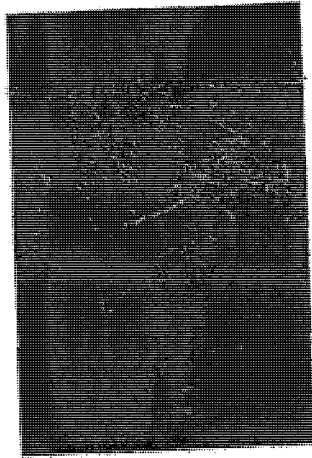


EXHIBIT A

Art Of The Past

1242 Madison Avenue New York, NY 10128, Phone (212) 860-7070, Fax (212) 876-5373

LETTER OF PROVENANCE
January 15th 2003



I, Raj Mehgoob, hereby certify that the Dancing Shiva Chola period south India height 51 inches was purchased by my husband, Abdulla Mehgoob who was diplomat in Delhi from Sudan during his posting there from 1968 to 1971. This sculpture has been out of India since 1971.

Raj Mehgoob
428 Millbank Road
Upper Darby, PA 19082

EXHIBIT B

116

FINE ART MUSEUM

19, Red Fort Arcade, Delhi - 110008
Precious, Semi-Precious Stone Jewellery and Antique Dealer

May 14th 1970

Abdulla Mengoub
D220 Defence Colony
New Delhi

One Nataraja Dancing Shiva
South India 12th-14th Century Bronze
Height 5 inches

Rs. 500000.00

Five Lakhs Rupee

EXHIBIT C

Art Of The Past

1242 Madison Avenue New York, NY 10128, Phone (212) 860-7070, Fax (212) 876-5373

Purchase Invoice

18 October 2004



Seller hereby represents and warrants to Art of The Past that Seller is the absolute owner of this Dancing Shiva, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said personal property and to make this bill of sale for [REDACTED] and has received full and final payment. Seller transfer all rights to Art Of The Past from this date forward

Signature of Seller:

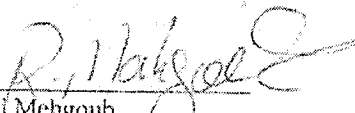

Raj Mehgoub
63-58 grand Central Parkway
Forest Hills NY 11104

EXHIBIT D

Letter Of Warrantee

6 February 2008

TO WHOM IT MAY CONCERN



As the Director of Art of the Past, I am offering for sale to the National Gallery of Australia, ***Shiva Nataraja***, 11th-12th century, Chola period, Tamil Nadu, South India bronze; 130.0 x 110.0 x 36.5 cm

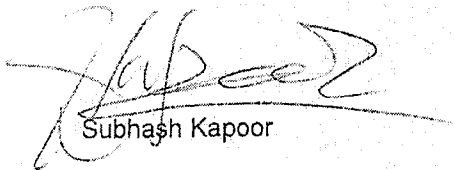
I hereby represent, promise and warrant that:

- (i) *Art Of The Past is the sole owner of the Item;*
- (ii) *Art Of The Past have the right to enter this transaction;*
- (iii) *Art Of The Past have received no notice of any claim that may affect any of the promises and warranties I make in this agreement and in particular, I know of no adverse claim or notice relevant to the ownership of the Item;*
- (iv) *The Item is free from all orders, liens or encumbrances;*
- (v) *By this agreement Art Of The Past transfer, free of all claims, full legal and equitable title to the National Gallery of Australia; once National Gallery paid full payment of this Sculpture*

(vi) *The importation of the Item into Australia is in conformity with the laws of Australia.*

In the event that Art Of The Past in breach of any of representations, promises or warranties, Art Of The Past agree that

- (i) Art Of The Past shall return the purchase price plus interest computed from the date of the final payment, or the fair market value of the item as of the date the title's invalidity is declared or agreed, whichever is the greater; and*
- (ii) Art Of The Past indemnify the National Gallery of Australia against any awards, expenses, costs or any other like losses incurred as a result of Art Of The Past breach.*



Subhash Kapoor

Director

EXHIBIT E

Art Of The Past

1242 Madison Avenue New York, NY 10128, Phone (212) 860-7070, Fax (212) 874-5373

Invoice
15th February 2008

Dr. Ron Radford, Director
National Gallery of Australia
Parkes Place ACT 2600
GPO Box 1150 Canberra ACT 2601
Australia

Shiva Nataraja
South India, Tamil Nadu
Chola Period, 11th - 12th century
Bronze
Dimensions: 130 x 110 x 36.5 cm
Price.....

\$5,000,000.00

Final Total: \$5,000,000.00

(Five Million US Dollars)

Please transfer funds to our account at:

HSBC
45 East 89th Street
New York, NY 10028-1285
Account # 645002488
ABN# 021001088

Thank You
Art of the Past

E-mail Artofpast@aol.com • www.Artofpast.com

EXHIBIT F



1242 Madison Avenue New York, NY 10128, Phone (212) 860-7070, Fax (212) 876-5373

29th February 2008

Dr. Robyn Maxwell, Curator
National Gallery of Australia
G P O Box 1150
Canberra, A.C.T. 2601
Australia

Dear Dr. Maxwell:

This letter certifies that Art of the Past, Inc. is willing to accept payment from the National Gallery of Australia for the Shiva Nataraja, 11th-12th century, Chola Period, Tamil Nadu, South India, bronze, 130.0 x 110.0 x 36.5 cm, for \$5,000,000.00 USD in two installments.

The first installment of the US Dollar equivalent of AUD 3,500,000.00 will be paid by the National Gallery of Australia to Art of the Past, Inc. now.

Art of the Past, Inc. agrees to accept the second and final installment of the remaining, outstanding balance against the Shiva Nataraja, of \$5,000,000.00 USD, in the National Gallery of Australia's next financial year.

Sincerely,

Aaron M. Freedman
Manager
Art of the Past, Inc.

EXHIBIT G

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Freedman,

Defendant.

SUPERIOR COURT
INFORMATION

Docket No.

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, further accuse the defendant Aaron Freedman of the crime of **CONSPIRACY IN THE FOURTH DEGREE**, in violation of Penal Law §105.10(1), committed as follows:

The defendant Aaron Freedman, in the County of New York, during the period from on or about June 1995 to on or about January 2012, with intent that conduct constituting the felony of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE** be performed, agreed with others, known and unknown, to engage in and cause the performance of such conduct.

OBJECTIVES AND METHODS OF THE CONSPIRACY

Subash Kapoor and his co-conspirators have been dealing in antiquities for more than thirty years, largely through a company called "Art of the Past." Specifically, Art of the Past has dealt in "new" and "fresh" antiquities, which in the trade mean pieces of art that are newly discovered and recently removed from the ground, temple, or site where they were found. Dealing in illicit "new" and "fresh" antiquities requires coordination to overcome obstacles in shipping the pieces from the site of the theft to the ultimate buyer, as well as in laundering the pieces by creating provenance, origin history, and letters of authenticity.

In his capacity as manager of Art of the Past, defendant was responsible for navigating these obstacles for almost two decades. He arranged for the shipping into and out of the United States of antiquities stolen from numerous countries including, but not limited to, India, Afghanistan, Pakistan, and Cambodia, having the antiquities shipped through intermediaries in order to create documentation to help launder the pieces. He also arranged for the manufacturing of false provenances for illicit cultural property, the contacting of prospective buyers, and the ultimate sale and transport of these looted and thereafter laundered antiquities.

OVERT ACTS

In furtherance of said conspiracy, and to effect the objects thereof, from on or about June 1995 to on or about January 2012, the following overt acts, among others including the acts described in the subsequent counts, were committed in New York County and elsewhere:

During the period from on or about January 2006 to November 2006, one Shiva Nataraja (known at the "\$5 million Shiva for Australia"), owned by the Central Government of India, was stolen from the Sivan Temple in India's Ariyalur District. During the period November 2006 to on or about January 2007, defendant and other co-conspirators shipped the \$5 million Shiva for Australia, from India to the United States. On or about October 2007, defendant and other co-conspirators arranged for the sale and transport of the \$5 million Shiva for Australia to the National Gallery of Australia.

During the period from on or about January 2005 to November 2006, one Uma Parameshvari (known at the "\$650,000 Uma for Singapore"), owned by the Central Government of India, was stolen from the Sivan Temple in India's Ariyalur District. During the period January 2006 to on or about January 2007, defendant and other co-conspirators shipped the \$650,000 Uma for Singapore, from India to the United States. On or about February 2007, defendant and other co-conspirators arranged for the sale and transport of the \$650,000 Uma to the Asian Civilisations Museum in Singapore.

SECOND COUNT:

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, accuse the defendant Aaron Freedman of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Aaron Freedman, in the County of New York, during the period from on or about December 2008 to on or about January 2012, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property to wit, one Shiva Nataraja (known as the "\$3.5 million Shiva") owned by the Central Government of India, and the value of the property exceeded one million dollars.

THIRD COUNT:

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, further accuse the defendant Aaron Freedman of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Aaron Freedman, in the County of New York, during the period from on or about April 2011 to on or about January 2012, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, one Shiva Nataraja (known as the "\$5 million Shiva") owned by the Central Government of India, and the value of the property exceeded one million dollars.

FOURTH COUNT:

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, further accuse the defendant Aaron Freedman of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Aaron Freedman, in the County of New York, during the period from on or about March 2009 to on or about January 2012, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, one Uma-Parvati (known as the "\$3.5 million Uma") owned by the Central Government of India, and the value of the property exceeded one million dollars.

FIFTH COUNT:

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, further accuse the defendant Aaron Freedman of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Aaron Freedman in the County of New York, during the period from on or about September 2008 to on or about January 2012, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, one Uma Parameshvari (known as the "\$2.5 million Uma") owned by the Central Government of India, and the value of the property exceeded one million dollars.

SIXTH COUNT:

I, CYRUS R. VANCE, JR., District Attorney for the County of New York, by this information, further accuse the defendant Aaron Freedman of the crime of **CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIRST DEGREE**, in violation of Penal Law §165.54, committed as follows:

The defendant Aaron Freedman, in the County of New York, during the period from on or about February 2006 to on or about January 2012, with intent to benefit himself and a person other than an owner thereof and to impede the recovery by an owner, knowingly possessed stolen property, to wit, one Bharhut Stupa Yakshi (known as the "\$15 million Bharhut") owned by Ram Pratap Singh, and the value of the property exceeded one million dollars.

CYRUS R. VANCE, JR.,
District Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Aaron Freedman,

Defendant.

SUPERIOR COURT INFORMATION

Cyrus R. Vance, Jr.
District Attorney
New York County
One Hogan Place
New York, New York 10013
(212) 335-9000

EXHIBIT H

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK - CRIMINAL TERM - Part 82

-----x)
THE PEOPLE OF THE STATE OF NEW YORK)

SCI #
52517/13

-against-

CHARGES:
105.10(1)

AARON FREEDMAN,

DEFENDANT.

PLEA

-----x

100 Centre Street
New York, New York 10013
December 4, 2013

BEFORE: HONORABLE CHARLES SOLOMON
Justice of the Supreme Court

APPEARANCES:

For the People:

CYRUS R. VANCE, JR., ESQ.
New York County District Attorney
One Hogan Place
New York, New York 10013
BY: MATTHEW BOGDANOS, ESQ.
Assistant District Attorney

For the Defendant:

PAUL BERKMAN, ESQ.

1 COURT CLERK: 17, SCI 5251/2013, Aaron Freedman.

2 THE COURT: Let's wait until everyone is settled
3 then we'll get appearances.

4 Appearances, please.

5 MR. BERKMAN: Paul Berkman, representing Aaron
6 Freedman.

7 MR. BOGDANOS: Matthew Bogdanos, for the People.
8 Good afternoon, your Honor.

9 THE COURT: The defendant is before the Court.
10 This is a Superior Court Information. I know he
11 was in criminal court today and the case was sent up here
12 for a plea or pleas. I don't know what he's going to be
13 pleading guilty to. I was given a package of materials
14 today. I looked at it over the lunch hour and it talks
15 about an agreement, talks about allocution, and it talks
16 about waiver of indictment. Then there is the Superior
17 Court Information.

18 So let me ask a couple of questions.

19 Mr. Berkman, have you gone over this agreement
20 with your client?

21 MR. BERKMAN: Yes, yes. Extensively, your Honor.

22 THE COURT: And let me ask. Mr. Freedman, have
23 you read this agreement?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And have you discussed it with your

1 lawyer?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: I'm sure you had questions about it.

4 THE DEFENDANT: I did, but everything is clear. I
5 understand.

6 THE COURT: Your lawyer answered the questions to
7 your satisfaction?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Okay. Now, number one, if we go ahead
10 and have you plead guilty today, you'll be bound by this
11 agreement.

12 Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Okay. And the agreement provides for
15 certain things which I'll go over some of them with you, but
16 I want you to understand that if you've read the agreement,
17 every word of it and consent to it, we're going to ask you
18 to sign it at the end, and everything in there is going to
19 be binding on you, DA and me.

20 Do you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: So let's arraign the defendant,
23 please, on the Superior Court Information.

24 MR. BOGDANOS: Your Honor, I'll take this
25 indictment to serve on the court clerk as well as

1 Mr. Freedman.

2 I'm sorry. Mr. Berkman already has a copy, but I
3 have another copy with the actual SCI number affixed and I'm
4 serving that on Mr. Berkman now.

5 THE COURT: The Superior Court Information is
6 before the Court, and your client has to be arraigned on it
7 now. So let's arraign him, please.

8 COURT CLERK: Aaron Freedman, the District
9 Attorney filed a Superior Court Information charging you
10 with the crime of conspiracy in the fourth degree and other
11 related crimes.

12 How do you plead to this Superior Court
13 Information?

14 THE DEFENDANT: I plead guilty.

15 THE COURT: Guilty to which crimes, Mr. Berkman?

16 MR. BERKMAN: The Superior Court Information
17 charges a conspiracy alone, your Honor.

18 MR. BOGDANOS: No, the Superior Court Information
19 charges conspiracy as well as the substantive counts --

20 MR. BERKMAN: I'm sorry.

21 MR. BOGDANOS: Mr. Freedman is pleading guilty to
22 all six counts of the Superior Court Information.

23 THE COURT: In other words, the conspiracy, as
24 well as the possession of stolen property counts.

25 MR. BOGDANOS: Yes, your Honor. The criminal

1 court complaint had actually just charged a single count
2 really as a mechanism in order that we could get before your
3 Honor.

4 THE COURT: Okay. Mr. Berkman, your client is
5 before the Court. There is a Superior Court Information
6 which charges, I believe, the last count is the 6th count.

7 MR. BERKMAN: That's correct.

8 THE COURT: And I think the agreement provided for
9 Mr. Bogdanos, if I remember reading it over the lunch hour,
10 a plea to conspiracy and also a plea -- was it the one count
11 of possession of stolen property?

12 MR. BOGDANOS: No, your Honor. Each. He's going
13 to plead guilty -- pursuant to the terms of the agreement --
14 to the first count, which is conspiracy in the fourth
15 degree, and then to the remaining counts, the second through
16 the sixth count, each of which charges criminal possession
17 of stolen property in the first degree under the theory that
18 the property, the value of the property exceeded \$1 million
19 for five counts.

20 MR. BERKMAN: My mistake. I thought we were going
21 to do the Waiver of Indictment first.

22 THE COURT: No, we're going to do that, but I want
23 to make sure I understand what he's pleading guilty to.

24 MR. BERKMAN: That's correct.

25 THE COURT: Now, Mr. Freedman, you understand that

1 when you come to court and are charged with a felony,
2 normally the case is prosecuted after the Grand Jury hears
3 evidence and returns an indictment. There is a provision
4 under our law, however, wherein someone can waive that and
5 the case comes to the Supreme Court by way of a Superior
6 Court Information and the case does not go through the Grand
7 Jury.

8 In order to do that, we need the defendant's
9 consent. Again, this is a right that you have to have
10 evidence heard by a Grand Jury, but if you want to waive
11 that right you have to, after consultation with counsel, you
12 certainly can.

13 Have you discussed this with your lawyer?

14 THE DEFENDANT: Yes, your Honor, I have.

15 THE COURT: Is it your desire to waive prosecution
16 by a Grand Jury indictment and to be prosecuted by a
17 Superior Court Information?

18 THE DEFENDANT: It is so my desire.

19 THE COURT: The form that he has in front of him,
20 Mr. Berkman, indicates that. And did he sign that?

21 MR. BERKMAN: It's been signed all ready by all
22 parties.

23 THE COURT: In the audience?

24 MR. BERKMAN: In the audience, in opened court.

25 THE COURT: So that the waiver will be accepted.

1 And we have to have one copy at least in the court
2 file, so let me just sign those copies.

3 And, Mr. Berkman, the pleas that are being entered
4 are to all of the counts in the Superior Court Information?

5 MR. BERKMAN: That's correct.

6 THE COURT: I understand it's going to be five
7 counts of criminal possession of stolen property in the
8 first degree. That is a class B felony.

9 MR. BERKMAN: Yes.

10 THE COURT: And the conspiracy in the fourth
11 degree, which I believe is a class E felony. That is the
12 application on your client's behalf; is that correct?

13 MR. BERKMAN: That's correct, your Honor.

14 THE COURT: Mr. Freedman, is that what you wish to
15 do, plead guilty to those charges?

16 THE DEFENDANT: Yes.

17 THE COURT: And are you doing that voluntarily, of
18 your own free will?

19 THE DEFENDANT: Yes, I am, your Honor.

20 THE COURT: Have you had enough time to speak to
21 your lawyer before making this decision to plead guilty?

22 THE DEFENDANT: Yes, your Honor, I have.

23 THE COURT: I have an allocution here.

24 Do you want to read this into the record or does
25 your lawyer or do you want me to read it?

1 THE DEFENDANT: I'll be happy to read it.

2 THE COURT: When you do, the only thing I'm going
3 to ask is to go slowly and speak in a loud voice.

4 THE DEFENDANT: Okay.

5 THE COURT: So the reporter can take it down.

6 MR. BOGDANOS: Has he been sworn in, your Honor?

7 THE COURT: And, Mr. Freedman, as Mr. Bogdanos
8 frequently points out things I omit or leave out accidentally,
9 do you swear the statements you're about to make in
10 connection with this plea will be the truth, the whole truth
11 and nothing but the truth?

12 Do you swear to that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Now you can explain why you're guilty
15 and read your allocution into the record.

16 THE DEFENDANT: Thank you, your Honor.

17 "I began working at Art of the Past in 1995 and,
18 following a period of approximately four years during which
19 I attended graduate school, I returned to Art of the Past in
20 2005 where I resumed my last position which was as manager
21 of the gallery.

22 "At that point in time, I had already been
23 diagnosed with multiple sclerosis, a condition which
24 gradually worsened as I continued working at Art of the
25 Past.

1 "I say this not to excuse my involvement with
2 Subash Kapoor's criminal activities, of which I was
3 beginning to be aware of before I went to graduate school,
4 but to state that in 2005, after the onset of my disease,
5 obtaining employment at a reputable gallery or auction house
6 was virtually impossible for me.

7 "I understand the charges against me and I am
8 pleading guilty to them because I did knowingly and
9 intentionally conduct myself while employed at Art of the
10 Past in order to further the criminal objectives of my
11 employer, Subash Kapoor. That conduct included, as charged
12 in the Superior Court Information against me, assisting in
13 the shipment of stolen antiquities from India, including the
14 specific antiquities described in the second through sixth
15 counts of the Information, as well as provide descriptions
16 of their origin and history."

17 THE COURT: Thank you.

18 I have a copy. The reporter can make any
19 corrections if she missed a word or two. Sometimes
20 reporters do. I don't know if this reporter does.

21 What you just stated is what happened here and
22 that is why you're guilty of these crimes; is that correct?

23 THE DEFENDANT: Yes.

24 MR. BOGDANOS: I have just a couple of follow-up
25 questions if I may, Judge. Just one or two on each of the

1 second through sixth counts.

2 Mr. Freedman, the second count that charges
3 criminal possession of stolen property in the first degree
4 relating to a Shiva Nataraga, which is known as "3.5 million
5 Shiva," is that one of the pieces that you for a period of
6 time had, at the very least, in your control? Of course
7 Mr. Kapoor owned it. Is that correct?

8 THE DEFENDANT: Yes, it is.

9 THE COURT: And you facilitated Mr. Kapoor in his
10 possession and sale or attempted sale of that piece?

11 THE DEFENDANT: Yes. That is also true.

12 MR. BOGDANOS: The third count charges another
13 Shiva Nataraga, known as the "\$5 million Shiva."

14 Is that particular item a piece that you assisted
15 Mr. Kapoor, to the extent that you had control over it, in
16 his possession and the sale or attempted sale?

17 THE DEFENDANT: Yes, that is true.

18 MR. BOGDANOS: In the 4th count, which charges an
19 Uma-Parvati, known as the "\$3.5 million Uma," is that a
20 piece, in the same fashion as with the others, that you
21 assisted Mr. Kapoor to the extent that you controlled and he
22 owned that piece, in his possession and sale or attempted
23 sale?

24 THE DEFENDANT: Yes.

25 MR. BOGDANOS: The fifth count charges an Uma

1 Parameshvari, known as the "\$2.5 million Uma," is that a
2 piece for which you assisted Mr. Kapoor to the extent that
3 you had control over the item and he possessed it, and you
4 assisted him in both in his possession as well as the sale
5 and attempted sale?

6 THE DEFENDANT: Yes, that is also true.

7 MR. BOGDANOS: And then, finally, with regard to
8 the sixth count, Bharhut Stupa Yakshi, known as the
9 "\$15 million Bharhut," would that piece -- was that a piece
10 you assisted Mr. Kapoor, to the extent you controlled it and
11 he possessed it, in his possession and then sale or
12 attempted sale?

13 THE DEFENDANT: Yes, that is true.

14 MR. BOGDANOS: Thank you, your Honor.

15 THE COURT: I'm going to give the court reporter a
16 copy of the Superior Court Information so she can take down
17 the exact spellings of those antiquities that you referred
18 to.

19 MR. BOGDANOS: Knowing this court reporter, I
20 doubt she needs that. But I understand, your Honor.

21 THE COURT: Okay. Let me ask further questions to
22 Mr. Freedman.

23 These pleas are being entered voluntarily, of your
24 own free will?

25 THE DEFENDANT: Yes, they are, your Honor.

1 THE COURT: And is anyone forcing you in any way
2 or coercing you in any way to plead guilty?

3 THE DEFENDANT: No, your Honor. Completely
4 voluntarily.

5 THE COURT: Other than what is written in this
6 plea agreement and other than what we stated in open court
7 on the record, has any other promises been made to you by
8 anybody else in order to get you to plead guilty?

9 THE DEFENDANT: No.

10 THE COURT: No other promises other than what is
11 contained in this agreement and other than what he said in
12 court today?

13 THE DEFENDANT: Correct, your Honor.

14 THE COURT: Do you understand when you plead
15 guilty you give up your right to a jury trial, your right to
16 confront and cross examine all the witnesses against you,
17 the right -- if you wanted to testify you could at trial or
18 not testify. By pleading guilty it's the same as if the
19 People proved your guilt to the satisfaction of a jury
20 beyond a reasonable doubt of all of the crimes that you just
21 pleaded guilty to. A plea, a conviction by plea has the
22 same force and effect as a conviction after trial.

23 Do you understand that?

24 THE DEFENDANT: I understand, your Honor.

25 THE COURT: Okay. Another thing that the People

1 are asking, it's part of the agreement, to waive your right
2 to appeal.

3 Let me explain how this works.

4 When you plead guilty, rather than go to trial,
5 you automatically waive certain rights. The right to appeal
6 is not one of them. That right you still retain even if you
7 plead guilty. However, the right to appeal can be part of
8 the negotiated plea wherein the defendant waives his right
9 to appeal in consideration for what he's receiving.

10 Do you understand that?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: So this Waiver of Appeal that you --
13 Mr. Bogdanos, does he have that in front of him?

14 MR. BOGDANOS: He does.

15 THE COURT: This Waiver of Appeal, I'd like you to
16 go over it with your lawyer. This is separate and apart of
17 the rights you automatically waive. The result of signing
18 that is you will not be able to appeal this conviction, the
19 sentence or any other part of the case.

20 Counsel, review that with him.

21 MR. BERKMAN: We have reviewed it before court and
22 the document has been signed in opened court.

23 THE COURT: Mr. Bogdanos, do you have anything
24 further here other than having fully executed a copy of the
25 Waiver of Indictment? And I'd like everyone to sign the

1 plea agreement.

2 MR. BOGDANOS: Also signed, your Honor, here in
3 opened court while waiting for the case to be called,
4 Mr. Freedman has a copy, I have a copy and I would
5 respectfully request permission at this time to file with
6 the Court a sealed copy of that agreement that has been
7 signed by all parties.

8 And then just one more matter.

9 THE COURT: Mr. Berkman, you consent to that?

10 MR. BERKMAN: Yes, I do.

11 MR. BOGDANOS: One more matter, your Honor, I
12 wanted to be clear on because I recognize this is your
13 Honor's case and so I am respectfully requesting your Honor
14 to accept the plea agreement as agreed to by both sides.
15 And the reason I do that, your Honor, is these are clearly
16 serious crimes. The conspiracy itself, as your Honor knows,
17 the total fair market value of the items that we have seized
18 so far exceeds \$100 million. Clearly a serious crime.

19 The office of the County of New York saying the
20 madness has to stop, the pillaging of the patrimony of the
21 nation, any nation must stop.

22 The theft and destruction of cultural heritage of
23 India -- sure, it's valued at 100 million, but in one real
24 respect there is no value. You can't put value on the
25 cultural patrimony of a nation.

1 So these are serious crimes, hence we are in
2 Supreme Court before your Honor.

3 That is on one side of the ledger.

4 On the other side of the ledger is Aaron Freedman.

5 Your Honor, I've been fooled before, I'll be
6 fooled again, but I am telling your Honor that one of the
7 things I am struck with by Mr. Freedman is what I perceive
8 to be his sincere and genuine repentance, his sincere and
9 genuine remorse in having committed these crimes and aided
10 in the commission of these crimes over a decade.

11 And so there is value to that.

12 Mr. Freedman has, from the moment he was
13 approached by us been, in my view, nothing short of
14 completely, totally, candidly honest, truthful and
15 cooperative. And so the People respect that and hence the
16 plea agreement that your Honor is -- the People are
17 requesting your Honor to accept. It's a plea agreement that
18 will entail, moving forward, a lot more sincere,
19 cooperation, repentance and action on the part of
20 Mr. Freedman.

21 The people are confident that all of that will be
22 forthcoming. I have no reason to believe that will change,
23 but I just want to be clear and hope that your Honor
24 understands how seriously the People take these crimes and
25 how thankful we are, one, Mr. Freedman has been caught and

1 stopped, and that he will do whatever he can to ensure that
2 what I described as the "madness" does, in fact, stop.

3 THE COURT: Okay. Mr. Berkman, anything you wish
4 to say?

5 MR. BERKMAN: No. Except that Mr. Bogdanos has
6 very eloquently stated that Mr. Freedman is intent on
7 rectifying the serious mistakes he made. And today is the
8 first concrete step that he takes by acknowledging his
9 responsibility of the commission he was charged.

10 Thank you.

11 THE COURT: Brevity is the soul of wit, as they
12 say.

13 MR. BOGDANOS: Who says that, Judge?

14 THE COURT: Some authority.

15 Anyway, let's adjourn for -- we're not going to
16 order an I&S report. I think it's premature because the
17 defendant, in the agreement, consents to adjournments,
18 consenting to the time period during the time he's going to
19 be coming back to court not to be sentenced. And that is
20 part of the agreement.

21 So let's put this case over. It is reasonable to
22 think maybe late January or February?

23 MR. BERKMAN: Given the difficulty Mr. Freedman
24 has in travel, I leave that entirely to Mr. Freedman and
25 Mr. Berkman.

1 THE COURT: This is not for sentencing. This is
2 for his next appearance. You want a February date?

3 MR. BERKMAN: Early February.

4 MR. BOGDANOS: I would waive his appearance, if
5 you ask.

6 MR. BERKMAN: If his appearance could be waived,
7 any date in early February.

8 MR. BOGDANOS: I don't have an objection to that
9 at all.

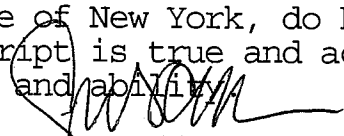
10 THE COURT: If the DA has no objection to the next
11 time the case is on him not being here because of the
12 situation, I understand and I'll certainly approve that.
13 Let's make this February 4th. Both the lawyers will be
14 here. If you want this to be an afternoon call, let me
15 know, or morning call. You don't have to tell me now. You
16 can speak to each other in the interim and it will be
17 adjourned to February 4th to have both counsel here.

18 No I&S is needed.

19 MR. BOGDANOS: Thank you, Judge.

20 *****

21 I, Susan Bell Siano, a Senior Court Reporter in
22 and for the State of New York, do hereby certify that the
23 foregoing transcript is true and accurate to the best of my
24 knowledge, skill and ability.



Susan Bell Siano, RPR
Senior Court Reporter

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Susan Bell Siano, RPR
Senior Court Reporter