

15-1815-CR

IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

v.

ROSS WILLIAM ULBRICHT, AKA DREAD PIRATE ROBERTS, AKA SILK ROAD,
AKA SEALED DEFENDANT 1, AKA DPR,

Defendant-Appellant.

*On Appeal from the United States District Court
for the Southern District of New York (New York City)*

**APPENDIX
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

14 Cr. 68 (KBF)

ROSS ULBRICHT,
a/k/a “Dread Pirate Roberts,”
a/k/a “DPR,”
a/k/a “Silk Road,”

Defendant.

GOVERNMENT SENTENCING SUBMISSION

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May 26, 2015

By ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross William Ulbricht*, 14 Cr. 68 (KBF)

Dear Judge Forrest:

The Government respectfully submits this letter in advance of the sentencing of defendant Ross Ulbricht, scheduled for May 29, 2015. Ulbricht stands before the Court convicted of all seven counts of the Indictment in connection with his creation and operation of the Silk Road website. The evidence at trial established that Ulbricht ran a massive narcotics-trafficking enterprise that dramatically lowered the barriers to obtaining illegal drugs. As the Presentence Report ("PSR") filed by the Probation Office makes clear, that enterprise resulted in serious real-world consequences, including at least six drug-related deaths. Such consequences were entirely foreseeable to Ulbricht, who understood that his business was fueling drug abuse and addiction. Ulbricht profited greatly from his operation of Silk Road, ultimately amassing millions of dollars in commissions. He was willing to use violence to protect his enterprise, as evidenced by his solicitation of multiple murders for hire in attempts to eliminate perceived threats. At no point has he acknowledged full responsibility or shown true remorse for his actions.

Given the enormous quantities of drugs sold on Silk Road, in combination with other aggravating factors, Ulbricht's recommended sentence under the United States Sentencing Guidelines is life imprisonment, with a 20-year mandatory minimum due to his conviction for engaging in a continuing criminal enterprise in violation of Title 21, United States Code, Section 848. The Probation Office, too, recommends life imprisonment, finding "no factors that could overcome the severity of the instant offense." (PSR at 38). As set forth below, in light of the seriousness of the offense and the need for general deterrence, the Government believes that a lengthy sentence, one substantially above the mandatory minimum, is appropriate in this case.

I. Ulbricht Was the Kingpin of a Worldwide Digital Drug-Trafficking Enterprise and Is Responsible for All of Its Foreseeable Consequences

A. By Design, Silk Road Provided Easy Access to Illegal Drugs and Other Illicit Goods and Services

Silk Road was an online black market of unprecedented scope. By the time it was shuttered in October 2013, over 13,000 offerings were listed on its homepage for illegal drugs of every conceivable variety. (PSR ¶ 25; GX- 910). A wide variety of other illicit goods and services were sold on the site as well, including fake IDs and passports, computer-hacking tools and services, counterfeit goods and pirated media, criminal guidebooks and instruction manuals, and money laundering services. (PSR ¶¶ 29, 32, 34; *see also* Ex. A (sample screenshots)).¹ In total, over 1.5 million transactions were conducted over Silk Road, involving over 100,000 buyer accounts and nearly 4,000 seller accounts. (PSR ¶ 59). Those transactions had a total value of nearly \$214 million in U.S. currency. (*Id.*) Nearly 95 percent of those sales were for illegal drugs – including at least \$8.9 million in sales of heroin, \$17.3 million in sales of cocaine, and \$8.1 million in sales of methamphetamine. (*Id.*) The buyers and sellers involved in these transactions were spread across the world, from Argentina to Australia, from the United States to the Ukraine. (*Id.*; GX-940F; GX-940-G).

Ulbricht specifically designed Silk Road for the purpose of facilitating black-market transactions. He hosted the site on the Tor network to enable users to conduct business anonymously. (PSR ¶¶ 12-17, 45). He implemented a Bitcoin-based payment system to enable them to make payments and cash out proceeds without leaving behind a traditional money trail. (PSR ¶¶ 35-42). He provided instruction on “stealth” shipping methods and other ways to evade detection by law enforcement. (GX-119; GX-120). And he created a slick user interface aimed at making the illicit commerce on the site as simple and frictionless as ordinary online shopping. (PSR ¶ 14).

The effect of Ulbricht’s conduct was to dramatically lower the entry barriers into the underground economy – for both buyers and sellers alike. As illustrated by the trial testimony of Michael Duch, a significant heroin dealer on Silk Road, the site’s plug-and-play platform enabled someone like Mr. Duch – who had never dealt drugs before in his life – to develop a bustling heroin-trafficking business in just a few weeks, all from the comfort of his own living room. (Tr. dated Jan. 28, 2015, at 1499:13-1532:16). Mr. Duch merely had to procure a supply of drugs (which he bought from his existing personal supplier on the street), and Silk Road provided the rest: an anonymous online sales portal, a huge preexisting customer base, how-to

¹ Ulbricht attempts to favorably distinguish Silk Road from “Agora,” a “dark market” currently in operation, on the basis that “Agora” permits the sale of firearms. (Def.’s Ltr. dated May 22, 2015, at 36). However, Ulbricht also permitted sales of firearms on Silk Road, including sales of assault rifles, until March 2012, when he moved firearms sales to a companion site he ran known as “The Armory.” Ulbricht closed “The Armory” after several months only because it was not drawing enough business. (*See* Ex. B (forum posts and screenshots reflecting firearms sales on Silk Road and the Armory)).

advice from the “Seller’s Guide” and Silk Road discussion forum, and an escrow system enabling him to collect payment from his customers remotely. (*Id.* at 1518:12-1519:1). As Mr. Duch testified, he never would have been able to become a drug dealer so easily and surreptitiously in real space; he was only able to do so online, through the facilitating technology of Silk Road.²

By the same token, Silk Road made it simple for anyone anywhere to buy any drug of their choosing. They needed only a computer and a shipping address. With the click of a mouse, a Silk Road user could circumvent all of the physical obstacles that might otherwise prevent or deter one from obtaining drugs locally. Someone who might not know where to find drugs in his or her area, or feel comfortable searching them out, could find and buy drugs effortlessly on Silk Road. Again, Mr. Duch’s testimony is instructive. He was able to sell heroin on Silk Road at double the price he paid for it on the street in the New York metropolitan area, in part because he was re-shipping it to less populous locations across the country where heroin was harder to come by. (Tr. dated Jan. 28, 2015, at 1523:18-1524:23). In the same way, Silk Road made it easy for existing users of one drug to find and abuse more serious drugs. The site provided a one-stop online shopping mall where the supply of drugs was virtually limitless.

The problem of drug dealing on the Internet is specifically recognized in a Guidelines sentencing enhancement for the mass-marketing of illegal drugs online (which is included in Ulbricht’s Guidelines calculation). As noted by the Sentencing Commission in approving the enhancement:

The Commission identified use of an interactive computer service as a tool providing easier access to illegal products. Use of an interactive computer service enables drug traffickers to market their illegal products more efficiently and anonymously to a wider audience than through traditional drug trafficking means, while making it more difficult for law enforcement authorities to discover the offense and apprehend the offenders.

U.S.S.G. app. C (Vol. III), amend. 667, reason for amend. ¶ 2. That is precisely what Silk Road did – on a scale never before seen. The site enabled thousands of drug dealers to expand their markets from the sidewalk to cyberspace, and thereby reach countless customers whom they never could have found on the street. The consequence was to vastly expand access to illegal drugs, as Ulbricht well knew. As he stated in one of “DPR’s” posts on the Silk Road discussion forum: “Silk Road has already made an impact on the war on drugs. The effect of the war is to limit people’s access to controlled substances. Silk Road has expanded people’s access.” (Ex. C).

² (*Id.* at 1500:22-1501:7 (“Q. Had you ever considered selling drugs on the street? A. Never. Q. So why were you willing to deal drugs on Silk Road? A. Well, I think, you know, being successful in purchasing drugs on Silk Road, I saw the relative ease that came with it. . . . [I]t seemed like something that I could potentially . . . get away with.”)).

B. The Drugs Sold on Silk Road Carried Serious Health Risks and Led to Multiple Drug-Related Deaths

Given the massive quantities of drugs distributed through Silk Road, Ulbricht's operation of the site generated clear and continuing risks to public health. And in fact, as set forth in the PSR, the Government has learned of at least six drug-related deaths linked to Silk Road drugs. These deaths are described below.³

Jordan M.

On the afternoon of August 29, 2013, Jordan M., a 27-year-old Microsoft employee residing in Bellevue, Washington, was found unresponsive in his bedroom by one of his roommates, who called 911. Members of the Bellevue Police Department ("BPD") arrived soon thereafter to discover Jordan slumped in a chair, unconscious and cold to the touch, his arms dangling by his sides and his head tilted backwards. A black belt with a looped end was lying near his feet on the floor, along with a hypodermic needle and an express mail package that had been torn open. Jordan was seated next to a desk, where officers found a plastic bag containing a grayish powder (which later tested positive for heroin), along with a spoon and lighter (for dissolving it into water for injection). These drugs and paraphernalia were strewn next to Jordan's computer. (PSR ¶¶ 62-64).⁴

Jordan's computer had two browser windows open. One was a Tor browser window displaying the Silk Road website – specifically, Jordan's private message inbox on the site, maintained under the username "d0xic." The most recent message was from a Silk Road vendor, "PTandRnR," bearing the subject line "Your day just got better." It was about a package of heroin and Xanax due to arrive that morning, for which "PTandRnR" had supplied the tracking number in an earlier message. The other window was a standard webpage, open to USPS.com, displaying tracking information for a package sent from Chicago – a package with the same tracking number provided by "PTandRnR," which matched the tracking number on the express mail package next to Jordan's chair on the floor. (PSR ¶¶ 64, 66; *see also* Ex. D (photo of screen showing Silk Road inbox)).⁵

³ The facts set forth below are based on the PSR and supporting evidentiary materials provided to the Probation Office and the defense in advance of sentencing, certain of which are attached hereto as exhibits. All of the supporting materials were provided to the Court on a DVD-ROM delivered to chambers on May 18, 2015 (the "May 18, 2015 DVD"). The Government respectfully requests that the May 18, 2015 DVD be made part of the record and kept under seal given the sensitive contents contained therein (including investigative reports and medical records).

⁴ Further documentation of what was found at the scene of the incident is found on the May 18, 2015 DVD, in the document titled "BPD Case Report," at pages 18 through 22.

⁵ Further documentation of the contents observed on the computer screen and the tracking number for the package is found in the "BPD Case Report" at pages 27-33.

Jordan's messages on Silk Road reflect that he had ordered pharmaceutical drugs on the site in the past, including valium and Xanax ordered from "PTandRnR" in the previous weeks. On August 24, 2013, Jordan inquired with "PTandRnR" for the first time about ordering heroin. "I'm hesitant about this," Jordan stated, but went on to ask "PTandRnR" if he had any "QUALITY H." A few days later, "PTandRnR" replied that he could get "grams of china white for \$150." Jordan responded, "Boom! Would you be able to attest to its quality?" On August 28, 2013, "PTandRnR," replied: "my buddy [*i.e.*, supplier] doesn't play – good shit all the time (I don't do it so I can't say from a personal point of view)." Jordan messaged back: "Slap...or sounds like a plan." Later on August 28, 2013, "PTandRnR" told Jordan that he was sending a package to arrive by noon the next day, "to include 2 grams dope [*i.e.*, heroin] & 50 bars [*i.e.*, Xanax pills] which puts us at \$1,100." That night, Jordan replied he was "so F'ing excited I might not sleep tonight." The next morning, "PTandRnR" responded: "you got about an hour before it gets there . . . as far as the quality is concerned . . . all I got to say is you should be good. there have been no complaints and a lot of satisfied people." (PSR ¶ 65).⁶

Jordan was found unconscious in his room the next afternoon. (PSR ¶ 62). He was promptly transported to the hospital after BPD arrived and died two days later. (*Id.*) An autopsy determined the cause of death to be acute intoxication from heroin, Xanax, and valium – all drugs he had ordered on Silk Road from "PTandRnR," as evidenced by his messages on Silk Road. (PSR ¶¶ 62, 68).⁷

Preston B.

On Saturday, February 16, 2013, the father and sister of Preston B., a 16-year old boy from Perth, Australia, were on their way to a restaurant for breakfast. Their route took them past a hotel where they knew Preston B. had stayed the night before, as part of a post-prom party. They noticed an ambulance and police officers in the driveway. Worried for Preston's safety, they drove back to the hotel, where they learned that Preston had suffered some sort of fall and was in critical condition. He was taken to the hospital, where he was unresponsive, and died two days later. (PSR ¶ 77).

⁶ Further documentation of the relevant private messages between "d0xic" and "PTandRnR" is found in the document titled "d0xic" on the May 18, 2015 DVD, at pages 21, 37, 39, 42 through 49, and 57 through 64.

⁷ Astoundingly, Ulbricht states in his May 15, 2015 letter to the Court that Jordan, whom Ulbricht describes as an "overweight 27-year old black man," "may have suffered an acute brain hemorrhage consistent with a stroke, which could have been a competent cause of death." (Def.'s Ltr. dated May 15, 2015 at 9). Yet the autopsy report (included on the May 18, 2015 DVD) clearly attributes Jordan's death to a drug overdose – a conclusion that Ulbricht's own expert appears to agree with. (Lewis Decl. dated May 15, 2015, at ¶ 25). In any event, the circumstantial evidence that the death was due to an overdose – from Silk Road drugs – could not be more stark. *See United States v. Russow*, No. 14 Cr. 84 (JBA), 2015 WL 1057513, at *2-*3 (D. Conn. Mar. 10, 2015) (imposing upward departure based on overdose death where victim's text messages indicated he had recently obtained heroin from defendant).

Australian law enforcement officers interviewed a number of witnesses who were at the party and had seen Preston before his accident. According to witness statements, Preston had told his friends he had been looking forward to trying “acid” during the party. One of Preston’s friends (himself 16 years old) admitted that, in advance of the party, he had used Silk Road to purchase eleven tabs of 25i-NBOMe, a powerful synthetic drug designed to mimic LSD, colloquially known as “N-Bomb.”⁸ The friend had chosen the “cheap” option from among Silk Road’s offerings – 10 “tabs” for \$20, plus “1 for free.” Records from the Silk Road database confirm the placement of the order. (PSR ¶¶ 78).⁹

The friend – who stated that he himself had never used any drug other than marijuana before – further admitted to providing Preston two doses of the drug (each one-third of a “tab”) during the course of the party. Multiple witnesses reported that Preston acted increasingly erratically after taking the drug. One friend described him as muttering incoherently and seemingly “at war with himself.” Others described aggressive outbursts and random, destructive behavior. Eventually, when it was time to leave, Preston’s friends tried to get him to exit the hotel room, but he would not respond, instead staring vacantly into space. When the friends went for help, they heard Preston scream loudly, followed by a loud thud outside. He had leapt from the hotel-room balcony, and was found lying on the deck below. (PSR ¶¶ 77-80).

Bryan B.

On October 7, 2013, Bryan B., a 25-year-old male resident of Boston, Massachusetts, was found dead in his apartment, with a belt in his left hand and a small plastic bag of brown heroin and a syringe immediately next to him. A toxicology report confirmed the presence of opiates in his system, which was pronounced as the cause of death in his death certificate. A forensic analysis of Bryan’s laptop computer revealed searches of the Internet for how to find heroin. Notably, some of his search queries (*e.g.*, “how to find heroin in Boston”) indicate that he lacked a local source, while others indicate that he sought to find heroin on Silk Road instead (*e.g.*, “download tor,” “fastest way to get a bitcoin,” “can you trust seller reviews on silk road”). (PSR ¶¶ 69-70).

The computer forensic examination also confirmed the presence of a Tor browser on the computer, with Silk Road bookmarked as a favorite website. A PGP key for encrypting communications was also found, which was created on September 25, 2013; the file was titled “ilmsh.” Records from the Silk Road server revealed a Silk Road user named “ilmsh,” who sent his first message to a Silk Road vendor “mrgood247,” on the same date – September 25, 2013. The message stated, “Hey Mrgood. This will be my first order and I’m trying to figure out this PGP business.” (PSR ¶¶ 70-71).

⁸ See also Drug Enforcement Administration, Office of Diversion Control, Information Sheet on 25I-NBOMe, available at http://www.deadiversion.usdoj.gov/drug_chem_info/nbome.pdf.

⁹ Records of these purchases, and further details regarding the friend’s interview statements, are included on the May 18, 2015 DVD.

The next day, September 26, 2013, only days before Silk Road was shut down by law enforcement, Bryan used the “ilmsh” account to place his first orders on the site – one for “1 GRAM OF PURE UNCUT #4 RAW HEROIN,” and another for a pack of syringes. Bryan’s Silk Road private messages reflect that he was given a tracking number for the heroin. According to postal records, the package arrived at Bryan’s residence on October 1, 2013. That same day, Bryan messaged “mrgood247” on Silk Road, stating, “Ordering from you was flawless and i will be back. Thank you for everything Mrgood.” (PSR ¶ 71).

The quantity of heroin Bryan purchased from “mrgood247” was sufficient for approximately 5 to 10 doses of heroin. (PSR ¶ 72). Bryan was last heard from Friday, October 4, 2013. (PSR ¶ 69). He was found dead three days later. (*Id.*). The heroin and syringe found next to his body closely resembled the product photos on the Silk Road listings from which he had ordered. (PSR ¶ 72; *compare* Ex. E at 1 (photo from apartment) *with* Ex. E at 3-4 (photos from Silk Road listings)).

Alejandro N.

On September 10, 2012, police officers in Camino, California, responded to a 911 call regarding a reported drug overdose. They found Alejandro N., a 16-year old boy, lying on the garage floor of his friend’s house. (PSR ¶ 73).

One of Alejandro’s friends, who had been present at the scene, informed law enforcement that he had witnessed Alejandro take four hits of 25i-NBOMe approximately two hours before the police arrived. According to the friend, Alejandro became increasingly incoherent and aggressive. His friends tried to calm him and were able to get him to sit down. However, Alejandro appeared to stiffen his entire body and then fell face-first out of the chair, completely rigid. He began having violent seizures, at which point his friends went to get help. After law enforcement arrived at the scene, Alejandro was transported to a hospital and pronounced dead. (PSR ¶¶ 73-74).

Local law enforcement later interviewed a friend of Alejandro’s, who admitted that he had given Alejandro the 25i-NBOMe after obtaining the drug from a local dealer (“Dealer-1”). Dealer-1 was subsequently arrested and interviewed. He stated that he had acquired the drug in turn from a vendor on Silk Road, who appeared to be located in Spain, based on the packaging of the shipments. Dealer-1 supplied the username of the vendor. Records from the Silk Road server confirm the existence of a Silk Road vendor of 25i-NBOMe who operated under the username in question. (PSR ¶¶ 75-76).

Scott W.

On May 19, 2013, Scott W., a 36-year old male from Australia, was found dead at his home. He was hunched at his computer desk, with his sleeve rolled up, with a used syringe and a plastic bag containing a cream-colored powder believed to be heroin nearby. An autopsy found toxic levels of morphine in Scott's system that were "almost certainly derived from heroin," as well as depressants with the potential to increase the drug's harmful effects. The cause of death was determined to be "multiple drug toxicity." (PSR ¶ 85).

Evidence recovered from the Silk Road server reflects that Scott had a Silk Road user account that had been used to place over 70 orders from January to May 2013, including 9 orders for heroin and 19 orders for a category of depressants, which were shipped to him under his true name at the address where he was found dead. (PSR ¶ 86).

Jacob L.

On February 14, 2013, Jacob L., a 22-year old male from Australia, was found dead by his mother at his home. Unlike the preceding deaths, Jacob's death appears to have been caused not by an overdose, but by a health condition that was aggravated by the use of drugs. Specifically, an autopsy found that Jacob had recently used multiple drugs – including heroin, cocaine, and methamphetamine – while he had pneumonia. The autopsy noted that "[t]he presence of multiple drugs of abuse may have blunted the deceased's perception of the severity of his illness." (PSR ¶¶ 81-83).

Evidence recovered from the Silk Road server reflected that Jacob had a Silk Road user account – under the username "Needheroin" – which he had used to place over 30 orders for various narcotics between early 2012 and early 2013, including heroin, "speed," "meth," "crack," mephedrone, and others, and that they were shipped to Jacob under his true name at the address where he was found dead. (PSR ¶ 84).

Ulbricht generally does not dispute any of the foregoing facts, but instead claims they are insufficient to allow the Court to draw any inference, arguing that "it is simply impossible for the government to prove that drugs obtained *from Silk Road* 'caused' death" in these instances. (Def.'s Ltr. dated May 15, 2015, at 9 (emphasis in original)). However, the evidence speaks for itself. Ulbricht appears to assume a standard of proof considerably higher than that applicable to fact-finding at sentencing. A preponderance of the evidence is all that is required. *See United States v. Vaughn*, 430 F.3d 518, 525-27 (2d Cir. 2015).¹⁰ Conjecture about possible alternative causes of death or alternative sources for the drugs is insufficient to undermine the concrete

¹⁰ Moreover, at sentencing, the Court is entitled to rely on hearsay evidence such as police reports and witness interviews. *See United States v. Broxmeyer*, 699 F.3d 265, 280 (2d Cir. 2012) ("A sentencing court's largely unlimited discretion to review information relevant to the defendant and his crime permits it to consider hearsay evidence." (internal quotation marks omitted)).

evidence tying these deaths to his criminal enterprise. *See United States v. Pacheco*, 489 F.3d 40, 45 (1st Cir. 2007) (district court appropriately found that victim's death was caused by drugs distributed by the defendant by a preponderance of the evidence where the record contained no proof supporting conjecture that victim had other sources for narcotics).

The deaths detailed above highlight the obvious fact that the distribution of controlled substances can lead to serious bodily harm, including death, particularly when distributed in the massive aggregate quantities sold on Silk Road. Moreover, for every death caused by Silk Road drugs, there are doubtlessly many more destructive addictions that were fueled by the site. The trial testimony of Mr. Duch provided a glimpse into these consequences of Silk Road. Mr. Duch explained that he became a Silk Road vendor after struggling to finance his own crushing addiction to heroin, which was costing him thousands of dollars a week. Mr. Duch acknowledged that many of his customers on Silk Road were suffering from similar addictions. Indeed, he testified that, nearly every day, he would receive messages from his buyers indicating they were anxiously awaiting their shipments in order to avoid the onset of withdrawal symptoms. (Tr. dated Jan. 28, 2015, at 1510:6-1512:17). “[I]s there anyway you could ship it overnight,” asked one buyer, noting, “I am throwing up, the worst of the worst withdrawal [sic] symptoms and plus i have life destroying pain.” (GX-704 at 2). “[I] see ur cutoff time is 3,” wrote another, adding, “[I] just wanna double check because i am EXTREMELY dope sick and NEED something by tomorrow!!” (*Id.* at 1). These messages are, of course, only examples from Mr. Duch's set of customers. Given that the site as a whole had over 100,000 customers and was regularly selling all manner of highly addictive substances, the full scope of the drug dependency sustained by Silk Road is far broader.¹¹

C. Ulbricht Is Responsible for the Harm Caused by Silk Road Drugs

Ulbricht bears responsibility for the overdoses, addictions, and other foreseeable repercussions of the illegal drugs sold on Silk Road. It does not matter that he did not personally handle those drugs; neither would a traditional kingpin. Ulbricht was the architect and overseer of the entire Silk Road enterprise. From the beginning, he intended it to be a drug-trafficking venture – starting with the hallucinogenic mushrooms that he himself grew in order to have something to sell on the site when it first launched. After that he did not handle the drugs flowing through Silk Road because he did not have to. The thousands of drug dealers who subsequently flocked to the site served as Ulbricht's source of supply. They were, as Ulbricht himself described them, his “business partners,” who had to give Ulbricht a cut of every deal in order to sell on his digital turf. (GX-933). Ulbricht thus had a hand in every sale Silk Road dealers made on the site, and he is responsible for the consequences of the dangerous products they sold together. *See* U.S.S.G. § 1B1.3(a)(1)(B) (defendant responsible for all harm caused by “reasonably foreseeable acts” of others involved in jointly undertaken activity); *see also United*

¹¹ Beyond drugs, Silk Road also offered other illegal goods and services for sale without any regard to the societal harm they might cause. Among other things, Silk Road sold counterfeit identity documents as well as computer hacking tools and services that could be used to facilitate a wide array of fraud, identity theft, and other criminal offenses capable of causing serious loss to victims.

States v. Faulkner, 636 F.3d 1009, 1022 (8th Cir. 2011) (“While [the defendant] may not have played a direct role in manufacturing or distributing the heroin that caused [the victim’s] death, he was part of the conspiracy that distributed the heroin.”); *United States v. Westry*, 524 F.3d 1198, 1219 (11th Cir. 2008) (“Where a conspirator is involved in distributing drugs to addicts, some of which are even administered intravenously, it is a reasonably foreseeable consequence that one or more of those addicts may overdose and die.”).

Likewise, it does not matter that Ulbricht did not specifically intend any deaths to occur from his conduct. Few drug dealers do. But it is a foreseeable risk they inevitably take, and they are responsible when that risk turns into a reality. See *United States v. Russow*, No. 14 Cr. 84 (JBA), 2015 WL 1057513, at *2-*3 (D. Conn. Mar. 10, 2015) (imposing upward adjustment based on overdose death even though death was accidental and not specifically intended by defendant); see also *United States v. Nossan*, 647 F.3d 822, 824 (8th Cir. 2011) (imposing upward adjustment in similar circumstances, explaining that defendant “engaged in dangerous activities, disregarding the grave risks accompanying the use of the drugs,” and that his argument regarding intent was “only [a] mitigating factor [] to be considered in deciding whether and to what extent to depart upward”).

Nor does it matter whether other factors may have contributed in some way to the deaths at issue here, such as accidental overdoses, “lethal combinations of drugs,” or “pre-existing medical and psychiatric conditions.” (Def.’s Ltr. dated May 15, 2015, at 13). Overdoses, toxic drug cocktails, and interplay with existing health conditions are all common features of drug-related deaths, and do not relieve the dealer who supplied the drugs of culpability for his part in the causal chain. A drug dealer takes his customers as he finds them. See *Pacheco*, 489 F.3d at 48 n.5 (rejecting defendant’s argument that he could not be held accountable for overdose death where victim mixed two drugs in combination and, according to defendant, could have been attempting suicide: “[T]he defendant here engaged in the commercial trade of potent substances that he must have known could have dire consequences in a myriad of circumstances. . . . [W]hile he could not have anticipated the exact sequence of events that unfolded here, he could (and should) have foreseen the possibility of the kind of serious harm that in fact occurred.”).

D. Any Harm-Reduction Measures on Silk Road Were Dwarfed by the Easy Access to Drugs That It Enabled and Promoted

Ulbricht seeks to downplay the harm caused by Silk Road by pointing to certain aspects of Silk Road that he characterizes as “harm reduction measures” – primarily a vendor-rating system and the presence of a physician on the Silk Road forums who volunteered advice to users during the last seven months of the site’s operation. (Def.’s Ltr. dated May 15, 2015, at 2-8). According to Ulbricht, these measures made Silk Road “in many respects the most responsible [illegal drug] marketplace in history.” (*Id.* at 2). These measures, however, did little to mitigate the fundamentally harmful feature of Silk Road – the sales portal it gave to drug dealers enabling them to sell every illegal drug imaginable to anyone in the world who wanted them.

Indeed, praising Silk Road for including “harm reduction measures” is akin to applauding a heroin dealer for handing out a clean needle with every dime bag: the point is that he has no business dealing drugs in the first place. Our laws, like the laws of many other nations, reflect a

societal judgment that there is no such thing as a “safe” or “responsible” marketplace for illegal drugs – that certain drugs should not be distributed *at all*, because they inherently pose unacceptable dangers. And in fact, as the evidence detailed above makes clear, many people developed or sustained addictions, and some individuals died, as a result of Silk Road drugs, notwithstanding any supposed “harm reduction measures” offered on the site.

Silk Road’s “vendor rating” system, for example, did not help Jordan M. when he fatally overdosed from heroin and other drugs purchased from “PTandRnR,” whose rating on Silk Road was “4.96” out of 5. Nor did it help Bryan B., who bought the heroin that killed him from “mrgood247,” whose rating was a perfect “5.” Notably, Silk Road vendor ratings, even on their own terms, were hardly a model of reliability. Faked feedback was a common problem on the site. (See GX-227-A at 2 (chat in which Ulbricht notes “faking feedback” among the “major issues” dealt with by his customer support staff)). Some vendors were even known to threaten buyers with leaking their address information on the forums (and thereby outing their real identities) if they gave anything less than a perfect rating. (Ex. F).¹² Mr. Duch took a page from this playbook, instructing users on his vendor page: “YOU MAY NOT ORDER unless you agree to rate 5 out of 5 no matter what happens with the product, the packaging, delays or anything else!” (GX-700). But more fundamentally, Silk Road’s vendor rating system was flawed because it provided a veneer of safety to an intrinsically unsafe business. Even if rated “5 out of 5,” heroin is still *heroin*. That notorious drug and many others that were sold on Silk Road are highly potent substances, capable of causing harm in many unpredictable ways – which is precisely why they are classified as controlled substances to begin with. Again, the law deems them not to be fit for distribution at all – let alone under some crude, manipulable “rating” system operated by those dealing and abusing drugs themselves.

Likewise, the mere fact that a single doctor – “Doctor X” – volunteered medical advice on the Silk Road discussion forum, for seven months, hardly makes up for the uncontrolled distribution of massive quantities of drugs on Silk Road over several years. While “Doctor X” states that “[b]etween April 2013 and late October 2013, I sent more than 450 messages to Silk Road users in response to requests for advice and assistance,” (Caudevilla Decl. ¶ 5), the fact remains that from January 2011 to October 2013, over 100,000 users made more than 1.5 million

¹² Ulbricht was aware of this practice, as reflected in Exhibit F, which is an excerpt of a chat with a co-conspirator found on Ulbricht’s computer:

(2011-12-19 17:12) vj:	so vendors that mention a buyer[']s handle to bitch about
	fucking feedback should be fed to the sharks
(2011-12-19 17:13) vj:	ones that do that AND keep records of the addresse[s]
	should be fed to ants, and then to sharks
(2011-12-19 17:13) vj:	lttm keeps addressess
(2011-12-19 17:13) vj:	Paperchasing keeps addressses and threatens to spread
	names of anyone who dares give him a 4/5
(2011-12-19 17:13) myself:	how do you know all of this?
(2011-12-19 17:14) vj:	I read the forums
(2011-12-19 17:14) myself:	I should probably do that ;)

purchases from Silk Road, mostly for illegal drugs. Thus, the number of individuals seeking out “Doctor X’s” advice constituted a small fraction of the overall Silk Road user population. There is no evidence that “Doctor X” sent any private messages to Jordan M., Bryan B., Scott W., or Jordan L., for example. And he obviously had no opportunity to counsel teenagers Alejandro N. and Preston B., who did not even purchase drugs from Silk Road directly themselves, but rather obtained them downstream from others. Indeed, these latter two examples show that Silk Road drugs were not only distributed to users who purchased them from the site; they were also easily resold or redistributed on the street, where any “harm reduction measures” found on Silk Road were moot.

In any event, Ulbricht’s overriding motive was never “harm reduction.” He did not set up Silk Road simply to give drug users a way to rate drug dealers online or use drugs “safely,” let alone to help them find drug counseling. He set up Silk Road as a drug-trafficking business, run for a profit. And in pursuit of those profits, he was willing to supply any kind of illegal drug in demand – no matter how dangerous or addictive. Every conceivable prohibited substance – even poisons such as cyanide¹³ – could be found for sale on Silk Road, without restriction. The buyer’s age didn’t matter. The buyer’s health condition didn’t matter. The buyer’s motives – including drug addiction – didn’t matter. Ulbricht was content to let users buy whatever drugs they pleased and leave them to deal with the consequences.

Ulbricht was well aware of the dangers inherent in the products he was selling. One telling example is synthetic drugs – which even “Doctor X” specifically warned Silk Road users against trying, given the novelty of the drugs and the lack of research about their known effects, (Caudevilla Decl. ¶ 6). Notably, Ulbricht himself was warned about these drugs in his personal life, in an email from a relative dated February 10, 2013, recovered from his Gmail account. In the email, the relative advised Ulbricht and others:

You may already know this...and I am not assuming that any of you use, but I just heard some stories about how much worse – how dangerous and damaging – synthetic pot (“spice”) is. This, and of course “bath salts” are to be totally avoided. Well, I would say all drugs. . . . A girl is now blind and paralyzed and the stories go on. Fore-warned is fore-armed.

(Ex. G). Ulbricht reassured the relative that “I don’t go near that stuff.” (*Id.*). But even though Ulbricht knew enough to avoid using these drugs himself, he evidently had no compunction about distributing large quantities of them to others, through Silk Road. Silk Road transaction records show that Ulbricht sold over \$200,000 worth of synthetic cannabis on Silk Road¹⁴ and

¹³ (See GX-223, GX-229C (chats reflecting that Ulbricht knowingly permitted the sale of cyanide on the site)).

¹⁴ (See GX-940 at 1 (entry for “Synthetic – Cannabis”), 4 (entry for “Smoking Blend – Synthetic”); Ex. H (sample screenshots of Silk Road offerings for these products)).

more than \$4.4 million worth of drugs known on the street as “bath salts.”¹⁵ Obviously, the most effective “harm reduction” measure Ulbricht could have taken with respect to these drugs would have been to ban their sale on the site. But he chose not to. It would have been antithetical to his business model.

Not only did Ulbricht allow drugs of all kind to be sold on Silk Road without restriction, he specifically encouraged and promoted drug use in pursuit of ever greater profits. As evidenced at trial, Ulbricht went so far at one point as to offer customer prizes on Silk Road – including a vacation giveaway – as a marketing gimmick designed to drive up the drug sales on the site. In a chat about the promotion with a co-conspirator, “VJ,” Ulbricht joked about the fact that he was, in essence, offering incentives to buy drugs (“we’re selling drugs here, first one’s free little jonny! damn that sounds awful”). (GX-226C at 2). Tellingly, the winner of the grand-prize vacation was a heroin addict. In a later chat about the promotion, “VJ” told Ulbricht he was “worried about our winner,” explaining: “He’s trying to dry out. Heroin.” Ulbricht responded, “oh geez. fuck, what are we doing.” “VJ” continued: “Yeah, he told me some time ago he was trying to quit, but SR made it kinda tough.” Ulbricht mockingly retorted: “maybe our next prize will be 3 months in rehab.” (GX-226C at 2-3).

Ulbricht thus knew full well that he was in the business of profiting from drug abuse and addiction. Against that context, Ulbricht’s claim that Silk Road was designed to “encourage users to examine their own conduct, and . . . stop abusing drugs before it irreparably damaged their lives,” (Def.’s Ltr. dated May 15, 2015, at 8), rings completely hollow.

II. The Proliferation of “Dark Markets” Like Silk Road Underscores the Need for a Lengthy Sentence

Ulbricht did not merely commit a serious crime in his own right. He developed a blueprint for a new way to use the Internet to undermine the law and facilitate criminal transactions. Using that blueprint, others have followed in Ulbricht’s footsteps, establishing new “dark markets” in the mold of Silk Road, some selling an even broader range of illicit goods and services than Silk Road itself. Although the Government has achieved some successes in combating these successor dark markets, they continue to pose investigative challenges for law enforcement. The use of sophisticated anonymizing technologies, such as the Tor network, make it difficult to locate the infrastructure and identify the operators behind them.

Curiously, Ulbricht argues that the continuing growth of “dark markets” counsels *against* factoring general deterrence into his sentence, based on the notion that attempting to deter this type of criminal conduct is pointless. (Def.’s Ltr. dated May 22, 2015, at 59). The opposite inference is warranted. Because “dark markets” represent an emerging front in the fight against

¹⁵ (See GX-940 at 1 (entry for “Methylone”) & 2 (entry for “MDPV”); Ex. I (sample screenshots of Silk Road offerings for these products); *see also* Drug Enforcement Administration, Office of Diversion Control, Information Sheets on Methylone and MDPV, *available at* http://www.deadiversion.usdoj.gov/drug_chem_info/methylone.pdf and http://www.deadiversion.usdoj.gov/drug_chem_info/mdpv.pdf).

crime, general deterrence interests are a particularly salient sentencing factor in this case. Ulbricht's conviction is the first of its kind, and his sentencing is being closely watched. The Court thus has an opportunity to send a clear message to anyone tempted to follow his example that the operation of these illegal enterprises comes with severe consequences. While not all may be deterred as a result, that is virtually always the case with any deterrent measure. *Cf. Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.*, 651 F.3d 722, 728 (7th Cir. 2011) (noting that "deterrence is never perfect"). The point is to deter those at the margins. To the extent that would-be imitators may view the risk of being caught to be low, many are still likely to be deterred if the stakes are sufficiently high.

