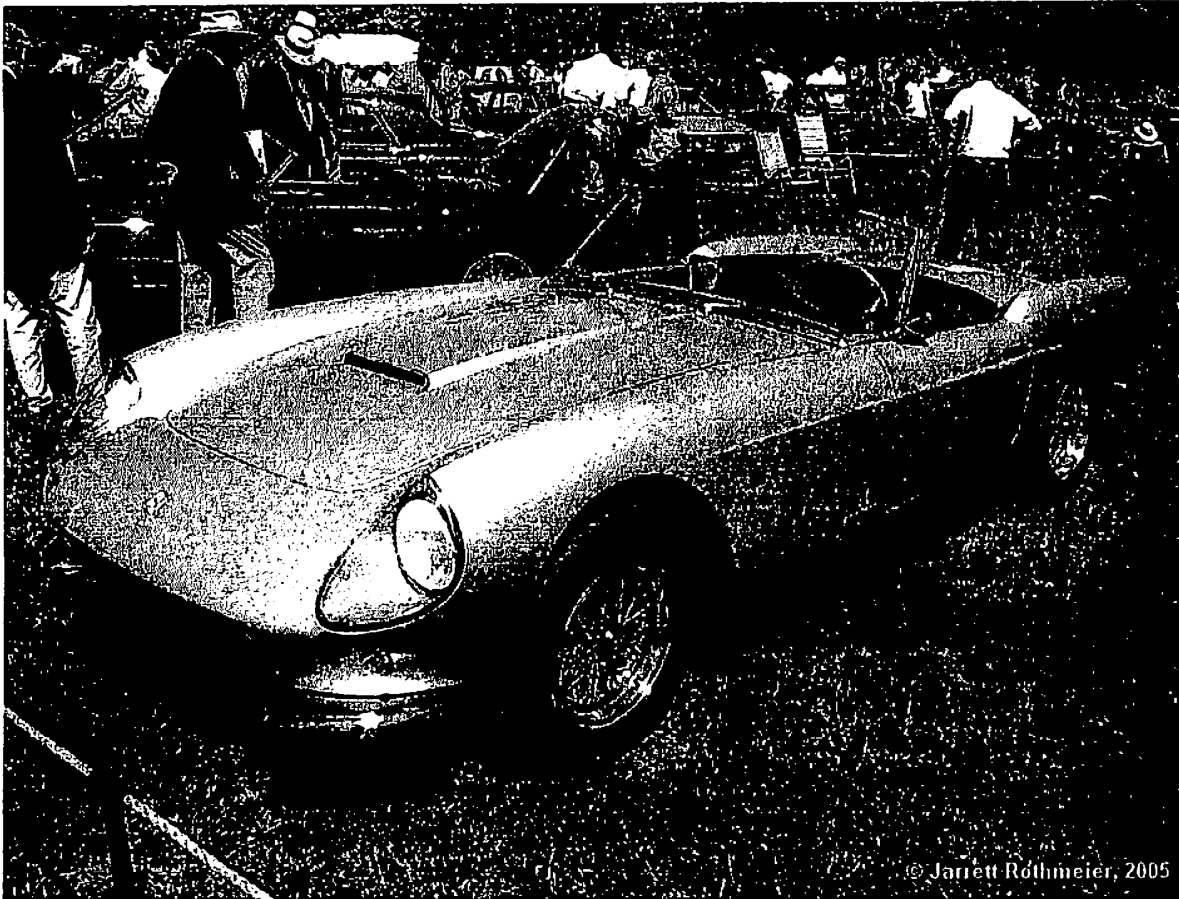
Greenwich Concours d'Elegance

S/N	Model	Year	Exterior Color	Interior Color	Steering	Platos	F1	Owner
0355AL	375 America	1954	Green-dark red roof	dark red	LHD			Jack E. Thomas
0799GT	250PF Cabriolet	1958	Silver	bordeaux	LHD			Barney Hallingby
0817GT	250GT Coupe	1958	Red	tan	LHD			Christie's Auction
1663GT	250LWB California	1960	Red	black	LHD			Jeffrey Mamorsky
2885GT	250GTE	1961	Red	tan	LHD			Len Miller
3469GT	250GT SWB Speciale	1962	Dark Red	tan	LHD	DNL 890		Nick Soprano
3747SA	400 Superamerica	1962	Navy Blue	bordeaux	LHD	PSK 1 (NY)		Peter Kutkow
7817SF	500 Superfast	1965	Silver	red	LHD	282 SVM (CT)		David Letterman
?	330GTC	1967	Silver	black	LHD			Massimo Ion
?	330GTC	1967	Red	dark tan	LHD			Andrew Benenson
?	365GTC/4	1972	Silver	bordeaux	LHD			Zenius Selickas
12127	365GTC	1969	Red	black	LHD			John Orlichio
4494	246GTS	1972	Green	tan	LHD			Eugene Giarratana
14833	365GTC/4	1972	Red	tan	LHD			Albert Grocca
15056	308GT4	1979	Red	cream	LHD			Donald Grossinger
41931	512BBi	1982	Black	cream	LHD			Charles Ancona
51563	308GTSi	1994	Red	tan	LHD			Frank Henjes
100666	F355 Berlinetta	1995	Dark Red	dark tan	LHD	LVMY 355		Henry Jodda
038	333SP	1998	Red	black	LHD			
116575	F355 Spider	1999	Red	tan	LHD	JEM 50 (NY)		John E. Mancuso
124403	550 Barchetta	2001	Red	cream	LHD	514 HTS (MS)		Carl Lopp & Filippo Pola
130728	Enzo Ferrari	2003	Red	red	LHD	PROVA M (NY)	F1	Eduardo R. Menasco
141557	F430 Spider	2005	Grey Silverstone	dark grey	LHD		F1	Miller Motorcars
00782	206GT	1967	Yellow	black	LHD	AMG 5218 (NY)		
21613	308GTB	1977	Black	tan	LHD	2 ENZO (CT)		
28977	400i Automatic	1978	Black	tan	LHD	DCF 8446 (CT)		
22404	360GTB	1969	Black	black	LHD	DCV 7844 (NY)		

09.07.2008 1

Greenwich Concours d'Elegance, Greenwich, Connecticut on June 5, 2005
Compiled by Jarrett Rothmeier

S/N	Model	Year	Exterior Color	Interior Color	Steering	Plates	F1
S/N	Model	Year	Exterior Color	Interior Color	Steering	Plates	F1 Owner
0355	AL 375 America	1954	Green-dark red roof	dark red	LHD		Jack E. Thomas
0799	GT 250PF Cabriolet	1958	Silver	bordeaux	LHD		Barney Hallingby
0817	GT 250GT Coupe	1958	Red	tan	LHD		Christie's Auction
1663	GT 250LWB California	1960	Red	black	LHD		Jeffrey Mamorsky
2885	GT 250GTE	1961	Red	tan	LHD		Len Miller
3469	GT 250GT SWB Speciale	1962	Dark Red	tan	LHD	DNL 860	Nick Soprano
3747	SA 400 Superamerica	1962	Navy Blue	bordeaux	LHD	PSK 1 (NY)	Peter Kalikow
7817	SF 500 Superfast	1965	Silver	red	LHD	282 SVM (CT)	David Letterman
?	330GTC	1967	Silver	black	LHD		Massimo Iori
?	330GTC	1967	Red	dark tan	LHD		Andrew Benenson
?	365GTC/4	1972	Silver	bordeaux	LHD		Zenius Seliokas
12127	365GTC	1969	Red	black	LHD		John Oricchio
4494	246GTS	1972	Green	tan	LHD		Eugene Giarratana
14833	365GTC/4	1972	Red	tan	LHD		Albert Crecca
15056	308GT4	1979	Red	cream	LHD		Donald Grossinger
41931	512BBi	1982	Black	cream	LHD		Charles Ancona
51563	308GTSi	1984	Red	tan	LHD		Frank Henjes
100666	F355 Berlinetta	1995	Dark Red	dark tan	LHD	LVMY 355	Henry Jedda
038	333SP	1998	Red	black	LHD		



TITLE SPONSOR
Automobile

HIGHLIGHTS FROM THE 2005 GREENWICH CONCOURS D'ELEGANCE AND THE CONCOURS EUROPA

2005 GREENWICH-CONCOURS D'ELEGANCE AWARDS

BEST IN SHOW

Presented by Automobile Magazine
 1929 Stutz - Ralph Marano, NJ

PEOPLE'S CHOICE

Presented by Automobile Magazine
 1934 Duesenberg - Clark Rittersbach, NY

BEST AMERICAN HISTORIC AUTOMOBILE - PRE-1903

Presented by Automotive Restorations
 1899 Locomobile Stanhope - Robert Mead, CT

BEST AMERICAN VINTAGE AUTOMOBILE - 1903-1906

1903 Pierce Arrow - John Hovey, NJ

BEST AMERICAN TOURING CAR - 1907-1915

1912 Buick - Michael J. and Karen Tomko, CT

BEST AMERICAN SPORTS/COMPETITION CAR - PRE-1913

1907 American Underslung - Van Horneff, NJ

BEST AMERICAN SPORTS/COMPETITION CAR - 1913-1922

1913 Mercer T-Head 4 - Richard S. King, CT

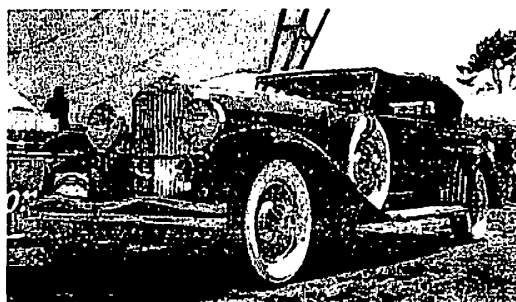
BEST AMERICAN TOURING CAR - 1916-1925

1925 Locomobile - Jack Teberg, CA

BEST AMERICAN TOURING CAR - 1926-1929



CONCOURS d'ELEGANCE
 BEST IN SHOW
 Presented by Automobile Magazine
 1929 Stutz - Ralph Marano, NJ
 Photo by Gregg Merksamer



1956 OSCA MT-4 TN - Michael Eitel, NY

CONCOURS EUROPA
BEST EUROPEAN TOURING CAR - 1937
1937 Alvis - James Sprague, Washington D.C.
Photo by Gregg Merksamer

CONCOURS EUROPA

Best Volkswagen

1970 Karman Ghia Convertible - Andrew Benenson,
CT

CONCOURS EUROPA

Best English Sports Car - 1946-1954

1954 Triumph TR2 - John Malinick, CT

CONCOURS EUROPA

Most Outstanding English Saloon - 1946-1960

1960 Jaguar Mk II - Darwin Dosch, PA

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1946-1955

1953 Siata Daina GT 208C - Michael Schwartz, NY

CONCOURS EUROPA

Best German Sports/Touring Car - 1956-1961

1958 Porsche Speedster - Paul Dumrases, CT

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1956-1957

1956 Lancia Aurelia Spyder - Richard Klein/Walter
Eisenstark, NY

CONCOURS EUROPA

Most Outstanding English Saloon - Post-1960

1969 Bristol 410 - Stephen Sparks, NY

CONCOURS EUROPA

Best Italian Sports/Touring Car - 1958-1961

1960 Ferrari 250 GT California Spyder - Jeff
Mamorsky, NY

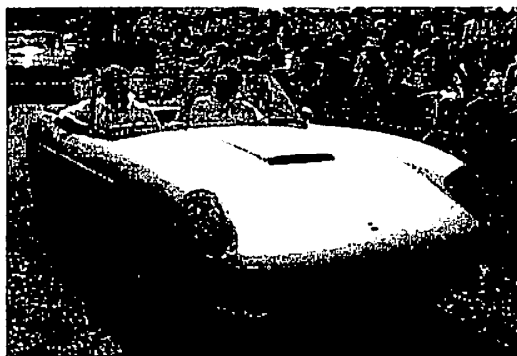
CONCOURS EUROPA

Most Outstanding Motorcycle - 1945-1960

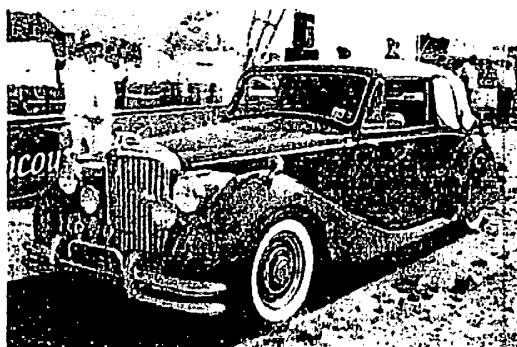
1955 Maserati Sport - Zachary Schulman, NY

CONCOURS EUROPA

Best German Sports/Touring Car - 1962-1967



CONCOURS EUROPA
MOST OUTSTANDING FERRARI
Presented by Ferrari North America
1958 Ferrari Series 1 - Barney Hallingby, CT
Photo by Gregg Merksamer



CONCOURS EUROPA - GRAND MARSHAL'S
AWARD

1955 MG TF1500 - Keith Reckling, NY

CONCOURS EUROPA - MOST OUTSTANDING
MERCEDES-BENZ

Melvin Milligan Award - Presented by Mercedes-Benz
USA

1960 Mercedes-Benz 300SL Roadster - Robert and
Tom Kurtz, CT

CONCOURS EUROPA - MOST OUTSTANDING
JAGUAR

Presented by Jaguar Cars North America

1951 Jaguar Mk V DHC - Kerry Robinson, NY

CONCOURS EUROPA - MOST OUTSTANDING
MASERATI

Presented by Maserati North America

1963 Maserati 3500 Frua - Thomas Coady, Jr.

CONCOURS EUROPA - MOST OUTSTANDING
FERRARI

Presented by Ferrari North America

1958 Ferrari Series 1 Cabriolet - Barney Hallingby, CT

CONCOURS EUROPA - MOST DISTINGUISHED
ROLLS-ROYCE

Presented by Rolls-Royce Motor Cars

1928 Rolls-Royce - J. Timothy Kelly, CT

CONCOURS EUROPA - FIRST SELECTMAN'S
AWARD

Presented by the Town of Greenwich

1971 Iso Griffo Series II - Byron LaMotte, MD

CONCOURS EUROPA - AWARD OF EXCELLENCE

1965 Ferrari Superfast - David Letterman, NY

CONCOURS EUROPA - AWARD OF EXCELLENCE

1954 Lancia Aurelia PF 200 - Iggy Franciamore, NY

CONCOURS EUROPA - AWARD OF EXCELLENCE

1949 Volkswagen Hebmuller-14A - Dan Arena, DE



[CLICK HERE TO RETURN TO ALL EVENTS](#)

The Fifth Annual FCA/NER Concorso Ferrari!

Date: 06/19/05

2005 Ferrari Club of America – New England Region Concorso
Ferrari

Featuring the Ferrari 275 GTB and the new F430

With a spectacular day last year, members, sponsors and spectators celebrated Father's Day in style. As with previous years, we enjoyed a wide range of Ferrari models and vintages brought for display by their owners. Trophy winners for 2004 included: Barney Hallingby's 1958 GT PF Cabriolet, Gary Lilienthal's 1957 250 GT Boano Coupe, David Letterman's 1951 212 Inter Ghia, Robert Rohrs' 1964 250 GT/Lusso, Ron Gaeta's 1963 250 GTE, Andrew Bass' 1987 412, Bruce Perrone's 1955 750 Monza, Joel Deluca's 1984 Boxer, Steve Clayton's 1987 328 and Mike Simonetta's 1985 308 GTS QV. The event celebrated Ferrari's 2+2s and we were very fortunate to have some fine examples on hand. A.J. Obara Jr.'s 1967 330, Michael Bayer's 1967 330 and Christopher Sanger's 1965 GT 2+2s all garnered awards. This, our fifth year of FCA/NER's Concorso Ferrari event, features 275s and the new 430.

As with previous years, **a procession of 40 Ferraris** will leave the Capitol in the morning to collect patients and former patients of Connecticut Children's Medical Center (CCMC). After providing them with a police-escorted tour of Hartford, the cars will return, dropping the children off to the warm welcome of exhibitors and spectators. The CCMC patients and their families will then proceed to a luncheon on the State Capitol lawn, while registrants enjoy a meal in the Capitol Building's rotunda space, catered by Azul, one of the area's premier restaurants.

Please join us this year for the parade, concours, judging, silent auction, live entertainment, delicious food and award ceremony.

Over the past four years, **FCA/NER has donated \$195,000 benefiting CCMC's trauma center and other charities, including the various programs at the Village for Families & Children and the Autism Society of America.**

We have already received a presenting sponsorship and a number of Platinum sponsorships from area businesses. We ask that you consider making a donation along with your registration for the event to help these great causes.

Whether you join us to present your Ferrari for display in the show, or to meet up with fellow enthusiasts, or to help raise money to improve the lives of many children in need, your participation will help to ensure that this is a spectacular event! Please join us.

- David L. Friar, Chairman

Special hotel accommodations have been made. For details, or any questions, please contact:

David L. Friar, Chairman

FCA/NER's Concorso Ferrari Event
Phone: (860) 678-1291
Fax: (860) 677-5265
e-mail: dlf@friar.com

Programming & Hosting by [New Wave Industries, Inc.](#)

Translation of email from Mr. Marcel Massini, Ferrari expert from CH-8604 Volketswil, Switzerland, to Atty. Oliver Weber, dated May 1, 2008, 09:10 PM

In the original German document the relevant two paragraphs are marked and numbered with 1 and 2. They are translated below as follows:

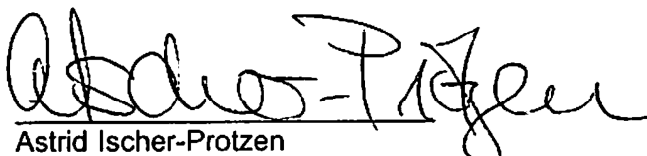
Paragraph No. 1

"I am still convinced that Mr. Scott Rosen very well knew about the (doubtful) provenance of the car, most probably from Frank Triarsi, owner of Classic Coach in New Jersey, and official Ferrari dealer."

Paragraph No. 2

"I am certain that Hallingby knows about the (doubtful) provenance of the car. Furthermore, it made me very suspicious, that his mechanic/aid closed the hood of the car as quick as a flash when I was taking photographs of the chassis number at Cavallino Meeting in Palm Beach/FL in January 2001. He reacted too late, I had already taken the picture; but something like that actually never happens in the USA. In Europe it is different. In the USA car owners open the hoods of their cars voluntarily and without being asked and show everybody all the details."

I, Astrid Ischer-Protzen, born on April 8, 1954, with place of origin in Grossaffoltern / Switzerland, domiciled at Hinterdorf 6 in CH-2565 Jens, Switzerland, translator and English teacher for adults, certified by the University of Cambridge Local Examinations Syndicate / International Examinations, England, state and confirm that this English translation of the original German document, dated May 1, 2008, has been correctly and authentically translated from German into English.

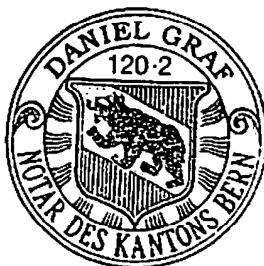


Astrid Ischer-Protzen
Translator / English teacher RSA-CTEFLA, University of Cambridge
Biel, Switzerland, July 3, 2008

I, Daniel Graf, Notary Public in the canton of Berne, Switzerland, hereby officially notarize and legalize the signature of Mrs. Astrid Ischer-Protzen according to Swiss law and the Den Hague Convention dated 10.05.1961.



Daniel Graf
Notary Public
Biel, Switzerland, July 3, 2008



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: Swiss Confederation, Canton of Berne

This public document

2. has been signed by Daniel Graf

3. acting in the capacity of Notary

4. bears the seal/stamp of Notary's office
of the Canton of Berne

Certified

5. at Berne

6. the 4. 7. 2008

7. by Jörg Vogt

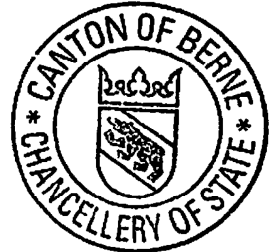
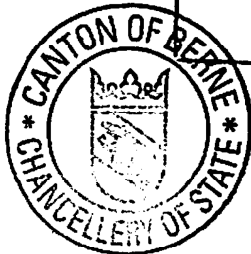
official of the Chancellery of State of the Canton of Berne

8. under number: 2583

9. Stamp/seal

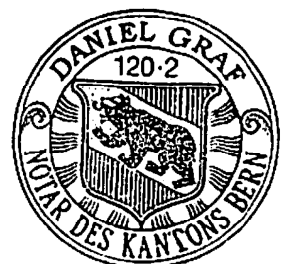
10. Signature

[Handwritten signature]



Tax: CHF

15.-



30

Von: Marcel Massini [mailto:marcel@massini.cc]
Gesendet: Donnerstag, 1. Mai 2008 21:10
An: 'Oliver Weber'
Betreff: AW: Dr. Andreas Gerber, Diebstahl Ferrari 250 GT Cabriolet #0799 GT

Sehr geehrter Herr Weber

Danke für Ihr Mail.

Seit unserer Besprechung im Februar 2008 habe ich nichts mehr unternommen. Natürlich habe ich die verschiedenen Inserate gesehen und finde diese sehr gut.

Sowohl Gerald Roush vom Ferrari Market Letter, als auch John Barnes vom Cavallino Magazin haben mich vor der Publikation Ihrer Anzeigen beide angefragt, worum es in dieser Sache ging. Ich habe beiden erklärt, wie die Situation ist. Beides sind gute Freunde von mir, seit vielen Jahren.

Mit Nick Soprano hatte ich in Amelia Island/Florida am 8. März 2008 ein langes Gespräch (Mittagessen MM mit Soprano und Seth Rosner, einem Anwalt aus NY), nicht aber über diese Sache. Ich wollte den Inseraten nicht vorgreifen oder ihn irgendwie vorab informieren. Seither hatte ich mit ihm keinen Kontakt mehr. Ich gehe jedoch davon aus, dass ich ihn in den nächsten 3 Wochen sehen werde, weil im Monat Mai eine Reihe von sehr wichtigen Ferrari-Terminen anstehen, so u.a. in Monaco, an der Mille Miglia in Brescia und an der RM Auktion in Maranello am 18.5. Bestimmt wird Soprano überall an diesen Meetings teilnehmen, so wie auch ich dies tun werde.

Verschiedene Personen aus der Community haben sich geäussert zum Fall und eigentlich ist den meisten bekannt, wer das Auto hat (Hallingby).

[Paragroph 1:] Ich bin nach wie vor überzeugt, dass Scott Rosen über die Herkunft des Autos sehr wohl Bescheid wusste, und zwar sehr wahrscheinlich von Frank Triarsi, Besitzer von Classic Coach in New Jersey, offizieller Ferrari-Händler.

Die Verhandlungen mit Rosen liegen 8 Jahre zurück, ich hatte nie mehr Kontakt mit ihm und weiss nicht, wie aktiv er heute noch ist. Da ich es mit Nick Soprano nicht verderben möchte, wäre mir daran gelegen, mich möglichst aus dieser Sache herauszuhalten. Soprano ist ein langjähriger Freund von mir und ein netter, ehrlicher Kerl.

[Paragroph 2] Ich bin mir sicher, dass Hallingby über die Herkunft des Fahrzeugs Bescheid weiss. Ausserdem machte es mich sehr stutzig, dass sein Mechaniker/Helfer damals im Januar 2001 am Cavallino Meeting in Palm Beach/FL die Haube blitzschnell schliessen wollte, als ich die Chassisnummer etc fotografieren wollte. Er war zwar zu spät, hatte ich doch schon abgedrückt, aber so etwas kommt in den USA eigentlich überhaupt nie vor. In Europa ist das ganz anders. In den USA öffnen die Besitzer freiwillig und unaufgefordert die Motorhauben und zeigen alle und jedem was Sache ist, bis zum letzten Detail.

Freundliche Grüsse

Marcel Massini

MASSINI AG
In der Hoeh 12
CH-8604 Volketswil (ZH)
Switzerland

Phone +41 43 399 59 06
Fax +41 43 399 59 07
Mobile +41 79 356 22 92
E-Mail marcel@massini.cc

=====
This message and any attachment are strictly confidential. If you are not the intended recipient, please telephone or email the sender and delete the message and any attachment from your system. You must not copy this message or attachment or disclose the contents to any other person.
=====

'International sharks stole \$18m from widow'

By Henry Samuel in Paris

Last updated: 2:32 AM BST 20/10/2007

Five men described as a bunch of "international sharks" stood trial in Nice yesterday for defrauding the widow of a wealthy British man - described as a lord - of more than 18 million dollars.

Elsa Cooper, 69, prosecutors claimed, fell victim to group of international con men in the late 1990s. Bogus financial advisors put her in touch with a fake Arab prince interested in buying her two hotels, three apartments in Beaulieu-sur-Mer on the Cote d'Azur, a London flat and a Rolls Royce.

Her unnamed husband - a businessman and reportedly an aristocrat - had left Mrs Cooper, a former psychiatrist, a fortune when he died five years after their marriage in 1972.

The alleged mastermind of the operation, an Italian called Gianni Meninno, died in 2004.

He had put Mrs Cooper in touch with a man he described as a Swiss notary, as well as a fake Arab prince who turned out to be Israeli, and three financiers - a Belgian, a Spaniard and an Italian.

Described as odd and eccentric, Elsa believed the "financiers" who said they had a bona fide buyer but that she would have to give them power of attorney over the sale of the property and goods.

At first she believed their promises of payment, meeting them in Madrid, Lisbon, Liechtenstein and Marbella in Spain to receive her money. She only realised she had been tricked when she finally tried to cash in ten cheques only for them to be bounced. The bank said the money came from an armed robbery.

The prosecuting judge, Olivier Caracotch, described the group as a bunch of "international sharks," who "chose a rich widow who knows nothing about business, who they managed to flatter by serving her champagne and playing on her emotions."

He called for two and three year jail terms for the men.

The trial continues.

Story from Telegraph News:

<http://www.telegraph.co.uk/news/worldnews/1566804/%27International-sharks-stole-%2418m-from-widow%27.html>

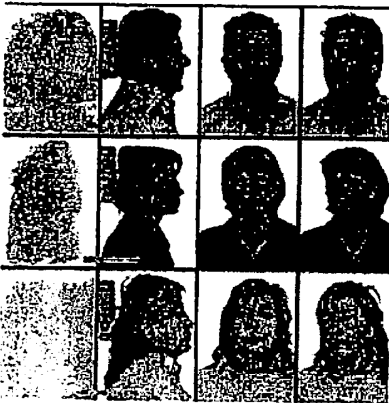
Information appearing on telegraph.co.uk is the copyright of Telegraph Media Group Limited and must not be reproduced in any medium without licence.

If you require any further information on permitted use, or a licence to republish any part of the Site (or any Content), please email us at syndication@telegraph.co.uk, or contact us by telephone on +44 20 7538 2921, Facsimile: +44 207 931 2867.



Insider View translated from the Spanish

Wednesday, 12 December 2007



Marbella, a beach resort for the "jet set" now emerging as the hub for every mafia connection in Spain. Finally, there is a Swiss connection in the form of the Cultrera-Meninno scandal, which only leads back to Marbella, a beach resort for the "jet set" now emerging as the hub for every Mafia connection in Spain. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money laundering. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money laundering. They are also under investigation in Marbella by Judge Blanca Esther Diez, who has uncovered a group of attorneys and judges protecting them. They are also under investigation in Marbella by Judge Esther Blanca Diez, who has uncovered a group of attorneys and judges protecting them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Using forged documents, and protected by the Santapaola family of the Italian mafia, they sold the Marbella casino to Italian financier Gioachino del Din, as well as hotels and other real estate on the Costa del Sol. Using forged documents, and protected by the Santapaola family of the Italian Mafia, they sold the Marbella Casino to Italian financier of Gioachino Din, as well as hotels and other real estate on the Costa del Sol. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband

of Princess Caroline of Monaco. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the US Internal Revenue Service for tax evasion. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the U.S. Internal Revenue Service for tax evasion. Rich, too, has a villa in Marbella. Rich, too, has a villa in Marbella. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators.

