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Spanish Court Denies Extradition Request for Key Figure
in Knoedler Fraud Case

Eileen Kinsella, Tuesday, May 31, 2016



A Spanish High Court denied art dealer Jose Carlos Bergantinos Diaz's extradition to the US.

José Carlos Bergantiños Díaz—the accused mastermind behind the Knoedler forgery scandal that defrauded buyers of tens of millions of dollars through sales of fake Abstract Expressionist painting—has won a decision in his favor from a Spanish High Court.

According to [the New York Times](#), the court ruled last week that, owing to [health concerns cited by his attorney, J.A. Sanchez Goñi](#), Bergantiños Díaz health is too fragile for him to travel to the US to stand trial. The 43-page ruling stated, that Bergantiños Díaz "could appear 'before Spanish courts, with a level of success similar to that which could be reached before American courts,' without facing the additional health risks that an extradition procedure could trigger."

artnet News reached out to Sanchez Goñi for comment. In an email, the attorney cited language from the ruling and pointed out that the decision to deny extradition was not only health related. Though not painting José Carlos in a more favorable light, his attorney highlighted the court's opinion that—as laid out in the indictment—Spain indeed has jurisdiction since the conspiracy to launder the money received from the sale of fake paintings—despite originating in the US—involved moving proceeds through banks in Spain and concealing the existence of the accounts there.

In an email to artnet News, Jason Hernandez, the former lead prosecutor on the case for the US Justice Department, wrote, "It's disappointing." Hernandez, who is now an attorney at Florida law firm Stearns Weaver Miller Weissler Alhadeff & Sitterson, pointed out: "All of the fakes he helped create were sold in the United States. He should face justice here, not in Spain."

He continued, "Hopefully the Spanish authorities will prosecute the case and he'll be held accountable for his role in the biggest art scam in US history."

It appears that José Carlos's brother, Jesús Ángel Bergantiños Díaz, who was also named in [the federal indictment handed down in March 2014](#), will still travel to the US to stand trial for his role in the fraud. This past February, shortly after the only Knoedler fraud case that [has come to trial abruptly settled](#), a Spanish court approved the extradition request for both Bergantiños Díaz brothers.

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Glafira Rosales, the longtime partner of José Carlos, is the only person to have pleaded guilty in the forgery ring; she is awaiting sentencing. artnet News reached out to her attorney but did not receive an immediate comment.

Anderson Cooper tackled the Knoedler fraud case recently on [60 Minutes](#); he met with Jack Flam, head of the [Robert Motherwell](#) Foundation, whose early skepticism and additional investigations into several of the works in question helped spark the ensuing Federal Bureau of Investigation and Justice Department probe.

Cooper also interviewed forensic paint analyst James Martin of Orion Analytical, and former Gucci executive Domenico de Sole, whose case against Knoedler and its former president, Ann Freedman, was a closely watched aspect of the scandal this past winter, as well as De Sole's attorney Gregory Clarick, and Freedman's attorney, Luke Nikas.

Towards the end of the *60 Minutes* segment, Cooper notes that Freedman agreed to talk but then "backed out" days before the scheduled interview. Her attorney maintains to Cooper that she didn't know she was selling forgeries.