



Tuesday, March 24, 2015 Last Update: 12:02 PM PT

## Artist on Death Row Sues His Former Rep

By MARIA DINZEO

SAN JOSE (CN) - A death-row inmate who raises money for cancer research claims in court that his former representative is selling his art without permission, for his own gain.

William Noguera has been on death row in San Quentin since 1988. He was convicted of murdering his girlfriend's mother in 1983, when he was 18.

His artwork has drawn critical acclaim. Most of it is hyper-realistic pen and ink drawings, such as his "Stone for Edmund Dantes," based on the wrongfully imprisoned hero from "The Count of Monte Cristo." He also does cubist and abstract works. His most recent exhibition was at New York Law School in 2010. He established the William A. Noguera Revocable trust, assigned it his copyrights, and appointed Melissa Ysais as its trustee in 2011.

The trust and Ysais sued David Ferguson and the Institute for Unpopular Culture on March 20, in Federal Court.

Ferguson, founder of the suspended Institute, started exhibiting Noguera's work in 2004. The trust claims that Noguera terminated his association with Ferguson and his institute in 2007.

"Despite the fact that defendants no longer represent Noguera and have no rights to the works, they continue to exhibit and offer them for sale through the website in an unfair, unjust, and misleading effort to direct customers to IFUC, sell unauthorized copies of the Works, and usurp Noguera's goodwill for their own benefit," according to the complaint.

Ferguson allegedly claims to have removed the infringing works from his website, but Ysais disagrees. She says Ferguson failed to respond to the last cease and desist letter her attorneys sent in December 2014.

She seeks an injunction prohibiting Ferguson from publishing copies of Noguera's paintings, from misleading the public about his website's affiliation with Noguera, plus restitution and an accounting. The trust is by William Broome with Manatt, Phelps and Phillips in San Francisco.