Accordingly, beyond the seriousness of Ulbricht's offense, the interest in general deterrence of similar criminal conduct also counsels in favor of a lengthy sentence of imprisonment.

III. Ulbricht's History and Personal Characteristics Do Not Present Significant Mitigating Factors

In his sentencing submission, Ulbricht portrays himself as having created Silk Road for idealistic, disinterested motives and attaches numerous letters from family and supporters attesting to their impressions of his good moral character. The evidence, however, tells a different story, of someone who consciously chose to operate a criminal enterprise for several years, motivated in substantial part by greed and vanity. On balance, Ulbricht's history and personal characteristics do not significantly cut in his favor.

Ulbricht claims in his letter to the Court that he created Silk Road to "giv[e] people the freedom to make their own choices" and that he "wasn't seeking financial gain." (Def.'s Ltr. dated May 22, 2015, Ex. 1, at 1). But, in fact, Ulbricht was motivated by a personal agenda at least as much as a political one. As he himself stated in his journal in 2010, anticipating the launch of the site the following year: "I am creating a year of prosperity and power beyond what I have ever experienced before. Silk Road is going to become a phenomenon and at least one person will tell me about it, unknowing that I was its creator." (GX-240).

The desire for "prosperity and power" continued to motivate Ulbricht as he operated the site over the next three years. Ulbricht paid close attention to the collection of profits from his enterprise. (GX-240B (journal entry discussing profits); GX-250 ("SR Accounting" spreadsheet); GX-251 ("net worth" spreadsheet listing Silk Road as \$104 million asset). He collected commissions automatically on every Silk Road sale, and prominently banned users from transacting business "out-of-escrow" in order to avoid these commissions – a prohibition that he and his support staff continually sought to enforce. (Tr. dated Jan. 14, 2015, at 220:14-221:22; GX-120; GX-125G; GX-226B; GX-227A; GX-242; GX-930). He tracked sales and profit figures for the site, noting various milestones in his chats with "VJ," at one point boasting: "I made a declaration about 8 years ago that I'd be a billionaire by my birthday in 2014. If you coun[t] the discounted future values of the enterprise, it could happen." (GX 226A).

Ulbricht succeeded in making a considerable fortune from Silk Road, including the huge stash of Bitcoins seized from his personal laptop, worth nearly \$18 million at the time of his

arrest. (PSR ¶¶ 41-42, 57). Ulbricht was careful not to flaunt his money, because he knew it was important to maintain a low profile to avoid detection. As he told a co-conspirator, “I live a modest life still . . . security requires it.” (GX 229D). But Ulbricht did not plan to live a modest life forever. He researched offshore havens such as Monte Carlo and Andorra, where, as he put it, “you can live permanently w/o income tax.” (GX-226E at 3). In mid-2012, he filed an application for foreign citizenship in the Caribbean island of Dominica, one of a handful of countries that sells citizenship in exchange for a substantial “economic investment,” and followed up in November by traveling to the country for an interview. (GX-290; GX-291; GX-316; GX-321). In mid-2013, he took further steps toward preparing for a possible life on the run, ordering nine high-quality fake IDs from a Silk Road vendor, whom he repeatedly asked for assurance that the IDs were sufficient “to get through being pulled over by a cop” or “to board a domestic USA flight.” (GX-400; GX-935). Thus, while it is unclear whether Ulbricht ever settled on a specific plan, clearly, he was exploring exit strategies. He had every intention of enjoying the fruits of his criminal enterprise.

As for the letters submitted in support of Ulbricht, which describe the letter writers’ memories of acts of compassion and kindness by Ulbricht, the Government does not doubt the sincerity of these letters; but the fact remains that Ulbricht kept those close to him deeply in the dark about his criminal livelihood. He became well practiced in leading a double life. As he confided in a chat with a co-conspirator, who asked Ulbricht what he told his family he did for a living: “I have my little alibi. I’m clever, so I can bs when I need to. . . and friends will tell me shit like, why don’t you do this or that like I have all this free time. I just want to scream at them ‘because i’m running a goddam multi-million dollar criminal enterprise!!!!’” (GX-229D).

Indeed, behind the mask of the “Dread Pirate Roberts,” Ulbricht cultivated a darker side of his personality, one that his friends and family – and even “DPR’s” admirers on Silk Road – would have found shocking. He proved quite ruthless in seeking to protect his illegal empire, attempting on multiple occasions to solicit murders for hire in order to deal with perceived threats to his operation. At trial, the Government introduced evidence of five of those attempted murders-for-hire. (GX-936). As the Government made clear, no one, thankfully, was actually killed as a result of Ulbricht’s actions; the “hitman” involved in these five attempts appears to have been a conman. But – contrary to Ulbricht’s absurd suggestion in his sentencing submission that these murder-for-hire attempts were mere “masquerade” or “role-playing,” (Def.’s Ltr. dated May 22, 2015, at 37) – Ulbricht clearly believed that all of the murders were real and intended for them to occur. He paid for them with \$650,000 in Bitcoins – transferred directly from a Bitcoin wallet on his laptop.¹⁶ He coldly noted the arrangement and execution of the murders-for-hire in entries in his “log” file on his computer.¹⁷ And he excitedly reported one

¹⁶ (Tr. dated Jan. 2, 2015, at 1727:21-1732:13; GX-601; GX-630; GX-631; GX-936 at 22, 31).

¹⁷ See GX-240 (“being blackmailed with user info,” “commissioned hit on blackmailer with [hell’s] angels,” “got word that blackmailer was ex[e]cuted,” “received visual confirmation of blackmailers execution”).

of the murders-for-hire in a chat with “VJ.”¹⁸ Ironically, in his public pronouncements on Silk Road in the voice of “DPR,” Ulbricht portrayed himself as a champion of “freedom” on the Silk Road website, opposed to the use of any kind of “force” against others. In truth, Ulbricht was just as willing as a traditional kingpin to use intimidation and violence in furtherance of his criminal enterprise.¹⁹

Thus, while the Court should of course give due consideration to the letters submitted in support of Ulbricht, they must be weighed against the facts surrounding his criminal conduct. The defendant created Silk Road for self-aggrandizing motives, despite ample opportunities available for him to pursue as a law-abiding member of society. He sought to profit from the drug abuse and addiction of others and was even willing to solicit murder to eliminate threats to his business. At no time has he accepted full responsibility for his actions. The Court’s sentence should hold Ulbricht accountable for his choices.

¹⁸ See GX-227D (“I get blackmailed by a guy saying he's in deep shit with hell's angels . . . i said, have the hells angels contact me so i can work something out . . . very foolishly he did . . . they said they caught up with lucy, got the product back and killed him”).

¹⁹ Accordingly, there is no basis for Ulbricht’s objection to the PSR’s inclusion of a Guidelines enhancement under U.S.S.G. § 2D1.1(b)(2), which applies “[i]f the defendant used violence, made a credible threat to use violence, or directed the use of violence.” (Def.’s Ltr. dated May 22, 2015, at 80). As its plain terms make clear, the enhancement does not require that violence actually occur, but only that violence be credibly intended. See *United States v. Harris*, 578 Fed. Appx. 451, 453-54 (5th Cir. 2014) (affirming application of enhancement even though “there was no actual drug stash” that defendant intended to rob, explaining: “the enhancement’s view that higher sentences are warranted for those with a propensity for violence—even if just reflected in a threat and not an actual act of violence—is implicated even when the threat occurs in connection with a sting”). Moreover, contrary to Ulbricht’s argument that the murder-for-hire solicitations constitute uncharged conduct that cannot be factored into his base offense level, the solicitations were specifically charged as an overt act of the alleged narcotics conspiracy. See Indictment S1 14 Cr. 68 (KBF) ¶¶ 16.b & 16.c. Moreover, all relevant conduct, whether charged or uncharged, must be considered in calculating Ulbricht’s base offense level in any event. See U.S.S.G. § 1B1.3(a). Notably, Ulbricht does not challenge any other aspect of the Guidelines calculation in the PSR. The Government agrees with the calculation in its entirety.

IV. Conclusion

For the reasons set forth above, the Government respectfully requests that the Court impose a lengthy sentence, one substantially above the 20-year mandatory minimum, in order to reflect the seriousness of the offense, to promote respect for the law, and to afford adequate deterrence to criminal conduct. 18 U.S.C. § 3553(a).

Respectfully,


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cc: Joshua Dratel, Esq.


A1332


Silk Road
 anonymous market

messages 0 | orders 0 | account \$0.0000

a few words from the Dread Pirate Roberts

Hi, FBINY
 logout



Search

Go

Shop by Category









Forgeries 156
 Fake IDs 55
 Passports 10
 Apparel 753
 Art 14
 Books 1,322
 Collectibles 26
 Computer equipment 100
 Custom Orders 87
 Digital goods 892
 Drug paraphernalia 496
 Drugs 13,802
 Electronics 239
 Erotica 584
 Fireworks 34
 Food 13
 Hardware 35
 Home & Garden 28
 Jewelry 104
 Lab Supplies 30
 Lotteries & games 169
 Medical 56
 Money 269
 Musical instruments 7
 Packaging 91
 Services 171
 Sporting goods 3
 Tickets 4
 Writing 7

sort by: bestselling

☐ Domestic only

update

discuss this category 0

	! Ohio (US) Novelty / Fake ID (holos/magstrip/UV) seller: TedDanzigSR 0.0 ships from: United States of America	5 4 3 2 1	\$1.9788 add to cart
	Illinois Driver's License [Holograms+UV+Scans] seller: MisterReplicator 0.0 ships from: United States of America	5 4 3 2 1	\$1.1857 add to cart
	Illinois Fake ID (UV/Scans/Blacklights) BEST ON SR seller: leOracle 0.0 ships from: United States of America	5 4 3 2 1	\$1.1452 add to cart
	New South Wales Driving License (Holograms+Scans) seller: KingOfClubs 0.0 ships from: undeclared	5 4 3 2 1	\$1.4935 add to cart
	Illinois Fake ID License ** UV, Hologram, Scans ** seller: crcr1 0.0 ships from: United States of America	5 4 3 2 1	\$0.8961 add to cart
	✪ Forged Social Security Card ✪ seller: namedeclared 0.0 ships from: United States of America	5 4 3 2 1	\$0.3707 add to cart
	Illinois ID(UV/Scans/Blacklights)WORKS IN CLUBS/BARS seller: idsupply 0.0 ships from: United States of America	5 4 3 2 1	\$0.7468 add to cart
	UK Driving License (Holograms + Scannable) seller: KingOfClubs 0.0 ships from: undeclared	5 4 3 2 1	\$1.4935 add to cart

A1333



messages 0 orders 0 account \$0.0000

a few words from
the Dread Pirate Roberts

Case 1:14-cr-00068-KBF Document 256-1 Filed 05/26/15 Page 2 of 8

Search

Go

Hi, FBINY
logout

Shop by Category

Forgeries 156
 Passports 10
 Fake IDs 55
 Apparel 753
 Art 14
 Books 1,322
 Collectibles 26
 Computer equipment 100
 Custom Orders 87
 Digital goods 892
 Drug paraphernalia 496
 Drugs 13,802
 Electronics 239
 Erotica 584
 Fireworks 34
 Food 13
 Hardware 35
 Home & Garden 28
 Jewelry 104
 Lab Supplies 30
 Lotteries & games 169
 Medical 56
 Money 269
 Musical instruments 7
 Packaging 91
 Services 171
 Sporting goods 3
 Tickets 4
 Writing 7

sort by: bestselling

☐ Domestic only

update

discuss this category 0

**EU Passport Scan - Customised HQ**
 seller: starlight 0.0
 ships from: Netherlands
5
4
3
2
1
\$0.6314
 add to cart
**NEW USA PASSPORT CUSTOM SCAN, ANY NAME, ANY PIC**
 seller: perfectscans 0.0
 ships from: United States of America
5
4
3
2
1
\$0.7393
 add to cart
**UK British Passport Custom Scan Any Name/Pic**
 seller: perfectscans 0.0
 ships from: United Kingdom
5
4
3
2
1
\$0.7393
 add to cart
**((AUSTRALIAN PASSPORT SCAN, ANY NAME, ANY PIC**
 seller: perfectscans 0.0
 ships from: Australia
5
4
3
2
1
\$0.9633
 add to cart
**USA Custom Passport/SSN ID Any Name, Any Pic**
 seller: perfectscans 0.0
 ships from: United States of America
5
4
3
2
1
\$0.9334
 add to cart
**NEW USA PASSPORT CUSTOM SCAN, ANY NAME, ANY PIC**
 seller: perfectscans 0.0
 ships from: United Kingdom
5
4
3
2
1
\$0.7393
 add to cart

no image

100% REAL! USA PASSPORT! AUCTION! MAKE AN OFFER!!
 seller: Rapid RX 0.0
 ships from: United States of America
5
4
3
2
1
\$5.1853
 add to cart

no image

Romania / Romanian passport - valid, OK for travel
 seller: EuHighz 0.0
 ships from: Hungary
5
4
3
2
1
\$11.7470
 add to cart
**Real Passport/New Identity in 30 days RUSH SERVICE**
 seller: IdentitySource 0.0
 ships from: undeclared
5
4
3
2
1
\$156.0700
 add to cart
**A Real Passport, A New Identity in 45 days**
 seller: IdentitySource 0.0
 ships from: undeclared
5
4
3
2
1
\$120.0500
 add to cart

- Digital goods 892
- Media 143
- Video Games 10
- Invites / Accounts 12
- Security 25
- Synthesis 8
- Video 103
- Apparel 753
- Art 14
- Books 1,322
- Collectibles 26
- Computer equipment 100
- Custom Orders 87
- Drug paraphernalia 496
- Drugs 13,802
- Electronics 239
- Erotica 594
- Fireworks 34
- Food 13
- Forgeries 156
- Hardware 35
- Home & Garden 28
- Jewelry 104
- Lab Supplies 30
- Lotteries & games 169
- Medical 56
- Money 269
- Musical instruments 7
- Packaging 91
- Services 171
- Sporting goods 3
- Tickets 4
- Writing 7

**Windows 7**

Windows 7 - All Versions
seller: plutopete 0.0
ships from: United Kingdom

5 4 3 2 1

\$0.0961
add to cart

**FREE WI-FI**
WIRELESS INTERNET ACCESS

Crack WiFi Passwords for FREE INTERNET
seller: alog25 0.0
ships from: undeclared

5 4 3 2 1

\$0.2323
add to cart



[Android] Hackers Handbook (Full Version)
seller: sh4d3r1950 0.0
ships from: undeclared

