

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Michael Rohana

Case No. 18-185-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Dec. 21, 2017 to January 13, 2018 in the county of Philadelphia in the Eastern District District of PA and the District of DE, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. Section 668(b)(1), 18 U.S.C. Section 668(b)(2), and 18 U.S.C. Section 2314.

This criminal complaint is based on these facts:

On or about December 21, 2017, Michael Rohana stole from the Franklin Institute, located in Philadelphia, Pennsylvania, a piece ("the Thumb") from one of the terracotta sculptures dating from 210 to 209 B.C. on loan at that time from China to the Franklin Institute, and transported the Thumb, valued at more than \$5,000, from Philadelphia, Pennsylvania to Delaware, and then, from on or about December 21, 2017 to on or about January 13, 2018, concealed the Thumb at his residence in Bear, Delaware, in violation of 18 U.S.C. Sections 668(b)(1), (b)(2) and 2314.

Continued on the attached sheet.

Signature of Jacob B. Archer, Special Agent, FBI. Printed name and title.

Sworn to before me and signed in my presence.

Date: 2/9/18

Signature of Honorable ELIZABETH T. HEY, USMJ. Printed name and title.

City and state: Philadelphia, Pennsylvania

AFFIDAVIT

I, Jacob B. Archer, having been duly sworn according to law, state as follows:

AFFIANT'S BACKGROUND

1. I am employed as a special agent with the Federal Bureau of Investigation (“FBI”) in Philadelphia, Pennsylvania. I have been employed as a special agent since February 2009. I am currently assigned to the FBI’s Art Crime Team. I previously was assigned to the FBI’s South Jersey Violent Offender and Gang Task Force and the Camden High Intensity Drug Trafficking Area Task Force. During the course of my employment as a special agent, I have made numerous arrests and I have been involved in hundreds of investigations involving violations of state and/or federal laws concerning interstate transportation of stolen property, theft, fraud, robbery, drugs, and homicide.

2. My current assignment to the Art Crime Team involves the investigation of crimes concerning art and cultural property. As a member of the Art Crime Team, I have received specialized training in art and cultural property investigations and assist in art related investigations worldwide in cooperation with foreign law enforcement officials and FBI legal attaché offices. I am also a member of the FBI’s Evidence Response Team. As a member of the Evidence Response Team, I have received specialized training on how to collect evidence supporting FBI investigations in a professional, competent, and systematic manner. I have experience collecting numerous types of evidence, to include, but not limited to, fine art, cultural property, and archaeological evidence in furtherance of Art Crime Team investigations.

3. I am currently assigned to a criminal investigation involving the theft and subsequent interstate transportation of a piece ("the Thumb"), from a terracotta sculpture, which is part of an exhibit of terracotta sculptures, dating from 210 to 209 B.C. ("the Terracotta Warriors") on loan from China to the Franklin Institute, which is valued at more than \$5,000.

4. This Affidavit is in support of an application for an arrest warrant for MICHAEL ROHANA, for violations of 18 U.S.C. §§ 668 and 2314, in connection with the theft of the Thumb from the Franklin Institute, the transportation of the Thumb from Pennsylvania to Delaware, and the concealment of the Thumb at ROHANA's residence in Bear, Delaware.

5. The information in this Affidavit is based upon my personal knowledge, consensual interviews with witnesses, a consensual interview with MICHAEL ROHANA, and review of surveillance videos and documentation from the Franklin Institute, as well as information supplied by the Franklin Institute and others. Because this affidavit is prepared for the sole purpose of establishing probable cause to support the issuance of a complaint and arrest warrant, what follows is not all of the information that has been uncovered during this investigation.

Exhibition of the Terracotta Warriors at the Franklin Institute

6. On September 30, 2017, the Franklin Institute opened a temporary exhibit, "Terracotta Warriors of the First Emperor" ("the Terracotta Warriors Exhibit"), that included ten terracotta sculptures of warriors from the tomb of China's first emperor, dating from 210 to 209 B.C., on loan from China.

7. I learned from curators with the Franklin Institute that these sculptures, valued in the millions of dollars, are a priceless part of China's cultural heritage.

8. I also learned from curators with the Franklin Institute that one of these ten terracotta sculptures, identified as the Calvaryman, Accession Number 2531, Loan Number 007 (“the Calvaryman”), is valued at \$4,500,000.

9. Photographs of, and documentation for, the Calvaryman at the time that the Terracotta Warriors Exhibit was unpacked and installed at the Franklin Institute in September 2017 show that the Calvaryman’s left hand was complete, with the thumb and fingers having been restored at some time in the past.

Discovery of the Theft of a Thumb from one of the Terracotta Warriors

10. I learned from Jose J. Rivera, Jr., the Director of Safety and Security for the Franklin Institute, that, on January 8, 2018, a member of the Franklin Institute Collections staff saw that the left thumb of the Calvaryman, identified here as the Thumb, was missing.

11. I further learned from Mr. Rivera that Franklin Institute staff members reviewed security camera video archives and determined that, on December 21, 2017, at approximately 9:19 p.m., an intruder entered the closed Terracotta Warriors Exhibit and removed the Thumb from the Calvaryman.

FBI Investigation of the Theft of the Thumb

12. On January 9, 2018, I met with the following Franklin Institute staff members: Jose Rivera; Mark Harmon, Director of Facility Operations; Richard Rabena, Vice President, Operations and Capital Projects; and Susannah Carroll, Assistant Director of Collections, and learned the following:

a. On December 21, 2017, from 7:00 p.m. to 10:00 p.m., the Franklin Institute hosted an “Ugly Sweater Party,” a Science After Hours event, for adults age 21 and older.

b. The Terracotta Warriors Exhibit was closed to visitors during that event, with the doors to the exhibit closed, the lights in the exhibit turned off, and stanchion ropes placed to block the entrance to the exhibit.

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c. Franklin Institute surveillance video from the evening of December 21, 2017 showed the following:

(1) 9:08 p.m. - a male, wearing a long-sleeved green sweater, a green Phillies ballcap and jeans (later identified as MICHAEL ROHANA) walked up a ramp to the entrance of the closed Terracotta Warrior Exhibit;

(2) 9:11 p.m. – ROHANA entered the closed Terracotta Warrior Exhibit;

(3) 9:12 p.m. – ROHANA left the closed Terracotta Warrior Exhibit;

(4) 9:14 p.m. – ROHANA, with another male (later identified as W.M.) and a female (later identified as R.D.) walked up the ramp to the entrance of the closed Terracotta Warrior Exhibit;

(5) 9:15 p.m. – ROHANA, W.M. and R.D. entered the closed Terracotta Warrior Exhibit;

(6) 9:16 p.m. – R.D. left the closed Terracotta Warrior Exhibit;

(7) 9:17 p.m. – W.M. walked toward the entrance of the closed Terracotta Warrior Exhibit;

(8) 9:17 p.m. – ROHANA, using a cellular telephone as a flashlight, looked at various exhibits displayed in the closed Terracotta Warrior Exhibit, stepped up onto a platform supporting one of the Terracotta Warriors, placed his arm around that sculpture, and took a photograph of himself with the sculpture; and

(9) 9:19 p.m. – ROHANA put his hand on the left hand of the Calvaryman, appeared to break something off from the Calvaryman's left hand and put it in his left front pocket, and then left the closed Terracotta Warrior Exhibit.

13. From Franklin Institute surveillance video and credit card payment documentation, I learned that ROHANA had come to the Franklin Institute on the evening of December 21, 2017, in a white minivan driven by S.C., a resident of Newark, Delaware.

14. From interviews with S.C., W.M. and R.D. on January 13, 2018, I learned the following:

a. S.C. drove his girlfriend A.B., as well as W.M., R.D., ROHANA and another female, M.D., from Delaware to the Franklin Institute on the evening of December 21, 2017, where they all attended the Ugly Sweater Party;

b. At some point during the Ugly Sweater Party, ROHANA called W.M. on his cell phone and told W.M. and R.D. to come to the Terracotta Warrior Exhibit, and W.M., R.D. and ROHANA entered the closed exhibit, after going around a black rope blocking the entrance to the exhibit;

c. R.D. and W.M. left the closed Terracotta Warrior Exhibit, leaving ROHANA in the closed exhibit;

d. ROHANA later rejoined R.D. and W.M. at the Ugly Sweater Party and they, with A.B. and M.D., left the Franklin Institute in the minivan driven by S.C. and returned to Delaware.

e. On the ride back to Delaware, R.D. heard ROHANA talking to W.M. and making reference to how he had snuck into the Terracotta Warriors Exhibit and had a thumb from one of the Terracotta Warriors.

f. On December 22, 2017, after ROHANA sent W.M. a Snapchat message with a photograph of “a finger” from one of the Franklin Institute’s “clay warriors,” W.M. and ROHANA spoke on the telephone and ROHANA admitted that he had taken a thumb from one of the Terracotta Warriors.

15. On January 13, 2018, at ROHANA’s residence in Bear, Delaware, I interviewed ROHANA with his consent and with his father present, and, after asking ROHANA if he had anything in his possession that he wanted to turn over to the FBI, ROHANA stated that he had a finger from a museum.

16. With his consent, I accompanied ROHANA to his bedroom on the second floor of his residence and retrieved the stolen Thumb from the top right drawer of a desk in ROHANA’s bedroom.

17. I showed ROHANA the Franklin Institute surveillance video from the closed Terracotta Warrior Exhibit on December 21, 2017 at 9:19 p.m., and ROHANNA stated that he was the person in the video and that the video showed him taking the Thumb, putting the Thumb into his left front jeans pocket, and then leaving the exhibit.

18. I returned the Thumb to the Franklin Institute and curators with the Franklin Institute have confirmed that the Thumb obtained from ROHANA on January 13, 2018 was the thumb that had been broken off from the left hand of the Calvaryman and stolen on December 21, 2017.

19. Based on information that I learned from curators with the Franklin Institute, specifically that the Thumb was broken from a Terracotta Warrior that is valued at \$4,500,000 and dates back to 210 to 209 B.C., the Thumb is an object of cultural heritage, as defined in 18 U.S.C. § 668(a)(2), as it is worth more than \$5,000 and is more than 100 years old.

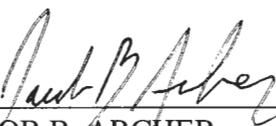
20. Based on information that I learned from curators with the Franklin Institute, the Franklin Institute is a museum, as defined in 18 U.S.C. § 668(a)(1), as:

- a. the Franklin Institute is an organized and permanent institution;
- b. its activities affect interstate and foreign commerce;
- c. it is located in the United States in Philadelphia, Pennsylvania;
- d. it is established for an essentially educational purpose;
- e. it has a professional staff; and
- f. it owns, utilizes and cares for tangible objects that are exhibited to the public on a regular schedule.

CONCLUSION

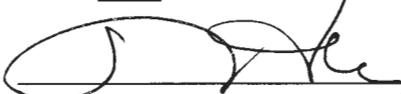
21. Based on my training and experience, and the above facts, there is probable cause to believe that MICHAEL ROHANNA entered the closed Terracotta Warriors Exhibit, broke the Thumb off from the Calvaryman and stole the Thumb from the Franklin Institute, transported the stolen Thumb from Philadelphia, Pennsylvania to Bear, Delaware, and then concealed the stolen Thumb in the desk of his bedroom at his residence in Bear, Delaware.

22. Accordingly, based on the above facts, there is probable cause to believe that MICHAEL ROHANA committed the substantive offenses of theft of an object of cultural heritage from a museum, concealment of an object of cultural heritage stolen from a museum, and interstate transportation of stolen goods, in violation of 18 U.S.C. §§ 668(b)(1), 668(b)(2) and 2314.



JACOB B. ARCHER
Special Agent, Federal Bureau of Investigation

SWORN AND SUBSCRIBED BEFORE ME
THIS 9th DAY OF FEBRUARY, 2018



HONORABLE ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE