

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 04-

v. : 26 U.S.C. § 7201

RICHARD GRAESSLE, JR. : INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

Background

1. At all times relevant to this Information:

(a) defendant RICHARD GRAESSLE, JR. was the owner of a photographic supplies delivery service, a freelance sports photographer and a sometime sports memorabilia dealer, residing in Millburn, New Jersey. Defendant typically sold his sports memorabilia to other dealers, who in turn sold to the general public.

(b) defendant RICHARD GRAESSLE, JR. received his sports memorabilia from various sources, including from AMC, a long-time friend of defendant's and a Major League umpire employed by the American League. AMC officiated at American League baseball games throughout the United States and Canada, including inter-league games with National League teams, All Star games, playoff games, World Series games as well as many other notable games, including:

(i) the one-game playoff between the New York

Yankees and the Boston Red Sox to decide the American League East pennant winner, played in Boston's Fenway Park on October 2, 1978, and won with a home run from New York Yankee Bucky Dent;

(ii) the game between the Texas Rangers and the Milwaukee Brewers, played in Milwaukee's County Stadium on July 31, 1990, in which Nolan Ryan, a pitcher for the Texas Rangers, won his 300th career game;

(iii) the final game played in Cleveland's Municipal Stadium between the Cleveland Indians and the Chicago White Sox, played on October 3, 1993;

(iv) the game between the Baltimore Orioles and the California Angels, played in Baltimore's Camden Yards Stadium on September 5, 1995, in which Cal Ripken, Jr. of the Baltimore Orioles tied New York Yankee Lou Gehrig's record of 2,130 consecutive games played;

(v) the game between the Baltimore Orioles and the California Angels, played in Baltimore's Camden Yards Stadium on September 6, 1995, in which Cal Ripken, Jr. broke Lou Gehrig's record of 2,130 consecutive games played;

(vi) the game between the New York Yankees and the Seattle Mariners, played in New York's Yankee Stadium on May 14, 1996, in which Dwight Gooden of the New York Yankees pitched a no-hitter;

(vii) the game between the New York Yankees and the Oakland Athletics, played in New York's Yankee Stadium on August 25, 1996, which was designated "Mickey Mantle Day" in

honor of the former Yankee Hall of Fame player;

(viii) the opening day game between the Kansas City Royals and the Baltimore Orioles, played in Kansas City's Kauffman Stadium on April 7, 1997, which was designated "Jackie Robinson Day" by all Major League teams in honor of the former Brooklyn Dodger's Hall of Fame player who was the first African American to play in the Major League;

(ix) the first inter-league baseball game hosted in Boston's Fenway Park between the American League's Boston Red Sox and the National League's Philadelphia Phillies, played on June 16, 1997; and

(x) the game between the New York Yankees and the Detroit Tigers, played in New York's Yankee Stadium on July 10, 1997, which was New York Yankees' pitcher Hideki Irabu's first Major League game.

The Fraudulent Scheme

2. From at least as early as in or about September 1995 through in or about November 1998, defendant RICHARD GRAESSLE, JR. participated in a scheme to defraud the purchasers of certain baseballs purported to have been used in the games set forth in Paragraph 1, above, by causing others to falsely certify that the baseballs were used in those games, which greatly increased their value in the sports memorabilia market, when in fact, these baseballs were never used in a Major League game.

The Execution of the Fraudulent Scheme

*Baseballs Purported to be from
The Games in which Cal Ripken, Jr.
Tied and Broke Lou Gehrig's Record
Of 2,130 Consecutive Games Played*

3. From at least as early as in or about September 1995 through in or about May 1998, defendant RICHARD GRAESSLE, JR. purchased from various sports memorabilia dealers multiple commemorative baseballs, described immediately below, signed by Cal Ripken, Jr. These commemorative baseballs were manufactured specifically for the games in which Cal Ripken, Jr. tied and broke Lou Gehrig's record of 2,130 consecutive games played, but were not actually used in either game. Unlike normal American League baseballs, these balls had orange stitching, the colors of the Baltimore Orioles, and were stamped with the number 2,130 (the record tying game) and the number 2,131 (the record breaking

game) on either side of the number "8", Cal Ripken, Jr.'s number (hereafter "the Ripken Baseballs").

4. AMC was an umpire in both the record tying and record breaking games.

5. Defendant RICHARD GRAESSLE, JR. placed in the United States mail, and at times personally delivered, the Ripken Baseballs to AMC, who would sign them.

6. Because all Major League baseballs are rubbed with a particular mud from a creek in Burlington County, New Jersey in order to prepare them for use in Major League games, AMC, or at times defendant RICHARD GRAESSLE, JR., rubbed the Ripken Baseballs with this mud in order to make the Ripken Baseballs appear as though they were actually used in the record tying or record breaking game.

7. AMC drafted and signed letters of authenticity, and at times signed letters of authenticity that defendant RICHARD GRAESSLE, JR. drafted, certifying as a member of the officiating umpire crew that certain baseballs were, respectively (a) used in the game in which Cal Ripken, Jr. tied Lou Gehrig's record of consecutive games played, when in fact, they were not; or (b) used in the game in which Cal Ripken, Jr. broke Lou Gehrig's record of consecutive games played, when in fact, they were not.

8. Defendant RICHARD GRAESSLE, JR. then sold these baseballs, along with letters of authenticity signed by AMC, to sports memorabilia dealers who, in turn, sold them to the public. Falsely certifying these baseballs as having been used in the

record tying or record breaking games, and making them appear to have actually been used in those games, greatly increased their value in the sports memorabilia market and defrauded the purchasers of the baseballs.

Balls Purported to be from:

Dwight Gooden's No Hitter, May 14, 1996;

Mickey Mantle Day, August 25, 1996;

Jackie Robinson Day, April 7, 1997;

The First Inter-league Game at Fenway Park, June 16, 1997; and

Hideki Irabu's First Game, July 10, 1997

9. Having met with success with the falsification of the Ripken Baseballs, during the dates set forth immediately below, defendant RICHARD GRAESSLE, JR. and AMC also agreed to falsely certify that certain baseballs were used in other notable games in which AMC worked as an umpire, specifically:

(a) from in or about August 1996 through in or about October 1996, New York Yankee pitcher Dwight Gooden's no hitter, May 14, 1996;

(b) from in or about August 1996 through in or about March 1997, Mickey Mantle Day at New York's Yankee Stadium, August 25, 1996;

(c) from in or about April 1997 through in or about June 1997, opening day at Kansas City's Kauffman Stadium, April 7, 1997, designated Jackie Robinson Day throughout Major League Baseball;

(d) from in or about June 1997 through in or about September 1997, the first inter-league game played at Boston's

Fenway Park, June 16, 1997; and

(e) from in or about July 1997 through in or about October 1997, New York Yankee's pitcher Hideki Irabu's first Major League game, July 10, 1997.

10. Defendant RICHARD GRAESSLE, JR. and / or AMC rubbed these baseballs with mud from the Burlington County, New Jersey creek in order to make them appear as though they had been used in a Major League game.

11. AMC signed these baseballs as a game umpire, as well as letters of authenticity certifying that the baseballs had been used in one of the particular games set forth in Paragraph 9, above, when in fact, certain of these baseballs were never used in a Major League game. This greatly increased the value of these baseballs in the sports memorabilia market.

12. Defendant RICHARD GRAESSLE, JR. sold these baseballs, along with letters of authenticity signed by AMC, to sports memorabilia dealers who, in turn, sold them to the public.

