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District Of Montana
Great Falls

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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN ANTHONY D'AMBROSIO,

Defendant.

CR 23-20 -H-BMM

INDICTMENT

THEFT OF MAJOR ARTWORK
(Count 1)

Title 18 U.S.C. § 668(b)

(Penalty: Ten years of imprisonment,
\$250,000 fine, and three years of supervised
release)

INTERSTATE TRANSPORTATION OF
STOLEN PROPERTY (Count 2)

Title 18 U.S.C. § 2314

(Penalty: Ten years of imprisonment,
\$250,000 fine, and three years of supervised
release)

	WIRE FRAUD (Counts 3-10) Title 18 U.S.C. § 1343 (Penalty: 20 years of imprisonment, \$250,000 fine, and three years of supervised release) CRIMINAL FORFEITURE 18 U.S.C. §§ 981(a)(1) and 982 28 U.S.C. § 2461(c)
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THE GRAND JURY CHARGES:

At all times relevant to this indictment:

1. The defendant, BRIAN ANTHONY D'AMBROSIO, stole items of significant historical value from the archives of the Montana Historical Society. These stolen items included, among others, letters written by Nancy Russell, the wife of renowned Western artist Charlie "C.M." Russell.
2. D'AMBROSIO, while claiming to conduct research at the Montana Historical Society, stole items from the archives. After stealing the items from the Montana Historical Society, D'AMBROSIO then sold, and attempted to sell, the stolen items for a profit on eBay.
3. The FBI used an undercover agent to contact D'AMBROSIO. The FBI undercover agent posed as a would-be purchaser in order to confirm D'AMBROSIO was the individual stealing the items from the Montana Historical Society and then selling, and attempting to sell, the items on eBay for a profit, none of which was authorized.

4. The Montana Historical Society is a museum that is located in Helena, Montana. The Montana Historical Society is an organized and permanent institution, the activities of which affected interstate and foreign commerce, in that the museum was situated in the United States, was established for an essentially educational and aesthetic purpose, has a professional staff, and owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

COUNT 1 –
THEFT OF MAJOR ARTWORK

Between, on, or about April 2022, until on or about September 2023, at Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant, BRIAN ANTHONY D’AMBROSIO, stole and obtained by fraud from the care, custody, and control of a museum, objects of cultural heritage, that is, the defendant, BRIAN ANTHONY D’AMBROSIO, stole objects of cultural heritage from the Montana Historical Society, which were over 100 years old and worth in excess of \$5,000, all in violation of 18 U.S.C. § 668(b).

COUNT 2 –
INTERSTATE TRANSPORTATION OF STOLEN PROPERTY

Between, on, or about April 2022, until on or about September 2023, at Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant, BRIAN ANTHONY D’AMBROSIO, unlawfully transported, transmitted, and transferred in interstate commerce, from Helena,

Montana, to New Mexico, and elsewhere, stolen goods, wares, merchandise, securities, and money, of a value exceeding \$5,000, knowing the same to have been stolen, converted, and taken by fraud, that is, the defendant, BRIAN ANTHONY D'AMBROSIO, stole objects of cultural heritage from the Montana Historical Society, and then sold, and attempted to sell, the items for profit on eBay across the United States, in violation of 18 U.S.C. § 2314.

COUNTS 2-10
WIRE FRAUD

That between, on, or about April 2022, until on or about September 2023, at Helena, in Lewis and Clark County, in the State and District of Montana, and elsewhere, the defendant, BRIAN ANTHONY D'AMBROSIO, having devised and intending to devise a material scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, knowingly transmitted and caused to be transmitted by means of wire communication, in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice.

THE SCHEME

During the period of the indictment, it was part of the material scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, that the

defendant, BRIAN ANTHONY D'AMBROSIO, entered the Montana Historical Society and stole items of significant historical value. When doing so, D'AMBROSIO stole items in the care, custody, and control of the Montana Historical Society, none of which was authorized and allowed.

D'AMBROSIO then sold, and attempted to sell, the items on eBay for financial profit. While selling the items, D'AMBROSIO fraudulently induced buyers to purchase the items by omitting the fact that he stole the items from the Montana Historical Society, making it appear as if D'AMBROSIO had authority to sell and transfer the items to others, when in truth and in fact, D'AMBROSIO had no authority to sell the items that were stolen from the Montana Historical Society.

THE INTERSTATE AND FOREIGN WIRE COMMUNICATIONS

During the period of the indictment, BRIAN ANTHONY D'AMBROSIO, having devised and intending to devise a material scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, as described herein, and for the purpose of executing the scheme to defraud, knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, as outlined in the chart below, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, that is, electronic

transmissions, including through eBay, from the State and District of Montana to New Mexico, and elsewhere, all in violation of 18 U.S.C. § 1343.

Count	Purchase Date	Description	eBay Number
3	9/20/2022	Crow Indian 1926 Fiftieth Anniversary of Custer Fight Program	275468915154
4	10/16/2022	1905 Centennial Brewing Letter, Butte, Montana	275502296725
5	10/21/2022	1889 Montana Society of the Framers of the Constitution Convention Flag and Program	275509689670
6	10/27/2022	Early 1900s Montana Ravalli County Sheriff Card	275517092537
7	11/1/2022	Nancy Russell Telegram – 1913	275523562373
8	11/2/2022	Nancy Russell Letters –1913	275524963068
9	11/3/2022	Nancy Russell signed letter 1913	275523615706
10	3/10/2023	Silver Cliff Mining Company 1907 Stock Certificates 1887 U.S. Silver Service Commission Letter 1898 Mexican Central Railway Company Letter	275730786363 275736372540 275732981909

CRIMINAL FORFEITURE ALLEGATION

The allegations set forth in counts 1-10 of the indictment are re-alleged as though fully set forth herein and incorporated by reference for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of 18 U.S.C. § 981(a)(1), (2) and 28 U.S.C. § 2461(c).

Upon conviction of counts 1-10, the defendant shall forfeit to the United States any property, real and personal, which constitutes and is derived from

from proceeds traceable to the offense, pursuant to 18 U.S.C. § 981(a)(1) and 28 U.S.C. § 2461(c). The property subject to forfeiture includes:

- a. A money judgment in the amount of \$15,000.

If any of the property described above as being subject to forfeiture, as a result of any action or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; and,
- e. Has been commingled with other property that cannot be divided without difficulty.

The defendant shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON



For JESSE A. LASLOVICH
United States Attorney



(C) CYNDEE L. PETERSON
Criminal Chief Assistant U.S. Attorney