



CR-027113-25NY

(Bold fields must conform with instruction)

CRIMINAL

Court of the CITY of New York
Warrant of Arrest



Defendant's Last Name MENDELSON County NEW YORK Part AR 1
Defendant's First Name ARON Docket Number CR-027113-25NY
Offense Charged PL 165.51 PL 105.10(1)
(Title, e.g. PL or VTL; Section, e.g. 120.00 or 1192.2; Sub-Section (if applicable), e.g. (1) or (2))
Warrant Date 9-2-25 Return Part AR 1

In the Name of the People of the State of New York: To any police officer whose geographical area of employment embraces either the place where the offense charged was allegedly committed or the locality of the court by which this warrant is issued.

A criminal action having been commenced in this court against the above-named defendant by the filing therewith of an accusatory instrument bearing the above docket number charging the defendant with the above named offense, and the defendant not having been arraigned upon such accusatory instrument and not having come under the control of the court with respect thereto, and a judge of this court, whose name is subscribed below, finding that such accusatory instrument is sufficient on its face and being satisfied that the defendant will not respond to a summons.

And pursuant to Criminal Procedure Law Article 120, the aforesaid judge of this court having ordered the issuance of a warrant of arrest,

Now therefore, you are directed to arrest the said defendant who is particularly described below and, except as otherwise prescribed in Criminal Procedure Law 120.90, following such arrest you must without unnecessary delay perform all fingerprinting and other preliminary police duties required in the particular case and bring the said defendant to this court for the purpose of arraignment upon the accusatory instrument by which said action was commenced.

COMPLAINT & WARRANT ORDERED

AR 1
09-02-25
HON: J. LOZANO
RPT: L. YEMMA
Signature of the Issuing Judge me

I certify that this instrument constitutes a true copy of the warrant of arrest issued and subscribed by the above-named judge of the Criminal Court of the City of New York.

Justin A. Barry, Chief Clerk
Criminal Court, City of New York

Description of Defendant

Defendant's Address 224 15th St, SANTA MONICA, CA 90402

Defendant's Employer and Address _____

NYSID # _____ SSN # _____ Driver's Lic. _____

AKA _____ Eye Color BROWN Age 74

DOB 05/01/1951 Sex ☒ Male (M) ☐ Female (F) Height 6'0" Weight 185

Race ☐ I - American Indian or Alaskan native ☐ A - Asian or Pacific Islander ☐ B - Black
☒ W - White ☐ U - Unknown

Hair Color ☐ Bald ☐ Black ☐ Blonde ☐ Blue ☒ Brown ☐ Gray
☐ Green ☐ Multi-colored ☐ Orange ☐ Other ☐ Pink
☐ Purple ☐ Red ☐ Sandy ☐ Unknown ☐ White



CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

Special Agent Robert Mancene, shield #2829 of the Department of Homeland Security-Homeland Security Investigations (DHS-HSI), states as follows:

At the times and places described below in the County and State of New York and in other listed locations, defendant AARON MENDELSON is charged with the following crimes.

1. **Criminal Possession of Stolen Property in the First Degree**, under Penal Law § 165.54: The defendant in the County of New York and in other listed locations from May 26, 2007, until the present, knowingly possessed stolen property, with intent to benefit himself or a person other than an owner thereof or to impede the recovery by an owner, and the value of the property exceeds one million dollars.

2. **Conspiracy in the Fourth Degree**, under Penal Law § 105.10(1): The defendant in the County of New York and in other listed locations from May 14, 2007, until the present, with intent that conduct constituting a class B felony be performed, agreed with one or more persons to engage in or cause the performance of such conduct.

Table of Contents

I. Introduction.....	2
II. Investigative Overview	3
III. Antiquities as Stolen Property.....	4
IV. Bubon, Türkiye	5
a. Historical Background	5
b. The Sebasteion	6
V. The Looting in Bubon.....	7
a. Looting on Nights 1 & 2	7
b. Looting of Nude Emperor.....	7
VI. Smuggling & Restoration of <i>Nude Emperor</i>	8
a. Bayrum Çambul, Robert Hecht, George Zakos, and Charles Lipson	8
b. Restoration of the <i>Nude Emperor</i> in London in the 1980s.....	8
c. Lipson Smuggled <i>Nude Emperor</i> to the United States	9
VII. False Provenance Created.....	11
a. Lipson's Role	11
b. Vermeule's and Kozloff's Roles.....	11
c. Eisenberg's Role	14
VIII. Mendelsohn Knowingly Purchased Stolen Property	14
a. Knowledge Gained from Eisenberg	16

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

b. Mendelsohn Attempted to Loan <i>Nude Emperor</i> to Increase Its Value.....	18
c. Knowledge Gained from Experts	19
d. After Purchase, Mendelsohn Further Confirmed <i>Nude Emperor</i> Was Stolen	21
IX. The Cover-Up	22
a. A Flurry of Articles	23
b. Hide the Statue	24
c. Padgett's Code	25
d. The Waiting Was Over	26
e. <i>Nude Emperor</i> Remains in Mendelsohn's Possession.....	27
X. Conspiracy in the Fourth Degree, Penal Law § 105.10(1).....	27
a. Objectives of the Conspiracy	27
b. Overt acts	27
XI. Jurisdiction and Timeliness	30

The factual bases for these charges are as follows:

I. Introduction

I am a Special Agent assigned to DHS-HSI and as such I am a public servant as specified in CPL § 690.05(1). Furthermore, through my cross-designation as a DANY investigator, I exercise authority as a “*police officer*” under CPL § 690.25(1) pursuant to CPL § 1.20(34)(g). I have been with DHS-HSI and its predecessor agencies since 1994 as an investigator and am responsible for investigating the interstate sale and transportation of stolen cultural property, the smuggling of contraband, and art fraud. As a Special Agent, I have led or joined teams of agents in the execution of hundreds of judicially-authorized arrest and search warrants seeking the arrest of individuals and recovery of property and evidence concerning illegal importations, exportations, and the interstate transportation and sale of stolen goods.

I state the following from participation in this investigation; discussions with agents from DHS-HSI and foreign and domestic law-enforcement agencies; interviews with witnesses; and my review of records and reports. Unless otherwise noted, wherever I assert that a statement was made, it is among many and is stated in substance. No attempt has been made to set forth the complete factual history of this investigation. Nor does this application list every basis for any conclusions drawn. Finally, for their personal safety and to avoid compromising this ongoing criminal investigation, I have not named several witnesses who are known to DANY and DHS-HSI and can be identified to the court *in camera*.

In 2011, DANY and DHS-HSI began conducting criminal investigations into multi-national

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

antiquities-trafficking networks that plundered priceless cultural heritage into and through New York County. In 2017, DANY formed the Antiquities Trafficking Unit led by Assistant District Attorney (ADA) Matthew Bogdanos that included other ADAs, Antiquities Trafficking Analysts, DANY investigators, and HSI Special Agents (“ATU” refers to this DANY-HSI taskforce). To date, these ATU-led investigations have resulted in convictions of 18 traffickers, the indictment and pending extradition of another 7 traffickers, and the seizure of more than 6,000 antiquities valued at more than \$475 million that were pillaged from 52 countries by criminal networks operating in Asia and Oceania (Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Japan, Korea, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, Samoa Islands, Solomon Islands, Sri Lanka, Thailand, Tonga, and Vanuatu); the Middle East and North Africa (Cote d’Ivoire, Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria, Türkiye, and Yemen); Europe (Austria, Bulgaria, Cyprus, France, Greece, Hungary, Italy, Poland, Spain, and Vatican City); and Central and South America (Argentina, Bolivia, Colombia, Costa Rica, Dominican Republic, Guatemala, Mexico, Panama, Paraguay, and Peru).

II. Investigative Overview

Aaron Mendelsohn is a California-based antiquities collector who, since May 2007, has knowingly possessed stolen property exceeding \$1 million—to wit, a monumental, over life-sized Roman bronze statue of a nude emperor (“*Nude Emperor*”)—and conspired to increase its value and maintain that stolen property by keeping it hidden.

As will be seen, *Nude Emperor* was looted in 1967 from a Roman imperial temple (a *Sebasteion*) at the ancient site of Bubon, near the modern-day village of Ibecik in south-central Türkiye, and smuggled out of the country. The *Sebasteion* housed an extraordinary collection of more than a dozen priceless bronze statues, all but one of which had also been looted by local villagers and sold to Turkish smugglers Bayram Çumbul, Ali Bayir, and Ali Erkal—the latter two operated jewelry shops in the Izmir bazaar. They, in turn, partnered with US-based Robert Hecht and Switzerland-based George Zakos—both well-known traffickers of Turkish antiquities—to smuggle the pieces out of Türkiye, through Switzerland, and into the United States. To date, the documented looting at Bubon is one of the largest thefts of Turkish cultural heritage ever recorded.

The conspiracy was elegant in its simplicity: New York-based dealers Jerome Eisenberg of Royal-Athena Galleries and Ed Merrin of Merrin Gallery, Boston-based dealer Charles Lipson, and museum curators Cornelius Vermeule and Arielle Kozloff funneled freshly looted Bubon bronzes into museum catalogues and academic publications. They then arranged for the sale

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

of these stolen Bubon bronzes to private collectors and museums, enhancing the reputational value of the museums and the financial value of the Bubon bronzes. Through this insidious sleight-of-hand, pillaged bronzes and fragments from Bubon, including *Nude Emperor*, entered American museums or private collections with a thin veneer of legitimacy, thereby increasing their value on the antiquities market.

In May 2007, Mendelsohn saw *Nude Emperor* on a visit to Eisenberg's gallery on 57th Street in New York County and began negotiating for its purchase. During negotiations, and primarily to determine its fair market value, Mendelsohn contacted several experts, among them, Carol Mattusch (an art historian who had curated a show in 1996 entitled *Fire of Hephaistos* at Harvard University Art Museums featuring several looted Bubon bronzes); and Michael Padgett (a former curator at Princeton University Art Museum and co-conspirator named in the 2024 arrest warrant for antiquities trafficker Edoardo Almagià).

Mendelsohn quickly learned that *Nude Emperor* was illegally excavated and smuggled out of Bubon, Türkiye, in 1967. Nonetheless, on May 26, 2007, Mendelsohn purchased *Nude Emperor* for \$1,330,000. By 2012, however, Mendelsohn began fearing his criminality would be exposed and his stolen Bubon bronze seized—his desperation increasing with each news story he read about seizures of other looted Turkish antiquities. He grew particularly interested in the actions of the ATU and would often request advice from those who knew he was in possession of a stolen Bubon bronze. Padgett, for example, advised Mendelsohn to quietly donate *Nude Emperor* to reap a tax deduction or, failing that, to hide the stolen Bubon bronze from all but “*dinner guests and clueless meter readers*,” following the “*Code of the Padgetts, When there is nothing you can do, do nothing*’.”

III. Antiquities as Stolen Property

I am informed by ADA Bogdanos that under New York law, an object (artwork or otherwise) constitutes stolen property whenever anyone “*wrongfully takes, obtains, or withholds such property from an owner thereof*.” Penal Law § 155.05(1). An “*owner*” of property is “*any person who has a right to possession thereof superior to that of the taker, obtainer, or withholder*.” Penal Law § 155.00(5). As will be seen, *Nude Emperor*’s “*owner*” is the Republic of Türkiye. And the rights of any owner are sacrosanct: “*New York case law has long protected the right of the owner whose property has been stolen to recover that property, even if it is in the possession of a good-faith purchaser for value*.” *Solomon R. Guggenheim Found. v. Lubell*, 77 N.Y.2d 311, 317 (1991). *See also Bakalar v. Vavra*, 619 F.3d 136, 140 (2d Cir. 2010), *aff’d*, 500 F. Appx. 6 (2d Cir. 2012) (“*in New York, a thief cannot pass good title*”).

Thus, a thief can never lawfully acquire good title in New York or pass on good title to anyone else—whether the property is embezzled funds, stolen cars, stolen jewelry, or stolen

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

antiquities. *See generally Candela v. Port Motors*, 208 A.D. 2d 486 (2d Dept 1994) (thief may never pass good title for a stolen car); *Richard Buonomo Ltd. v. Geibel*, 2020 NY Slip Op 328817 (Sup Ct, NY Cnty 2020) (thief may never pass good title for a stolen diamond). To hold otherwise would reward the thief for laundering the theft and its proceeds. *See, e.g., Angiolillo v. Christie's, Inc.*, 64 Misc. 3d 500, 519 (Sup Ct, NY Cnty 2019) (“[t]he defendants’ attempt to immunize an otherwise unlawful conversion by, essentially, passing the allegedly converted item through Switzerland is inappropriate”). Thus, although a good-faith purchaser may lack the intent necessary to be criminally liable for possession of stolen property, a good-faith purchase never strips stolen property of its taint, no matter how many times it changes hands.

Here, the theft was complete in 1967 in Türkiye. When Hecht, Zakos, Eisenberg et al., hid *Nude Emperor’s* illegal past, it remained *stolen*. When it arrived in New York, therefore, it constituted *stolen property*. And as will be seen, statutes of limitations do not miraculously cleanse stolen property. No passage of time does. “*Once stolen, always stolen*” is not just a catchy phrase, but a bedrock of New York criminal law. Nor did *Nude Emperor* stop being *stolen property* simply because Hecht, Zakos, Eisenberg, and Vermeule died. It is no defense to criminal possession of stolen property that “*the person who stole the property has not been convicted, apprehended, or identified.*” Penal Law § 165.60(1). In other words, they may have evaded capture during their lifetimes, but the property they stole remains stolen.

Nor is it a defense to criminal possession of stolen property that the theft of “*the property did not occur in this State.*” Penal Law § 165.60(3). Regardless of where the theft took place, New York may seize stolen property and prosecute any offenders for complicity in crimes involving the possession of that property. To argue otherwise would be to reward traffickers who steal property in one jurisdiction and sell it in another. The law simply does not reward flight—of people or proceeds—even where, as here, the property and offender have left New York.

IV. Bubon, Türkiye

a. Historical Background

According to academic publications and expert reports I have reviewed, the archaeological site of Bubon in south-central Türkiye rests on the slope of a steep hill (modern name, *Dikmen Tepe*) for which the site is named: in ancient Greek, βουβών means “swelling” or “bulge.” Located about a mile and a half southwest of the modern-day village of Ibecik, Bubon was founded in the second century B.C.E. on a strategically important hillside commanding the entrance to the pass over the mountains. Initially an independent city-state, it came under the Roman Empire, gaining favor from Emperor Nero (ruled 54-68 C.E.), to whom the *Sebasteion*

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

was constructed and dedicated. Bubon continued to flourish through the third century C.E.

Inscriptions and ruins found at and around the site of Bubon point to a thriving community that held triennial prize-games, paid respect to members of its prominent families, hosted sophisticated ceremonies for the god Ares, and held the remains of an *agora* (ancient marketplace), a gymnasium, public buildings, private houses, and a theater—the seats of which are still visible today. *See* Exhibit 1 (Map of Ancient Bubon). Like many Roman cities, however, Bubon eventually fell into ruin and the site was abandoned.

b. The Sebasteion

Although Bubon had many buildings in antiquity, its *Sebasteion* has captured the attention and imagination of museums, dealers, collectors, and scholars. But also the attention of looters, smugglers, and traffickers—and now, investigators, analysts, prosecutors, and judges.

With ADA Bogdanos, I have thoroughly examined in person Bubon and its *Sebasteion*. A simple stone structure built into the hillside, the *Sebasteion's* central rectangular-shaped room is lined with dressed stone with inscribed pedestals and podia on three sides. Inscriptions on these pedestals and bases bear the names of famed Roman emperors and their families—the surviving inscriptions that I have observed in the *Sebasteion* name twelve—demonstrating that the shrine was used to venerate leaders across two centuries.¹ Glorious bronze statues were cast and installed on these inscribed pedestals, later replaced and moved to other pedestals reflecting the rise and fall of individual emperors. At least thirteen over life-size bronze statues representing the Roman emperors and their wives were displayed.

Each of the surviving Bubon bronzes is a masterpiece, exquisitely modeled and life-like, some with curved and stretched musculature, whose hands and feet depict veins seeming to pulse with blood, while others feature draped clothing so realistic as to appear real cloth frozen in bronze. The expressive faces from the surviving portrait heads bear traces of stubbled beards and decisively furrowed brows.

These honorary statues were buried for 1,700 years until the cut of pickaxes and shovels exposed them to a tangled criminal web of looters, smugglers, dealers, conservators, academics, museum professionals. Twelve of these bronze statues have been located by law-enforcement officials around the world: one statue never left Türkiye, three were last seen in

¹ Those twelve are Poppaea Sabina, Marcus Aurelius, Lucius Verus, Nerva, Septimius Severus, Commodus, Julia Domna, Caracalla, Cornelia Salonina, Gallienus, Valerianus, and Gordianus. There are two inscriptions to Caracalla, and a partial inscription to Nero—having been partly erased after his damnation in 68 C.E.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

European collections, and eight were in the United States. Of those eight, the ATU has seized and repatriated five. Mendelsohn has a sixth; two others remain under investigation.

V. The Looting in Bubon

a. Looting on Nights 1 & 2

According to 1967 Turkish police reports I have reviewed, local authorities in the village of Ibecik discovered on May 9, 1967, the torso of a Roman-era bronze statue hidden in a wooded area on the outskirts of the village. In the resulting investigation, Turkish archaeologists and law-enforcement officers discovered the previously unknown ruins of a *Sebasteion* that had been dug up and looted by Ibecik villagers.

Fifty years later, pursuant to a ground-breaking community-outreach program, Turkish authorities began to meet with villagers living near archaeological sites, including Bubon, requesting information about any past looting. After sufficient trust-building, several Ibecik villagers admitted to having looted the over-life-sized bronze statues and more than 40 fragments of bronze statues, including arms, legs, hands, heads, and genitalia from the *Sebasteion* and its vicinity. According to the villagers, the looting was a communal effort with shared profits, although a few small groups of villagers also conducted “*secret*” excavations unbeknownst to the others.

According to looters ADA Bogdanos and I have interviewed, looting of the *Sebasteion* took place over several nights in May of 1967. The first night, a group of ten villagers went to Dikmen Tepe where rumor had it that someone had recently found a statue. They dug tunnels and eventually struck bronze: three statues, stacked like logs in a fireplace. These have been identified as Marcus Aurelius, Lucius Verus, and a headless bronze youth now in the Antikensammlung Museum in Basel, Switzerland, thought to represent the emperor Nerva.

The next night, almost the entire village looted at least eight bronze statues and forty arms, legs, and heads. They sold the entire cache to Bayram Çambul, Ali Bayir, and Ali Erkal, who smuggled everything to Izmir, into the waiting arms of “*American Bob*” (Robert Hecht).

b. Looting of Nude Emperor

According to Informant #1, whom ADA Bogdanos and I have interviewed several times, Informant #1 was among the first villagers to loot Bubon—before and completely unrelated to the communal looting of Nights 1 and 2:

My father and I decided to excavate higher up the hill and near the theater because we thought there would be other buildings near the theater...the building that is called the Sebasteion was completely

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

covered with dirt...I believe my father and I were the first to excavate in the Sebasteion.

See Exhibit 2 (Informant #1 Signed Statement). It was on one of their separate looting trips that Informant #1 and others in his group discovered and looted a bronze statue he later identified from a photo array as *Nude Emperor*. See Exhibit 2a (Photo Array):

There were approximately five-six of us on this night excavating at the Sebasteion. I remember that it was my father and I, along with other villagers not from the same family...When we began digging, we first found some bronze arms. We dug like miners, digging down about 4 meters. There was so much dirt...we had to dig very deep and it was dangerous business because of the possibility of a cave-in. [...] [I found] a bronze statue of a man. It had no head. I remember it had one arm raised up, but it was missing part of the other arm. It had no feet. One leg was mostly intact, but it was missing part of the second leg. I also remember that it had complete genitals. [...] First, we removed the dirt around [the statue] using shovels. Then we pulled on [the statue] until it came free. After that, I put a stick through the broken leg of [the statue] to move it away from the theatre and off the hill...We hid [the statue] lower on the mountainside...My father sold [the statue] to Bayrum Çumbul a day or two after we found [the statue], but I do not remember how much Çumbul paid us.

Id.

VI. Smuggling & Restoration of *Nude Emperor*

a. Bayrum Çumbul, Robert Hecht, George Zakos, and Charles Lipson

According to Informant #1, his father sold *Nude Emperor* to Turkish smuggler Bayram Çumbul. From there, *Nude Emperor* was acquired by Basel-based trafficker George Zakos who, in December 1967, sold it and five other stolen Bubon bronzes to Boston-based dealer Charles Lipson. As Eisenberg later told Mendelsohn, Charles Lipson “*purchased six of them [Bubon bronzes] in Basel from George Zaccos in December 1967.*” See Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 13). Four of the six Lipson Bubon bronzes arrived in the United States between 1968 and 1971 and were loaned to museums, including Boston Museum of Fine Arts (MFA) and Indianapolis Museum. But *Nude Emperor* and another of Eisenberg’s Bubon bronzes, a *Draped Female*, were not smuggled into the United States until decades later: “*Charles said that our two bronzes [Nude Emperor and Draped Female], which were being held in storage until the others were sold, were restored in London by Martin Foster in the late 1980s.*” *Id.*, at p. 4.

b. Restoration of the *Nude Emperor* in London in the 1980s

According to Eisenberg, *Nude Emperor* and *Draped Female* were separated from the other four and held back, not only for fear of market saturation, but also because of costs:

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

Four on the market was enough for them to offer and the cost of conservation was quite high, especially for the first group [of four] which were restored in Basel by a museum conservator. The conservator was told by the museum to stop...and it took some time for Lipson to find another good conservator.

Id., at p. 4. As proof, Eisenberg sent Mendelsohn a photograph of *Nude Emperor* being restored in a make-shift studio in London: “William [former director of Royal-Athena] sent you a photo of the bronze *whiule* [sic] still in the conservation laboratory.” *Id.*, at p. 2 and Exhibit 4 (Restoration Photograph and Label). As will be seen, the photograph appears taken in London after 1982.

Concerning the date, Plowden & Smith and Colin Bowles Ltd. are two of the largest and most well-known fine art restoration companies in London. Each has been in operation for more than 40 years. ADA Bogdanos interviewed the current director of Plowden & Smith (the son of the founder) and Colin Bowles. Neither recognized either the studio or the statue, but noted that the ventilation/extraction system seen running horizontally along the back wall of the studio in the background of the photograph was in use in London in the 1980’s. On a shelf in the far-right corner of the photograph is a 1982 label for Ram Rod beer—a beer made by a London-based brewery. *Id.*, at p. 3.

Concerning location, according to Bowles, the studio appeared too narrow, more like a converted garage than a professional restoration studio. And according to Neil Perry, a London-based restorer who worked for Colin Bowles in the 1990’s and then for himself, the studio depicted is more than likely a “barn conversion or a country residence” because of its small size and the fact that it has wooden beams—an obvious fire hazard in restoration work.² According to Martin Foster, his former residence was at 101a Hartington Road, London. See Exhibit 5 (Martin Foster Letterhead). A residential townhouse with a garage in the back and beams visible through the skylight, Foster’s roof pitch matches that of the roof in the restoration photo—notably, a converted garage as predicted by Bowles and Perry. See Exhibit 6 (101a Hartington Road).

Thus, as Eisenberg admitted, *Nude Emperor* was “restored in London by Martin Foster in the late 1980s.” See Exhibit 3 (Eisenberg-Mendelsohn Emails, at p. 4).

c. Lipson Smuggled *Nude Emperor* to the United States

According to Eisenberg, Lipson first consigned *Nude Emperor* and *Draped Female* to Merrin Gallery—the same New York gallery that sold the first four: “Merrin later took the last two pieces

² Neil Perry was convicted by this Office as a co-conspirator in the Shubash Kapoor trafficking network. He pled guilty to multiple felonies pursuant and was sentenced before the Honorable Felicia Mennin in 2025.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

on memo, also offering them at much higher prices (he was known for this), and after a while Charles turned them over to us.” See Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 4). Toledo Museum of Art curator Sandra Knudsen confirmed: “I saw Dr. Lipson’s last two bronzes of the six he bought in the 1960s, this nude man (O) and a headless draped woman (P) at Merrin Gallery in 2003 and again in 2004. In 2006 Dr. Lipson transferred them to Royal Athena.” See Exhibit 7 (2007-05-31 Knudsen-Bacigalupi).

While *Nude Emperor* was on consignment to Merrin, Eisenberg wrote one of his clients, John Kluge, that he (Eisenberg) had been offered exclusive selling rights to *Nude Emperor* and *Draped Female*, noting “Both of the statues belong to the famous find from Bubon, Turkey. They have been in storage in New York for many years and to my knowledge have not been offered for sale since the 1970’s.” See Exhibit 8 (1997-07-10 Eisenberg-Kluge).

On May 6, 1998, Eisenberg added *Nude Emperor* to his internal digital database:

Full nude torso with his right arm upraised, partial legs and left arm. Said to be from Bubon, Turkey. For similar see: Inan and Alfoldi-Rosenbaum, Römische und frühbyzantinische Porträtplastik, plate 52, nos 58 and 63. Ex collection of Charles Lipson, Boston, acquired from George Zaccos [sic], Basel, Switzerland, in 1967.

See Exhibit 9 (Royal-Athena Database). A year later, on June 2, 1999, Eisenberg wrote Kluge again, announcing the arrival of *Nude Emperor* and *Draped Female* in Royal-Athena Galleries: “The over life-size Roman bronze male and female statues, which I wrote about to you some months ago, are now in the New York gallery. Perhaps you will find the time to stop in and view them.” See Exhibit 10 (1999-06-02 Eisenberg-Kluge). Kluge declined to purchase the statues.

In 1997, Eisenberg and Lipson began negotiating for *Nude Emperor* and *Draped Female*. Initially, Lipson wanted \$725,000 for *Nude Emperor* and \$775,000 for *Draped Female*, then \$1,900,000 for both, but in 2003, they agreed on \$1,800,000. See Exhibits 11 (Eisenberg Handwritten Notes); 12 (Lipson-Eisenberg Fax); and 13 (Lipson-Eisenberg Consignment).³

According to Randall Hixenbaugh, an employee of Royal-Athena from 1997-2004, *Draped Female* was displayed first in the Royal-Athena showroom while *Nude Emperor* was in Royal-Athena’s storage facility. Then, in 2004, when Eisenberg sent *Draped Female* to Christie’s Auction House for sale, *Nude Emperor* took its place on the gallery floor, where Mendelsohn saw and bought it in 2007.

³ Lipson’s wife Xenia sent the fax; she passed away in January of 2023. Charles Lipson changed his last name to Lukas—the name that appears on the consignment agreement. I have interviewed Charles Lipson twice.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

VII. False Provenance Created

a. Lipson's Role

By 2007, Eisenberg was selling *Nude Emperor* with a long and detailed provenance that included publications, expert assessments, and museum exhibitions, including at MFA and Indianapolis. It was all false. But he was not the first to create false provenance for *Nude Emperor*. That was Lipson himself who, in 1975, offered the bronzes to Jiri Frel,⁴ then-curator at the Getty:

Several years ago, apparently shortly before you joined the Getty Museum, a friend of mine, Mr. Kenneth Bergen, had some contact with the director of the Getty Museum regarding my group of large Roman bronze Imperial figures pictured in the Indianapolis catalog...I would like to ask you if you have any interest in these bronzes.

See Exhibit 14 (1975-02-03 Lipson-Frel). Frel replied, “[w]ould you be so good as to give me some information about them, especially the most important thing -- the price. See Exhibit 15 (1975-02-06 Frel-Lipson). Lipson priced the four bronzes at \$4,000,000: “[g]iven the quality and uniqueness of this group of imperial portrait figures, I feel that they ought to be valued at \$4,000,000. Let me know how you feel about this.” See Exhibit 16 (1975-02-08 Lipson-Frel). Frel balked at the statues, but after Lipson offered all six (including *Nude Emperor*), Frel wrote J. Paul Getty’s personal assistant:

The man [Lipson] also owns six bronze statues which he put on display for several years in Boston, and now in the Indianapolis museum. They are nice but I don’t dream of getting them as he wants six million for them. One of them, however, may belong to our head of Lucius Verus.

See Exhibit 17 (1976-04-30 Frel-J.P. Getty’s Assistant) (Emphasis added). Thus began the fiction that *Nude Emperor* and *Draped Female* were displayed in the exhibitions at MFA and Indianapolis with the first four statues in the 1960s and 70s. Not only were they both still being hidden and restored in London, but the Indianapolis exhibition catalogue itself proves Lipson was lying: it depicts only four Bubon bronze torsos. See Exhibit 18 (Indianapolis Catalogue). Nonetheless, the fiction—begun by Lipson and Frel—was promoted by Cornelius Vermeule and Arielle Kozloff and perfected by Eisenberg.

b. Vermeule’s and Kozloff’s Roles

As will be seen, Eisenberg used four Bubon publications as a predicate for his fraudulent 2006

⁴ Frel devised a tax fraud scheme to increase the Getty’s acquisitions, partnering with Bruce McNall and Robert Hecht to fill the Getty with looted antiquities. Relieved of his duties when the scheme was uncovered in 1984, Frel fled the United States and died in France in 2006.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

catalogue in which both *Nude Emperor* and *Draped Female* appear.

First, in 1980, Cornelius Vermeule, while still curator of antiquities at the Museum of Fine Arts, Boston, published a catalogue of Bubon bronzes. He called *Nude Emperor* “O” and *Draped Female* “P”—and this naming convention was to be integral to the fraud:

O and O.A. Statue of a Male, Apparently in the Nude. Private Collection. To the best of my knowledge, there may be two such statues, although one may very possibly be identical with the statue, of which I have seen excellent photographs, from the art markets in Switzerland and London, and which is discussed above, under L.

P. Statue of a Draped Female. Private Collection...The imperial ladies most likely to appear with the emperors so far identified or postulated are Faustina the Younger, Lucilla [...], possibly Plautilla, and Julia Domna.

See Exhibit 19 (1980 Vermeule, p. 188).

Second, in 1987, then-curator of the Cleveland Museum of Art (CMA) Arielle Kozloff published the *Bulletin of the CMA*, describing the stolen Bubon bronzes, her travels to Bubon, and her interviews with witnesses. Notably, she wrote the following:

This listing is an updated version of Cornelius Vermeule’s census of the bronze portrait heads, figures, and parts thereof, which he was able to compose by ‘vigorous enquiry in the art world.’

See Exhibit 20 (1987 CMA Bulletin, p. 142). In this list, Kozloff promoted and gave legitimacy to O [*Nude Emperor*] and P [*Draped Female*], listing them in her publication and retaining the lettering assigned by Vermeule: “O and O.A. One, perhaps two male statues in the nude,” and “P. Statue of a draped female. Private collection.” *Id.* She did so without revealing that she knew that every Bubon bronze—including O and P—had been looted. She knew it because one year earlier, after purchasing one of Lipson’s six stolen Bubon bronzes (Marcus Aurelius) from New York’s Merrin Gallery on behalf of CMA, Kozloff visited Bubon. She interviewed one of the looters, photographed the pit where the statues were found, and later wrote a memo to the CMA director, admitting the statues had been stolen:

As you know, I have recently visited the site of Bubon, an ancient Roman village in the mountains of Lycia in Turkey. It was at this site in the 1960’s that nearly a dozen overlifesize imperial Roman bronze sculptures were found. These sculptures comprise the most important group of monumental Roman bronzes ever discovered in the Near East, if not the world. And, as you well know, the draped figure which we acquired this year [Marcus Aurelius] is part of that group. In the late 1960’s, when these sculptures were first exhibited and published, archaeologists, most notably Machteld Mellink of

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

Bryn Mawr, complained in the professional press about the fact that this site had been plundered...Undoubtedly, a lot has been robbed already.

See Exhibit 21 (Kozloff Memo) (Emphasis added).

Third, in a 1994 publication on the Bubon bronzes, Turkish archaeologist Jale Inan published her own list of the Bubon bronzes:

Since we had no information about the works marked O and O.A in Vermeule's list and number 9 in Kozloff's list, we did not include them in our list.

The female statue marked with the letter P in Vermeule's list is in a private collection. It is also shown as numbers 9 and 10 in Kozloff's list. Since we did not find any further information or images about this statue, we did not add it to the list for now.

See Exhibit 22 (1994 Jale Inan, p. 23, translated on pp. 87-88). Inan included an addendum to her article:

After sending the article to press, I received a photocopy of a still unpublished work by C. Vermeule ("Asia Minor Site and Sculptures, pages 302-305). He states for the first time that the bronze statue group is of Boubon origin. [...] We excluded the female torso marked with the letter P in Vermeule's list from our list due to insufficient information.

Id., at p. 25, translated on p. 88 (Emphasis added). Notably, the addendum included a photocopy sent by Vermeule of Draped Female on the last page of the article, but not of *Nude Emperor*, suggesting the latter's restoration was not yet complete. *Id.*, at p. 65.

Fourth and finally, in 2002, at Eisenberg's request, Vermeule joined the fraud, writing a "To Whom It May Concern" letter of recommendation for *Nude Emperor* and *Draped Female*:

To Whom It May Concern: I have published this group of bronze statues, a bust (in the Worcester Art Museum), and at least one relief many times since 1967...All the statues were created about 200 AD for a shrine to the imperial family at Boubon in the hills of Lycia, SW Asia Minor. These are two [Nude Emperor and Draped Female] of the finest statues from the group and perhaps represent the Emperor Commodus (177 to 192) and his mother, Faustina the younger, who died in Cilicia in 175...These two statues here are widely known as masterpieces in America.

See Exhibit 23 (Vermeule Letter of Recommendation).

Vermeule's claim that *Nude Emperor* and *Draped Female* were "widely known as masterpieces in America" is patently false. In fact, by 2002, the *only* public photograph of either stolen Bubon bronze was one poor-quality photograph of *Draped Female* in Inan's 1994 publication. There

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

was, of course, no photograph of *Nude Emperor*. See Exhibit 22 (1994 Jale Inan, p. 65). As will be seen, Eisenberg enthusiastically used this letter and its false claims to promote the sale of both stolen Bubon bronzes.

With Lipson's fiction that O and P were on tour with the rest of the Lipson bronzes, and Vermeule and Kozloff's inclusion of O and P in their catalogues of Bubon bronzes, Eisenberg was able to perfect the lie by promoting O and P as two bronzes that were widely exhibited and published alongside the rest of the Bubon hoard.⁵

c. Eisenberg's Role

In fact, the first published photograph of *Nude Emperor* appeared in Royal-Athena Galleries' 2006 catalogue alongside Draped Female. See Exhibit 24 (2006 Royal-Athena Catalogue). The catalogue entry brazenly admitted that both bronzes had been "found" in Bubon and "not properly excavated," i.e., looted:

This imposing over-life size bronze statue undoubtedly depicts a Roman emperor in full heroic nudity based on Greek classical types. It was part of an important group of such figures found in Bubon, Turkey, in the early 1960s...Although not properly excavated, the site apparently housed a sebasteion [sic], a building dedicated to the cult of the imperial family. Within the building was an entire gallery of imperial figures depicting many emperors, empresses, and quite likely other illustrious personages of the Roman imperial family.

Id., at p. 1 (Emphasis added). Still Eisenberg tried to cover-up their illegality by falsely claiming, "[b]oth this sculpture [Draped Female] and the preceding [Nude Emperor] were exhibited at the Cleveland Art Museum, Toledo Art Museum, and Indianapolis Museum of Art in 1987-88." *Id.*, at p. 2. This was pure fiction: neither statue was ever exhibited at CMA or Indianapolis. And, as will be seen, Eisenberg did not even offer *Nude Emperor* to Toledo until May 2007.

VIII. Mendelsohn Knowingly Purchased Stolen Property

I am informed by ADA Bogdanos that antiquities have unique legal protections under New York law. Specifically, whenever the country of origin has a clear pronouncement of patrimony, i.e., a legal declaration of national ownership of all cultural heritage discovered after

⁵ Kozloff's complicity did not end there. After she was removed at CMA, she worked for the same Merrin Gallery from which she had purchased the stolen Bubon bronze of Marcus Aurelius for CMA. While at Merrin in 2005, she brokered the sale of Draped Female, admitting it was from Bubon, but repeating the lie it had been exhibited, claiming: "this larger than life-size bronze...of a lady is from a group of large Roman bronzes that was first exhibited in the US in the 1960's, and published often. I bought one of the male figures for Cleveland in the 1980's."

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

the enactment of that law, then that country is the “owner.” In such cases, “*it does not matter that the antiquities...were stolen in a foreign country, or that their putative owner is a foreign entity.*” *United States v. Frederick Schultz*, 333 F.3d 393, 402-3 (2d Cir. 2003). After all, there is “*no reason that property stolen from a foreign sovereign should be treated any differently from property stolen from a foreign museum or private home.*” *Id.*, at 410.

First, according to Dr. Patty Gerstenblith, Distinguished Research Professor at DePaul University College of Law and Faculty Director of its Center for Art, Museum and Cultural Heritage Law, Türkiye has had a patrimony law since 1906 (under the Ottoman Empire) vesting ownership of all antiquities in the State—including those found by landowners on their own property—giving the State exclusive right to excavate and prohibiting export without permission of the Imperial Museum in Istanbul. After Türkiye’s Independence in 1923, State ownership of all antiquities was restated in Art. 697 of the 1926 Turkish Civil Code—with this provision still in effect today as Art. 773 of the 2001 Turkish Civil Code.

In other words, any non-state-sponsored excavations in Türkiye in the 1960s would have been illegal, any antiquities recovered would have belonged to the State, and any antiquity smuggled out of the country would have been stolen property.

Second, according to Turkish officials and archival Turkish government documents that I have reviewed, the first legal excavation in Bubon was after, and in response to, the looting at the *Sebasteion*. But by then, it was too late. On May 9, 1967, a Turkish *gendarmarie* did find a bronze statue of the Emperor Valerian in the nearby woods and transported it to the Burdur Archaeological Museum where it is still on display. *See Exhibit 25 (1967 Excavation Report)*. But every other bronze statue from the *Sebasteion* had already been looted.

With the clarity of an Aristotelian syllogism, therefore, it may be seen that every Bubon bronze removed from the *Sebasteion* was necessarily the result of an illegal excavation, stolen from Türkiye, and illegally removed from the country.

With equal clarity it also follows that any individual as uniquely informed as Mendelsohn about Bubon could not have come to a different conclusion. As will be seen, Mendelsohn extensively researched his purchase, including reading Kozloff’s CMA Bulletin article in which she describes looting at Bubon (“*There is a bulletin from Cleveland that has a similar piece called Septimius Severus from Bubon*”). *See Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 1)*. Thus, from his reading

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

of Kozloff alone, Mendelsohn knew that Bubon had been looted. Therefore, although Mendelsohn may not have known Turkish patrimony law, he did know that any Bubon bronze removed from the *Sebasteion* was necessarily from an illegal excavation, i.e., stolen from Türkiye and illegally removed from the country. Any admission by Mendelsohn, therefore, that *Nude Emperor* was from Bubon was an admission that it was stolen, and that he knew it.

By May 2007 when he purchased the statue, Mendelsohn had been convinced that *Nude Emperor*, had been “excavated” “at Bubon” “in the 1960’s,” admitting it at least 3 times in emails:

“It is a 2d century torso about 72 inches high that was excavated at Boubon, Turkey in the 1960’s.”
See Exhibit 26 (Padgett-Mendelsohn Emails, p. 1).

“I may be acquiring a monumental bronze torso excavated from a sebasteon in Boubon, Turkey, in the 1960’s.” See Exhibit 27 (Pollini-Mendelsohn Emails, p. 1).

“The piece was acquired by the Lipson family in 1967 from George Vaccos [sic] in Basel and was part of the excavation in the 1960’s from Bubon, Turkey.” See Exhibit 28 (Podany-Mendelsohn Emails, p. 1).

a. Knowledge Gained from Eisenberg

Mendelsohn viewed *Nude Emperor* in person in Royal-Athena Galleries in 2007 during a visit to New York: “I recently visited the NYC gallery of Dr. Eisenberg and saw a Roman bronze monumental statue of a male member of the Imperial family.” See Exhibit 29 (Mattusch-Mendelsohn Emails, p. 1). After the trip, but before May 15, 2007, Eisenberg sent Mendelsohn a package of documents he called a “sales pitch.” See Exhibit 30 (Sales Pitch).

In the package, Eisenberg admitted to Mendelsohn that *Nude Emperor* came from Bubon and, as we have just seen, necessarily had to be illegal:

This pair of over-life size bronze statues [Nude Emperor and Draped Female] depicts two Roman imperial family members and was part of an important group of such figures found in Bubon, Turkey, in the early 1960’s.

Id., at p. 1 (Emphasis added).

Although not properly excavated, the site apparently housed a sebasteon [sic], a building dedicated to the cult of the imperial family.

Id., at p. 1 (Emphasis added).

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

Although Eisenberg tried to continue using Lipson's false narrative about *Nude Emperor's* provenance—citing the false exhibition history and Vermeule's letter—Mendelsohn was not fooled:

I have been trying to make sense of the magnum opus you sent me on the large bronze which you think may be Commodus. I love the pictures. There is an article from an exhibition in Indianapolis which doesn't refer to our piece ... There is a "To whom it may concern" letter from Dr. Vermeule which I have no way of relating to our statue except that it is placed across from a picture of our statue... In short I find myself a little confused because none of the supporting documents provided can be definitely tied to the bronze I saw in your gallery.

See Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 1) (Emphasis added). Thus, on May 16, 2007, Eisenberg was finally forced to come clean:

I can understand the confusion...our two bronzes were NOT at Indianapolis....Several other of the monumental bronze statues belonging to Lipson (and his investment group) WERE in the Indianapolis exhibition. It's my senility catching up with me!...Charles Lipson acquired in 1967 six monumental Roman bronze statues from George Zaccos in Geneva, a good part of the world's ONLY Late Imperial group of monumental bronze statues. Four of them, following their conservation, were exhibited in Indianapolis in 1974. The other two, both of which we had in the gallery, were still undergoing conservation in Europe (William sent you a photo of the bronze whiule [sic] still in the conservation laboratory).

Id., at p. 2 (Emphasis added) (Uppercase in original). But Eisenberg doubled down on Vermeule's false claim that he had published *Nude Emperor* "many times since 1967" and that the "two statues here [*Nude Emperor* and *Draped Female*] are widely known" in the United States: "When Dr. Vermeule published his article on the entire group - we sent you a copy - the two page addendum listed our two sculptures. His 'to whom it may concern' letter description referred SPECIFICALLY to our piece and was written at my request." *Id.* On May 16, 2007, Mendelsohn continued to ask for more exhibition history, while also admitting he knew it was from Bubon:

Thank you for the clarification. The description of the piece says it was exhibited in Indianapolis in 1987-88. It also indicates it was exhibited in Toledo and Cleveland. Was it, and do you have catalogues from those exhibitions? I'm simply trying to see a clear path for this piece from its excavation at Bubon, its conservation, its exhibition history and its ownership history.

Id., at p. 3 (Emphasis added).

Nor was Mendelsohn fooled by Vermeule's letter: "Dr. Vermeule's letter dated March 28, 2002,

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos

(212) 335-9323

makes statements that don't seem supported, e.g. 'These two statues are widely known as masterpieces in America' "I don't know why he says this. I can't see that they've ever been published or exhibited." Id., at p. 5 (Emphasis added). Eisenberg was finally forced to abandon his last lie: "Unfortunately it was a case of bad editing...and my faulty memory. It should have stated that "Bronzes of this group from the same owner were exhibited..." Id., at p. 4.

Even as he did so, Eisenberg also continued to provide Mendelsohn more concrete evidence that *Nude Emperor* had been [illegally] removed from Bubon: "I am overnighting by FEDEX, with compliments, my spare copy of 'The Fires of Hephaistos' (by Carol Mattusch) with markers pointing out the pieces from Bubon...also other major bronzes that I have sold." Id., at p. 4. Even more directly, Eisenberg wrote that *Nude Emperor* and *Draped Female* "are indisputably part of the Bubon group." Id., at 6.

Having been finally convinced by Eisenberg that *Nude Emperor* was, in fact, from Bubon Mendelsohn revealed on May 26, 2007, why he was asking so many questions and what he meant by "due diligence:"

At this point my main interest is in acquiring enough information to complete my due diligence issues regarding the price.

Id., at p. 10 (Emphasis added).

b. Mendelsohn Attempted to Loan *Nude Emperor* to Increase Its Value

After purchasing the bronze, Mendelsohn and Eisenberg shopped around for a museum to loan *Nude Emperor* because, according to Eisenberg, a "museum exhibition would add a lot of luster to your bronze as an excellent added provenance!" Id., at p. 13. Eisenberg's first choice was the Toledo Museum of Art, whose curator Sandra Knudsen had previously seen the statue in New York and wrote Eisenberg: "[a]s we discussed briefly, I would be grateful if you could contact Mr. Mendelsohn and say that the Toledo Museum of Art is indeed interested in being able to exhibit his gorgeous Roman emperor." Id., at p. 15. Eisenberg also recommended Mendelsohn consider the Metropolitan Museum of Art (Met) and the Museum of Fine Arts, Boston, for the same reasons:

[A]ny dealer, auction house, or appraiser should tell you that it increases the eventual sales value of the object besides giving it the 'glory' of [sic] having appeared in a major museum or two - with some additional publication of the piece to add to its provenance.

Id., at p. 19. Ultimately, due largely to the short-term nature of the loan, it never happened. *Nude Emperor* went straight to Mendelsohn's home in Santa Monica, California. As Mendelsohn told Mattusch on August 7, 2007: "[*Nude Emperor*] arrived yesterday and I am overwhelmed." See Exhibit 29 (Mattusch-Mendelsohn Emails, p. 7). He then emailed Pollini on August 11, 2007, that "*the Bubon*

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

bronze is now residing on 15th St. in Santa Monica. Come on over and visit if you'd like to see him /in situ./"
See Exhibit 27 (Pollini-Mendelsohn Emails, p. 17).

c. Knowledge Gained from Experts

While Mendelsohn was corresponding with Eisenberg about *Nude Emperor*, he also continued his own research about *Nude Emperor*'s origins, condition, and provenance by contacting four experts: Carol Mattusch, John Pollini, Michael Padgett, and Jerry Podany.

First, Mendelsohn contacted Mattusch after Eisenberg informed him that Mattusch had examined the statue: "[o]ur bronze [*Nude Emperor*]...was examined by Carol Mattusch, the world's leading expert on large ancient bronzes (she wrote the book!)" See Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 2). So, on May 19, 2007, Mendelsohn introduced himself, noting that "Dr. Eisenberg mentioned that you examined this statue and commented that it is in very good condition. I am considering purchasing this statue...I would be grateful if you would contact me and provide me with some guidance." See Exhibit 29 (Mattusch-Mendelsohn Emails, p. 1). To which Mattusch replied a few days later:

I think I've located a picture of the bronze you asked about - a nude statue with the right arm lifted in a declamatory gesture, the left arm probably holding a spear or a staff of authority...It's a fine and rare statue. The Boubon [sic] bronzes were found in the 1960s, so they are not in question with respect to the UNESCO convention.⁶

Id., at p. 2. Mendelsohn then asked her three questions:

- 1. Is this sculpture from Bubon?*
- 2. Is it unrestored?*
- 3. What is the real market value?*

Id., at p. 3. Having personally examined *Nude Emperor*, Mattusch left no doubt about its origins:

There are very few large-scale bronzes on the market, and this one is great. It's got to be from Bubon: nothing else large-scale besides the sculptures from Bubon came on the market in the 1960s...I'm only an archaeologist, but I would expect the fair market value for this to be about \$2 million.

Id., at p. 4 (Emphasis added).

Second, Mendelsohn contacted John Pollini on May 21, 2007, confirming he knew *Nude Emperor*

⁶The 1970 UNESCO Convention declared that museums and institutions should be more diligent in requesting provenance in the future. Like many academics, Mattusch must have mistakenly believed that UNESCO had the intention or authority to establish 1970 as a benchmark, thereby de-criminalizing all pre-1970 thefts. It is a myth leveraged by traffickers and dealers to try to immunize themselves for antiquities stolen before 1970.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

had been removed from the *Sebasteion* in Bubon before he purchased it: “*I may be acquiring a monumental bronze torso excavated from a sebasteion in Boubon, Turkey, in the 1960’s. The statue is currently in the gallery of Dr. Eisenberg in NYC...I live in Santa Monica and would like your advice as well as your opinion as to whether LACMA would be interested in exhibiting it.*” See Exhibit 27 (Pollini-Mendelsohn Emails, p. 1) (Emphasis added). After several emails back and forth, Pollini recommended Mendelsohn seek advice from Michael Padgett: “*you might want to write to a friend of mine Michael Padgett, who is curator at the Princeton Art Museum...He has also undoubtedly seen the bronze in person in Jerry’s gallery.*” *Id.*, at p. 8.

Third, on May 23, 2007, Mendelsohn contacted Padgett, again confirming his knowledge *Nude Emperor* was from Bubon:

I was given your link by John Pollini. He thought you might have the good sense to talk me out of buying a bronze torso from Jerry Eisenberg. He thinks you probably know the piece. It is a 2d century torso about 72 inches high that was excavated at Boubon, Turkey in the 1960’s.

See Exhibit 26 (Padgett-Mendelsohn Emails, p. 1) (Emphasis added). After several emails about Eisenberg’s price, Padgett then gave his opinion on the price of *Nude Emperor*: “*if you like it that much and have millions just collecting dust in the vault, go ahead, but you should ask yourself if you really love it, because no one else is going to.*” *Id.*, at p. 4. Then Padgett tried to get Mendelsohn as a client:

When you are in NY and have time to hit a few dealers, call me and we’ll go round together, maybe have a drink...I looked again at his [Eisenberg’s] Bubon bronze, which is similar to the one in Houston. It is big and grand, and one like it made \$1M at Christie’s a year or two ago.

Id., at p. 6 (Emphasis added). Neither Padgett nor Mendelsohn, then, had any doubts in 2007 that *Nude Emperor* was from Bubon.

These experts’ answers must have satisfied Mendelsohn’s due diligence as to price, because on May 26, 2007, Mendelsohn purchased *Nude Emperor* from Royal-Athena Galleries for \$1,330,000. The invoice repeated what everyone knew: *Nude Emperor* was “*from Bubon, Turkey...[and]...acquired in Basel, Switzerland, in 1967.*” See Exhibit 31 (*Nude Emperor* Invoice). In June of 2007, Eisenberg agreed to pay Lipson the \$800,000 as Lipson’s share *Nude Emperor*. See Exhibit 32 (Purchase and Sale Agreement).

Nor did Mendelsohn have any doubt that his recent purchase came from Bubon. On June 4, 2007, Mendelsohn told Jerry Podany:

I recently purchased a monumental bronze torso, 2d century C.E., from the Royal Athena Gallery in NYC...The piece was acquired by the Lipson family in 1967 from George Vaccos [sic] in Basel and

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

was part of the excavation in the 1960's from Bubon, Turkey. Of course, truth is elusive.

See Exhibit 28 (Podany-Mendelsohn Emails, p. 1) (Emphasis added).

d. After Purchase, Mendelsohn Further Confirmed *Nude Emperor* Was Stolen

On May 28, 2009, Mendelsohn hired Mattusch to write a report about *Nude Emperor*:

The Bubon bronze brings nothing but pleasure and beauty to my home... Would you be interested in writing something about it for our records?... I would be delighted to compensate you as you deem appropriate.

See Exhibit 29 (Mattusch-Mendelsohn Emails, p. 9). After inspecting *Nude Emperor* in Mendelsohn's home, she submitted her report in January 2011. See Exhibit 33 (Mattusch Report). Mattusch attributed *Nude Emperor* to Bubon, described other pieces in the Bubon group, and provided details about the looting:

[C]ontinuing interest in ancient Bubon derives from the reports of the bronze statues being dug up and removed from Turkey during the 1960s. In 1967, a pit where the statues were said to have been found was re-opened. Id., at p. 5.

[Scholars] have ascribed the appearance in the art market of a large number of bronzes during the 1960s and early 1970s to the illicit digging reported by George Bean at Bubon in 1966. Id., at p. 7.

The Mendelsohn Bronze is one of the most important pieces of the puzzle of Bubon, being one of seven distinct bronze statues and eight detached bronze heads that are purported to be from Bubon. Id., at p. 8.

(Emphasis added).

Mendelsohn also contacted Elizabeth Marlowe, a widely published expert on Bubon bronzes. On August 29, 2017, Marlowe had published a YouTube video titled "*Looting, collecting, and exhibiting: the Bubon bronzes*," describing the illegal trafficking of Bubon bronzes. See Exhibit 34 (Smarthistory Video Transcript). The video noted that the Bubon bronzes were looted by villagers in the 1960s and smuggled into private collections and institutions. After watching the video, Mendelsohn emailed Marlowe on March 2, 2018:

I recently saw your YouTube video on the Bubon Bronzes. I would be interested in any further information you may have on them because I own the last of them to be conserved and sold. Dr. Cornelius Vermeuille [sic] believed it was likely to be Commodus although it is headless.

See Exhibit 35 (Marlowe-Mendelsohn Emails, p. 1). He later followed up:

I bought it about 15 years ago from Jerry Eisenberg at Phoenix Ancient Art [sic] who had it on consignment from the Lipson family who purchased them in the first place from Zakos in Basel. I had

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

no business buying it but I couldn't sleep after I saw it. The base was made for me by the guys at the Getty Villa.

Id., at p. 3 (Emphasis added). Marlowe then sent Mendelsohn Kozloff's 1987 CMA Bulletin article that not only described the looting in Bubon, but also included photographs of the looter's pits from which *Nude Emperor* came, gushing, "Oh my gosh. Wow. He's stunning. Is he life-sized? The only one of the scholarly sources I have on my laptop is Kozloff. I'll attach it here." *Id.*, at p. 4. She also raised the statue's illicit origins: "I assume you keep tabs on what the *Chasing Aphrodite* and *Looting Matters* blogs have to say about the Bubon pieces? The topic comes up there periodically." *Id.*, at p. 9.

Mendelsohn ignored such concerns, choosing instead to list his murky collection:

I did think about the issue a little bit when I visited Turkey a couple of years ago. Mostly I think about the fact that whoever the big bronze fellow was and whoever's bones were in the bronze Hydria next to him...

Id., at p. 10. Three years later, Marlowe resumed their correspondence:

It's been a long time but I haven't forgotten about your Bubon statue! I was looking back through our correspondence and realized that I promised you some documentation on your statue. Here is some paperwork that you may already have...Do you recall if the female statue [Draped Female] was still available when you bought your piece? I would love to know where she ended up.

Id., at p. 12. Telling her the "female bronze figure had already been sold when we entered the scene," Mendelsohn added, "I am, of course, interested in whatever you have on these bronzes." *Id.*, at pp. 13-14.

After several emails back and forth arranging for Marlowe to examine *Nude Emperor*, she did so on July 23, 2021, photographing *Nude Emperor*. According to Marlowe, when she examined the statue, it still had burial soil on its interior surfaces. *See* Exhibit 36 (Marlowe Photographs of Statue). This caked-dirt interior confirms *Nude Emperor* was looted by villagers not archaeologists.

IX. The Cover-Up

Between 2012 and 2023, Mendelsohn learned of newspaper stories, magazine articles, and online blogs concerning the looting of Bubon and the decades-long criminal conspiracy that profited off the theft. Concerned that his continued possession of one of the stolen Bubon bronzes was at risk, Mendelsohn feverishly sought the advice of Eisenberg, Padgett, Podany, and others for the inevitable day when, in Padgett's words, "Bogdanos [would] take his revival on the road." *See* Exhibit 26 (Padgett-Mendelsohn Emails, p. 34).

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

a. A Flurry of Articles

In 2012, the Los Angeles Times published an article about Türkiye's requests that American museums surrender antiquities illegally taken from Türkiye. On March 31, 2012, Mendelsohn emailed the article to Eisenberg:

*Subject: LA Times - Turkey asks U.S. museums for return of antiquities
Hi Jerry, I hope all is well with you. Should I be distressed by this article.*

See Exhibits 37 (2012 LA Times) and 3 (Eisenberg-Mendelsohn Emails, p. 21)

Eisenberg tried to calm his customer: "*it doesnt [sic] affect us at all.*" *Id.*, at p. 22. Mendelsohn remained anxious: "*Actually, I meant how does it affect me. My bronze fits the description of other pieces in contest.*" *Id.*, at p. 23 (Emphasis added). Eisenberg replied with mollifying falsehoods:

No, to the best of my knowledge, they are not after the large bronzes. Also, they cannot legally repatriate pieces from a private American collection it's only voluntary, unless it's stolen from a Turkish museum.

Id., at p. 24. Once again, however, Mendelsohn revealed his main concern, "*Will this reduce marketability and therefore value?*" *Id.*, at p. 25.

On April 6, 2012, Padgett sent Mendelsohn a link to a blog post about the looting of Bubon:

Subject: Bubon. I hope that you and your family are well. I don't think you need worry about this, since few people know that you have a Bubon bronze. <http://lootingmatters.blogspot.com/>

The Turks--who are feeling their oats these days--have no case in law, and they will confine their attentions to public institutions that they can pressure with bad PR and yapping blogs. If you limit access to your emperor to dinner guests and clueless meter readers, you should be fine.

See Exhibits 39 (2008 Looting Matters) and 26 (Padgett-Mendelsohn Emails, p. 16) (Emphasis added). Mendelsohn forwarded Padgett's email to Eisenberg—"Hi Jerry, Are you still sure they're not after the large bronzes?"—to which Eisenberg falsely replied, "*They can't make any legal case about pieces in private collections even if they do go after museums. Besides, the Bubon bronzes have been published for many, many years with no claims being made.*" See Exhibit 3 (Eisenberg-Mendelsohn Emails, pp. 27-28).

On October 1, 2012, Mendelsohn sent Eisenberg a third article on looted Turkish antiquities:

*Subject: Turkey's Efforts to Repatriate Art Alarm Museums – NYTimes.com
Is this a worry?
Aaron*

See Exhibits 40 (2012 New York Times) and 3 (Eisenberg-Mendelsohn Emails, p. 29). As before,

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

Eisenberg falsely assured Mendelsohn that Türkiye was not targeting private collectors: “*Only Sotheby’s and Christies’ in NY are especially concerned about it at the moment. It’s just many of the American museums that follow these rules.*” *Id.*, at p. 32.

On October 31, 2013, Padgett sent Mendelsohn another link to *Looting Matters* concerning Bubon bronzes: “*Today Mr. Gill [the blog’s owner] took a feeble stab at listing the Bubon bronzes, but he clearly doesn’t know the half of it: <http://lootingmatters.blogspot.com/2013/10/bubon-fire-of-hephaistos.html>” See Exhibits 38 (2013 Looting Matters) and 26 (Padgett-Mendelsohn Emails, p. 20) (Emphasis added).*

On September 14, 2022, Marlowe published an article in the online publication *Hyperallergic* criticizing American museums for their role in laundering the stolen Bubon bronzes. See Exhibit 41 (2022 Marlowe Article). She sent the article to Mendelsohn:

I thought I would send you a link to a short piece I recently published about the Bubon statues, and what museums do and don’t admit to in their labels. I’m still working on a longer article for a scholarly audience about the ensemble and its collecting history.

See Exhibit 35 (Marlowe-Mendelsohn Emails, p. 23). Mendelsohn’s reply spoke volumes:

Thank you for your extremely well-written article. It is so often charming to encounter academician’s perspectives and judgements on matters involving the real world. My activities as a tomb robber have dramatically expanded. The next time you visit, I will show you some truly extraordinary ancient Chinese bronze ritual vessels, all unprovenanced of course.

Id., at p. 24 (Emphasis added).

b. Hide the Statue

By the end of 2022, Mendelsohn’s fear was no longer abstract: the ATU had begun seizing and repatriating stolen Bubon bronzes. After Padgett forwarded Mendelsohn an article on November 23, 2022, detailing the ATU’s repatriation of another stolen Bubon bronze (Lucius Verus) to Türkiye—“*I wanted to make sure you saw this, as you are familiar with the ‘Bubon bronzes.’ ‘Lucius Verus from Bubon Returns to Antalya’*”—Mendelsohn was no longer concerned only about keeping his stolen Bubon bronze. He began to worry about his own liability:

I wonder what it means for me and my statue...[and]...I wonder if I am in jeopardy.

See Exhibits 42 (2022 Business Turkey Today) and 26 (Padgett-Mendelsohn Emails, pp. 22-23) (Emphasis added). Padgett replied, warning Mendelsohn that the ATU had seized Eisenberg’s records. Just limiting access “*to dinner guests and clueless meter readers,*” was no longer

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

sufficient. Padgett suggested hiding *Nude Emperor* abroad:

I should not think so, Aaron. Who knows you even have it? It was Jerry Eisenberg's? The NY prosecutor has ALL of Jerry's records. Think about its disposition. Ask advice from the curators at the Getty. Ship it to London, put in storage? It's [sic] prospects here long term are not promising.

Id., at p. 24 (Emphasis added).

c. Padgett's Code

By 2023, however, Padgett had changed his advice. After notifying antiquities dealer Robert Haber that “*Aaron Mendelsohn has a Bubon bronze in his home,*” see Exhibit 43 (2023-02-02 Padgett-Haber), Padgett sent Mendelsohn a March 2023 New York Times article about the ATU's seizure of still another stolen Bubon bronze (Septimius Severus). When Mendelsohn asked, “*Do you have any advice for me?*”, Padgett advised:

I would just sit tight and see which way the cat jumps. Bogdanos needn't take his revival on the road; the Turks can take it from here, denouncing any public attempt to market a Bubon Bronze. Yours is from Jerry? What year was that, please? Where has it been published?

See Exhibits 44 (2023 New York Times-Septimius) and 26 (Padgett-Mendelsohn Emails, pp. 32-34). When Mendelsohn admitted that he was “*not sure that it has been published,*” *id.* at p. 35, Padgett replied:

One strategy is to donate it to a 'Turkish-American Society', take a whopping tax deduction, and let THEM give it to Turkey. The alternative is to keep it, because it now would be very difficult to sell.

Id., at p. 38. In April 2023, Mendelsohn then asked Padgett, “[w]hat is the wise course?” *Id.*, at p. 40. But 25 minutes later, Mendelsohn answered his own question, callously remarking on the mortality of any potential witnesses:

The farmers who can identify these things are getting pretty old.

Id., at p. 41. Rather than joining in Mendelsohn's macabre reliance on their deaths, Padgett pivoted to the Code: “*I've lost the email with the date of acquisition. Was it 2007?...In the meantime, according to the Code of the Padgetts, 'When there is nothing you can do, do nothing'.*” *Id.*, at p. 42.

On July 12, 2023, Marlowe sent Mendelsohn another article about looted Bubon bronzes, which Mendelsohn forwarded to Padgett with the assurance that “*I am obeying Padgett's law.*” See Exhibits 45 (2023 Marlowe on Septimius), 35 (Marlowe-Mendelsohn Emails, p. 25), and 26 (Padgett-Mendelsohn Emails, p. 44).

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

On August 31, 2023, Mendelsohn sent Padgett an article on the ATU's seizure of still another stolen Bubon bronze (Marcus Aurelius), expressing his concerns about his stolen Bubon bronze: *"It's feeling a little warm around here."* See Exhibits 46 (2023 BBC) and 26 (Padgett-Mendelsohn Emails, p. 45) (Emphasis added). Padgett just repeated the *Code*:

They have Jerry's records. They might come calling, and they might not. When there is nothing you can do, do nothing. Unless you want to donate it to the Turkish-American Society.

Id., at p. 46. Mendelsohn again focused on his main interest—the money:

If I wait until I hear from them [ATU], will it be too late to make that contribution? They talk about these things being worth an awful lot of dough. Perhaps a big charitable tax deduction might be the consolation prize. The press reported the value of the New York one at \$25M and the one in Cleveland as \$20M. I paid less than that.

Id., at p. 47 (Emphasis added). After Padgett sent Mendelsohn another New York Times article detailing the ATU's seizure of another stolen Bubon bronze, here the Bust of a Lady, Padgett again encouraged Mendelsohn to get a "quiet" appraisal and donate *Nude Emperor*:

No need to involve the Turks, just their American friends...They will have the glory. No need to mention your name at all, come to think of it, but for the tax deduction you'll need serious, quiet appraisals. Ask Jake Coley [Vice President of Antiquities at Hindman Auctions] at Hindman.

See Exhibits 47 (2023 New York Times-Worcester) and 26 (Padgett-Mendelsohn Emails, p. 57-59). Mendelsohn took Padgett's advice and contacted Coley, who later forwarded an article to Mendelsohn reporting that the Cleveland Museum of Art had filed a federal lawsuit against DANY for the ATU's seizure of the stolen Bubon bronze Marcus Aurelius. Coley wrote in the subject line: *"Finally some courage."* See Exhibits 48 (CMA Sues) and 49 (Coley-Mendelsohn Emails). Despite Coley's encouragement, that lawsuit was dismissed and the ATU repatriated the stolen Bubon bronze Marcus Aurelius back to Türkiye.

On October 30, 2023, Mendelsohn sent Padgett yet another New York Times article about Bubon, to which Padgett replied, *"Remember the Code."* See Exhibits 50 (2023 New York Times-Bubon) and 26 (Padgett-Mendelsohn Emails, p. 67-68).

d. The Waiting Was Over

On December 28, 2023, ADA Taylor Holland and I first contacted Mendelsohn, who immediately began re-contacting the same experts, including Mattusch. Years earlier, on May 24, 2007, when Mendelsohn first hired Mattusch, she had no doubt that *Nude Emperor* was from Bubon *"It's got to be from Bubon,"* she wrote emphatically. But after the ATU contacted

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

Mendelsohn about his Bubon bronze, Mattusch—again hired by Mendelsohn—changed her tune. As Mendelsohn told John Twilley on January 1, 2024,

FYI, I had a nice chat with Carol Mattusch today. She very clearly recalls examining my bronze and does not believe that it is from Bubon. She is going to write a report for me.

See Exhibit 51 (Twilley-Mendelsohn Emails, p. 4) (Emphasis added).

e. *Nude Emperor* Remains in Mendelsohn's Possession

On January 11, 2024, Marcus Asner notified ADA Holland that he was representing Mendelsohn. Several virtual meetings with Asner and others followed, but all contact with Mendelsohn ceased. As the investigation continued and based on developing evidence, lead prosecutor ADA Bogdanos became increasingly concerned that Mendelsohn was not a good-faith purchaser and, in April 2024, directed us to seek judicial warrants for email accounts relevant to this criminal investigation. Months later, on August 30, 2024, and without notice, counsel filed an action for declaratory relief in U.S. District Court for the Central District of California against the Manhattan District Attorney's Office concerning his stolen Bubon bronze.⁷ On March 28, 2025, the court granted the People's motion to dismiss, with leave to amend. See Exhibit 52 (Judicial Dismissal). On April 18, 2025, Mendelsohn filed an amended complaint. Decision on the People's motion to dismiss that filing is pending.

X. Conspiracy in the Fourth Degree, Penal Law § 105.10(1)

a. Objectives of the Conspiracy

Mendelsohn engaged in a conspiracy with Eisenberg, Padgett, Podany, Mattusch, and Twilley to buy and transport *Nude Emperor* out of New York, to increase *Nude Emperor's* value, and to retain his stolen Bubon bronze by keeping it hidden.

b. Overt acts

From May 14, 2007, to the present, Mendelsohn and his co-conspirators committed the following overt acts in furtherance of the conspiracy:

1. On or about May 14, 2007, Mendelsohn saw *Nude Emperor* in New York County's Royal-Athena Galleries, with Eisenberg providing false provenance. See Exhibits 29 (Mattusch-Mendelsohn Emails, p. 1) and 30 (Sales Pitch).

⁷ That federal complaint is being handled by a separate unit in the District Attorney's Office that has had no access to the results of any email warrants, to any investigative leads developed therefrom, or to this affidavit.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

2. On or about May 15, 2007, Mendelsohn learned about the looting at Bubon from Kozloff's CMA Bulletin article. *See* Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 1).
3. During May 15-22, 2007, Mendelsohn learned, and maintained secrecy, about Eisenberg's false provenance for *Nude Emperor*. *See* Exhibit 3 (Eisenberg-Mendelsohn Emails, pp. 1-6).
4. During May 19-24, 2007, Mendelsohn and Mattusch confirmed *Nude Emperor's* necessarily-illicit Bubon origins. *See* Exhibit 29 (Mattusch-Mendelsohn Emails).
5. On May 21, 2007, Mendelsohn confirmed *Nude Emperor's* necessarily-illicit Bubon origins to Pollini. *See* Exhibit 27 (Pollini-Mendelsohn Emails).
6. On May 21, 2007, Mendelsohn contacted Pollini about loaning *Nude Emperor* to the Los Angeles County Museum of Art to increase its legitimacy and value. *See* Exhibit 27 (Pollini-Mendelsohn Emails, pp. 1-2).
7. On May 23, 2007, Mendelsohn and Padgett confirmed *Nude Emperor's* necessarily-illicit Bubon origins. *See* Exhibit 26 (Padgett-Mendelsohn Emails).
8. On May 26, 2007, knowing *Nude Emperor* was looted from Bubon in the 1960s, Mendelsohn purchased it for \$1,330,000 from Royal-Athena Galleries. *See* Exhibit 31 (*Nude Emperor* Invoice).
9. During May 26, 2007, to August 6, 2007, Mendelsohn and Eisenberg arranged for the stolen *Nude Emperor* to be transported out of New York County to Mendelsohn's house in Santa Monica, California. *See* Exhibit 29 (Mattusch-Mendelsohn Emails, p. 7).
10. On May 31, 2007, Mendelsohn and Eisenberg discussed contacting the Met, MFA, and Toledo museums to loan *Nude Emperor* to increase its legitimacy and value. *See* Exhibit 3 (Eisenberg-Mendelsohn Emails, pp. 16-17).
11. On June 2, 2007, Mendelsohn and Padgett discussed "enhancing [*Nude Emperor's*] provenance by loaning it to a museum(s)." *See* Exhibit 26 (Padgett-Mendelsohn Emails, p. 9).
12. On June 6, 2009, Mattusch personally inspected *Nude Emperor* at Mendelsohn's request, again confirming its illicit Bubon origins. *See* Exhibits 29 (Mattusch-Mendelsohn Emails, p. 10) and 33 (Mattusch Report).
13. On March 31, 2012, Mendelsohn sent Eisenberg an L.A. Times article about stolen Turkish antiquities, asking how it affected his stolen *Nude Emperor*. *See* Exhibits 37 (2012 LA Times) and 3 (Eisenberg-Mendelsohn Emails, p. 21).

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

14. On March 31, 2012, Mendelsohn and Eisenberg discussed whether Türkiye's claims to its looted antiquities will impact the *Nude Emperor's* marketability and value. *See* Exhibit 3 (Eisenberg-Mendelsohn Emails, p. 23-26).
15. On April 6, 2012, Padgett sent Mendelsohn a *Looting Matters* blog post on stolen Bubon bronzes, advising Mendelsohn to limit the number of people who knew he owned *Nude Emperor*. *See* Exhibits 39 (2008 Looting Matters) and 26 (Padgett-Mendelsohn Emails, p. 16).
16. On October 1, 2012, Mendelsohn sent Eisenberg a New York Times article about the repatriation of looted Turkish antiquities, to which Eisenberg falsely replied Türkiye was not interested in private collectors. *See* Exhibits 40 (2012 New York Times) and 3 (Eisenberg-Mendelsohn Emails, p. 29-32).
17. On October 31, 2013, Padgett sent Mendelsohn another *Looting Matters* post on stolen Bubon bronzes, noting that the author "*doesn't know the half of it.*" *See* Exhibits 38 (2013 Looting Matters) and 26 (Padgett-Mendelsohn Emails, p. 20).
18. On March 2, 2018, Mendelsohn contacted Marlowe after watching her YouTube video on stolen Bubon bronzes, telling her that he owned one. *See* Exhibits 34 (Smarthistory Video Transcript) and 35 (Marlowe-Mendelsohn Emails, p. 1).
19. On October 25, 2022, Marlowe sent Mendelsohn her *Hyperallergic* article about stolen Bubon bronzes, with Mendelsohn responding that he was a "*tomb robber.*" *See* Exhibit 35 (Marlowe-Mendelsohn Emails, pp. 23-24).
20. During November 23-25, 2022, Padgett and Mendelsohn discussed another ATU repatriation, with Mendelsohn fearing he was "*in jeopardy*" and Padgett suggesting smuggling *Nude Emperor* to London because the ATU would find Mendelsohn eventually. *See* Exhibits 42 (2022 Business Turkey Today) and 26 (Padgett-Mendelsohn Emails, pp. 23-24).
21. On March 31, 2023, Padgett sent Mendelsohn a New York Times article on the ATU's seizure from the Met of a stolen Bubon bronze of Septimius Severus. *See* Exhibits 44 (2023 New York Times-Septimius) and 26 (Padgett-Mendelsohn Emails, pp. 32-34).
22. On April 1, 2023, Padgett advised Mendelsohn to "*donate [Nude Emperor] to a 'Turkish-American Society', take a whopping tax deduction.*" *Id.*, at p. 38.
23. On the same day, after Mendelsohn asked Padgett, "*What is the wise course?*," Padgett informed Mendelsohn of "*the Code of the Padgetts, 'When there is nothing you can do, do nothing.'*" *Id.*, at pp. 40-42.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY

(ARREST WARRANT)

ADA Matthew Bogdanos
(212) 335-9323

24. On July 12, 2023, Mendelsohn agreed to take Padgett's advice: "*I am obeying Padgett's law.*" *Id.*, at p. 44.

25. On August 31, 2023, Mendelsohn sent Padgett an article on the ATU's seizure from CMA of the stolen Bubon bronze of Marcus Aurelius, commenting "[i]t's feeling a little warm around here." *See* Exhibits 46 (2023 BBC) and 26 (Padgett-Mendelsohn Emails, p. 45).

26. On September 1, 2023, with Mendelsohn fearing law-enforcement action, Padgett advised, "[t]hey have Jerry's records. They might come calling, and they might not. When there is nothing you can do, do nothing. Unless you want to donate it to the Turkish-American Society." *Id.*, at p. 46.

27. On September 1, 2023, Padgett sent Mendelsohn an ARCA (Association for Research into Crimes against Art) blog post on stolen Bubon bronzes and a link to the American Turkish Society, suggesting Mendelsohn donate *Nude Emperor* before it gets seized. *See* Exhibits 53 (2023 ARCA) and 26 (Padgett-Mendelsohn Emails, p. 54-55).

28. On September 4, 2023, Padgett sent Mendelsohn a New York Times article on the ATU's seizure from the Worcester Art Museum of a stolen Bubon bronze bust, again advising Mendelsohn to quickly donate *Nude Emperor* and get a tax deduction. *See* Exhibits 47 (2023 New York Times-Worcester) and 26 (Padgett-Mendelsohn Emails, p. 57-59).

29. During September 4, 2023, to October 7, 2023, and at Padgett's urging, Mendelsohn contacted Coley to discuss "*serious, quiet appraisals*" of the stolen *Nude Emperor* to facilitate any future donation. *See* Exhibit 26 (Padgett-Mendelsohn Emails, pp. 59-62).

30. On October 19, 2023, Coley sent Mendelsohn an article commending CMA—"finally some courage"—for suing DANY for its seizure of CMA's stolen Bubon bronze of Marcus Aurelius; a lawsuit that was ultimately dismissed. *See* Exhibits 48 (CMA Sues) and 49 (Coley-Mendelsohn Emails).

31. On October 30, 2023, Mendelsohn sent Padgett a New York Times article detailing the sack of Bubon and the ATU's seizures, to which Padgett replied, "*Remember the Code.*" *See* Exhibits 50 (2023 New York Times-Bubon) and 26 (Padgett-Mendelsohn Emails, p. 67-68).

32. On December 30, 2023, following ATU's first contact, Mendelsohn contacted Mattusch to write a new report on the *Nude Emperor* reversing her earlier position and questioning *Nude Emperor's* Bubon origins. *See* Exhibit 29 (Mattusch-Mendelsohn Emails, p. 17-19).

XI. Jurisdiction and Timeliness

According to ADA Bogdanos, New York County has jurisdiction over both the criminal

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
-against-
Aaron Mendelsohn
DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

possession of stolen property and conspiracy counts.

Criminal Procedure Law § 20.20 defines New York’s jurisdictional reach:

[A] person may be convicted in the criminal courts of this state of an offense defined by the laws of this state...when: 1) conduct occurred within this state sufficient to establish (a) an element of such offense, (b) an attempt to commit such offense, or (c) a conspiracy or criminal solicitation to commit such offense, or otherwise establish the complicity of at least one of the persons liable therefor; provided that the jurisdiction accorded by this paragraph extends only to conviction of those persons whose conspiratorial or other conduct of complicity occurred within this state.

For any offense, then, only one element must have occurred within New York State. Further, under Penal Law § 105.25(1), “a person may be prosecuted for conspiracy in the county in which he entered into such conspiracy or in any county in which an overt act in furtherance thereof was committed.” See also *People v. Pinchuk*, 929 N.Y.S. 2d 842, 846 (Sup. Ct. Kings Cnty 2011) (New York jurisdiction existed over defendant who shipped pills from Los Angeles to New York because defendant was “deemed to have been present in New York when Federal Express delivered to the co-conspirators the pills”). Here, both Eisenberg and Mendelsohn completed each offense in New York County. Eisenberg displayed, offered for sale, falsified provenance for, and sold *Nude Emperor* in New York County; Mendelsohn learned *Nude Emperor*’s illicit origins, negotiated for, and bought (i.e., possessed) *Nude Emperor* in New York County. And both men then agreed to transport the stolen *Nude Emperor* out of this jurisdiction.

As for timeliness, both possession of stolen property and conspiracy are continuing crimes. See, e.g., *People v. Miernik*, 284 A.D.2d 919, 919 (4th Dept 2001) (“[T]he offense of criminal possession of stolen property in the fourth degree was a continuing offense”); *People v. Lawson*, 64 Misc.3d 200, 203-5 (Crim. Ct. Richmond Cnty 2019) (“[1965] amendment to Penal Law § 165.40...transformed [criminal possession of stolen property] into a continuing offense.”); see, also *Johnson v. Morgenthau*, 69 N.Y.2d 148 (1987) (charging criminal possession of a weapon and holding unlawful possession is a continuing offense). And the statute of limitations is governed by the date of the offense’s termination, not its beginning. See *People v. Randall-Whitaker*, 55 A.D.3d 931, 931 (2d Dept. 2008) (“since this prosecution was commenced within five years of the termination of the crimes as charged, it was timely”).

For criminal possession, then, the crime ends when the stolen property is no longer being possessed by that individual—whether sold, transferred, or seized by law-enforcement officers. Because *Nude Emperor* remains with Mendelsohn, his criminal possession continues.

For conspiracy, the crime ends when “the objects of the conspiracy either [fail] or [are] achieved.” *People*

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Mendelsohn

DEFENDANT.

FELONY
(ARREST WARRANT)
ADA Matthew Bogdanos
(212) 335-9323

v. Canales, 927 NYS2d 289, 293 (Sup. Ct. Kings Co. 2011) (quoting *Krulewitch v. United States*, 336 U.S. 440 (1949)). But a single overt act in furtherance of the conspiracy extends that conspiracy, regardless of who commits it: "the crime of conspiracy is an offense separate from the crime that is the object of the conspiracy. Once an illicit agreement is shown, the overt act of any conspirator may be attributed to other conspirators to establish the offense of conspiracy and that act may be the object crime." *People v. McGee*, 49 N.Y.2d 48, 57 (1979). As detailed herein, Mendelsohn and others have committed multiple overt acts within the last five years.

WHEREFORE, Deponent requests this Court issue a warrant of arrest in the form attached, authorizing the arrest of AARON MENDELSON for the crimes listed in this application.

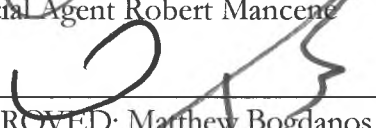
No previous application has been made by any members of the ATU for this arrest to any other Judge, Justice, or Magistrate.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.


Special Agent Robert Mancene

Date

Time


APPROVED: Matthew Bogdanos
Chief, Antiquities Trafficking Unit
Assistant District Attorney

Sworn to before me this
2 day of ~~August~~ 2025

September

4:02 p



Judge of the Criminal Court

AR1
09-12-25
NON: J.L. OZANO
RPT: J. YEMMA

Criminal Court of the City of New York
New York County
Felony Complaint (ARREST WARRANT)

F

The People of the State of New York
vs.

Defendant:

Mendelsohn, Aaron (M 74)
224 15th St
Santa Monica, CA

Charges:

PL 165.54
PL 105.10(1)

I

CR-027113-25NY



FELONY

Interpreter: Language

Assigned ADA : Bogdanos, Matthew

Notices Served at Arraignment:

- CPL 190.50 - Grand Jury
Cross Grand Jury
Waive Cross Grand Jury
CPL 710.30(1)(A) - Statement
CPL 710.30(1)(B) - Identification
CPL 250.20 - Alibi
PL 450.10(48 hrs/15 days) - Property
Other:

Adjournment:

Part: Date:

- CPL 180.80/30.30 Waived

Securing Order:

- Release on Recognizance (ROR)
Release under Supervision (RUS)
Insurance Company Bond
Cash
Credit Card
Bond
Surety
Appearance
Unsec
Partial Sec
Sec
Remand
Surety Exam - 48 hours/72 hours
Temporary Order of Protection
ART. 730 Exam Ordered
Protective Custody
Medical Attention
Psychiatric Evluation
Suicide Watch

Table with 4 columns: Arresting Officer, Court Reporter, Date, Part

Judge