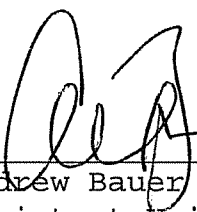


Approved: \_\_\_\_\_

  
Andrew Bauer  
Assistant United States Attorney

Before: HONORABLE GEORGE A. YANTHIS  
United States Magistrate Judge  
Southern District of New York

x 12 MAG 2377

UNITED STATES OF AMERICA

: COMPLAINT

- v. -

: Violations of  
: 18 U.S.C. §§ 1951,  
: 876 and 2

BARTEK ZAJKOWSKI;  
a/k/a "Bartosz Zajkowski,"  
  
Defendant.

: COUNTY OF OFFENSE:  
: WESTCHESTER

X

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRENDAN M. KENNEY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. On or about May 5, 2012, BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ZAJKOWSKI illegally entered a residence in Bedford, New York and attempted to rob the owners of the residence of at least one painting that had been created and purchased outside the United States.

(Title 18, United States Code, Section 1951.)

COUNT TWO

2. Between on or about May 5, 2012 and on or about July 14, 2012, BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, knowingly did attempt to commit extortion, as that

term is defined in Title 18, United States Code, Section 1951(b)(2), and thereby to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, ZAJKOWSKI sent two letters to a victim stating that if the victim did not deposit \$3 million into a bank account in the Netherlands, then ZAJKOWSKI would harm the victim's children.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

3. Between on or about May 11, 2012 and on or about July 14, 2012, BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, with the intent to extort from a person any money and other thing of value, knowingly deposited in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service and knowingly caused to be delivered by the Postal Service according to the direction thereon, a communication containing a threat to kidnap a person and a threat to injure the person of the addressee and of another, to wit, ZAJKOWSKI sent two letters to a victim stating that if the victim did not deposit \$3 million into a bank account in the Netherlands, then ZAJKOWSKI would harm the victim's children.

(Title 18, United States Code, Sections 876(b) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the FBI, assigned to the Westchester County Violent Crime Task Force ("Task Force") and I have been involved in the investigation of the above-described offenses. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents, and from my conversations with fellow law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. I have spoken with a Detective ("Detective-1") from the Bedford, New York Police Department ("BPD"). I have also

reviewed documents and reports written by Detective-1. Based on those discussions and my review of these documents, I know the following:

a. In or about the late evening of May 5, 2012, a man ("Victim-1") was near the garage outside his house in Bedford Hills, New York (the "Bedford Hills House") when he was approached by an individual, later identified as BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, dressed all in black, wearing a mask and carrying a black handgun. Victim-1 later stated that ZAJKOWSKI spoke with an accent that he described, in sum and substance, as originating from Eastern Europe or Russia.

b. ZAJKOWSKI demanded, in sum and substance, that Victim-1 lie on the ground. He then bound Victim-1's hands and feet with plastic ties. ZAJKOWSKI put duct tape on Victim-1's mouth and emptied Victim-1's pockets. In particular, ZAJKOWSKI took Victim-1's wallet containing, among other things, Victim-1's driver's license, bank cards and credit cards. Before duct taping Victim-1's mouth, ZAJKOWSKI asked Victim-1, in sum and substance, about additional money and valuables in the house. Victim-1 told ZAJKOWSKI that he had, among other things, expensive paintings and gold and silver bullion in the residence.

c. ZAJKOWSKI entered the Bedford Hills House, where Victim-1's wife ("Victim-2") and their three children were located. ZAJKOWSKI encountered Victim-2 in her bedroom, pointed a gun at her, and announced, in sum and substance, that he was robbing her and her house. ZAJKOWSKI grabbed Victim-2 and pulled her to the ground. A struggle between ZAJKOWSKI and Victim-2 ensued, and ZAJKOWSKI ultimately shot Victim-2 in her stomach with a BB gun.

d. ZAJKOWSKI then bound Victim-2's hands and feet with plastic ties and wrapped duct tape around her head. ZAJKOWSKI then removed earrings and a necklace that Victim-2 was wearing. ZAJKOWSKI asked, in sum and substance, where the most expensive paintings were located within the house. Victim-2 indicated that expensive paintings were in the living room. After ZAJKOWSKI exited the bedroom, Victim-2 was able to trigger the house's alarm. Shortly thereafter, Victim-2 heard ZAJKOWSKI leave the house. She then freed herself of her bondage and called the BPD.

e. In the early morning hours on or about May 7, 2012, a barn located adjacent to the Bedford Hills House, also on Victim-1 and Victim-2's property (the "Barn"), was destroyed by a fire. BPD and other law enforcement officers investigated the Barn's fire and determined that it was "suspicious," which means that it was suspected to be arson.

6. I have reviewed a letter received by Victim-1 and Victim-2 on or about May 14, 2012 ("Letter-1"). I have also spoken with a Postal Inspector with the United States Postal Inspection Service ("Inspector-1") regarding Letter-1. Based on my review of Letter-1 and my conversations with Inspector-1, I know that Letter-1 was sent through the United States Postal Service ("USPS") by Priority Mail. It was addressed to Victim-1. The return address listed a sender of "Cant C Mee" and the address of the BPD. Letter-1, states, among other things, the following:

a. "I know - where you live . . . what you do . . . how you and entire family of yours looks like. everything I need to know."

b. "If you want your KIDS to be SAFE ... YOU will PAY one million \$ for each one. 3 kids = 3 million \$. It can be 3 payments of 1 million each on the account you receive. Faster you pay all of it, faster I will be gone."

c. "To pay all of it or one payment of one million you have until 05/19/2012."

d. "Your wife mess with me, she should let me do my the thing. For that she can consider her horses very lucky that they didn't fry in that barn. Imagine running horses on fire ..."

e. "If you think the Police can protect you then you are not that smart I thought. They will protect you like they did 24h later with your property. It take them 30 minuts to get there and deal with barn. Made me wait 30 minutes to see them in action and still didn't find me ..."

f. "If you pay you will be safe and you will never again hear from me and you wont meet me even close as thousand of Miles . You have little chat with me in garage so you know im reasonable ..."

g. "If you dont pay someone will be taken and price automatically will go up twice x 2. If it is that kind experience you want to give you children's so be it."

h. "Pay and be short 3 million . . . Dont pay and be richer with experience, drama call it however you want it."

i. "The account you receive its not mine - so if you gonna look in to it, you wont find any connection to me. So if you will wire the money dont let the guy know he has any money on his account so he wont spent any of it. [W]hen the payment will be made, make a post on newyork.craigslist.com - for sale - motorcycles. Make fake post that you are selling motorcycle, subtitle of the post '2000 harley davidson - fat bob 4 quick sale' and the price if you made payment of one million then price be 10000\$ if you wire 3 million make the price for motorcycle 30000\$. And add picture to the post logos of harley Davidson."

j. "Your boy comes from school at 4 pm he walk from the rode to the house all by him self with big black book bag wich is all most bigger then him. Looks like nice kid. Like I said to you I dont like mess with kids, but what need to be done has to be done."

7. Enclosed in the envelope with Letter-1 were a number of items, including:

a. A piece of paper with information related to a co-conspirator not named herein ("CC-1"), including CC-1's name, CC-1's address in the Netherlands, and the account and routing numbers associated with CC-1's bank account in the Netherlands (the "CC-1 Bank Account").

b. Documents taken from Victim-1's wallet including a photograph of one of Victim-1's children, Victim's driver's license, Victim-1's health insurance card, and a business card for a BPD officer.

c. An article from OK! Magazine, dated May 14, 2012, about a 6-year old child who had been kidnapped from her home in Tucson, Arizona.

8. I have reviewed a letter received by Victim-1 and Victim-2 on or about May 17, 2012 ("Letter-2"). Based on my review of Letter-2, I know that Letter-2 was sent through the United States Postal Service. The letter was addressed to a

variation of Victim-1's name, specifically Victim-1's last name and a different but similar first name (the "Letter-2 Addressee"). The return address belonged to a funeral home in New York, New York. Letter-2 states, among other things, the following:

a. "I thought you are smarter and you will keep this latter and agreement to yourself, but you want to play it hard so be it. I been watching you all the time so don't think I don't know what's going on."

b. "Don't be stupid get you own mind to the game and stop listing those stupid left over Cops. The will get all their attention to this game when it will be to late ... I don't get frustrated and loose my composure because you went to the cops. But the RED light its still to the 05/19/2012, Then the YELLOW one turns on. After 05/26/2012 the light will be GREEN that's mean game one."

c. "They wont protect you from me ... If you think you are not to old to play and want it the do it . For meeting with COPS I will start not like I wanted it form Right to left from your pic on Iphone, but from left to Right. Just like I said you wanted HARD WAY you have it. Baby girl its first on the LIST."

d. "Last two latter are nice, there wont be 3rd one only the action if this latter dosent mean nothing to you, then the action will break you in little pices... Better make this wire ... I have pies of your family, I know what you do when you do it, wich school kids go , plans of your house ... know everything."

9. I have spoken with another FBI Special Agent ("Agent-1") who is assigned to the American embassy in the Hague, which is located in the Netherlands, regarding this case. I have also reviewed documents drafted by Agent-1. Based on my those conversations and documents, I know the following:

a. After Letter-1 and Letter-2 were mailed, CC-1 was interviewed by Dutch Police authorities. CC-1 admitted, in sum and substance, that the mother of BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, another co-conspirator not named herein ("CC-2"), was CC-1's partner. CC-1 further stated that CC-1 had previously given CC-2 the details, including the PIN number, pertaining to the CC-1 Bank Account.

b. Thereafter, CC-2 was interviewed by Dutch Police authorities. CC-2 admitted, in sum and substance, that she is ZAJKOWSKI's mother. CC-2 further admitted, in sum and substance, that she had full access to the CC-1 Bank Account.

10. I have spoken with a Captain ("Captain-1") from the Ridgefield, Connecticut Police Department ("RPD") regarding BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant. I have also reviewed documents provided by Captain-1 regarding ZAJKOWSKI. Based on those discussions and my review of these documents, I know the following:

a. On or about September 17, 2011, an individual, later identified as ZAJKOWSKI, committed an attempted home invasion of a residence in Ridgefield, Connecticut.

b. As ZAJKOWSKI fled the residence, ZAJKOWSKI dropped a bag containing items similar to those items used in the home invasion of the Bedford Hills Residence. Specifically, RPD recovered from the bag, among other things, plastic ties, duct tape and a BB gun. RPD officers recovered the bag and a fingerprint was lifted from an item in the bag. That fingerprint matched ZAJKOWSKI's fingerprints taken by the Stamford Police Department in or about March 2010.

c. On or about November 2, 2011, a Connecticut Superior Court judge issued an arrest warrant for ZAJKOWSKI, charging him with the September 17<sup>th</sup> attempted home invasion and other related offenses (the "Ridgefield Arrest Warrant").

11. I have spoken with an individual who had previously worked as a contractor on the Bedford Hills Residence (the Contractor"). The Contractor stated, among other things, that Victim-1 and Victim-2 hired the Contractor periodically between in or about 2010 through in or about May 2012. The Contractor was shown a photograph of BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, and the Contractor confirmed, in sum or substance, that he had previously employed ZAJKOWSKI. Specifically, the Contractor stated, in sum and substance, that ZAJKOWSKI had performed work for the Contractor at the Bedford Hills Residence in or about 2010.

12. On or about June 1, 2012, other law enforcement officers and I executed the Ridgefield Arrest Warrant and arrested BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, inside an apartment in Queens, New York (the "Queens Apartment"). During the course of his arrest, ZAJKOWSKI spoke

with an Eastern European accent. Following his arrest, law enforcement officers conducted a consensual search of the Queens Apartment. The items recovered from the search included, among other things, a box of BB pellets, duct tape, a cellular telephone and two laptop computers owned by another individual ("Individual-1") in the Queens Apartment (the "Laptop Computers"). Individual-1 provided written consent for law enforcement officers to review and analyze the contents of the Laptop Computers. Individual-1 also stated, among other things, that ZAJKOWSKI had access to and periodically used the Laptop Computers.

13. The Laptop Computers were subsequently submitted to the Westchester County Police Department ("WCPD") for analysis. I have reviewed reports created by WCPD Detectives regarding the Laptop Computers. Based on that review, I know the following:

a. The Laptop Computers contained at least six maps of the streets, highways and areas surrounding the Bedford Hills House. These maps were saved to the Laptop Computers on or about May 6, 2011 - one day after the home invasion, and one day before the arson of the barn, as described above in paragraph 5.

b. The Laptop Computers also contained at least one electronic chat transcript written in Polish. Based on a translation of the transcript, I know that the writer of the message provided a user of the Laptop Computers with CC-1's name and details of the CC-1 Bank Account.

14. I have reviewed a letter received by Victim-1 and Victim-2 on or about July 14, 2012 ("Letter-3"). Based on my review of Letter-3, I know that Letter-3 was sent through the United States Postal Service. The letter was addressed to the Letter-2 Addressee (the same variation of Victim-1's name, specifically Victim-1's last name and a different but similar first name, used in Letter-2). The return address lists "Bartek Zajkowski" with the address of the correctional facility where BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, was then incarcerated. Letter-3 is signed by "Bartek Zajkowski," accompanied by ZAJKOWSKI's inmate number. In the letter, ZAJKOWSKI requests, among other things, that Victim-1 visit him in jail.

15. On or about August 17, 2012, I met and spoke with BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant. After signing an "Inmate Voluntary Interview Authorization" form



and waiving his Miranda rights, ZAJKOWSKI told me, among other things, and in sum and substance, the following:

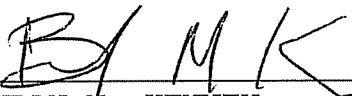
a. That in relation to the May 5, 2012 home invasion, Victim-2 should not have fought with ZAJKOWSKI, but rather should have complied with ZAJKOWSKI, as Victim-1 did, because ZAJKOWSKI had a gun.

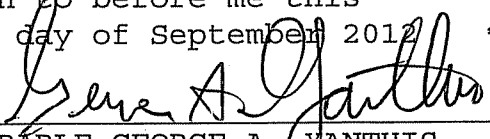
b. In response to a question about whether he would commit the home invasion, arson and extortion again if given the chance, ZAJKOWSKI stated that he would think about it again first before doing it.

c. In response to a question about what he intended to gain by committing the home invasion, ZAJKOWSKI rhetorically asked me if I thought he would commit the home invasion to simply get Victim-1's wallet.

16. I have spoken with Victim-1 and Victim-2 with regards to the home invasion, arson and extortion described herein. I have specifically spoken with them regarding the paintings in the Bedford Hills House. Based on those conversations, I know that at least one of the paintings in the living room of the Bedford Hills House (where Victim-2 directed BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, during the May 5, 2012 home invasion) was created by Cornelis Springer, a 19<sup>th</sup> Century Dutch painter, and purchased from an auction house in the Netherlands.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of BARTEK ZAJKOWSKI, a/k/a "Bartosz Zajkowski," the defendant, and that he be imprisoned, or bailed, as the case may be.

  
\_\_\_\_\_  
BRENDAN M. KENNEY  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
11th day of September 2012  
  
\_\_\_\_\_  
HONORABLE GEORGE A. YANTHIS  
United States Magistrate Judge  
Southern District of New York