

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK

TO ANY LAW ENFORCEMENT OFFICER OR POLICE OFFICER OF NEW YORK OR
ANY AGENT OF THE DEPARTMENT OF HOMELAND SECURITY

Proof by affidavit having been made this day before me by Special Agent John Paul Labbat Shield # 2820, of the Department of Homeland Security-Homeland Security Investigations (DHS-HSI), that there is reasonable cause to believe that certain property, to wit:

- a. A Greek Attic Monumental White-Ground Lekythos (the "White-Ground Lekythos"), attributed to the Triglyph Painter, depicting a funerary scene with a figure of a woman and a youth painted in red, from approximately 420 B.C., measuring approximately 18 inches high and 4.5 inches wide, and purchased for \$380,000 in 2006 (Exhibit A);
- b. An Apulian Terracotta Flask in the shape of a Head of an African (the "Apulian African Head Flask") from circa 4th century B.C., painted red and black, measuring 7.5 inches high with a diameter of 3 inches at its base, and purchased for \$130,000 in 2009 (Exhibit B);
- c. An Italo-Corinthian Duck Vessel (the "Italo-Corinthian Duck") from circa 6th century B.C., with its head raised, measuring approximately 4 inches high, 5.5 inches long, and 2.5 inches wide, and purchased for \$25,000 in 2011 (Exhibit C);
- d. An Ionian sculpture of a ram head (the "Ionian Ram's Head") from circa 6th century B.C., measuring approximately 2.5 inches high and 4.7 inches wide, and purchased for \$70,000 in 2009 (Exhibit D);
- e. An Attic Aryballos in the shape of a Head of an African (the "Attic African Head Aryballos") from circa early 5th century B.C., painted black, measuring 4 inches high, and purchased for \$150,000 on or about December 17, 2009 (Exhibit E);
- f. A terracotta Corinthian Lion Vessel (the "Corinthian Lion Vessel") from circa 600-550 B.C., measuring approximately 3.5 inches wide, and purchased for \$25,000 on or about November 9, 2011 (Exhibit F);
- g. A Proto-Corinthian Owl (the "Proto-Corinthian Owl") from circa 650-625 B.C., measuring 2 inches high and 2.2 inches wide, and purchased for \$120,000 on or about October 14, 2009 (Exhibit G);
- h. A Proto-Corinthian Duck (the "Proto-Corinthian Duck") from approximately 650-625 B.C., with its head turned back, measuring 2 inches high and 2.7 inches wide, purchased for \$130,000 on or about October 14, 2009 (Exhibit H);
- i. A Corinthian Bull's Head (the "Corinthian Bull's Head") from circa 580 B.C., measuring approximately 2.2 inches high and 2.8 inches wide, and purchased for \$60,000 on or about October 14, 2009 (Exhibit I);
- j. A pair of bronze handles (the "Bronze Handles") measuring approximately 6.3 inches high and 9.4 inches wide, and purchased for \$40,000 in 1996 (Exhibit J) (hereinafter the

antiquities listed in paragraphs a through j will be collectively referred to as “the Listed Antiquities”);

- k. Any and all computers as defined in Penal Law § 156.00(1) or electronic storage devices capable of storing any of the above described property as well as their components and accessories, including, but not limited to, cords, monitors, keyboards, software, programs, disks, zip drives, flash drives, thumb drives, and/or hard drives;
- l. Any and all books, manuals, guides or other documents containing information about the operation and ownership of a computer, cellular telephone, camera, video recorder, video game console or other electronic storage device present in the target location, including, but not limited to, computer, cellular telephone and software user manuals; and
- m. Any and all documentation or other evidence related to the appraisal, consignment, sale, possession, transportation, shipping, provenance, importation, exportation, restoration, marketing, or insurance of the Listed Antiquities, including but not limited to appraisals, insurance policies, agreements, leases, contracts, emails, letters, invoices, receipts, documents, handwritten notes, internal memoranda, photographs, recordings, financial records, address books, date books, calendars, personal papers, video footage, and stored electronic communications or data, whether recorded in physical documents or stored digitally as information and images contained in computer disks, CD or DVD ROMs, USB drives and hard drives that may be found at the target premises;
- n. Any and all documentation or non-privileged communications which tend to establish MICHAEL STEINHARDT's intent to commit the crime of Criminal Possession of Stolen Property in the First Degree or which tend to establish his state of mind prior to and during the commission of said crime;
- o. Any and all documentation or non-privileged communications which tend to establish (directly or indirectly) MICHAEL STEINHARDT's knowledge that STEINHARDT has committed the crime of Criminal Possession of Stolen Property in the First Degree, namely the possession of stolen or illicitly trafficked antiquities;
- p. Any and all documentation or non-privileged communications which tend to establish that MICHAEL STEINHARDT is a person in the business of buying, selling, or otherwise dealing in property, specifically art and antiquities;
- q. Any and all documentation or non-privileged communications indicative of or pertaining to inquiries made by MICHAEL STEINHARDT, or the lack thereof, that the persons or entities from whom he obtained any art or antiquities had a legal right to possess said items;
- r. Any and all documentation or non-privileged communications which contain any references to the modus operandi of the crime of Criminal Possession of Stolen Property in the First Degree;
- s. Any and all documentation or non-privileged communications which contain any references to the purchase, and/or sale, and/or possession of looted, stolen, or illegally trafficked antiquities;

- t. Any and all documentation tending to identify, and/or connect MICHAEL STEINHARDT with accomplices, co-conspirators, possible accomplices and/or witnesses to the crime of Criminal Possession of Stolen Property in the First Degree;

may be found in the apartment of MICHAEL STEINHARDT at 1158 Fifth Avenue, Apartment 16A, New York, New York ("the target premises"); and that the above described property constitutes evidence, and tends to demonstrate that the crime of Criminal Possession of Stolen Property in the Second Degree was committed;

YOU ARE THEREFORE COMMANDED, between 6:00 a.m. and 9:00 p.m., to enter and to search the target premises, for the above-described property, and if you find such property or any part thereof to bring it before the Court without unnecessary delay.

FURTHER, this Court authorizes law enforcement personnel to videotape and photograph the interior of the target premises; to analyze, test, and in any way scientifically process all items seized and to permit the entry and assistance of individuals who, by their experience and training, are qualified to assist in the execution of this warrant as designated by police or other law-enforcement officials, for the purpose of examination, processing and/or removal of any forensic evidence as described below.

FURTHER, this Court authorizes the seizure of computers, cellular telephones, and/or other electronic storage devices, cellular telephones, as described above, for the purpose of conducting an off-site search for the evidence described, and authorizes that the above-described data, information, and images, may be retrieved and printed or otherwise reproduced by converting or copying the data, information and images into storage in another device;

FURTHER, with respect to the seizure and search of computers, cellular telephones, cameras, video recorders, video game consoles and other electronic devices and/or equipment capable of storing property sought by this warrant, this Court authorizes the search of these devices for said property and for:

- a. Any and all documentation, non-privileged communications, images, videos, or other electronically stored information described in paragraphs (l) through (t) above;
- b. Any and all data, information, or images which evidence ownership and use of the device, including, but not limited to, calendar entries, email account addresses, stored telephone numbers and names, nicknames and/or labels assigned to said numbers, photographs, videos, bank account documents, bills and invoices, recorded voice memos, text messages, instant messenger messages and letters and voice mails stored on any seized device;
- c. Any and all data, information, or images evidencing passwords which may be used to unlock or decrypt data, information or images stored on the device, which may or may not be stored in a locked or encrypted fashion, whether said passwords are letters, numbers, characters, words, or data strings (sequence of characters);

- d. Any and all data, information, or images evidencing or revealing the unauthorized use of the device by a person other than an owner or authorized user, through the use of viruses, Trojan horses or other malicious software or infiltration methods;

FURTHER, this Court authorizes that, with respect to any computers, cellular telephones, and other electronic storage devices, as described above, for purposes of the requirement that a search warrant be executed within ten days as mandated by CPL. Section 690.30(1), this warrant will be deemed executed at the time that said devices are seized and removed from the target premises, and that the search of said devices may continue thereafter for whatever reasonable time is necessary to complete a thorough search pursuant to the warrant;

FURTHER, this Court authorizes a search of all files and data stored in computers, cellular telephones, and other electronic storage devices, as described above, irrespective of how the data is filed, labeled, designated, encrypted, hidden, disguised or otherwise stored;

FURTHER, this Court authorizes forensic computer analysts assigned to the New York County District Attorney's Office Cyber Crime and Identity Theft Unit and/or the New York City Police Department Computer Crimes Squad to assist, as deemed necessary by law enforcement officials, in accessing, downloading, retrieving, printing, copying and otherwise seizing data, information and images from computers, cellular telephones and other seized electronic storage devices as described above.

IT IS FURTHER ORDERED that the affidavit and any transcript of any accompanying sworn testimony in support of the application for this warrant is sealed, except that a copy of any such sworn testimony may be obtained by an assistant district attorney in the New York County District Attorney's Office and the affidavit and/or any such sworn testimony may be disclosed by an assistant district attorney in the New York County District Attorney's Office in the course of the lawful discharge of his or her duties pursuant to a criminal investigation and/or prosecution, or upon written order of the Court.

This warrant must be executed within 10 days of the date of issuance.



Judge of the Supreme Court

HON. JILL KONVISER

Dated: New York, New York

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

IN THE MATTER OF AN APPLICATION FOR A
WARRANT TO SEARCH THE PREMISES OF MICHAEL STEINHARDT
LOCATED AT 1158 FIFTH AVENUE, APARTMENT 16A, NEW YORK,
NEW YORK ("THE TARGET PREMISES")

AFFIDAVIT AND WARRANT

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