Posted by Crime Reporter at 11:10 

 [RSS of the Podcast](#)

Search This Blog

Comments: This is your opportunity to speak out about the story you just read. We encourage all readers to participate in this forum. Please follow our guidelines and do not post: Potentially libelous statements or damaging innuendos, such as accusing somebody of a crime, defaming someone's character, or making statements that could harm someone's reputation. Obscene, explicit, or racist language. Personal attacks, insults, threats, harassment, or posting comments that incite violence. Comments using another person's real name to dispute or contradict their statements or disparage their reputation. Comments that include promotions. Comments unrelated to the story. Links to other Web sites. While we do not edit comments, we do reserve the right to remove comments that violate our code of conduct. If you feel someone has violated our posting guidelines please contact us immediately so we can remove the post. We appreciate your help in regulating our online community.

1

Description	Best Deals	Search
It's the small iPod with one very big idea: Video. Now the world's most popular music player lets		

Villas Costa del Sol
The finest villas for sale in
Marbella, Estepona and
Sotogrande
www.enoughvilla.com/CostaDelSol

Rent a Villa in Spain
Holiday Villas - Costa del
Sol. On-Line Availability &
Offers!
www.Mass-Villas.co.uk

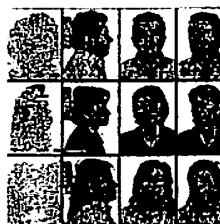
Hotel Malaga
Breakfast and taxes
included for every hotel
booking! Book now
www.chibonair.ch/hotel

Holidays in Spain
Luxury golf villas,
townhouses and beach
apartments in southern
Spain.
www.secondhandestate.com

Properties in Altea
Altea, Sea, Mountain &
Golf Check out our Virtual
Tours
www.altearealestate.com

Insider View translated from the Spanish

Marbella, a beach resort for the "jet set" now emerging as the hub for every mafia connection in Spain. Finally, there is a Swiss connection in the form of the Cultrera-Meninno scandal, which only leads back to Marbella, a beach resort for the "jet set" now emerging as the hub for every Mafia connection in Spain. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud and money laundering. Felice Cultrera and Gianni Meninno are under investigation in Geneva for fraud



Meninno are under investigation in Geneva for fraud and money laundering. They are also under investigation in Marbella by Judge Blanca Esther Diez, who has uncovered a group of attorneys and judges protecting them. They are also under investigation in Marbella by Judge Esther Blanca Diez, who has uncovered a group of attorneys and judges protecting them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Cultrera and Meninno, who are currently at large, set up corporate fronts in Gibraltar and then made a fortune by selling property that did not belong to them. Using forged documents, and protected by the Santapaola family of the Italian mafia, they sold the Marbella casino to Italian financier Gioachino del Din, as well as hotels and other real estate on the Costa del Sol. Using forged documents, and protected by the Santapaola family of the Italian Mafia, they sold the Marbella Casino to Italian financier of Gioachino Din, as well as hotels and other real estate on the Costa del Sol. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. When Spanish police seized Cultrera's address book, they found not only the names of Al-Kassar and Khashoggi, but also that of Philippe Junot, ex-husband of Princess Caroline of Monaco. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Junot's former lawyer, the Argentinean Alberto Mondino, has now become one of Al-Kassar's attorneys. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the US Internal Revenue Service for tax evasion. Also in the address book is the name of Marc Rich, a wealthy Hispanic-American businessman living in Switzerland and sought by the U.S. Internal Revenue Service for tax evasion. Rich, too, has a villa in Marbella. Rich, too, has a villa in Marbella. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Prosecutor Ansermet would like to know whether he can confiscate the frozen funds belonging to Al-Kassar in Switzerland, but neither Spanish judge Garzon, nor his colleague Carlos Bueren, has ever responded to Ansermet's legal query as to whether the Syrian's money is the fruit of drug trafficking. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. Ansermet would also like to coordinate his investigations into Cultrera and Meninno with the Spanish judge handling that affair, but has yet to receive a response from Spain. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators. This silence may point to problems with the Spanish investigation, or to a lack of confidence in Genevan investigators.

Posted by Crime Reporter at

0 comments:

Subscribe to:

Night Clubs

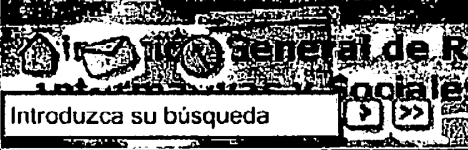
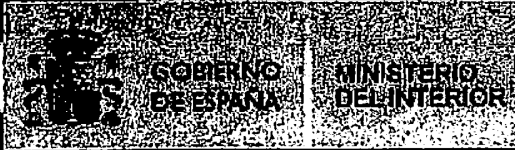
Abisinia
Address: C/ Beatas, Malaga (3)

Bienvenidos

- Benvinguts

- Benvidos -

Ongi etorri



Introduzca su búsqueda

► EL DEPARTAMENTO

► GABINETE DE PRENSA

► Notas de Prensa

▪ Últimos comunicados

▪ Ministerio del Interior

▪ Policía

▪ Guardia Civil

▪ Tráfico

▪ Protección Civil

▪ Instituciones Penitenciarias

▪ Comisión Nacional Antiviolencia

► Fototeca

► Balances

► Cronología

► Terrorismo de ETA

► Terrorismo Internacional

► Otros Grupos Terroristas

► Apoyo Víctimas Terrorismo

Documentos

► Biografías de Altos Cargos

► INFORMACIÓN SOBRE TRÁMITES

► ELECCIONES Y PARTIDOS POLÍTICOS

► EDUCACIÓN Y SEGURIDAD

► SECRETARÍA DE ESTADO DE
SEGURIDAD

► INSTITUCIONES PENITENCIARIAS

► POLICÍA

► GUARDIA CIVIL

► PROTECCIÓN CIVIL

► TRÁFICO

► OFERTAS DE EMPLEO

► SERVICIOS TELEMÁTICOS

► LICITACIONES

► ENLACES RÁPIDOS

» Inicio / Gabinete de Prensa /
Notas de Prensa / Policía /
2001 / **La Policía de Málaga
arresta a tres individuos
promotores de una red
internacional de
estafadores a gran escala**

► NOTA DE PRENSA

POLICIA

madrid ,
02/02/2001

***Dos de ellos están
reclamados por Interpol***

**La Policía de
Málaga arresta a
tres individuos
promotores de una
red internacional
de estafadores a
gran escala**

Agentes del Cuerpo Nacional de
Policía de la UDYCO de la
Comisaria Provincial de Málaga,
han detenido al italiano Gianni
Meninno de 48 años y al
finlandés Cedric R. A. Wrede de
40 años, así como del italiano
Francesco Maneri de 49 años.
Los dos primeros están
reclamados por la autoridad
suiza, a través de Interpol.

La Orden de Detención expedida por el Ministerio Público de Lugano (Suiza) por delito de estafa prevé una pena de hasta cinco años de reclusión. Meninno y Wrede, están acusados de haber estafado en 1999 en Lugano, Luxemburgo y Marbella, en el marco de una operación inmobiliaria millonaria a un empresario del que consiguieron una garantía de dos millones y medio de dólares USA por medio de un cheque a favor de otro implicado que fue ingresado en parte en una cuenta de Mennino, mientras que Cedric preparó los contratos falsos.

Las investigaciones policiales realizadas en Málaga han permitido determinar que estas operaciones se diseñaban con minuciosidad, incluyendo falsificaciones de documentos, usurpación de personalidad, cargos, títulos, etc., atribuyéndose la calidad de notario, abogado y financiero. Incluso en Suiza, intervinieron profesionales de esos gremios en complicidad con esta red.

Durante los casi seis meses que estuvieron los detenidos y sus colaboradores embaucando a las víctimas, no escatimaban lujos, despliegue de medios para deslumbrar y dar mayor apariencia de realidad al objeto de fingir que representaban los intereses de grandes empresas extranjeras (a veces de origen árabe). Como señuelo marcaban la necesidad de realizar la mayor parte de las gestiones económicas fuera de España con el fin de eludir impuestos.

Los responsables de esta organización delictiva, si el perjudicado descubría

finalmente sus intenciones no dudaban, en utilizar las amenazas y coacciones o agresiones físicas si lo consideraban necesario.

Otro de los perjudicados fue un empresario español propietario de una finca de Marbella valorado en mas de mil millones de pesetas, al cual consiguieron engañar, utilizando todos los implicados nombres falsos y desempeñando diferentes papeles para hacer más creíble la operación, presentando documentos notariales. En Enero de 1999 cuando Mennino tuvo conocimiento que el empresario vendía la finca comenzó a diseñar la operación de estafa contando para ello con la complicidad de al menos nueve personas mas, entre ellas los otros dos detenidos Francesco Maneri, alias Franco (cuñado de Mennino) y Cedric Wrede, así como un notario suizo que garantizaba el pago de la operación en aquel país. Para ganar la confianza de la víctima fueron en muchas ocasiones a hoteles de lujo en Madrid y Suiza.

A Meninno le constan antecedentes por estafa, insolvencia punible y contra la salud pública.

Ha sido conocida por los investigadores otra estafa por valor de mil millones de pesetas, contra un empresario italiano al que han perjudicado apropiándose de una fabrica, terreno y efectivos.

La operación policial continua abierta esperándose el arresto de los restantes responsables de esta red organizada.

Los detenidos han pasado a
disposición Judicial,
tramitándose la extradición de
los dos primeros.

Para más información Gabinete
de Prensa de la Comisaría
Provincial de Málaga (teléfono:
95-204-63-07)

*Esta información puede ser
usada en parte o en su
integridad sin necesidad de
citar fuentes*

Dirección General de Relaciones
Informativas y Sociales
Ministerio del Interior
Paseo de la Castellana, 5
MADRID (ESPAÑA)
Teléfono: + 34 1 537 1251

Ministerio
del Interior

Aviso Legal

Accesibilidad

WSC WAI-A
WAI-A WAI-A

ESPAÑA

Martes, 13 de julio de 1999

EL MUNDO
PERIÓDICO

GIANNI MENINNO/MIEMBRO DEL «CLAN SANTAPAOLA»

Todo un clásico en los archivos policiales europeos

M.C/ A.R

La policía española sigue los pasos de Meninno desde principios de los años 80, época en la que ya elaboró, con la ayuda de sus colegas italianos, un informe sobre la llegada a Marbella de una sección del Clan Santapaola.

Meninno, que nació en Capri el 17 de julio de 1952 -dentro de unos días cumple 47 años- llegó a España como lugarteniente y testaferro de Felice Cultrera, señalado por la policía como el jefe del clan italiano en la Costa del Sol. Meninno aparece en varias de las sociedades de Cultrera, que luego fueron administradas por Juan Ramírez, el padre de la juez de Marbella. Así, el mafioso italiano figura como accionista o administrador de sociedades como Giamar, Menimar, Larashe Investment, Mardesol, Promociones Urbanas, que pasó a llamarse Talent Management... Estas sociedades constituyen un entramado financiero con conexiones con Gibraltar y otros paraísos fiscales.

Una nota informativa sobre Meninno, elaborada por el grupo de Delincuencia Internacional de Málaga, dice de él que «se trata de un individuo peligroso por sus actividades fraudulentas y relaciones con la Mafia, desde la óptica que podría tratar de evadirse, para lo cual podría poseer infraestructura en la Costa del Sol».

La Fiscalía Anticorrupción dejó muy claro, en su escrito enviado al CGPJ, quiénes eran los integrantes del clan Santapaola: «Felice Cultrera tiene antecedentes por el control de diversos casinos de juego, organización internacional de tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero procedente del tráfico de heroína, tráfico de armas y es considerado en España responsable del clan Santapaola de

la Mafia, ayudado de Meninno y Salamini».

El ciudadano italiano tiene abiertos en España varios procesos judiciales por estafa y venta de coches robados. En 1991, la juez Blanca Esther Díez lo procesó en el caso Casino por estafar a un empresario italiano a quien pretendió vender el casino de Marbella sin ser propietario de la sociedad. En este proceso judicial también están implicados Cultrera y el padre de la juez Pilar Ramírez.

En 1995, fue nuevamente detenido, acusado por la policía italiana de participar en una organización que se dedicaba al tráfico de armas. El proceso se sigue en Italia.



Miércoles, 4 de
abril de 2001
AÑO XIII.
NUMERO 4.144.

La prueba de la justicia consiste en determinar hasta qué punto es uno justo con aquellos que no lo son (Malcolm Forbes)

EL MUNDO

más información:
elmundo.es

Noticias actualizadas las 24 horas

Últimas Noticias Edición Impresa Tu correo Suplementos Servicios Multimedia Charlas Tienda Loterías

Fotos del

día

Videos

Album

Primera

Opinión

España

Europa

Mundo

Sociedad

Economía

Motor

Deportes

Cultura

Internet

Televisión

Última

Índice del

día

Resumen

semanal

Búsqueda

Edición local

Madrid

Cataluña

Baleares

Servicios

Traductor

Televisión

Resumen

de prensa

Documentos

Debates

Encuentros

Hemeroteca

Entrada

secreta

Insólito

El tercer ojo

El culebrón

La tela de

araña

El

termómetro

Cosas que

nunca te

dije

La puerta

rosa

Vespertino

EL MUNDO

de la tarde

Ayuda

ESPAÑA

El mafioso italiano Gianni Meninno se fuga de España

JOSE CARLOS VILLANUEVA. Corresponsal

MARBELLA.- Seis meses de intensas investigaciones de la policía española se han ido al traste después de que el presunto mafioso italiano Gianni Meninno -detenido el pasado 1 de febrero- se haya fugado de España. La titular del Juzgado Central 3 de la Audiencia Nacional, Teresa Palacios, decretó su libertad bajo fianza de dos millones de pesetas, a pesar de que sobre él pesaba una orden internacional de busca y captura por parte de la Fiscalía suiza, que había solicitado su extradición.

El fiscal no se opuso en ningún momento a la solicitud de los abogados del italiano, al estimar que éste tenía esposa y cinco hijos en España, así como «medios de vida y situación de arraigo» en este país, por lo que aparentemente no apreciaba riesgo de fuga.

Palacios sustituyó aquel día al titular del Juzgado Central 6, Juan del Olmo, que instruía todas las diligencias desde la detención de Meninno y otros miembros de la organización delictiva a la que las autoridades suizas le vinculan.

Gianni Meninno tenía la obligación de personarse todos los miércoles en la Audiencia Nacional y, de hecho, lo hizo en un par de ocasiones, pero cuando fue citado el pasado 22 de marzo para declarar ante el fiscal suizo de Lugano, Emanuele Stauffer, Meninno no acudió porque el día anterior se fugó, supuestamente a Italia, con documentación falsa.

La defensa de Meninno justificó que la salida de España del italiano se debió a que voluntariamente había viajado a Italia, aconsejado por su abogada italiana, para acatar una orden de extradición dictada por un tribunal de aquel país.

La puesta en libertad de este presunto miembro del clan mafioso de Santa Paolo, a quien el fiscal jefe anticorrupción, Carlos Jiménez Villarejo, incluyó en un informe como socio y cliente de algunos familiares de la ex juez decana de Marbella, Pilar Ramírez, ha provocado una gran sorpresa y malestar en la Fiscalía suiza del cantón italiano de Ticino.

ARIADN@

Buscar en...

MERCADOS			
Ibex 35	13992.10	-1.70	▼
Madrid			
Frankfurt	7118.50	-1.40	▼
Tokio	14180.00	-0.77	▼
D. Jones	12834.95	-1.40	▼
Londres	6101.60	-2.80	▼
actualización: 20 minutos			

Los mundos

elmundodeporte

elmundodinero

elmundomotor

elmundosalud

elmundolibro

elmundoviajes

elmundovino

Emisión Digital

Navegante

Expansión &
Empleo

Mundofree

Suplementos

Magazine

Crónica

Nueva Economía

Motor y Viajes

Salud

Aula

Ariadna

Metrópoli

Viápolis

La Luna

Participación

Debates

Charlas

Encuentros

digitales

Dazibao

Correo

Mapa del
sitio
Preguntas
frecuentes

¿Recomendaría este
artículo?



Copia para imprimir



Envíe este artículo



**Publicidad: Medios impresos /
Internet**

**Hacemos
esto...**

Preguntas frecuentes

¿Quiere que su página de arranque sea EL MUNDO? Aquí le explicamos cómo hacerlo. ¿Su navegador es un Explorer 4.0? Cómo suscribirse gratis al canal

Otras publicaciones de Unidad Editorial: Newton | La Aventura de la Historia | Siete Leguas | Tomorrow

© Diario EL MUNDO. El diario EL MUNDO se edita en Madrid (España, UE). Calle Pradillo, 42. 28002 MADRID. Teléfono: (34) 91 586 48 00. Fax: (34) 91 58 64 848. Teléfono de atención al lector: 91 379 73 33 (llamadas desde Madrid) y 902 21 33 21 (llamadas desde el resto de España)
Política de privacidad



Participa en el concurso de relatos cortos
"Un verano en Andalucía"

¡tus viajes al mejor precio con
marsans.com

37

EL PAÍS edición impresa ESPAÑA

Martes, 20/5/2008

Primera Internacional España Economía Opinión Virutas

Sociedad Cultura Tendencias Gente Obituarios Deportes Pantallas Última

ELPAIS.com Edición impresa España

El fiscal anticorrupción documenta la relación de Gil y la familia Ramírez con la Mafia italiana

Ampliada la denuncia contra la juez de Marbella Pilar Ramírez ante el Poder Judicial

JOSÉ YOLDI - Madrid - 13/07/1999

Vota Resultado ★★★★★ 24 votos



El fiscal jefe anticorrupción, Carlos Jiménez Villarejo, documentó ayer la relación existente entre Jesús Gil, los mafiosos italianos de la familia Santapaola Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino y los familiares de la juez decana de Marbella, Pilar Ramírez, que asesoran jurídicamente a éstos. Jiménez Villarejo presentó ayer una ampliación de la denuncia interpuesta contra la magistrada Ramírez ante el Consejo General del Poder Judicial, cuyo Servicio de Inspección ya ha concluido una primera investigación con una propuesta verbal de separación del servicio y apertura de expediente por cinco faltas muy graves. La comisión disciplinaria se reunirá el lunes día 19.

La noticia en otros webs

webs un español
en otros idiomas

La magistrada Ramírez, en su calidad de decana, ha intentado por vía administrativa apartar al juez Santiago Torres del denominado caso Atlético, en el que Gil está acusado de estafa y malversación.

El fiscal anticorrupción la ha recusado sin éxito y finalmente la ha denunciado ante el CGPJ. La

ampliación de la denuncia señala: "La relación entre M^a del Pilar Ramírez Balboteo y Jesús Gil y Gil, a través de los negocios entablados entre éste, a título particular, y también como Alcalde de Marbella, con los ciudadanos italianos Felice Cultrera, Gianni Meninno y Ugo Giovanni Gianino, quienes están asesorados jurídicamente por Juan Ramírez Rodríguez [padre de la juez], Juan Carlos Ramírez Balboteo [hermano de la magistrada] y Diego Jiménez Balboteo [primo carnal], está sobradamente acreditada y se desprende sin duda alguna del contenido de las Diligencias Previas 365/91 del Juzgado Central nº 5 de la Audiencia Nacional".

Tras señalar que también está acreditado que los familiares de la juez han venido apareciendo como socios, administradores o apoderados de las sociedades pertenecientes al grupo de los italianos, destaca que la relación entre Gil y la familia Ramírez se ha prolongado en el tiempo y se ha confirmado con los convenios urbanísticos suscritos entre el Ayuntamiento marbellí y las sociedades regentadas por éstos. De ahí infiere el fiscal anticorrupción el deber de la juez de abstenerse en los asuntos que afecten a Gil, lo que no hizo.

El fiscal recuerda que la relación entre Gil, los italianos y los familiares de la juez decana ha sido públicamente desmentida por el propio Gil y el padre de la magistrada en fechas recientes.

Sin embargo, según escrito presentado por Jiménez Villarejo, la información de la policía responde a la realidad y las vinculaciones por negocios "no sólo se desprende de la investigación seguida en su día por la Audiencia Nacional, sino que también encuentra acreditación documental".

Recalificación sospechosa

El fiscal anticorrupción precisa en el escrito que en las investigaciones policiales de la sociedad Milauto Marbella, por delito de receptación (venta de objetos robados) de coches de lujo se realizaron varios registros en locales de la empresa donde intervinieron numerosos documentos, muchos de los cuales pertenecían a Cultrera, Meninno y Gianino. La gerencia de Milauto correspondía a Gianino y su defensa jurídica a Diego Jiménez Balboteo. Entre la documentación incautada figuran las de sociedades del grupo: Giamar, Menimar, Bellantoni Puerto, Talent Management Services, Desjipo,

Descubre nuestro visor de la edición impresa.
Permite visualizarla y descargarla

[Ver demo](#)

[SUSCRÍBETE](#)

Esta primavera...

¡PRUEBA 72 horas GRATIS!

match.com
El portal nº1 para encontrar pareja.

Lo más visto ...valorado ...enviado

"¿Qué significa 'perrea, perrea'?"

¿Dios creó al hombre o el hombre creó a Dios?

Carme Chacón da a luz a su primer hijo

Suecia, la favorita para Eurovisión

Unos 800 cocineros españoles arremeten contra Santamaría

¿Puedes adivinar por la cara quién tiene VIH?

Rajoy: "Cuento con Gallardón para la próxima dirección"

Zapatero: "Las cosas han quedado claras"

Un laboratorio 'resucita' genes de una especie extinguida hace 70 años

Fogones en pie de guerra

papapara.com

[Listado completo](#)

Shoreman, Hythe, Larashe,... También, un informe-propuesta sobre un contrato de fecha 12 de agosto de 1992, con el membrete Shoreham Investments y el de Gianni Meninno, para la constitución de un holding que se denominaría Marbella España, entre un inversor extranjero que participaría con el 90% y el Ayuntamiento de Marbella, "cuyo Alcalde es Mr. Jesús Gil", con el restante 10%.

A los italianos les fue incautada igualmente una carta, que el fiscal aporta en la denuncia. Está escrita en inglés, con un encabezamiento del Club Financiero Inmobiliario, empresa de Gil, fechada el 1 de junio de 1992, dirigida al jeque Hassan Enany, y firmada por Juan Antonio Roca, persona de máxima confianza de Gil, y encargado de la gestión y planeamiento municipal del urbanismo.

La carta dice: "Su Excelencia, siguiendo la conversación telefónica mantenida entre Mr. Jesús Gil y HE Scheick Hassan Enany y en presencia de Mr. Meninno Gianni, Pastor Ramón y Roca Juan Antonio, le exponemos los puntos sobre el acuerdo alcanzado para su aprobación".

Entre los proyectos que se mencionan figuran:

- 1.- Recalificación de Holandalucía. Importe, 1.000 millones de pesetas.
- 2.- Transmisión de Green Land. Importe, 125 millones.
- 3.- Opción sobre las siguientes propiedades que, incluirá "la recalificación que el Ayuntamiento procurará asignar a las mismas durante la siguiente revisión del PGOU".
 - a) Puerto Deportivo Marina de Marbella, 4.000 millones.
 - b) Puerto Banús, 4.000 millones de pesetas.
 - c) Portillo, 400 millones.

También se ha aportado otra carta de Meninno a Enany con copia para Gil, en la que le explica que no necesita intermediarios para tratar con Gil, porque "es quien toma las decisiones".

En la denuncia se cita también el *asunto Belmosa*, una recalificación de un edificio de apartamentos situado en zona verde, en el que la decana apartó del caso al juez número 7 de Marbella.

Publicidad por Google

¿Que es esto?

Oposiciones Unión Europea

www.institutoeuropeo.net ¿Quieres ser funcionario europeo? Infórmate. Presencial o a distancia

Suchodolski Advogados

www.suchodolski.com.br Attorneys-Avocats-Abogados São Paulo - Brasil

Vota

Resultado ★★★★★ 24 votos



Imprimir



Estadística



Enviar

Compartir:

¿Que es esto?

Puedes utilizar el teclado:



Corregir



Derechos



Otras ediciones

Publicado en Edición Impresa en la sección de España

Versión texto accesible

Edición de Bolsillo, edición para PDA/PSP ó Móvil

Última hora

Lo último Agencia EFE

18:03 Tarragona ya ha envidado más de 37.000 metros cúbicos de agua de sus pozos

18:00 Rescatados con vida un hombre y una mujer tras ocho días bajo los escombros en China

17:54 El futuro ya está aquí

17:54 La Generalitat amplía la desalinizadora del Tordera con carácter de urgencia

17:51 El Rey anima a las empresas a "hacer frente a la compleja situación económica"

Videos Fotos Gráficos



Imágenes de los segundos posteriores al terremoto de China - 17:31



El 80 por ciento de los ocupantes de un todoterreno sale ileso tras un accidente de tráfico - 17:20



Myanmar acepta ahora la ayuda internacional para los damnificados por el Nargis - 17:12



Miércoles, 23 de junio de 1999. Actualización: 23.30 horas

TRIBUNALES

La Fiscalía Anticorrupción vincula a la familia de la juez decana de Marbella con la mafia

También aporta pruebas de las relación económica directa de Jesús Gil con el padre y el hermano de la magistrada

EUROPA PRESS

MADRID.- La Fiscalía Anticorrupción ha presentado una denuncia ante el Servicio de Inspección del Consejo General del Poder Judicial contra la juez decana de Marbella, Pilar Ramírez Balboteo, por considerar que la misma es responsable de faltas muy graves y se encuentra en situación de incompatibilidad por ejercer su cargo en una ciudad de menos de 100.000 habitantes en la que su familia desarrolla actividades profesionales y económicas.

En la misma denuncia la Fiscalía expone, basándose en informes policiales y judiciales, que "tanto el padre como el hermano de la magistrada decana han estado sirviendo como representantes, asesores y socios de un grupo vinculado al clan de Santapaola, familia dominante en Catania de la mafia siciliana, denominada Cosa Nostra" y que se dedica a "blanquear ingentes cantidades de dinero en la Costa del Sol".

También expone que el alcalde de Marbella, Jesús Gil y Gil, ha mantenido importantes relaciones con el hermano y el padre de la decana, así como con sus clientes, especialmente los italianos vinculados a la mafia.

Según el fiscal Anticorrupción, el desempeño del cargo de Pilar Ramírez es contrario a derecho porque lo ejerce en una plaza en la que su hermano Juan Carlos ejerce de abogado directamente y a través de su primo Diego Jiménez Balboteo, y también su padre, Juan Ramírez Rodríguez, sin titulación. Además, todos ellos, incluida su madre, Ascensión Balboteo Piña, poseen participaciones en sociedades mercantiles y realizan inversiones inmobiliarias, según expone el fiscal.

La denuncia explica que la Fiscalía denunció ya en 1996 a Pilar Ramírez ante el CGPJ por estos mismos hechos. Sin embargo, el Consejo archivó el expediente, porque ella alegó que Marbella tenía más de cien mil habitantes en un informe que presentó. Una semana después de presentar este informe, el Ayuntamiento de Marbella rectificó el padrón municipal y situó el número de habitantes en 102.050. Sin embargo, el Instituto Nacional de Estadística rechazó esta revisión y volvió a situar el censo en 98.377 personas.

La Fiscalía también denuncia que la magistrada ha incumplido el deber de abstención en las causas en las que existían intereses vinculados a sus familiares más próximos, oponiéndose a dar trámite a las recusaciones planteadas por este motivo por las partes.

Paraísos fiscales

En el escrito presentado ante el CGPJ se explica que la actividad profesional de la familia de la magistrada ha sido

denunciada en reiteradas ocasiones dando lugar a actuaciones de carácter disciplinario. Sin embargo, añade que dicha actividad no ha cesado, pero sí "se ha sumergido", sobre todo a partir de 1993, cuando el padre de la juez fue detenido por un delito de estafa junto a sus socios italianos que presuntamente están vinculados a la mafia siciliana.

La Fiscalía precisa que "todo parece indicar" que el padre, "al igual que su hijo y sobrino, mantienen la misma actividad profesional y mercantil en Marbella", pero "realizada mediante sociedades 'off shore' domiciliadas en Gibraltar, Panamá y otros paraísos fiscales" para "garantizar la máxima opacidad".

"Las relaciones comerciales -dice el escrito- de las sociedades asesoradas, administradas, participadas o representadas por Juan Carlos Ramírez y demás personas de su entorno profesional o familiar, se han desarrollado, en buena medida, con el Ayuntamiento" de Marbella. Entre ellas, cita a Giamar, Kermosa, Incar y Bellantoni Puerto.

Esta última, en la que figuraba como administrador único el padre de la juez decana, suscribió en 1993 un convenio con el Consistorio que afectaba a una superficie de 118.875 metros cuadrados, valorados en 1.262 millones de pesetas por la sociedad Tasaciones y Valoraciones, vinculada a Jesús Gil y Gil y presidida por el concejal marbellí del G.I.L. Sampietro Casarramona. El hermano de la magistrada figuraba como accionista de Bellantoni y de la sociedad panameña Diska Corporation Ltd.

Anticorrupción destaca, además de distintas operaciones urbanísticas, los socios de las empresas en las que los familiares de la magistrada prestaban servicios profesionales o eran accionistas.

Así por ejemplo explica que en Giamar, de la que era administrador único Juan Carlos Ramírez, el principal accionista es el ciudadano italiano Gianni Meninno. También aparecen como accionistas la mujer de éste y Ugo Giovanni Giannio.

En cuanto a Menimar, otra sociedad en la que el padre es administrador único, la Fiscalía afirma que está participada por la sociedad gibraltareña Larashe Investments, cuyo representante es el italiano Felice Cultrera. Otras sociedades, como Desjipo, Promociones Urbanas, Bahía de Bellantoni, Talent Management Services, Kermosa, Motorauto Marbella, Osais de Bellantoni, Kueris, Asbal, Jucamar, Fisher Island, aparecen representadas o participadas por familiares de la juez Decana, y a su vez, incluyen como accionistas o administradores a los ciudadanos italianos ya citados y a otro más, llamado Angelo Salamini.

Según la Fiscalía, estos últimos "han sido policial y judicialmente vinculados al clan de Santapaola. Así pues, parece que tanto el padre como el hermano y otros parientes de la magistrada decana han estado sirviendo como representantes, asesores y socios del grupo vinculado a la mafia siciliana destinado a blanquear ingentes cantidades de dinero de 'Cosa Nostra'".

Antecedentes

Además, el fiscal precisa que Gianinno tiene antecedentes por estafa y receptación y está relacionado con Felice Cultrera y Monzer Al Kassar. Cultrera, al que se considera responsable del clan de Santapaola, junto con su lugarteniente, Meninno, y Salamini, tiene antecedentes por el control de casinos de juego, tráfico de estupefacientes, estafa, falsedad de títulos, extorsión, chantaje, amenazas, coacciones, blanqueo de dinero

y tráfico de armas.

Por su parte, Mennino tiene antecedentes por delitos contra la libertad de expresión, insolvencia punible y estafa. Los antecedentes de Salamini se deben a bancarrota fraudulenta, estafa y tráfico de drogas.

Vinculado a los italianos también estaría, según la Fiscalía, Bernardino Torres Hernández, cliente de Juan Carlos Ramírez y vinculado por la Policía al cártel colombiano de Medellín. Torres realizó inversiones multimillonarias en la Costa del Sol, auxiliado por Ramírez, y fue condenado a quince años de prisión por introducir un alijo de 500 kilos de cocaína en España.

Otro cliente de los Ramírez, al que el padre avaló para obtener un préstamo bancario, fue Albert Chamas o Shamas, reclamado por las autoridades de Egipto por tráfico de drogas y por Francia por asesinato. Según la denuncia del fiscal, la relación de la familia de la decana con los ciudadanos italianos mencionados se mantiene en la actualidad, pero a través del despacho de su primo, Diego Jiménez, como lo pone de manifiesto la demanda presentada por éste en nombre de Gianinno el 25 de abril de 1998 en el Juzgado de Primera Instancia de Marbella.

Recurso de la fiscalía del "caso Atlético"

Hoy también se ha hecho público que el fiscal Anticorrupción adscrito al "caso Atlético", Carlos Castresana, recurrirá el auto de la juez decana de Marbella, Pilar Ramírez, en el que se determina que el juez que instruye el caso, Santiago Torres, debía enviar a reparto la querella que se presentó contra Jesús Gil mientras él desempeñaba funciones de guardia, según fuentes jurídicas.

El recurso, que se interpondrá ante el Pleno del Consejo General del Poder Judicial, se basará en que el titular del Juzgado de Instrucción número 7 de Marbella, que investiga el supuesto desvío de 450 millones de pesetas del Ayuntamiento de Marbella al Atlético de Madrid, actuó correctamente al no enviar a reparto la querella que se presentó en su Juzgado el pasado 13 de octubre, puesto que ese mismo día registró el Consistorio marbellí y el estadio Vicente Calderón.

Según las fuentes citadas, la única forma de concluir que Torres actuó incorrectamente es determinar que los registros fueron improcedentes, puesto que, según las normas de reparto de los Juzgados marbellíes, cuando se realiza una diligencia mientras el Juzgado está en funciones de guardia, el caso pasa a ser asumido por él.

Además, la Fiscalía criticará en su recurso que la juez decana de Marbella no diera traslado a las partes para que informaran al respecto, antes de resolver que el juez Torres asumió indebidamente el caso.

Por otra parte, es posible que la Fiscalía replantee la cuestión de la imparcialidad de la juez Pilar Ramírez al dictar el auto, puesto que ya fue recusada por el fiscal jefe de la Fiscalía Anticorrupción, Carlos Jiménez Villarejo, por las presuntas relaciones existentes entre su familia y Jesús Gil.

En este sentido, el propio Gil negó ayer haber tenido más relación con la juez decana de Marbella que el haber sido la única magistrada que le ha sentado en el banquillo por "un asunto de calumnias contra los comunistas".

LA PORTADA
DE LOS
LECTORES: Las
10 mejor
valoradas

Sec. 53a-119. Larceny defined.

A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to:

- (1) Embezzlement. A person commits embezzlement when he wrongfully appropriates to himself or to another property of another in his care or custody.
- (2) Obtaining property by false pretenses. A person obtains property by false pretenses when, by any false token, pretense or device, he obtains from another any property, with intent to defraud him or any other person.
- (3) Obtaining property by false promise. A person obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct. In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed.
- (4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it.
- (5) Extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: (A) Cause physical injury to some person in the future; or (B) cause damage to property; or (C) engage in other conduct constituting a crime; or (D) accuse some person of a crime or cause criminal charges to be instituted against him; or (E) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (F) cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or (G) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (H) use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (I) inflict any other harm which would not benefit the actor.
- (6) Defrauding of public community. A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property.
- (7) Theft of services. A person is guilty of theft of services when: (A) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false; or (B) (i) with intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay, or (ii) with intent to obtain the use of equipment, including a motor vehicle, without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such use which has been permitted him, he obtains such use or avoids such payment therefor by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, or driver's license; or (C) obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.
- (8) Receiving stolen property. A person is guilty of larceny by receiving stolen property if he receives, retains, or disposes of stolen property knowing that it has probably been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with purpose to restore it to the owner. A person who accepts or receives the use or benefit of a public utility commodity which customarily passes through a meter, knowing such commodity (A) has been diverted therefrom, (B) has not been correctly registered or (C) has not been registered at all by a meter, is guilty of larceny by receiving stolen property.

Sec. 53a-122. Larceny in the first degree: Class B felony. (a) A person is guilty of larceny in the first degree when he commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds ten thousand dollars, (3) the property consists of a motor vehicle, the value of which exceeds ten thousand dollars, or (4) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (3) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the first degree is a class B felony.

(1969, P.A. 828, S. 124; 1971, P.A. 871, S. 25; P.A. 73-639, S. 7; P.A. 81-248, S. 1; 81-351, S. 3; P.A. 82-271, S. 1; P.A. 86-275, S. 1; P.A. 92-260, S. 51; P.A. 00-103, S. 1.)

History: 1971 act deleted detailed description of extortionist acts in Subsec. (a)(1), i.e. threat of physical injury, damage to property, etc., and made first degree larceny a Class C, rather than a Class D, felony; P.A. 73-639 made first degree larceny a Class B felony; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-351 included property consisting of a motor vehicle having a value exceeding two thousand dollars in the definition of larceny in the first degree inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and reiterated former Subsec. (b) accordingly; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from two to ten thousand dollars the value of the property or service obtained and by adding Subdiv. (4) concerning defrauding a public community; P.A. 86-275 amended Subdiv. (3) of Subsec. (a) to increase the value of a motor vehicle subject to the section from in excess of two thousand dollars to in excess of ten thousand dollars; P.A. 92-260 made a technical change in Subdiv. (3) of Subsec. (a) by rephrasing language; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Inference based on possession of recently stolen property (driver versus passenger of motor van containing stolen property); meaning of "possession." 171 C. 119, 127. Mere presence of passenger in vehicle containing stolen goods is insufficient to support conviction. Id., 127.

Cited. 174 C. 253, 254. Cited. Id., 338, 339. Cited. 183 C. 383. Cited. 186 C. 648, 649. Cited. 188 C. 715, 722. Cited. 189 C. 717, 718. Cited. 190 C. 559, 560. Cited. 194 C. 361, 362. Cited. 196 C. 185. Cited. 197 C. 201, 203. Cited. Id., 247, 262. Cited. 199 C. 30, 32. Cited. Id., 207, 223, 224. Cited. 202 C. 86. Cited. 204 C. 52. Cited. 213 C. 233, 236. Cited. 224 C. 711, 713. Cited. 237 C. 501. Cited. 241 C. 413. Cited. Id., 439.

Cited. 3 CA 359, 362. Cited. 5 CA 113, 114. Cited. Id., 347, 348. Cited. 6 CA 164, 165. Cited. 7 CA 326, 331, 334, 336. Cited. Id., 532, 533. Cited. 9 CA 349, 351. Cited. 12 CA 585, 587. Cited. 14 CA 272, 278. Cited. 20 CA 810. Cited. 21 CA 431, 436. Cited. 29 CA 843, 860. Cited. 34 CA 599, 600. Cited. Id., 751, 766; judgment reversed. see 233 C. 211 et seq. Cited. 36 CA 364, 374. Cited. 37 CA 40, 42, 50, 51. Cited. 45 CA 455.

Cited. 31 CS 501.

Subsec. (a):

Subdiv. (2) cited. 169 C. 581; 176 C. 239, 242; 177 C. 243. Subdiv. (1) cited. 178 C. 427, 429. Subdiv. (2) cited. 178 C. 163, 164, 166, 169; id., 416, 417, 419; id., 480, 481; id., 649, 650; 180 C. 182; id., 662, 663, 665. 181 C. 172, 173, 177, 182; id., 254, 255; id., 299, 300, 311; 182 C. 52, 54, 62. Subdiv. (2) cited. 183 C. 225; 185 C. 211, 212; 188 C. 671, 674, 676; id., 681, 682; id., 715, 716; Subdiv. (1) cited. 189 C. 114, 115. Subdiv. (2) cited. Id., 201, 202; id., 337, 339; id., 383, 385; 190 C. 541, 542; 192 C. 405, 407, 472. Subdiv. (2) cited. 195 C. 421, 422. Subdiv. (2) cited. 196 C. 225, 227, 228, 230. Subdiv. (3) cited. 197 C. 17, 18. Subdiv. (2) cited. Id., 247, 248. Subdiv. (2) cited. Id., 413, 415. Subdiv. (2) cited. Id., 629, 630. Subdiv. (2) cited. 198 C. 348, 350, 351. Subdiv. (2) cited. Id., 369, 370. Subdiv. (2) cited. 199 C. 14, 16. Subdiv. (2) cited. Id., 207, 208. Subdiv. (2) cited. 208 C. 420, 421. Subdiv. (3) cited. 214 C. 132, 133; Id., 717, 720. Subdiv. (2) cited. 218 C. 151, 152; 219 C. 93, 95. Subdiv. (3) cited. 221 C. 685, 687. Subdiv. (3) cited. 227 C. 611, 612. Subdiv. (3) cited. 232 C. 691, 693. Subdiv. (4) cited. 233 C. 527, 528, 530. Subdiv. (2) cited. Id., 552, 554. Cited. 235 C. 502, 517. Cited. 242 C. 345.

Subdiv. (2) cited. 3 CA 359, 360, 365. Subdiv. (3) cited. Id., 633, 634. Subdiv. (2) cited. 4 CA 251. Subdiv. (2) cited. 5 CA 129-131. Subdiv. (2) cited. 7 CA 292. Subdiv. (2) cited. Id., 326, 331-333. Subdiv. (4) cited. Id., 326, 328, 331-333. Subdiv. (2) cited. Id., 445, 446. Subdiv. (3) cited. 8 CA 125, 141. Subdiv. (2) cited. Id., 376, 377. Subdiv. (2) cited. 9 CA 121, 122. Cited. Id., 313, 319. Subdiv. (2) cited. Id., 365. Subdiv. (2) cited. 10 CA 447, 448, 451. Subdiv. (2) cited. 11 CA 684, 685, 689. Subdiv. (2) cited. 13 CA 576, 577. Subdiv. (2) cited. 15 CA 416, 417. Subdiv. (3) cited. Id. Subdiv. (2) cited. 16 CA 402, 403. Subdiv. (3) cited. Id. Subdiv. (2) cited. 17 CA 50, 51. Subdiv. (1) cited. Id., 359, 360. Subdiv. (4) cited. Id., 486, 487. Subdiv. (2) cited. 20 CA 354, 355. Subdiv. (2) cited. Id., 665, 666. Subdiv. (1) cited. 21 CA 386, 387. Subdiv. (1) cited. 22 CA 449, 450. Subdiv. (2) cited. 24 CA 502, 503. Subdiv. (3) cited. 25 CA 149, 150; Id., 181, 182; 26 CA 279, 280. Cited. 28 CA 306-308. Subdiv. (2) cited. Id., 306, 308. Subdiv. (2) cited. Id., 521, 522, 525-527, 530. Subdiv. (4) cited. Id., 521, 522, 525, 527, 530. Subdiv. (3) cited. 29 CA 394, 396. Subdiv. (2) cited. 30 CA 190, 191. Subdiv. (2) cited. 31 CA 614, 617. Subdiv. (2) cited. 33 CA 368, 369. Subdiv. (4) cited. 34 CA 694, 695, 699, 701, 702. Cited. Id., 751, 753; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. Id., 751, 753, 758; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. 35 CA 566-568. Subdiv. (1) cited. Id., 740, 742. Subdiv. (2) cited. 36 CA 774, 775.

Subdiv. (2) cited. 37 CA 40-42, 51. Subdiv. (3) cited. Id., 589, 594. Subdiv. (3) cited. Id., 619, 621. Cited. 38 CA 481, 482. Subdiv. (2) cited. Id., 643, 645, 653. Subdiv. (3) cited. 39 CA 96, 97, 103. Subdiv. (2) cited. 41 CA 695, 696. Subdiv. (2) cited. 43 CA 499. Subdiv. (4) cited. 44 CA 187. Subdiv. (3) cited. Id., 476. Cited. 45 CA 455. Subdiv. (2) cited. 47 CA 1.

Subsec. (b):

Cited. 182 C. 52, 62.

(Return to TOC) (Return to Chapters) (Return to Titles)

Sec. 53a-123. Larceny in the second degree: Class C felony.

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds five thousand dollars, (2) the value of the property or service exceeds five thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, or (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older or is blind or physically disabled, as defined in section 1-1f.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

Sec. 53a-119. Larceny defined.

A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to:

(1) Embezzlement. A person commits embezzlement when he wrongfully appropriates to himself or to another property of another in his care or custody.

(2) Obtaining property by false pretenses. A person obtains property by false pretenses when, by any false token, pretense or device, he obtains from another any property, with intent to defraud him or any other person.

(3) Obtaining property by false promise. A person obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct. In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed.

(4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it.

(5) Extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: (A) Cause physical injury to some person in the future; or (B) cause damage to property; or (C) engage in other conduct constituting a crime; or (D) accuse some person of a crime or cause criminal charges to be instituted against him; or (E) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (F) cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or (G) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (H) use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (I) inflict any other harm which would not benefit the actor.

(6) Defrauding of public community. A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property.

(7) Theft of services. A person is guilty of theft of services when: (A) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false; or (B) (i) with intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay, or (ii) with intent to obtain the use of equipment, including a motor vehicle, without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such use which has been permitted him, he obtains such use or avoids such payment therefor by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, or driver's license; or (C) obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.

(8) Receiving stolen property. A person is guilty of larceny by receiving stolen property if he receives, retains, or disposes of stolen property knowing that it has probably been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with purpose to restore it to the owner. A person who accepts or receives the use or benefit of a public utility commodity which customarily passes through a meter, knowing such commodity (A) has been diverted therefrom, (B) has not been correctly registered or (C) has not been registered at all by a meter, is guilty of larceny by receiving stolen property.

Sec. 53a-122. Larceny in the first degree: Class B felony. (a) A person is guilty of larceny in the first degree when he commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds ten thousand dollars, (3) the property consists of a motor vehicle, the value of which exceeds ten thousand dollars, or (4) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (3) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the first degree is a class B felony.

(1969, P.A. 828, S. 124; 1971, P.A. 871, S. 25; P.A. 73-639, S. 7; P.A. 81-248, S. 1; 81-351, S. 3; P.A. 82-271, S. 1; P.A. 86-275, S. 1; P.A. 92-260, S. 51; P.A. 00-103, S. 1.)

History: 1971 act deleted detailed description of extortionist acts in Subsec. (a)(1), i.e. threat of physical injury, damage to property, etc., and made first degree larceny a Class C, rather than a Class D, felony; P.A. 73-639 made first degree larceny a Class B felony; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-351 included property consisting of a motor vehicle having a value exceeding two thousand dollars in the definition of larceny in the first degree inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from two to ten thousand dollars the value of the property or service obtained and by adding Subdiv. (4) concerning defrauding a public community; P.A. 86-275 amended Subdiv. (3) of Subsec. (a) to increase the value of a motor vehicle subject to the section from in excess of two thousand dollars to in excess of ten thousand dollars; P.A. 92-260 made a technical change in Subdiv. (3) of Subsec. (a) by rephrasing language; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Inference based on possession of recently stolen property (driver versus passenger of motor van containing stolen property); meaning of "possession." 171 C. 119, 127. Mere presence of passenger in vehicle containing stolen goods is insufficient to support conviction. *Id.*, 127. Cited. 174 C. 253, 254. Cited. *Id.*, 338, 339. Cited. 183 C. 383. Cited. 186 C. 648, 649. Cited. 188 C. 715, 722. Cited. 189 C. 717, 718. Cited. 190 C. 559, 560. Cited. 194 C. 361, 362. Cited. 196 C. 185. Cited. 197 C. 201, 203. Cited. *Id.*, 247, 262. Cited. 199 C. 30, 32. Cited. *Id.*, 207, 223, 224. Cited. 202 C. 86. Cited. 204 C. 52. Cited. 213 C. 233, 236. Cited. 224 C. 711, 713. Cited. 237 C. 501. Cited. 241 C. 413. Cited. *Id.*, 439.

Cited. 3 CA 359, 362. Cited. 5 CA 113, 114. Cited. *Id.*, 347, 348. Cited. 6 CA 164, 165. Cited. 7 CA 326, 331, 334, 336. Cited. *Id.*, 532, 533. Cited. 9 CA 349, 351. Cited. 12 CA 585, 587. Cited. 14 CA 272, 278. Cited. 20 CA 810. Cited. 21 CA 431, 436. Cited. 29 CA 843, 860. Cited. 34 CA 599, 600. Cited. *Id.*, 751, 766; judgment reversed, see 233 C. 211 et seq. Cited. 36 CA 364, 374. Cited. 37 CA 40, 42, 50, 51. Cited. 45 CA 455.

Cited. 31 CS 501.

Subsec. (a):

Subdiv. (2) cited. 169 C. 581; 176 C. 239, 242; 177 C. 243. Subdiv. (1) cited. 178 C. 427, 429. Subdiv. (2) cited. 178 C. 163, 164, 166, 169; *id.*, 416, 417, 419; *id.*, 480, 481; *id.*, 649, 650; 180 C. 182; *id.*, 662, 663, 665, 181 C. 172, 173, 177, 182; *id.*, 254, 255; *id.*, 299, 300, 311; 182 C. 52, 54, 62. Subdiv. (2) cited. 183 C. 225; 185 C. 211, 212; 188 C. 671, 674, 676; *id.*, 681, 682; *id.*, 715, 716; Subdiv. (1) cited. 189 C. 114, 115. Subdiv. (2) cited. *Id.*, 201, 202; *id.*, 337, 339; *id.*, 383, 385; 190 C. 541, 542; 192 C. 405, 407, 472. Subdiv. (2) cited. 195 C. 421, 422. Subdiv. (2) cited. 196 C. 225, 227, 228, 230. Subdiv. (3) cited. 197 C. 17, 18. Subdiv. (2) cited. *Id.*, 247, 248. Subdiv. (2) cited. *Id.*, 413, 415. Subdiv. (2) cited. *Id.*, 629, 630. Subdiv. (2) cited. 198 C. 348, 350, 351. Subdiv. (2) cited. *Id.*, 369, 370. Subdiv. (2) cited. 199 C. 14, 16. Subdiv. (2) cited. *Id.*, 207, 208. Subdiv. (2) cited. 208 C. 420, 421. Subdiv. (3) cited. 214 C. 132, 133; *Id.*, 717, 720. Subdiv. (2) cited. 218 C. 151, 152; 219 C. 93, 95. Subdiv. (3) cited. 221 C. 685, 687. Subdiv. (3) cited. 227 C. 611, 612. Subdiv. (3) cited. 232 C. 691, 693. Subdiv. (4) cited. 233 C. 527, 528, 530. Subdiv. (2) cited. *Id.*, 552, 554. Cited. 235 C. 502, 517. Cited. 242 C. 345.

Subdiv. (2) cited. 3 CA 359, 360, 365. Subdiv. (3) cited. *Id.*, 633, 634. Subdiv. (2) cited. 4 CA 251. Subdiv. (2) cited. 5 CA 129-131. Subdiv. (2) cited. 7 CA 292. Subdiv. (2) cited. *Id.*, 326, 331-333. Subdiv. (4) cited. *Id.*, 326, 328, 331-333. Subdiv. (2) cited. *Id.*, 445, 446. Subdiv. (3) cited. 8 CA 125, 141. Subdiv. (2) cited. *Id.*, 376, 377. Subdiv. (2) cited. 9 CA 121, 122. Cited. *Id.*, 313, 319. Subdiv. (2) cited. *Id.*, 365. Subdiv. (2) cited. 10 CA 447, 448, 451. Subdiv. (2) cited. 11 CA 684, 685, 689. Subdiv. (2) cited. 13 CA 576, 577. Subdiv. (2) cited. 15 CA 416, 417. Subdiv. (3) cited. *Id.* Subdiv. (2) cited. 16 CA 402, 403. Subdiv. (3) cited. *Id.* Subdiv. (2) cited. 17 CA 50, 51. Subdiv. (1) cited. *Id.*, 359, 360. Subdiv. (4) cited. *Id.*, 486, 487. Subdiv. (2) cited. 20 CA 354, 355. Subdiv. (2) cited. *Id.*, 665, 666. Subdiv. (1) cited. 21 CA 386, 387. Subdiv. (1) cited. 22 CA 449, 450. Subdiv. (2) cited. 24 CA 502, 503. Subdiv. (3) cited. 25 CA 149, 150; *Id.*, 181, 182; 26 CA 279, 280. Cited. 28 CA 306-308. Subdiv. (2) cited. *Id.*, 306, 308. Subdiv. (2) cited. *Id.*, 521, 522, 525-527, 530. Subdiv. (4) cited. *Id.*, 521, 522, 525, 527, 530. Subdiv. (3) cited. 29 CA 394, 396. Subdiv. (2) cited. 30 CA 190, 191. Subdiv. (2) cited. 31 CA 614, 617. Subdiv. (2) cited. 33 CA 368, 369. Subdiv. (4) cited. 34 CA 694, 695, 699, 701, 702. Cited. *Id.*, 751, 753; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. *Id.*, 751, 753, 758; judgment reversed, see 233 C. 211 et seq. Subdiv. (2) cited. 35 CA 566-568. Subdiv. (1) cited. *Id.*, 740, 742. Subdiv. (2) cited. 36 CA 774, 775. Subdiv. (2) cited. 37 CA 40-42, 51. Subdiv. (3) cited. *Id.*, 589, 594. Subdiv. (3) cited. *Id.*, 619, 621. Cited. 38 CA 481, 482. Subdiv. (2) cited. *Id.*, 643, 645, 653. Subdiv. (3) cited. 39 CA 96, 97, 103. Subdiv. (2) cited. 41 CA 695, 696. Subdiv. (2) cited. 43 CA 499. Subdiv. (4) cited. 44 CA 187. Subdiv. (3) cited. *Id.*, 476. Cited. 45 CA 455. Subdiv. (2) cited. 47 CA 1.

Subsec. (b):

Cited. 182 C. 52, 62.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-123. Larceny in the second degree: Class C felony.

(a) A person is guilty of larceny in the second degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which exceeds five thousand dollars, (2) the value of the property or service exceeds five thousand dollars, (3) the property, regardless of its nature or value, is taken from the person of another, (4) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, or (5) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older or is blind or physically disabled, as defined in section 1-1f.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the second degree is a class C felony.

(1969, P.A. 828, S. 125; 1971, P.A. 871, S. 26; P.A. 73-639, S. 8; P.A. 81-248, S. 2; 81-263, S. 2; 81-351, S. 4; 81-472, S. 152, 159; P.A. 82-271, S. 2; P.A. 86-275, S. 2; P.A. 97-180; P.A. 00-103, S. 2.)

History: 1971 act applied second degree larceny to cases where property is a motor vehicle and made second degree larceny a Class D felony rather than a Class A misdemeanor; P.A. 73-639 specified that taking property, regardless of its nature or value, from another's person is second degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-263 added Subdiv. (4) in Subsec. (a) re property obtained by defrauding a public community where the value of the property is less than two thousand dollars; P.A. 81-351 amended the definition of larceny of a motor vehicle to that with a value of two thousand dollars or less, inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 81-472 made technical corrections; P.A. 82-271 amended Subdiv. (2) of Subsec. (a) by increasing from five hundred dollars to five thousand dollars the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class D to a class C felony; P.A. 86-275 amended Subdiv. (1) of Subsec. (a) to increase the value of a motor vehicle subject to the section from two thousand dollars or less to a value which exceeds five thousand dollars; P.A. 97-180 amended Subsec. (a) to add Subdiv. (5) re property obtained by embezzlement, false pretenses or false promise from an aged, blind or disabled victim; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

Cited. 173 C. 545. Cited. 182 C. 176, 177. Cited. 183 C. 386, 387. Cited. 188 C. 542, 543. Cited. 190 C. 559, 560. Cited. 194 C. 438, 439. Cited. Id., C. 650, 651. Cited. 196 C. 305, 306. Cited. Id., 567, 568. Cited. 197 C. 166, 172. Cited. Id., 201, 203. Cited. Id., 247, 262. Cited. Id., 309. Cited. 198 C. 1, 2, 20. Cited. 199 C. 30, 31. Cited. Id., 308, 309. Cited. Id., 462, 464. Cited. 200 C. 113, 120. Cited. 202 C. 615, 617. Cited. 203 C. 484, 486. Cited. 209 C. 23, 27. Cited. 213 C. 233, 234. Cited. Id., 233, 236. Cited. 216 C. 273, 274. Cited. 235 C. 679, 683. Cited. 241 C. 439.

Cited. 2 CA 537, 538. Cited. 5 CA 113, 114. Cited. 7 CA 326, 336. Cited. 8 CA 125, 141, 142. Cited. Id., 478, 481, 484, 487, 488. Cited. 9 CA 349, 350. Cited. 13 CA 420, 431. Cited. Id., 576. Cited. Id., 596, 597. Secs. 53a-122-53a-125b cited. 14 CA 272, 278. Cited. Id., 472, 474. Cited. 16 CA 433, 435. Cited. 17 CA 460, 461. Cited. 19 CA 495, 497. Cited. 20 CA 271, 272. Cited. Id., 369, 370. Cited. 21 CA 248, 249. Cited. 29 CA 843, 860. Cited. 35 CA 566, 568. Cited. Id., 714, 717. Cited. 39 CA 810, 811. Cited. 44 CA 187. Cited. Id., 294. Cited. 46 CA 691.

Requisites for accepting plea of guilty. 31 CS 501. Cited. 32 CS 650. Cited. 35 CS 531, 535. Cited. 38 CS 549.

Subsec. (a):

Cited. 174 C. 129, 130. Subdiv. (2) cited. 169 C. 247, 249. Subdiv. (3) cited. 174 C. 129, 130, 133. Subdiv. (1) cited. 178 C. 427, 429; id., 689, 690. Subdiv. (2) cited. 181 C. 299, 300. Subdiv. (1) cited. 182 C. 476, 477; 186 C. 426, 427. Subdiv. (2) cited. 187 C. 264, 265, 271; 188 C. 325, 326; id., 671, 675, 676; 190 C. 191, 192, 199, 200; 191 C. 180, 181, 188. Subdiv. (1) cited. 195 C. 421-423. Subdiv. (2) cited. 196 C. 36, 37. Subdiv. (1) cited. Id., 36-38. Subdiv. (1) cited. Id., 115, 116. Subdiv. (2) cited. 198 C. 203. Subdiv. (1) cited. Id., 490, 491. Subdiv. (2) cited. Id. Subdiv. (2) cited. 199 C. 308, 312. Subdiv. (2) cited. 200 C. 9, 10. Subdiv. (2) cited. Id., 113, 114, 116. Subdiv. (1) cited. 201 C. 462, 468. Subdiv. (2) cited. 206 C. 657, 659. Cited. 207 C. 118, 120. Subdiv. (1) cited. 208 C. 365, 366. Subdiv. (1) cited. 210 C. 652, 654. Subdiv. (3) cited. 211 C. 101-103, 114, 115. Subdiv. (2) cited. 212 C. 223, 225, 237. Subdiv. (4) cited. 213 C. 233, 234, 236, 243. Subdiv. (1) cited. Id., 422, 424. Subdiv. (1) cited. 215 C. 716, 719. Subdiv. (3) cited. 219 C. 160, 161; 220 C. 487, 489. Subdiv. (3) cited. 223 C. 243, 248. Subdiv. (1) cited. 232 C. 455, 458. Subdiv. (2) cited. 233 C. 552, 554. Subdiv. (3) cited. 235 C. 67, 69. Subdiv. (1) cited. 238 C. 784. Cited. 239 C. 235. Subdiv. (3) cited. 240 C. 317. Subdiv. (3): Rational basis exists for legislature to classify larceny from the person as a more serious offense than simple robbery and therefore the classification did not violate defendant's right to equal protection of the laws. 246 C. 132.

Subdiv. (2) cited. 1 CA 270. Subdiv. (3) cited. Id., 378, 379. Subdiv. (3): Larceny from the person requires an actual trespass to the person of the victim and therefore taking a radio which was in the vicinity of the victim, but not on the victim's person, did not constitute larceny under this section. 1 CA 642-644. Subdiv. (3) cited. 3 CA 126. Cited. 8 CA 125, 141. Subdiv. (1) cited. Id., 125, 126, 139. Subdiv. (2) cited. Id., 478, 481, 485, 488. Subdiv. (1) cited. Id., 478, 488. Subdiv. (3) cited. Id. Subdiv. (4) cited. Id. Subdiv. (3) cited. Id., 491, 493. Subdiv. (3) cited. 11 CA 102, 103, 120. Subdiv. (3) cited. 12 CA 239, 240. Subdiv. (1) cited. Id., 408-410. Subdiv. (3) cited. Id., 685. Subdiv. (1) cited. 13 CA 12. Subdiv. (2) cited. Id., 554-556. Subdiv. (3) cited. Id., 596, 601, 603. Subdiv. (1) cited. 14 CA 169, 170. Subdiv. (4) cited. Id., 272, 273, 275. Subdiv. (3) cited. Id., 472-474, 476, 477. Cited. Id., 493, 503. Subdiv. (3) cited. 20 CA 513, 514. Subdiv. (2) cited. 24 CA 697, 698. Subdiv. (1) cited. 26 CA 52, 54. Subdiv. (3) cited. Id., 114, 116. Subdiv. (1) cited. Id., 279, 280. Subdiv. (2) cited. 28 CA 306-308. Subdiv. (2) cited. 30 CA 606, 607. Subdiv. (3) cited. 31 CA 47, 48, 51, 56-58. Subdiv. (2) cited. Id., 94, 103. Subdiv. (3) cited. Id., 312, 314. Subdiv. (3) cited. 32 CA 21, 23. Subdiv. (3) cited. 33 CA 468-470, 485, 487, 489. Subdiv. (2) cited. 34 CA 250, 251. Subdiv. (3) cited. Id., 610, 611. Subdiv. (4) cited. Id., 699, 701. Subdiv. (3) cited. 35 CA 740, 743. Subdiv. (2) cited. 38 CA 643, 650, 651. Cited. 39 CA 579, 580. Subdiv. (3) cited. Id., 579, 593. Subdiv. (1) cited. Id., 840, 841. Subdiv. (3) cited. Id. Subdiv. (1) cited. 40 CA 21, 22. Subdiv. (3) cited. 41 CA 391, 393. Subdiv. (3) cited. Id., 584, 585. Subdiv. (1) cited. Id., 817, 818. Subdiv. (3) cited. Id. Subdiv. (3) cited. 42 CA 810. Subdiv. (2) cited. 46 CA 414. Cited. Id., 616. Subdiv. (3) cited. Id.

Subdiv. (1) cited. 36 CS 603, 604. Subdiv. (2) cited. 36 CS 603, 604; 37 CS 527, 528.

(Return to TOC) (Return to Chapters) (Return to Titles)

Sec. 53a-124. Larceny in the third degree: Class D felony. (a) A person is guilty of larceny in the third degree when he commits larceny, as defined in section 53a-119, and: (1) The property consists of a motor vehicle, the value of which is five thousand dollars or less; (2) the value of the property or service exceeds one thousand dollars; (3) the property consists of a public record, writing or instrument kept, held or deposited according to law with or in the keeping of any public office or public servant; or (4) the property consists of a sample, culture, microorganism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects or records a secret scientific or technical process, invention or formula or any phase or part thereof. A process, invention or formula is "secret" when it is not, and is not intended to be, available to anyone other than the owner thereof or selected persons having access thereto for limited purposes with his consent, and when it accords or may accord the owner an advantage over competitors or other persons who do not have knowledge or the benefit thereof.

(b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subdivision (1) of subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence (A) that the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) that such person possesses such motor vehicle with larcenous intent.

(c) Larceny in the third degree is a class D felony.

(1969, P.A. 828, S. 126; 1971, P.A. 871, S. 27; P.A. 73-639, S. 9; P.A. 81-248, S. 3; P.A. 82-271, S. 3; P.A. 88-170; P.A. 92-260, S. 52; P.A. 00-103, S. 3.)

History: 1971 act deleted former Subdiv. (5) in Subsec. (a) which classified obtaining property or service, regardless of its nature or value, by extortion as third degree larceny; P.A. 73-639 deleted former Subdiv. (4) in Subsec. (a) which classified taking property from the person of

another, regardless of its nature or value, as third degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subdiv. (1) of Subsec. (a) by increasing from fifty dollars to one thousand dollars the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class B misdemeanor to a class D felony; P.A. 88-170 amended Subsec. (a) by adding property consisting of a motor vehicle, the value of which is five thousand dollars or less and inserted new Subsec. (b) stating that in any prosecution under Subdiv. (1) of Subsec. (a), evidence of forcible entry, forcible removal of ignition or alternation, mutilation or removal of vehicle identification number shall be prima facie evidence of larcenous intent, relettering former Subsec. (b) as (c); P.A. 92-260 made technical changes in Subsec. (a); P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent.

See Sec. 53a-212 re stealing a firearm.

Cited. 184 C. 95, 96; id., 258, 260; id., 434, 438. Cited. 185 C. 260, 261, 267. Cited. 187 C. 292, 293; id., 444, 447. Cited. 189 C. 364. Cited. 190 C. 715, 717. Cited. 191 C. 180, 192. Cited. 194 C. 198, 204. Cited. Id., 233, 234. Cited. Id., 623, 624. Cited. 197 C. 247, 262. Cited. 200 C. 586, 587. Cited. 207 C. 109, 110. Cited. 213 C. 233, 236. Cited. 232 C. 431, 439; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 241 C. 439.

Cited. 3 CA 503. Cited. 7 CA 326, 336. Cited. 8 CA 13, 14, 21. Cited. Id., 342, 343. Cited. Id., 478, 480, 485, 487, 490. Cited. Id., 667, 672, 672D. Cited. 9 CA 141, 142, 144. Cited. 10 CA 258, 259. Cited. 12 CA 196, 197. Cited. 14 CA 159, 160. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. 18 CA 368, 369. Cited. 19 CA 48, 50. Cited. 20 CA 810. Cited. 23 CA 201, 202. Cited. 25 CA 298, 307. Cited. 29 CA 843, 860. Cited. 32 CA 476, 477. Cited. 33 CA 339, 351; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. Id., 368, 369. Cited. 38 CA 643, 644, 651. Cited. 41 CA 751-753. Cited. 46 CA 691.

Cited. 36 CS 578, 581; id., 583; id., 603, 604. Cited. 37 CS 678, 679; id., 796, 797, 802. Cited. 184 C. 95, 96; id., 258, 260; id., 434, 438. Cited. 185 C. 260, 261, 267. Cited. 187 C. 292, 293; id., 444, 447. Cited. 189 C. 364. Cited. 190 C. 715, 717. Cited. 191 C. 180, 192.

Subsec. (a):

Cited. 239 C. 235.

Cited. 38 CA 643, 651. Cited. 39 CA 579, 581. Cited. 46 CA 269.

Subsec. (a)(1):

Cited. 176 C. 239, 242. Cited. 178 C. 287, 288. Cited. 179 C. 576, 578. Cited. 182 C. 397, 400. Cited. 186 C. 222, 224. Cited. 189 C. 461, 462. Cited. 190 C. 104, 105. Cited. 195 C. 567, 569. Subdiv. (1) cited. 199 C. 88, 89. Cited. 214 C. 132, 133. Cited. 221 C. 685, 687. Cited. 230 C. 351, 354.

Cited. 6 CA 697, 698. Cited. 8 CA 478, 488. Cited. 10 CA 486, 493. Cited. 12 CA 1, 3. Cited. 14 CA 256. Cited. 15 CA 122, 123. Cited. 19 CA 521, 522. Cited. 21 CA 431, 432. Cited. 26 CA 279, 280. Cited. 37 CA 219. Cited. Id., 482, 483. Cited. 38 CA 643, 647, 648, 650-652. Cited. 41 CA 695, 696. Cited. 43 CA 613.

Subsec. (a)(2):

Cited. 232 C. 433; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. Id., 740, 742. Cited. 235 C. 502, 504, 505, 514, 515. Cited. 241 C. 702.

Cited. 24 CA 697, 698. Cited. 25 CA 298, 300. Cited. 28 CA 306, 308. Cited. 33 CA 339, 340; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. Id., 603, 604, 608. Cited. 38 CA 643, 645, 647, 648, 650-652. Cited. 39 CA 579, 593. Cited. 46 CA 269.

Former subsec. (a)(4):

Cited. 169 C. 161.

Cited. 33 CS 669. Cited. Id., 706. Cited. 34 CS 603. Cited. Id., 656.

(Return to TOC) (Return to Chapters) (Return to Titles)

Sec. 53a-125. Larceny in the fourth degree: Class A misdemeanor. (a) A person is guilty of larceny in the fourth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds five hundred dollars.

(b) Larceny in the fourth degree is a class A misdemeanor.

(1969, P.A. 828, S. 127; P.A. 81-248, S. 4; P.A. 82-271, S. 4.)

History: P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subsec. (a) by increasing the value of the property or service obtained from fifty dollars or less to in excess of five hundred dollars and amended Subsec. (b) by changing the classification from a class C to a class A misdemeanor.

Cited. 172 C. 571. Cited. 176 C. 239, 242. Cited. 178 C. 416, 421. Cited. 179 C. 576, 587. Cited. 181 C. 388, 396-399. Cited. 182 C. 242, 244. Cited. 194 C. 198, 199. Cited. 197 C. 247, 262. Cited. Id., 396, 406. Cited. 202 C. 443, 445. Cited. 209 C. 34, 38. Cited. 213 C. 233, 236. Cited. 218 C. 273, 275. Cited. 232 C. 431, 439; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 241 C. 439.

Cited. 4 CA 514, 515. Cited. 5 CA 612, 613. Cited. 7 CA 326, 336. Cited. 9 CA 133, 134. Cited. 12 CA 1, 19. Cited. 14 CA 119, 120. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. Id., 526, 527. Cited. 15 CA 641, 642, 644. Cited. 20 CA 586, 587. Cited. 22 CA 440, 441. Cited. 26 CA 33, 34. Cited. 29 CA 843, 860. Cited. 33 CA 339, 355; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. 35 CA 405, 406. Cited. 38 CA 20, 22.

Cited. 34 CS 612. Cited. 35 CS 531, 536. Cited. 36 CS 603, 605, 607. Cited. 37 CS 755, 756; id., 853. Cited. 38 CS 593, 594. Cited. 39 CS 363, 364; id., 392.

Subsec. (a):

Cited. 176 C. 239, 242. Cited. 232 C. 431, 434; judgment superseded by en banc reconsideration, see 235 C. 502 et seq. Cited. 235 C. 502, 504, 515.

Cited. 3 CA 359, 365. Cited. 6 CA 164, 165. Cited. 7 CA 1, 2. Cited. 11 CA 805. Cited. 14 CA 119, 125. Cited. 31 CA 312, 314. Cited. 33 CA 339, 355, 356; judgment reversed in part, see 232 C. 431 et seq.; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502 et seq. Cited. 38 CA 20, 22. Cited. Id., 643, 645.

(Return to TOC) (Return to Chapters) (Return to Titles)

Sec. 53a-125a. Larceny in the fifth degree: Class B misdemeanor. (a) A person is guilty of larceny in the fifth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds two hundred fifty dollars.

(b) Larceny in the fifth degree is a class B misdemeanor.

(P.A. 82-271, S. 5.)

Cited. 201 C. 125, 126. Cited. 203 C. 682, 686. Cited. 210 C. 435, 438. Cited. 213 C. 233, 236. Cited. 241 C. 439.

Cited. 14 CA 205, 207. Secs. 53a-122-53a-125b cited. Id., 272, 278. Cited. 15 CA 197, 198. Cited. 19 CA 48, 50, 53. Cited. 21 CA 331, 333. Cited. 24 CA 556, 557, 559. Cited. Id., 563, 567. Cited. 25 CA 298, 304. Cited. 29 CA 843, 860. Cited. 37 CA 228, 229. Cited. 46 CA 118.

Subsec. (a):

Cited. 231 C. 411, 412.

Cited. 7 CA 75, 76. Cited. 30 CA 571, 572; judgment reversed, see 231 C. 411 et seq. Cited. 38 CA 277, 279.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-125b. Larceny in the sixth degree: Class C misdemeanor. (a) A person is guilty of larceny in the sixth degree when he commits larceny as defined in section 53a-119 and the value of the property or service is two hundred fifty dollars or less.

(b) Larceny in the sixth degree is a class C misdemeanor.

(P.A. 82-271, S. 6.)

Cited. 201 C. 559, 560. Cited. 202 C. 369, 371. Cited. 203 C. 682, 686. Cited. 208 C. 387, 388. Cited. 210 C. 435, 438. Cited. 212 C. 50, 52.

Cited. 213 C. 233, 236. Cited. 237 C. 613. Cited. 241 C. 439.

Cited. 3 CA 132, 133. Cited. 4 CA 676, 677. Cited. 5 CA 599, 600, 604. Cited. 10 CA 130, 131. Cited. Id., 503, 504. Cited. 13 CA 214, 215.

Cited. Id., 438, 440. Cited. Id., 578, 579. Cited. 14 CA 88, 90, 91. Cited. Id., 205, 207. Cited. Id., 272, 278. Cited. Id., 309, 310. Cited. 15 CA 197, 198. Cited. 17 CA 273, 274. Cited. 19 CA 48, 50, 51, 60. Cited. 23 CA 123, 125. Cited. 28 CA 195, 196. Cited. 29 CA 843, 860. Cited. 33 CA 432, 434. Cited. 37 CA 228, 229, 231. Cited. 39 CA 384, 386. Cited. 44 CA 125. Cited. 46 CA 778.

Subsec. (a):

Cited. 214 C. 161, 163.

Cited. 24 CA 502, 503. Cited. 28 CA 469. Cited. 37 CA 228, 229. Cited. Id., 482, 488. Cited. 38 CA 643, 647. Cited. 39 CA 384, 386. Cited. 45 CA 6.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-126. Larceny by receiving stolen property. Section 53a-126 is repealed.

(1969, P.A. 828, S. 128; 1971, P.A. 871, S. 129.)

See Sec. 53a-119 (8) re receipt of stolen property.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-126a. Criminal trover in the first degree: Class D felony, first offense; Class C felony, subsequent offense. (a) A person is guilty of criminal trover in the first degree when he forcibly enters or forcibly removes the ignition of the motor vehicle of another and uses the motor vehicle without the consent of such owner, and such use results in damage to or diminishes the value of such motor vehicle or subjects such owner to economic loss, fine or other penalty.

(b) Criminal trover in the first degree is a class D felony for a first offense and a class C felony for each subsequent offense.

(P.A. 94-114, S. 1.)

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-126b. Criminal trover in the second degree: Class A misdemeanor. (a) A person is guilty of criminal trover in the second degree when, knowing that he is not licensed or privileged to do so, he uses the personal property of another without the consent of such owner, and such use results in damage to or diminishes the value of such property or subjects such owner to economic loss, fine or other penalty.

(b) Criminal trover in the second degree is a class A misdemeanor.

(P.A. 94-114, S. 2.)

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)

Sec. 53a-127. Diversion from state of benefit of labor of employees: Class A misdemeanor. (a) A person is guilty of diversion from the state of benefit of labor of employees when he fraudulently procures for himself or another, from any employee of the state or any department thereof, the benefit of any labor which the state or any department thereof is entitled to receive from such employee during his hours of employment or fraudulently aids or assists in procuring or attempting to procure the benefit of any such labor.

(b) Diversion from the state of benefit of labor of employees is a class A misdemeanor.

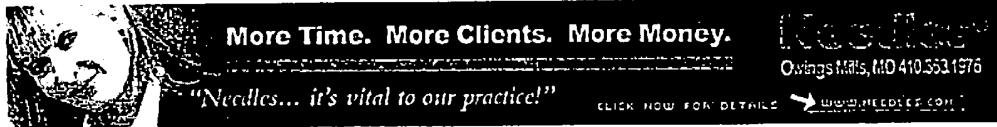
(1969, P.A. 828, S. 129; P.A. 92-260, S. 53.)

History: P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language.

Subsec. (a):

Cited. 194 C. 223.

[\(Return to TOC\)](#) [\(Return to Chapters\)](#) [\(Return to Titles\)](#)



40

FindLaw> [State Resources](#)> [Oklahoma](#)> [Primary Materials](#)> Oklahoma Court Opinions

ERNIE MILLER PONTIAC, INC. v. HOME INSURANCE COMPANY
No. 47465.
534 P.2d 1
1975 OK 49
Decided: April 1, 1975.
Rehearing Denied April 22, 1975.
Supreme Court of Oklahoma.

ERNIE MILLER PONTIAC, INC., APPELLANT,
v.
THE HOME INSURANCE COMPANY, APPELLEE.

Appeal from District Court, Tulsa County; Richard E. Comfort, Trial Judge.

◆0 Appeal by plaintiff from judgment denying plaintiff any recovery in action on insurance policy to recover value of stolen automobile. Lower court's judgment for defendant affirmed on ground that plaintiff had no interest in vehicle insurable against theft.

Affirmed.

Jones, Givens, Brett, Gotcher & Doyle, Inc. by William R. Grimm, Tulsa, for appellant.

Richard D. Wagner, Tulsa, for appellee.

DAVISON, Justice:

◆1 Ernie Miller Pontiac, Inc., (plaintiff below) appeals from an adverse judgment denying it any recovery against The Home Insurance Company (defendant) in an action to recover on an insurance policy (issued by defendant) for loss because of a stolen automobile. We will refer to the parties by their trial court designation.

◆2 The undisputed facts are as follows: a few days before June 26, 1972 in Tulsa, Oklahoma, one Daniels offered to sell to plaintiff a Chevrolet red Malibu automobile and tendered a title bearing the ID number visible on the vehicle; plaintiff bought the automobile from Daniels for \$2150.00, took the title instrument, and parked the vehicle on its Used Car Lot on June 26, 1972; plaintiff had an existing policy with defendant insuring vehicles owned by plaintiff against theft; on or about June 28, 1972, plaintiff reported the theft of the red Malibu to police; and on June 29, 1972, police arrested Daniels while attempting to sell the vehicle to Toyota of Tulsa. Investigation disclosed that Don Thornton Ford of Tulsa was the true and legal owner of the vehicle, having lost the same by theft, and the automobile was restored to that concern. There is no dispute that plaintiff acted in good faith in buying the vehicle from Daniels.

◆3 Plaintiff made demand on defendant to pay to plaintiff, pursuant to the theft terms of the insurance policy, the actual cash value of the vehicle in the sum of \$2350.00. Defendant refused to pay on the ground (among others) that plaintiff never became the owner of the vehicle within the meaning of the policy provisions.

◆4 The trial court held that plaintiff did have an insurable interest in the vehicle; that plaintiff's interest was the right to possession of the vehicle, which had been lost for three days; but that such loss was not covered by the insurance policy. The trial court rendered judgment for the defendant.

◆5 Plaintiff appeals contending that after buying the vehicle from Daniels, it had a qualified possessory interest in the vehicle for which it paid \$2150.00, thus vesting a "substantial economic interest" in plaintiff (as provided in the statute, *infra*), of which plaintiff was deprived by the theft from it, to plaintiff's damage in the sum of \$2150.00.

◆6 We do not agree with plaintiff's contention.

◆7 This proposition of whether, under the circumstances, a purchaser of a stolen automobile has an insurable interest in the vehicle is the subject of an Annotation, "Insurable Interest In Stolen Motor Vehicle" in 33 A.L.R.3d 1417, in which it is stated at 1419:

"As a general rule, one purchasing stolen property acquires no better title than the seller, even when the seller himself is a bona fide purchaser. Sale by one without title cannot invest the purchaser with title, even when the sale is by one bona fide purchaser to another bona fide purchaser. The true owner cannot be divested of title by theft of his property, and can recover the stolen property from the purchaser without first having to prosecute the thief.

"Having no title, but only possession, it is generally held that one who innocently purchase a stolen automobile can have no insurable interest in the stolen vehicle, and therefore cannot recover

under his policy for its loss or destruction."

◆8 Some courts passing on the question have held that a purchaser may have an insurable interest in a stolen vehicle. Examples of these decisions are *Skaff v. United States Fidelity & Guaranty Company* (Fla.App. 1968) 215 So.2d 35, 33 A.L.R.3d 1414, and *Treit v. Oregon Automobile Insurance Co.* (1972), 262 Or. 549, 499 P.2d 335. This Court has not passed upon this proposition. We prefer to follow the logic and holdings, *infra*, of courts that come to the opposite conclusion.

◆9 Our statute, 36 O.S. 1971 ◆ 3605, regarding enforcement of insurance by persons having an insurable interest provides in pertinent part as follows:

"B. 'Insurable interest' as used in this section means any actual, lawful, and substantial economic interest in the safety or preservation of the subject of the insurance free from loss, destruction, or pecuniary damage or impairment."

◆10 This brings us to the proposition of what interest, if any, plaintiff acquired in the Malibu vehicle from Daniels. In *Al's Auto Sales v. Moskowitz*, 203 Okl. 611, 224 P.2d 588, we held that it was a general principle applicable to traffic in personal property that no one can transfer or confer a better title than he has, unless some principle of estoppel operates to bar a claim under an otherwise better title.

◆11 And in *Addisson v. Waitman*, 202 Okl. 309, 213 P.2d 465, 467, we quoted with approval as follows:

"The universal and fundamental principle of our law of personal property is that no man can be divested of his property without his own consent, and, consequently, that even the honest purchaser under a defective title cannot hold against the true proprietor."

◆12 In the present case the admitted facts are that Daniels did not own the vehicle he sold to plaintiff, and in fact the only conclusion is that Daniels had stolen the vehicle from the original owner. Daniels had no title and he could convey no title to plaintiff.

◆13 We now turn to the decisions mentioned above that hold a purchaser of stolen property does not have an interest insurable against further theft from him.

◆14 In *Gordon v. Gulf American Fire and Casualty Company*, 113 Ga. App. 755, 149 S.E.2d 725, the court reiterated its prior holding (*Giles v. Citizens' Ins. Co. of Missouri*, 32 Ga. App. 207, 122 S.E. 890) that a bona fide possession of stolen property does not give the holder any sort of title whatever, such as would come up to the rule governing an insurable interest. The Georgia statute as to "insurable interest" was identical with our statute, requiring "any actual, lawful and substantial economic interest" etc. The court held the recognized rule, that one who purchases stolen property, though in good faith, can acquire no title, prevented such person from having a "lawful" interest, as required by statute.

◆15 In the *Gordon* case, *supra*, the court further stated:

"It is true that title is not the sole test for determining an insurable interest. It may be a special or limited interest, disconnected from any title, lien or possession, whereby the holder of the interest will suffer loss by its destruction, etc., and that will entitle him to protect the interest by insurance. (Citations omitted) But he must have some lawful interest, and under the holding in *Giles* he can not have it in stolen property."

◆16 We adopt the above reasoning in the case now before us.

◆17 See too *Herrington v. American Security Insurance Company*, 124 Ga. App. 617, 184 S.E.2d 673, in which the court stated:

"It is the law in this State that a bona fide purchaser of a stolen automobile acquires no title and no insurable interest therein and, therefore, may not recover under a theft insurance policy when the vehicle is subsequently stolen from him."

◆18 The cases of *Gurley v. Phoenix Insurance Company*, 233 Miss. 58, 101 So.2d 101, 71 A.L.A.2d 221; *Napavale, Inc. v. United National Indemnity Company*, 169 Cal. App.2d 119, 336 P.2d 984, and *Hessen v. Iowa Automobile Mutual Insurance Company*, 195 Iowa 141, 190 N.W. 150, support this proposition of law.

◆19 The trial court rendered judgment (as stated above) for the defendant insurance company on the ground that, although the plaintiff had an insurable interest in the vehicle, the insurance policy did not cover that particular interest.

◆20 We affirm the judgment for defendant, but on the ground that plaintiff had no interest insurable against theft.

◆21 WILLIAMS, C.J., and BERRY, LAVENDER, BARNES and DOOLIN, JJ., concur.

◆22 IRWIN and SIMMS, JJ., concur in result.

Ads by FindLaw

Your Ad Here

AbacusLaw

Time, billing, accounting, calendars, cases, conflicts, court forms
www.abacuslaw.com

Tabs3 and PracticeMaster

Reliable billing and practice management software for law firms.
www.tabs3.com

Amicus Attorney

The world's leading practice management software for law firms.
www.amicusattny.com

Ads by Google

HIPAA-Compliant Laptops

SafeBook Thin Client Notebook \$599 No hard drive - protects your data
www.SafeBook.net

10 Skinny Rules

I lost 9 lbs. in 11 days, just by following these 10 simple rules.
FatLoss4Idiots.com

Reset Password

Web Based Active Directory Bulk User Password Reset & AD Management
www.admanagerplus.com

Sponsored Links

Virtual Computer Network

The completely hosted IT solution. Raise billable hours, work from anywhere, run all your applications.

Kroll Ontrack Services

More than 50,000 state-specific legal documents for your business.

Feeling swindled by your EDD firm?

You are! Premium EDD shouldn't have a premium price tag. 312-613-IRIS.

Precedent Happens.

Are you ready? The FindLaw Supreme Court Center is on top of the cases that are making headlines. Visit now for the inside scoop.



Click here
for your
FREE trial.

www.Tabs3.com

THIS IS TO CERTIFY THAT
ASTRID ISCHER
HAS BEEN AWARDED THIS
CERTIFICATE
IN
THE TEACHING OF ENGLISH
AS A FOREIGN LANGUAGE
TO ADULTS
AT PASS B STANDARD

CENTRE NUMBER: CH313 COURSE NUMBER: C1 NOVEMBER 1991

Martin Cross
CHIEF EXECUTIVE

John Reddaway
SECRETARY



EXAMINATIONS BOARD



University of Cambridge
Local Examinations Syndicate
International Examinations