EXHIBIT 12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA	:	14 Cr. 68 (KBF)
- against -	:	
ROSS ULBRICHT,	:	DECLARATION OF DR. FERNANDO CAUDEVILLA
Defendant.	:	

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DR. FERNANDO CAUDEVILLA, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1.

I am a Spanish physician specializing in the area of drugs and addiction. In addition to my full-time work as a Family Physician at the National Spanish Health Care Service, in Madrid, Spain, I provide private medical consultation in the area of recreational drug use. I have also been working in a professional capacity on "Deep Web"- related projects since 2012 and providing health and medical advice from a harm reduction standpoint to drug users via the Internet. I graduated from the Universidad Autónoma de Madrid with a degree in Medicine and Surgery in 1999, and specialized in the area of Family Practice in 2002. Additionally, I was qualified as a University Expert in Drug Dependence by the Universidad Complutense de Madrid in 2004.

2.

I am involved with numerous professional organizations, including as a member of the Drug and Alcohol Working Group of the Spanish Society of Family and Community Medicine, as a

coordinator of the Drug and Alcohol Working Group of the Madrilenian Society of Family and Community Medicine, and as a technical consultant for NGO Energy Control, which works to reduce the risks associated with drug use.

3.

My work has been published in numerous medical journals and reviews, including various international publications such as the Journal of Psychopharmacology and Human Pharmacology.

4.

I have also taught numerous workshops at the National Scientific Conference, and various courses in the Continuing Medical Education Programs throughout Spain. I am currently participating in expert meetings organized by the European Monitoring Centre for Drug and Drug Addiction (EMCDDA), as well as working on a report addressed to harm reduction and cryptomarkets, including factors like drug testing or on-line advice, similar to that provided by myself on Silk Road.

5.

Operating under the username, "DoctorX," but with complete transparency as to my real name which I readily supplied to those who asked for it, I provided expert advice on drug use and abuse to Silk Road users, both through a thread I started in April 2013, in the drug safety forum, entitled "Ask a Drug Expert Physician About Drugs & Health" (*see* "Ask a Drug Expert Physician About Drugs & Health" thread, attached to the Declaration of Lindsay A. Lewis, Esq., as Exhibit 4) and through private messages on the forum to individual Silk Road users who reached out to me (*see* Private Messages from Dr. Caudevilla to Silk Road Users, attached to the Declaration of Lindsay A. Lewis, Esq., as Exhibit 5). Between April 2013 and late October 2013, I sent more

than 450 messages to Silk Road users in response to requests for advice and assistance. I also spent up to two to three hours a day on the forum during that time frame providing expert advice as to drugs and health. My advice ranged from information as to safe dosage and administration of particular drugs as well as the risks attendant to the use of certain drugs, information as to where to find reliable and credible information about various substances on the internet, proper methods of drug administration, adverse effects, pharmacological interactions, advice as to whether particular combinations of drugs (both legal and illegal) should be avoided, advice as to how to stop use of particular drugs or drugs generally, to general medical and psychiatric advice related to drugs.

6.

The administrator of the Silk Road site, Dread Pirate Roberts, was aware of my presence on Silk Road and was supportive of my role in furthering the harm reduction ethos of the site. I provided weekly reports to DPR which documented the topics I had discussed in my thread during the previous week. Attached to the Declaration of Lindsay A. Lewis, Esq., as Exhibit 6, is one such report, prepared September 21, 2013, and containing the thread topics I covered during the week of September 13, 2013 through September 19, 2013. Dread Pirate Roberts never censored my views or advice in any way, even when I espoused views that Silk Road users should not use or buy certain drugs sold on the site (particularly *Legal High* or *Research Chemicals*, new synthetic drugs that have not been tested in humans and that have a higher potential for harm compared with other drugs), discouraged drug use, or helped Silk Road customers to reduce or cease drug use entirely.

7.

I performed my role and provided expert advice on a volunteer basis from April 2013 to August 2013. When I contacted Dread Pirate Roberts in mid-August 2013 to alert him to the fact that the time commitment required to answer all questions and keep up with the forum thread had become too great, he offered to compensate me $500 per week to continue to provide advice to users on the site. *See* Private Messages Between Dr. X and Dread Pirate Roberts, attached to the Declaration of Lindsay A. Lewis, Esq., as Exhibit 7. I thus continued my work on a paid basis from mid-August 2013 through October 2013, when the site was shut down.

8.

In addition to compensating me for my advice on the forums and through private messages, Dread Pirate Roberts also sought to partner with me to send the drugs sold on the Silk Road out to laboratories for independent testing as part of an effort to ensure that only safe, non-toxic substances were being sold on Silk Road. *See* Exhibit 7 to Lewis Dec. We agreed that I would contact him to explain the process to him in detail once we had fully developed the International Service Test that would facilitate such drug testing. *See id.* At the time the Silk Road website was shut down by law enforcement we were still working on the project. At present, International Drug Testing Service from Energy Control provides a drug testing service available to "Deep Web" drug users.

9.

As a result of my personal experiences working with customers on the Silk Road site, and monitoring the site's drug safety forums, I have firsthand knowledge that Silk Road provided

site users with the tools to take drugs in a safer and more informed manner, espoused a harm reduction ethos which was reflected in the individual buyer-seller transactions on the site and in the community created on the site's forums, and enabled some site participants to actually reducetheir drug use and/or use drugs in a safer way into a harm reduction perspective. For example, some heroin users were drawn to Silk Road because it provided them access to methadone, a drug utilized in many countries, and administered by physicians, to enable heroin users to end their addictions. For some Silk Road users methadone was illegal or unavailable in their home countries. Accordingly, they would likely not have had access to the resources necessary to reduce their heroin use without the Silk Road.

10.

In my seven months monitoring and actively participating in the Silk Road forums I never came across even a single report of a Silk Road-related drug overdose. In fact, on several occasions, when users provided negative feedback about drugs sold by a particular vendor, that vendor or the drug in question was removed from the site. To my knowledge that decision was made by the site's administrators.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed May 14, 2015.

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DR. FERNANDO CAUDEVILLA

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15/May/2015