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Clerk, U.S. District and  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term**

**Grand Jury Sworn in on March 16, 2023**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>v.</b>	:	<b>GRAND JURY ORIGINAL</b>
	:	
<b>TIMOTHY MARTIN</b>	:	<b>VIOLATIONS:</b>
<b>JOANNA SMITH,</b>	:	
	:	<b>18 U.S.C. § 371</b>
	:	<b>(Conspiracy to Commit an Offense Against the</b>
	:	<b>United States)</b>
<b>Defendants.</b>	:	
	:	<b>40 U.S.C. §§ 6303, 6307</b>
	:	<b>(Injury to National Gallery of Art Property)</b>
	:	

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

Beginning on or about April of 2023, the exact date being unknown to the Grand Jury, and continuing at least through April 27, 2023, within the District of Columbia and elsewhere, **TIMOTHY MARTIN** and **JOANNA SMITH**, and co-conspirators not indicted herein, who are known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, and agree with each other to commit an offense against the United States, namely, to injure in any way any object of art, exhibit, equipment, seat, wall fountain, or other erection or architectural feature, within the National Gallery of Art and its grounds, in violation of Title 40, United States Code, Sections 6303(b)(2).

### **Goal of the Conspiracy**

It was the goal of the conspiracy that the conspirators would damage an object of art, exhibit, equipment, seat, wall fountain, or other erection or architectural feature, within the National Gallery of Art.

### **The Manner and Means Used to Achieve the Objectives of the Conspiracy**

The manner and means by which this conspiracy was carried out included the following:

1. The co-conspirators conducted research into potential targets within the National Gallery of Art, including the National Gallery of Art exhibit created by Edgar Degas and titled "Little Dancer Aged Fourteen."
2. The co-conspirators alerted at least one member of the media of their intended actions.
3. The co-conspirators secreted paint in plastic water bottles and smuggled that paint into the National Gallery of Art.
4. The co-conspirators spread paint on the case, base, and floor surrounding "Little Dancer Aged Fourteen."
5. Other co-conspirators filmed and photographed as co-conspirators spread the paint.

### **Overt Acts in Furtherance of the Conspiracy**

In furtherance of the conspiracy, and to effect the objects thereof, the co-conspirators and others, both known and unknown to the Grand Jury, committed, or caused to be committed, the following overt acts in the District of Columbia and elsewhere.

1. On a date unknown to the Grand Jury, members of the conspiracy alerted members of the media of their plan.

2. On April 27, 2023, members of the conspiracy, including **TIMOTHY MARTIN** and **JOANNA SMITH**, traveled to the National Gallery of Art, located at 6<sup>th</sup> Street and Constitution Avenue, Northwest, in Washington, D.C.

3. On April 27, 2023, members of the conspiracy including **JOANNA SMITH**, recorded statements of their purpose and intent outside of the National Gallery of Art.

4. On April 27, 2023, members of the conspiracy, including **TIMOTHY MARTIN** and **JOANNA SMITH**, entered the National Gallery of Art.

5. On April 27, 2023, members of the conspiracy, including **TIMOTHY MARTIN** and **JOANNA SMITH**, brought paint concealed in plastic water bottles through security checkpoints at the National Gallery of Art.

6. On April 27, 2023, **TIMOTHY MARTIN** and **JOANNA SMITH** approached a National Gallery of Art exhibit, that is, the original sculpture created by Edgar Degas, entitled "Little Dancer Aged Fourteen," and smeared paint on the exhibit's plexiglass case, base, and surrounding floor.

**(Conspiracy to Injure Property Within the National Gallery of Art, in violation of Title 18, United States Code, Section 371)**

### **COUNT TWO**

On or about April 27, 2023, within the District of Columbia, **TIMOTHY MARTIN** and **JOANNA SMITH**, did step or climb on, remove, or in any way injure any object of art, exhibit, equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the National Gallery of Art and its grounds, that is, the original sculpture created by Edgar Degas, entitled "Little Dancer Aged Fourteen," causing damage in an amount exceeding \$100.

(Injury to National Gallery of Art Property in violation of Title 40, United States Code,  
Section 6303 and 6307)

A TRUE BILL:

FOREPERSON.

*Matthew M. Jones*

Attorney of the United States in  
and for the District of Columbia