*Baseballs Purported to be from:
The Yankees-Red Sox Playoff, October 2, 1978;
Nolan Ryan's 300th Win, July 31, 1990; and
The Final Game in Cleveland's Municipal Stadium, October 3, 1993*

13. In order to profit from market demand for memorabilia from other historical games of note, during the dates set forth immediately below, defendant RICHARD GRAESSLE, JR. and AMC agreed to falsely certify that certain baseballs were used in other notable games in which AMC had worked as an umpire, specifically:

(a) from in or about November 1997 through in or about May 1998, the one game playoff between the New York Yankees and the Boston Red Sox to decide the American League East pennant winner, October 2, 1978;

(b) from in or about December 1995 through in or about November 1998, Texas Ranger's pitcher Nolan Ryan's 300th career victory, July 31, 1990; and

(c) from in or about May 1996 through in or about September 1996, the final game played at Cleveland's Municipal Stadium, October 3, 1993.

14. At all times relevant to this Information, American League baseballs were stamped with the name of the American League President in office at the time the ball was manufactured. Accordingly, to effect the scheme to defraud for historical games, defendant RICHARD GRAESSLE, JR. and AMC had to obtain baseballs bearing the signature of the American League President in office at the time of the games set forth in Paragraph 13. To that end, AMC supplied baseballs stamped with the name of former

American League President Leland S. MacPhail, Jr., who held the office at the time of the Yankees-Red Sox playoff on October 3, 1978, from personal holdings. AMC also supplied some baseballs bearing the signature of former American League President Robert W. Brown, who held the office at the time of Nolan Ryan's 300th win on July 31, 1990 and at the time the final game was played in Cleveland's Municipal Stadium on October 3, 1993, from personal holdings. Defendant RICHARD GRAESSLE, JR. purchased additional baseballs bearing Robert W. Brown's signature from sports memorabilia dealers. The baseballs stamped with the signature of Robert W. Brown, purchased in furtherance of the scheme regarding Nolan Ryan's 300th win, also bore Nolan Ryan's signature.

15. Defendant RICHARD GRAESSLE, JR. and / or AMC rubbed these baseballs with mud from the Burlington County, New Jersey creek in order to make them appear as though they had been used in a Major League game.

16. AMC at times signed these baseballs as a game umpire and always signed letters of authenticity certifying that these balls had been used in one of the particular games set forth in Paragraph 13, above, when in fact, certain of these baseballs were never used in a Major League game. This greatly increased the value of these baseballs in the sports memorabilia market.

17. Defendant RICHARD GRAESSLE, JR. sold these balls, along with letters of authenticity signed by AMC, to sport memorabilia dealers who, in turn, sold them to the public.

The Tax Evasion

18. Defendant RICHARD GRAESSLE, JR. was obligated to pay income taxes on the proceeds from the sale of the baseballs discussed in Paragraphs 1 through 17, above, as well as income taxes on the proceeds from the sale of non-fraudulent sports memorabilia sold during that same period. Defendant RICHARD GRAESSLE, JR. failed to declare proceeds derived from the sale of these baseballs as well as proceeds derived from the sale of non-fraudulent sports memorabilia on his Internal Revenue Service Form 1040, United States Individual Income Tax Return, for the years 1996, 1997 and 1998, in the following amounts:

<u>Year</u>	<u>Amount</u>
1996	\$69,053
1997	\$195,463
1998	\$134,025
	<hr/>
<u>Total</u>	\$398,541

19. On or about October 15, 1998, defendant RICHARD GRAESSLE, JR. signed and caused to be filed with the Internal Revenue Service a 1997 Internal Revenue Service Form 1040, United States Individual Tax Return. That return declared that his taxable income for the calendar year 1997 was \$46,910 and the amount of tax due and owing was \$8,843.

20. Defendant RICHARD GRAESSLE JR.'s 1997 tax return did not include approximately \$195,463 in additional income that defendant received. Upon this income, an additional tax of

\$50,019 was due and owing to the United States.

21. On or about October 15, 1998, in the District of New Jersey and elsewhere, defendant

RICHARD GRAESSLE, JR.

knowingly and wilfully did attempt to evade and defeat a substantial part of the income tax due and owing to the United States, in that he signed and caused to be filed a false and fraudulent 1997 Internal Revenue Service Form 1040, United States Individual Tax Return, described in Paragraph 19, above, knowing it to be false and fraudulent as described in Paragraph 20, above.

In violation of Title 26, United States Code, Section 7201.

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY