

Magistrate Judge Brian A. Tsuchida

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN POPESCU,

Defendant.

NO. MJ 08-540

COMPLAINT for VIOLATION

Title 18, U.S.C.
Section 2315

BEFORE, BRIAN A. TSUCHIDA, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE
(Sale or Receipt of Stolen Goods)

On or about the 25th day of November, 2008, in the Western District of
Washington, the defendant, CHRISTIAN POPESCU, did possess, conceal, store, and
barter, certain stolen goods, that is, a bookmark, of a value of \$5,000 or more which had
crossed a United States boundary after being stolen, to wit, said bookmark being stolen on
or around October 15, 2002, in Madrid, Spain, and subsequently brought into the State of
Washington, knowing the same to have been stolen.

All in violation of Title 18, United States Code, Section 2315.



08-MJ-00540-CMP

1 I, THOMAS W. PENN, being first duly sworn, says:

2 **I. INTRODUCTION**

3 1. I am employed as a Special Agent with the United States Immigration and
4 Customs Enforcement (ICE) and am currently assigned to the Seattle, Washington, field
5 office. I have received formal law enforcement and commercial fraud training at the
6 Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, and Charleston,
7 South Carolina. From 2002 until 2007, I was a Marine Enforcement Officer for the
8 United States Customs Service. From 1998 to 2002, I was a United States Border Patrol
9 Agent assigned to cover the southwestern border of the United States with Mexico. From
10 1996 to 1998, I was employed as a Commissioned Special Police officer with the Gibson
11 Island Police Department, Gibson Island, Maryland. I attended the University of North
12 Dakota, Grand Forks, North Dakota, from 1988 to 1992, where I earned a bachelor's
13 degree in Criminal Justice.

14 2. The facts set forth in this affidavit are based upon my personal
15 observations, my training and experience, and information obtained from other law
16 enforcement agents, investigators, and Spanish officials. This affidavit is made for the
17 sole purpose of demonstrating probable cause for this criminal complaint, and does not
18 purport to set forth each and every fact I have learned in connection with this
19 investigation.

20 3. As set forth herein, there is probable cause to believe that CHRISTIAN
21 POPESCU violated Title 18, United States Code, Section 2315, which provides that it is a
22 violation for anyone who "receives, possesses, conceals, stores, barter, sells, or disposes
23 of any goods, wares, or merchandise, securities, or money of the value of \$5,000 or more
24 . . . , which have crossed a State or United States boundary after being stolen, unlawfully
25 converted, or taken, knowing the same to have been stolen, unlawfully converted, or
26 taken"

27 4. As set forth herein, POPESCU knowingly possessed a bookmark valued in
28 excess of \$5,000 that he knew to be stolen. The bookmark had been stolen from an

1 auction house in Madrid, Spain, on or around October 15, 2002. Eva Braun is believed to
2 have given the bookmark to Adolph Hitler as a gift to reassure him after the German
3 army's defeat at Stalingrad in February 1943. On November 25, 2008, POPESCU was
4 arrested after he attempted to sell the bookmark.

5 II. FACTS SHOWING PROBABLE CAUSE

6 5. In August 2008, ICE Special Agent Darrick Smalley received information
7 that POPESCU was attempting to sell a stolen bookmark that had belonged to Adolph
8 Hitler.

9 6. Pursuant to this information, Special Agent Smalley conducted internet
10 searches to gather information about the theft of the bookmark. He learned that a
11 bookmark that purportedly had belonged to Adolph Hitler had been stolen from Madrid,
12 Spain, in 2002. He also learned that Eva Braun is believed to have given the bookmark to
13 Adolph Hitler as a gift to reassure Hitler after the German army's defeat at Stalingrad in
14 February 1943.

15 7. On October 29, 2008, Special Agent Smalley spoke with INTERPOL
16 representative Tammy Hilburn who confirmed that a bookmark that purportedly had
17 belonged to Adolph Hitler had been stolen from Madrid, Spain, in 2002.

18 8. On October 31, 2008, Luis Alvarez, from the office of the ICE Attaché,
19 contacted the Spanish National Police for information about the theft. ICE Attaché
20 Alvarez was advised that on or around October 15, 2002, thieves stole the bookmark,
21 along with other items, from the Duran Subastas Auction House, which is located in
22 Madrid, Spain. Attaché Alvarez was advised that Spanish authorities had arrested
23 Valadimir MIHAILOW, a Romanian national, in connection with the theft. He also was
24 advised that the bookmark had not been recovered, and remained missing.

25 9. On November 10, 2008, Special Agent Smalley, along with other ICE
26 special agents, observed an ICE confidential source meet with POPESCU in the parking
27 lot of the Starbucks coffee shop located at 10214 NE 8th Street, Bellevue, Washington.
28 Special Agent Smalley observed a four-door Ford Crown Victoria arrive at the Starbucks

1 parking lot at approximately 4:43 p.m. Special Agent Smalley observed POPESCU exit
2 the vehicle, and walk towards the confidential source. Special Agent Smalley then
3 observed POPESCU and the confidential source engage in a conversation while standing
4 on the sidewalk in front of the Starbucks. After a brief duration, Special Agent Smalley
5 observed POPESCU and the confidential source walk together towards the Starbucks'
6 parking lot. Special Agent Smalley later observed the confidential source walk alone
7 from the parking lot to the front of the Starbucks.

8 10. Later that day, Special Agent Smalley and other ICE special agents
9 debriefed the confidential source about his encounter with POPESCU. According to the
10 confidential source, he reminded POPESCU that POPESCU had asked him three years
11 ago for assistance in locating a buyer for the stolen bookmark. The confidential source
12 stated that POPESCU remembered the conversation. The confidential source also stated
13 that POPESCU acknowledged that he had obtained the bookmark after it was stolen in
14 Spain. The confidential source explained that POPESCU opened a white case and
15 showed him the bookmark. According to the confidential source, POPESCU said that he
16 wanted to sell the bookmark for between \$100,000.00 and \$150,000.00. The confidential
17 source said that POPESCU promised him ten percent of the purchase price if the
18 confidential source could locate and arrange for a buyer. POPESCU provided the
19 confidential source with pictures of the bookmark to show to a potential buyer. A copy of
20 the pictures is attached as Exhibit A to this Complaint.

21 11. On November 17, 2008, Special Agent Smalley was contacted by an
22 INTERPOL official. The official provided a detailed physical description of the
23 bookmark that had been stolen from the Madrid auction house. The description matched
24 the bookmark in the photographs that POPESCU had provided the confidential source.

25 12. On November 17, 2008, the Spanish National Police informed ICE Attaché
26 Alvarez that their records show that the bookmark has a value of at least 10,000.00 euros,
27 or approximately \$13,000.00.

1 13. On November 24, 2008, the confidential source, in the presence of ICE
2 agents, placed a telephone call to POPESCU. During the recorded conversation, the
3 confidential source advised POPESCU that a potential buyer for the bookmark had been
4 identified.

5 14. On November 24, 2008, the confidential source, in the presence of ICE
6 agents, received a telephone call from POPESCU. I spoke with the confidential source
7 immediately following the telephone call. I heard the confidential source tell POPESCU
8 that he had found a buyer who was willing to pay between \$90,000.00 and \$100,000.00
9 for the bookmark. I learned from the confidential source that he had made arrangements
10 with POPESCU to meet at noon the following day, November 25, 2008, at the same
11 Starbucks coffee shop in Bellevue, Washington, regarding a sale of the bookmark. The
12 confidential source told me that POPESCU was upset with him because he wanted
13 \$150,000.00 for the bookmark.

14 15. On November 25, 2008, Special Agent Bruce Hartzell observed POPESCU
15 depart the residence at 15621 64th Avenue Northeast, Kenmore, Washington at 10:32
16 a.m. in a Ford Crown Victoria. According to King County public records, POPESCU
17 owns the property at this address, and agents on three separate occasions have seen
18 POPESCU at this address.

19 16. Later that day, at 11:50 a.m., ICE Task Force Officer Richard O'Donnell
20 telephoned POPESCU and left him a message, asking that POPESCU call him back.
21 Officer O'Donnell said in the message that the previously-mentioned confidential source
22 had put him in contact with POPESCU regarding the sale of an item. At 12:06 p.m.,
23 POPESCU returned the phone call. Officer O'Donnell, posing as a buyer, said that he
24 had not been able to contact the previously-mentioned confidential source, but was
25 willing to meet POPESCU to discuss the sale of an item. POPESCU agreed to meet
26 Officer O'Donnell in 10 minutes at the same Bellevue Starbucks coffee shop previously
27 mentioned.

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1 17. At approximately 12:20 p.m., ICE agents observed POPESCU arrive at the
2 Starbucks in a Mercedes vehicle. POPESCU exited the vehicle and approached Officer
3 O'Donnell. Officer O'Donnell showed POPESCU two articles describing the theft of the
4 bookmark from the Madrid auction house. POPESCU examined the articles, and said
5 that the item could be the same item that was the subject of the articles. Officer
6 O'Donnell and POPESCU then began to discuss a price for the item. POPESCU asked
7 for \$150,000.00 for the item, explaining that the item was difficult to get into the United
8 States. After discussion, POPESCU and Officer O'Donnell agreed to a sale of the item
9 for \$100,000.00.

10 18. POPESCU and Officer O'Donnell then walked over to a Mercedes vehicle
11 that was parked in the Starbucks parking lot. POPESCU asked Officer O'Donnell to sit
12 in the passenger seat of the vehicle. POPESCU opened a white case for Officer
13 O'Donnell and showed him a gold bookmark bearing Adolph Hitler's image and German
14 writing. Officer O'Donnell then said that he had the money in his vehicle. Officer
15 O'Donnell and POPESCU then walked over to an undercover vehicle. Officer O'Donnell
16 handed POPESCU cash. ICE agents then arrested POPESCU.

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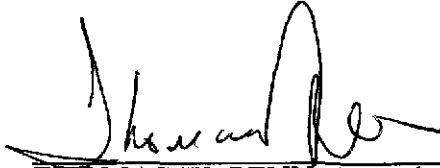
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1 19. Based on the above facts, I respectfully submit that there is probable cause
2 to believe that CHRISTIAN POPESCU, did possess, conceal, store, and barter, a
3 bookmark, of a value of \$5,000 or more which had crossed a United States boundary after
4 being stolen, to wit, said bookmark being stolen on or around October 15, 2002, in
5 Madrid, Spain, and subsequently brought into the State of Washington, knowing the same
6 to have been stolen, all in violation of Title 18, United States Code, Section 2315.

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THOMAS W. PENN, Complainant
Special Agent, Immigration and Customs
Enforcement

12 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
13 presence, the Court hereby finds that there is probable cause to believe the Defendant
14 committed the offense set forth in the Complaint.

15 Dated this 26 day of November, 2008.

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BRIAN A. TSUCHIDA
United States Magistrate Judge