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AFFIDAVIT

I, Geoffrey J. Kelly, Special Agent, Federal Bureau of Investigation (“FBI”), Boston Division, being duly sworn, state as follows:

INTRODUCTION

1. I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses including 18 U.S.C. §§ 1343 and 1349. I have been employed by the FBI since October 1995. Prior to my employment with the FBI, I served for three years as a police officer with the Metropolitan Transportation Authority Police Department in New York City. As an FBI agent, I have directed, conducted, and participated in many investigations. I have executed search warrants, utilized informants, interviewed witnesses, and conducted surveillance. Additionally, I am authorized to investigate violations of the laws of the United States with the authority to execute federal arrest and search warrants.

2. I am currently assigned to the FBI’s Lakeville Resident Agency Office in Lakeville, Massachusetts, where my duties include the investigation of offenses ranging from armed bank robberies to the theft of major artwork.

3. This affidavit is submitted in support of a criminal complaint charging Todd Andrew Desper a/k/a “Modokwan” (“Desper”), date of birth: xx/xx/1969, with wire fraud and attempted wire fraud in violation of 18 U.S.C. §§ 1343 and 1349. The facts are based on my personal participation in this investigation, including, but not limited to, conversations with other federal and state law enforcement officers, my review of electronic evidence obtained in the course of this investigation, as well as from information that I have received from the public. I have included only those facts I believe to be necessary to make a showing of probable cause

1 in support of the criminal complaint. This affidavit does not include every fact known to me
2 concerning this investigation.

3 4. For more than fourteen years, I have been engaged in an investigation into the
4 theft of thirteen (13) pieces of art, which were stolen from the Isabella Stewart Gardner Museum
5 in Boston, Massachusetts (“the Gardner Museum”) on March 18, 1990. This artwork is valued
6 at more than \$500 million and includes an oil painting by Rembrandt van Rijn entitled *Storm on*
7 *the Sea of Galilee* (“*The Storm*”), which is his only known seascape. Also stolen was an oil
8 painting by Johannes Vermeer entitled *The Concert* (“*The Concert*”), which is one of only
9 thirty-six pieces painted by the artist. Due to their unique nature, these two oil paintings are
10 among the most valuable missing pieces of artwork in the world. As part of my participation in
11 this investigation, I have reviewed countless tips and leads, and conducted interviews with, and
12 received information from, hundreds of individuals with information related to the Gardner
13 Museum theft. Due to the historical and cultural significance of this theft, the FBI assesses and
14 follows all viable leads received in an effort to recover the stolen artwork.

15 5. As part of this ongoing investigation, the FBI has enlisted the assistance of
16 Anthony Amore, who is the Director of Security for the Gardner Museum. In addition to his
17 duties at the museum, Amore is also a licensed private investigator. Prior to his tenure with the
18 Gardner Museum, Amore worked as the manager of the Transportation Security Administration
19 (“TSA”) at T.F. Green Airport in Rhode Island, the assistant director of TSA at Logan Airport in
20 Boston, as well as a special agent with the Federal Aviation Administration.

21 6. On or about January 10, 2017, the FBI’s Public Access Line received a tip
22 advising that *The Concert* was being offered for sale for \$50 million USD in the Global section
23 of Craigslist. Craigslist is an online classified advertisement website headquartered in San

1 Francisco, California that sells products and services worldwide. According to the tipster
2 (“Tipster #1”), the seller of this piece was instructing potential buyers to create a ProtonMail¹
3 encrypted email account to facilitate secure communications and to send messages to the seller
4 at the address: mordokwan@protonmail.com (see Exhibit 1). For convenience, in this affidavit I
5 will refer to this Craigslist art seller as “Mordokwan.” As set forth below, Mordokwan is an
6 online identity employed by Desper to perpetrate this scheme to defraud.

7 7. After the FBI received this tip, Amore informed me that on January 17, 2017, a
8 Gardner Museum employee received an email tip with a similar connection to Mordokwan.
9 According to this tipster (“Tipster #2”), an advertisement had been posted in the London section
10 of the Craigslist website by a seller using the same encrypted address,
11 mordokwan@protonmail.com. In this advertisement, Mordokwan was offering to sell *The*
12 *Storm* for \$5 million USD (see Exhibit 2). Tipster #2 also advised Amore that Mordokwan was
13 offering *The Concert* for sale for \$50 million USD. As with the previous advertisement,
14 Mordokwan was instructing potential buyers to create a ProtonMail encrypted email account to
15 facilitate secure communications and to send messages to the mordokwan@protonmail.com
16 email address.

17 8. On January 18, 2017, Tipster #2 provided Amore with an email detailing Tipster
18 #2’s email communications with Mordokwan, which showed he sent the following to
19 Mordokwan on January 16, 2017 (italics added):

¹ According to its website, ProtonMail is an “easy to use secure email service with built-in end-to-end encryption and state of the art security features” designed “to build an internet that respects privacy and is secure against cyberattacks.” Many individuals engaged in criminal conduct seek to employ communication services with end-to-end encryption to avoid detection and identification by law enforcement.

1 *Hello Sir*

2 *I am interested in knowing more about the art piece you are selling, I have my*
3 *own trading and import company and I locate or come across unique pieces*
4 *everything from art to cars and I have been able to build a small client list.*

5
6 *I have one buyer in Florida, USA a ex Russian politician he has sent me twice over*
7 *sea's to purchase a Vermeer once in London and again in Berlin but on both the*
8 *information was not valid so before I inform him of anything I would need to*
9 *make sure this is a valid offer for sale.*

10
11 *I understand you do not wish to forward any more photo's I get that, but is there*
12 *something about the piece you can offer to validate it is real and your offer is as*
13 *well. I know on your end being cautious and I do not wish for you to compromise*
14 *that in the end I want the sale commission and you want to sell it that is my only*
15 *goal for me it means retirement.*

16
17 *Regards*

18
19 9. According to Tipster #2, in response to this email, he received the following
20 email from Mordokwan (italics added):

21 *Thanks for your email and for sending it through proton. It was a pleasant*
22 *surprise to receive one email, out of many, from someone who actually took the*
23 *time to read what I said.*

24
25 *Because you have done so, I am attaching a close-up pic of the arm of the woman*
26 *playing the piano.*

27
28 *As far as your travels, please understand, for several obvious reasons, I do not,*
29 *nor will I ever meet.*

30
31 *Transaction will have to be done on good faith. If not, I understand.*

32
33 *If so, after some time has passed, I will ship the VerMeer from an undisclosed*
34 *location, to any location in the world which you provide.*

35
36 *Regards*

37
38 10. Tipster #2 provided Amore with the digital photograph Tipster #2 said that he
39 received from Mordokwan, which purports to show a close-up of a section of *The Concert* (see
40 Exhibit 3). Amore has advised me that this close-up image was examined by the Paintings

1 Conservator of the Gardner Museum to determine whether it was an image of the original *The*
2 *Concert*. The conservator concluded that while it appeared to be an image from an oil painting,
3 and had a similar color as that of a garment in *The Concert*, he concluded it was not from that
4 painting. The conservator could find no location on the actual Vermeer from which this section
5 might have come

6 11. In addition to these two tips, the Gardner Museum received two more
7 notifications that someone was selling the Museum's stolen artwork via the Internet. One
8 individual notified the Museum that *The Storm* was being offered on a London Craigslist site.
9 Another individual notified the Museum that an individual was offering the paintings for sale in
10 Venice and London.

11 12. While the FBI had significant doubts that Mordokwan possessed or had access to
12 *The Storm* or *The Concert*, given the means he was using to offer them for sale, the importance
13 of these artworks, and this longstanding investigation we decided to thoroughly pursue this lead.
14 Moreover, if Mordokwan did not have the paintings, it appeared that he was engaged in a multi-
15 million dollar scheme to defraud targeting foreign buyers. Lending credence to this lead were
16 the facts that Mordokwan had taken proactive steps to ensure his anonymity, was using an
17 encrypted email address, had engaged in communications with at least one potential buyer, had
18 obtained and transmitted a purported close-up of one of the paintings, and was offering these
19 pieces for sale in large foreign cities. During the course of this investigation, the FBI learned
20 that Mordokwan was offering these artworks online to buyers in Egypt on December 7, 2016
21 (*The Concert*), London on December 22, 2016 (*The Storm*), London on December 30 (*The*
22 *Concert*), and Venice on January 3, 2017 (*The Concert*).

1 13. In an effort to determine the true nature of these Craigslist postings, and in
2 consultation with the FBI, Amore created an encrypted ProtonMail account (as directed by
3 Mordokwan in the listings), using the user name paintings@protonmail.com.

4 14. On January 18, 2017, Amore, using his encrypted email address, sent the
5 following email to Mordokwan at the mordokwan@protonmail.com email address regarding the
6 listing for the sale of *The Storm* (italics added):

7 On Wed, Jan 18, 2017 at 6:47 PM, Paintings <paintings@protonmail.com> wrote:

8
9 *Mordokwan:*

10 *Let's make a deal. I'm in a position to make this work and I'm ready to get down*
11 *to business.*

12 *Get back to me asap.*

13
14 *Sent with ProtonMail Secure Email.*

15
16 On January 18, 2017, Amore received the following response from Mordokwan:

17 *Subject: Re: The Storm on the Sea of Galilee*

18 *Local Time: January 18, 2017 11:03 PM*

19 *UTC Time: January 19, 2017 4:03 AM*

20 *From: mordokwan@protonmail.com*

21 *To: Paintings <paintings@protonmail.com>*

22
23 *Sounds good.*

24 *Have a cashiers check made out to the name of: 10tothe7th, LLC, in the amount*
25 *of USD \$5,000,000.*

26 *Mail it to: 1038 N. Eisenhower Dr, Suite 151, Beckley, WV 25801, USA*

27 *I will wait 4 - 6 weeks to ensure check clears.*

28 *Include where you want the painting sent.*

29 *I will conceal it behind another painting and then ship it to whatever destination*
30 *you choose.*

31 *If check is fake or does not clear, that will conclude our business.*

32
33 *Sent from ProtonMail Mobile*

34
35 On January 19, 2017, Amore responded with the following email to Mordokwan:

36 On Thu, Jan 19, 2017 at 12:12 PM, Paintings <paintings@protonmail.com>
37 wrote:

1 *Thanks for sharing this information, and this is very doable.*
2 *Just to be clear, you're not going to send me some photograph of The Storm on*
3 *the Sea of Galilee for \$5m. My associates and I are expecting the painting taken*
4 *from the Gardner Museum in 1990.*
5 *Looking forward to closing this deal quickly, so please respond asap.*

6
7 *Sent with ProtonMail Secure Email.*

8 Later on January 19, 2017, Mordokwan sent Amore the following response:

9 *Subject: Re: The Storm on the Sea of Galilee*
10 *Local Time: January 19, 2017 3:42 PM*
11 *UTC Time: January 19, 2017 8:42 PM*
12 *From: mordokwan@protonmail.com*
13 *To: Paintings <paintings@protonmail.com>*

14 *Painting is real.*

15 *Sent from ProtonMail Mobile*

16
17
18
19 On January 19, 2017, Amore wrote to Mordokwan:

20 *On Jan 19, 2017, 8:57 PM, Paintings wrote:*

21 *Real from the Gardner Museum?*

22 *Sent with ProtonMail Secure Email.*

23
24
25
26
27 On January 20, 2017, Mordokwan responded to Amore:

28 *Subject: Re: The Storm on the Sea of Galilee*
29 *Local Time: January 20, 2017 12:09 AM*
30 *UTC Time: January 20, 2017 5:09 AM*
31 *From: mordokwan@protonmail.com*
32 *To: paintings@protonmail.com*

33 *The one and only.*

34 *Sent from ProtonMail mobile*

35
36
37
38 15. Based on these representations, I took steps to determine the identity of
39 Mordokwan, as he either had access to *The Storm* or was engaged in a multi-million dollar fraud
40 scheme.

1 16. Since Mordokwan instructed Amore to mail him a cashier's check payable to
2 *10tothe7th, LLC* in Beckley, West Virginia, I sought information from the West Virginia
3 Secretary of State. Records from that office reveal that *10tothe7th, LLC* is an active domestic,
4 for-profit, limited liability company organized on March 14, 2016, in West Virginia. The
5 records show that Todd Desper is the Manager and Organizer of *10tothe7th, LLC* and is the sole
6 officer of this company. The designated office address listed for this company is 411 East Prince
7 Street in Beckley, West Virginia, which is also the residential address appearing on Desper's
8 West Virginia driver's license.

9 17. A review of open source public records databases via Accurint (a LexisNexus
10 open source database that gathers information from public records) reveal that Desper has used
11 the following email addresses: mordokwan@yahoo.com, mordokwan@netscape.net, and
12 mordokwan@hotmail.com. These email addresses are noteworthy as they all contain the same
13 user name as our Craigslist subject (i.e., Mordokwan).

14 18. On January 31, 2017, Special Agents from the FBI's Pittsburgh field office visited
15 411 East Prince Street in Beckley, West Virginia. There they met Mary Matheny. Ms. Matheny
16 told agents that she and Desper lived at 411 East Prince Street in Beckley, West Virginia, and
17 that she is his fiancée. As noted, the East Prince Street address is the same address designated as
18 the office of *10tothe7th, LLC*, the company to which Mordokwan directed Amore to send a \$5
19 million cashier's check.

20 19. Agents also determined that the address to which Mordokwan instructed Amore
21 to send the cashier's check --1038 North Eisenhower Drive, Suite 151, Beckley, West Virginia --
22 is a UPS Store in that town. On January 31, 2017, a representative from the UPS Store informed
23 agents that Suite 151 is, in reality, a mailbox that has been rented by Desper in his name since

1 January 3, 2017. I have reviewed a copy of the rental agreement that confirms this fact. I have
2 also reviewed a copy of Desper's West Virginia driver's license that he provided to the UPS
3 Store when he rented the mailbox.

4 20. Later that same day, agents met with and interviewed Desper, who confirmed that
5 he operates the business *10tothe7th, LLC* and that he opened the UPS Store mailbox (*i.e.*, Suite
6 151) for this business. Desper stated that he established *10tothe7th LLC* in order to collect
7 money for war veterans and abused animals, although the company has been unsuccessful in its
8 fundraising efforts. He explained that the name of the business represented "endless
9 possibilities." Desper informed the agents that he is the only person with access to the mailbox
10 designated as Suite 151 at the UPS Store.

11 21. Desper stated to the agents that he was aware of the term "Mordokwan" and stated
12 that it was a form of martial arts which he had studied for four or five years while living in
13 Staunton, Virginia. Desper stated that Mordokwan was a mix of several different styles of
14 martial arts and was taught at a local community center. Desper stated that he does not believe it
15 was a widely practiced martial art and he was only aware of it being offered in Staunton,
16 Virginia. Desper admitted to the agents that he once had a Mordokwan email account with
17 yahoo but that it had been compromised. An Internet search for the term "Mordokwan" does not
18 reveal any references to martial arts, and is not otherwise a commonly used phrase or character.

19 22. Although Desper admitted that he had an active Craigslist account through which
20 he sold items, when asked by the agents if he had ever used Craigslist to sell stolen paintings,
21 Desper refused to answer the question. When asked if he had any knowledge of the theft of art
22 from a museum in Boston, he claimed to have no knowledge of such. In addition, Desper stated
23 that he currently used no encrypted email. Based on the investigation to date, Desper's false

1 denials of any knowledge of the Gardner Museum theft and his use of an encrypted email
2 address were designed to conceal the fraud he was perpetrating on Craigslist.

3 23. A review of business records obtained from Craigslist reveal that Mordokwan
4 used two Internet Protocol ("IP") addresses to post fraudulent advertisements about *The Concert*
5 and *The Storm* between November 26, 2016 and January 3, 2017. According to one of the
6 Internet Service Providers, its IP address is subject to Network Address Translation (NAT) and
7 logging information is not preserved. The other IP address used by Mordokwan, 173.80.24.31,
8 was operated by Suddenlink and resolved to Desper's home address on the relevant dates and
9 times.

10 24. According to Craigslist records, on November 26, 2016, Mordokwan, using the
11 Poster Email: mordokwan@protonmail.com, created a Craigslist advertisement entitled, "J
12 VanMeer Concert" to run in Craigslist United Kingdom geographic area with an area description
13 of London, UK. The body of the post reads as follows (italics added):

14 *USD \$100,000,000*
15 *GBP \$80,112,157.02*
16 *Create a protonmail*
17 *Email mordokwan at protonmail dot com 4 instructions on wire*
18 *Global delivery*
19 *Closeup of arm playing piano*

20 Craigslist records reveal that the poster's IP address at the date and time of posting was
21 173.80.24.31.

22 25. According to Craigslist records, on December 7, 2016, Mordokwan, using the
23 Poster Email: *info@10tothe7thcom*, created a Craigslist advertisement entitled "J Vermeer

1 Concert” to run in Craigslist’s “Worldwide” geographic area with the area description of
2 “egypt.” The body of the post reads as follows (italics added):

3 *Johannes Vermeer The Concert*
4 *Price: USD \$100,000,000 (100 million)*
5 *** Valued at USD \$200,000,000 (200 million) double your investment*
6 *Create a proton email and then email me at mordokwan at proton mail dot com*
7 *If you're not serious or don't know what I'm selling, then good day. If you're*
8 *trying to run a scam, don't waste your time. Don't have the money, don't waste*
9 *your time. Billions of USD flow into the dark market. Here's your chance for the*
10 *right investor, or shrewd business person or group, to make an investment and*
11 *double their money handsomely. It's not about the money. I don't need to sell.*
12 *I'm in no hurry so I am in no rush, I am very patient. So again, if you're not serious*
13 *or want to run a scam, good day and cheers.*
14 *I won't meet you anywhere.*
15 *I won't answer any questions unless they come from a proton email.*
16 *And, painting is in good nick.*

17
18 Craigslist records reveal that the poster’s IP address at the date and time of posting was
19 173.80.24.31.

20 26. According to Craigslist records, on January 3, 2017, Mordokwan, using the Poster
21 Email: mordokwan@protonmail.com, created a Craigslist advertisement entitled, “J Vermeer
22 Concert” to run in Craigslist Global geographic area with an area description of Venice. The
23 body of the post reads as follows (italics added):

24 *USD \$50,000,000 or €48035356*
25 *I do not have to sell. I could easily keep and continue to enjoy it. Do not ask for*
26 *additional photos, especially of the edges for obvious reasons. It has been kept well and*
27 *thus has aged appropriately. Create a proton email and email me from the proton mail*
28 *account at mordokwan at proton mail dot com*
29 *Any correspondence not received from a proton email will be ignored.*

30 Craigslist records reveal that the poster’s IP address at the date and time of posting was
31 173.80.24.31.

1 27. The Internet Service Provider for 173.80.24.31 is Suddenlink Communications.
 2 Subscriber information records provided by Suddenlink Communications revealed that on the
 3 dates and times these advertisements were posted, that IP address resolved to an account at 411
 4 East Prince Street in Beckley, West Virginia, the home of Desper and his fiancée Mary Matheny.
 5 The structure at 411 East Prince Street is a single family home. The account was for cable and
 6 Internet service and was in Ms. Matheny's name.

7 28. In addition, to the fraudulent Craigslist posts from his home in West Virginia, the
 8 same IP address resolving to Desper's home was also used to post the following Craigslist
 9 advertisements:

DATE	POSTER ID	ITEM FOR SALE/SERVICES	LOCATION OF SALE
12/8/2016	todd.desper@suddenlink.net	Mobile phone	Beckley, WV
1/6/2017	todd.desper@suddenlink.net	Real Estate Investment	Mexico City
1/6/2017	todd.desper@suddenlink.net	Real Estate Investment (\$25 million)	Myrtle Beach, SC
1/6/2017	todd.desper@suddenlink.net	Rolex watch	Beckley, WV
1/13/2017	todd.desper@suddenlink.net	Real estate investment (\$10 million)	Beckley, WV
1/30/2017	todd.desper@suddenlink.net	Real estate investment (\$10 million)	Southern WV
12/20/2016	mordokwan@protonmail.com	Seeking "World's best hacker" to decrypt code	Moscow

12/28/2016	mordokwan@protonmail.com	Offering private accountant services ("Radian Financial")	United Arab Emirates
12/28/2016	mordokwan@protonmail.com	Offering private accountant services ("Radian Financial")	Vancouver, Canada
12/28/2016	mordokwan@protonmail.com	Offering private accountant services ("Radian Financial")	Zurich
1/1/2017	mordokwan@protonmail.com	Offering financial consultant services ("Radian Financial")	Worldwide: "Gold Coast"
1/3/2017	mordokwan@protonmail.com	Offering private accountant services ("Radian Financial")	Caribbean Islands
1/11/2017	mordokwan@protonmail.com	Real Estate Investment (\$25 million)	United Arab Emirates
1/11/2017	mordokwan@protonmail.com	Real Estate Investment (\$25 million)	Vancouver, Canada
1/22/2017	mordokwan@protonmail.com	\$250,000 "1799 Draped Bust Dollar"	El Paso, TX
1/22/2017	mordokwan@protonmail.com	\$2,500,000 "Flash Comics #1, Ashcan Edition" (payment to be made to "my charity foundation")	Seattle
11/9/2016	info@10tothe7th.com	"Wanting to cash out"	Moscow

11/9/2016	info@10tothe7th.com	"Are you wanting to cash out" ("Radian Financial")	Guadalajara
11/10/2016	info@10tothe7th.com	Real Estate Investment	Myrtle Beach, SC
11/22/2016	info@10tothe7th.com	Investment advice ("Radian Financial")	Chicago

29. From these postings, it appears that Desper's scheme to defraud related to the stolen Gardner Museum paintings was but one such scheme he was perpetrating from his home in Beckley, West Virginia.

CONCLUSION

30. Based on the information set forth herein, there is probable cause to believe that through on or about November 26, 2016, to on or about January 31, 2017, Todd Andrew Desper a/k/a Mordokwan, devised and intended to devise a scheme to defraud, and to obtain money and property by means of materially false and fraudulent pretenses representations and promises, and that for the purpose of executing that scheme, and attempting to execute that scheme, caused to be transmitted by means of wire communication in interstate commerce writings, signs, signals, and pictures including those transmitted via interstate email as set forth in Paragraph 14, all in violation of 18 U.S.C. §§ 1343 and 1349.

GEOFFREY J. KELLY
Special Agent
Federal Bureau of Investigation



Subscribed and sworn to before me on this 19th day of May, 2017

M. Page Kelley
United States Magistrate Judge

EXHIBIT 1:

risp

[vietato](#)

Inserito 7 days ago

J Vermeer Concert - €4803535 (Global)



J Vermeer Concert

USD \$50,000,000 or €48035356

I do not have to sell. I could easily keep and continue to enjoy it.

Do not ask for additional photos, especially of the edges for obvious reasons. It has been kept well and thus has aged appropriately.

Create a proton email and email me from the proton mail account at mordokwan at proton mail dot com

Any correspondence not received from a proton email will be ignored.

- NON contattatemi con servizi o offerte non richiesti

ID annuncio: 5944665225

Inserito: 7 days ago

[invia ad amico](#)

[Best of](#)

[Evita truffe, opera localmente](#) Attenzione a pagamenti elettronici, assegni circolari, bonifici, spedizioni.

EXHIBIT 2:

reply

prohibited

Posted 20 days ago

Rembrandt



Rembrandt Sea Painting

USD \$5 million

Creat a proton email then email me at:

mordokwan at protonmail dot com

If you don't know what you're looking at, sorry.

I will not send another pic

I will not meet you.

- do NOT contact me with unsolicited services or offers

post id: 5930175059

posted: 20 days ago

[email to a friend](#)

[best of](#)

[Avoid scams, deal locally](#) Beware wiring (e.g. Western Union), banker cheques, money orders, delivery

EXHIBIT 3:

