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Public Prosecutor's Office
Constance Untere Laube 36
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By fax: 07531/280-2200

Ref.: 71 Js 19378/18

In the investigation proceedings

against

**Mario Tonnarelli Grasseti, born 3
February 1954**

on suspicion of fraud

the defence is of the opinion that the preliminary proceedings against the accused should currently be discontinued in accordance with Section 170 (2) of the Code of Criminal Procedure.

It has not yet been possible to prove the offence against the accused in the course of investigations.

In detail:

1. Origin of the artworks

Investigations into the origin of the artworks did not yield any usable results. This applies in particular to the previous investigations in Paris and Rome into the acquisition of the artworks (p. 11 et seq. of the Berlin public prosecutor's investigation file).

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The investigating authority notes that in the 2003 proceedings the defendant digitally altered letters with the letterhead of the company BRAGALIA/BRAGAGLIA, Rome, using image processing programmes (page 135 of the investigation file of the Berlin public prosecutor's office). However, the investigating authority has not established that the defendant falsified documents in these proceedings. This is only surmised without any evidence.

If the public prosecutor assumes that the artworks are fakes, it is surprising that the Italian Ministry of Culture and Tourism issued accompanying documents for some of the artworks (page 19 of the Berlin public prosecutor's investigation file). No investigations were carried out in this regard.

2. Signatures on the artworks

The investigation result of the expert opinion of the Berlin State Criminal Police Office of 8 November 2017 only comes to the conclusion "that there are indications that the three signatures X1-3 in question are counterfeit products" (page 28 of the investigation file of the Berlin public prosecutor's office).

Insofar as this is based on indications, it must be pointed out that the authenticity of the signatures has not been established by the expert opinion.

Nor was a comparison made with the artist's original signatures.

3. Knowledge of a possible lack of authenticity of the artworks and the existence of fraudulent intent

As part of the investigation, it is assumed that the accused has knowledge and intent without any specific findings being made in this regard.

Reference is only made to an old case, without the relevant files from the previous case being consulted in full. So far, only extracts from the file from the Berlin public prosecutor's office proceedings, file number: 91 Js 786/03, appear to be part of the investigation file of the current proceedings.

Against this background, I hereby request access to the complete file and the legal assistance files from the Berlin Public Prosecutor's Office proceedings, file number: 91 Js 786/03, so that a statement can be made if necessary. Please send the files to our office in Rosenheim. The costs of inspecting the files will be borne by the lawyer.

The public prosecutor's office also did not make any findings regarding differences in the provenance of the works from the previous and current proceedings.

4. Statements of the accused

From the outset, the accused tried to support the investigating authorities in their work, as is evident from the e-mail correspondence between the accused and the investigating authorities, among other things.

5. Determining the authenticity of the artworks

The defendant has submitted an expert report from Brussels in French (p. 82 ff. of the investigation file of the Berlin public prosecutor's office). The undersigned does not speak French. **It is requested that this expert report be translated into German, that the translation be made available to the undersigned for inspection** and that this report be recognised accordingly.

As far as the undersigned has been able to ascertain from his research, Picasso completed the artworks by 1937. In his statements, the expert Prof. Müller makes no statement as to when the printing of the Suite Vollard began (p. 130 of the Berlin public prosecutor's investigation file). In this respect, it cannot be ruled out from a forensic point of view that, contrary to the expert's assumption, individual prints came into circulation before 1939. It cannot be ruled out that the records of events at that time may not be complete due to the turmoil of war.

Furthermore, the expert makes no statements as to whether it can be ruled out that the size of the artwork changes over the years, for whatever reason. It cannot be ruled out that moisture has an effect on the size of the artwork.

It is also noted that the museum, which the expert heads, itself owns a complete Vollard suite by Picasso. The expert would like to comment on the development of the value of this Vollard suite. It cannot be ruled out that the value of this Vollard suite will be affected if fewer prints are in circulation. It cannot be ruled out that the result of the appraisal of the artworks in these proceedings will have an impact on the value of the Vollard Suite of the museum in Münster, which the expert presides over.

Against this background, it should be considered whether another expert should be entrusted with the appraisal of the works of art.

6. Sale of alleged counterfeits

If the artworks in question really are forgeries, it is striking that other experts have also failed to recognise the alleged forgeries (cf. e.g. the email from Dr Vanessa Vaes dated 6 December 2017, p. 93 of the Berlin public prosecutor's investigation file). Some of the artworks were even sold. Purchasers assumed that the artworks were genuine. It is therefore not clear to the defence why the accused should have recognised the alleged forgeries.

We reserve the right to make a more detailed statement after having inspected the file from the proceedings of the Berlin public prosecutor's office, file number: 91 Js 786/03.

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