5 4 3 2 1

\$0.0609
add to cart



Adobe Photoshop Cs6 Extended 13.0.1 Portable
seller: HipsterPikachu 0.0
ships from: undeclared

5 4 3 2 1

\$0.0496
add to cart



Adobe Photoshop CC - Hacked Portable Copy
seller: namedeclined 0.0
ships from: undeclared

5 4 3 2 1

\$0.0370
add to cart



Rosetta Stone 3.4.5 All Languages (PC) BEST price!
seller: mesa235z 0.0
ships from: United States of America

5 4 3 2 1

\$0.0373
add to cart



[Android] Hackers Home Pro (Fully Fuctional)
seller: sh4d3r1950 0.0
ships from: undeclared

5 4 3 2 1

\$0.0366
add to cart

sort by: bestselling

☐ Domestic only

update

discuss this category 0

Digital goods 892

Invites / Accounts 12

Media 143

Security 25

Synthesis 8

Video 103

Apparel 753

Art 14

Books 1,322

Collectibles 26

Computer equipment 100

Custom Orders 37

Drug paraphernalia 496

Drugs 13,802

Electronics 239

Erotica 584

Fireworks 34

Food 13

Forgeries 156

Hardware 35

Home & Garden 28

Jewelry 104

Lab Supplies 30

Lotteries & games 169

Medical 56

Money 269

Musical instruments 7

Packaging 91

Services 171

Sporting goods 3

Tickets 4

Writing 7



HUGE Hacking Pack **150+ HACKING TOOLS&PROGRAMS,**

seller: sniffsniff 0.0

ships from: undeclared



Sassafras oil to mdma.hcl guide, 1kg easy, sick!

seller: ron paul 0.0

ships from: United States of America



Lab Notes: LSD synthesis! Two guides in one! EASY!

seller: ron paul 0.0

ships from: United States of America



Extreme Darknet Bootable USB (v2) 16GB

seller: ugllysurfer 0.0

ships from: United States of America



ATM Cash Machine Hack...

seller: UK Stealth 0.0

ships from: United States of America



Netflix Account

seller: sniffsniff 0.0

ships from: undeclared



ALL Hacking Listings (40% Discount)

seller: supremePSY 0.0

ships from: United States of America

5

4

3

2

1

\$0.1867

add to cart

5

4

3

2

1

\$4.4017

add to cart

5

4

3

2

1

\$7.1220

add to cart

5

4

3

2

1

\$0.4973

add to cart

5

4

3

2

1

\$0.6000

add to cart

5

4

3

2

1

\$0.0374

add to cart

5

4


3


2

1

\$0.6123

add to cart








Silk Road
anonymous market


3 NEW WORLD TUN
 the Dread Pirate Roberts
 Hi, **ajax424** logout

messages 0 orders 0 account \$0.00
 Search

Shop by Category
 Jewelry 47
 Apparel 87
 Art 5
 Books 736
 Collectibles 13
 Computer equipment 17
 Custom Orders 24
 Digital goods 317
 Drug paraphernalia 105
 Drugs 2,603
 Electronics 15
 Erotica 291
 Fireworks 3
 Food 3
 Forgeries 46
 Hardware 2
 Herbs & Supplements 9
 Home & Garden 7
 Lab Supplies 6
 Lotteries & games 34
 Medical 3
 Money 62
 Packaging 24
 Services 42
 Tickets 1
 Weight loss 13
 Writing 3
 Yubikeys 3

sort by:

	Replica Tiffany & Co. Like the Wind Fashion Earrings seller: AsianMxen(100) ships from: undeclared	\$0.93 add to cart
	Replica Tiffany & Co three hearts Necklace seller: AsianMxen(100) ships from: undeclared	\$1.29 add to cart
	Cartier Love Ring - Woman & Man seller: FoxyGin(100) ships from: China	\$1.91 add to cart
	Beautiful Hermes bracelet Replica seller: FoxyGin(100) ships from: undeclared	\$2.68 add to cart
	Replica Tiffany & Co. Heart bracelet seller: AsianMxen(100) ships from: undeclared	\$1.41 add to cart
	Beautiful Cartier Necklace replica seller: FoxyGin(100) ships from: China	\$3.21 add to cart


Silk Road
anonymous market

messages 0 orders 0 account \$0.00
 Search Go

 the Dread Pirate Roberts
 Hi, ajax424 

Shop by Category

Apparel 87
 Clothing 22
 Handbags 3
 Sunglasses 32
 Watches 26
 Art 5
 Books 736
 Collectibles 13
 Computer equipment 17
 Custom Orders 21
 Digital goods 317
 Drug paraphernalia 105
 Drugs 2,603
 Electronics 15
 Erotica 291
 Fireworks 3
 Food 3
 Forgeries 46
 Hardware 2
 Herbs & Supplements 9
 Home & Garden 7
 Jewelry 47
 Lab Supplies 6
 Lotteries & games 31
 Medical 3
 Money 62
 Packaging 21
 Services 42
 Tickets 1
 Weight loss 13
 Writing 3
 Yubikeys 3

sort by: bestselling

☐ Domestic only

update



Hermes Real Leather Belt - Woman & Man

 seller: Foxy Girl(100)
 ships from: China

 \$6.93
 add to cart


LV Initials Damier Graphite Belt Replica - Man

 seller: Foxy Girl(100)
 ships from: China

 \$3.63
 add to cart


Fake Ray ban RB2140 Sunglasses - Children

 seller: Foxy Girl(100)
 ships from: China

 \$3.20
 add to cart


Gucci Belt with Square Buckle - Woman

 seller: Foxy Girl(100)
 ships from: China

 \$3.33
 add to cart


LV Inventeur Damier Ebene Reversible Belt - Man

 seller: Foxy Girl(100)
 ships from: China


 \$4.34
 add to cart


LV Initials Damier Ebene Belt Replica - Man

 seller: Foxy Girl(100)
 ships from: China

 \$4.60
 add to cart

A1339


Silk Road
 anonymous market

messages 0 | orders 0 | account \$0.0000

a few words from the Dread Pirate Roberts

Hi, FBINY
 logout









Search Go

Shop by Category

Money 269
 Bullion 27
 Digital currencies 48
 Apparel 753
 Art 14
 Books 1,322
 Collectibles 26
 Computer equipment 100
 Custom Orders 87
 Digital goods 892
 Drug paraphernalia 496
 Drugs 13,802
 Electronics 239
 Erotica 594
 Fireworks 34
 Food 13
 Forgeries 156
 Hardware 35
 Home & Garden 28
 Jewelry 104
 Lab Supplies 30
 Lotteries & games 169
 Medical 56
 Musical instruments 7
 Packaging 91
 Services 171
 Sporting goods 3
 Tickets 4
 Writing 7

sort by: bestselling ☐ Domestic only

discuss this category 9

	\$1,000 US Dollars (10 \$100 bills) seller: gold 0.0 ships from: United States of America	5 4 3 2 1	\$9.3597 add to cart
	\$10,000 US Dollars (100 \$100 bills) seller: gold 0.0 ships from: United States of America	5 4 3 2 1	\$91.6370 add to cart
	\$100 US Dollars (1 \$100 bill) seller: gold 0.0 ships from: United States of America	5 4 3 2 1	\$0.9830 add to cart
	\$1000 USD Cash AND 1 Ounce Amer. Buffalo Gold Coin seller: gold 0.0 ships from: United States of America	5 4 3 2 1	\$19.9820 add to cart
	£100 - Tesco Vouchers UK seller: Mr BlackHat 0.0 ships from: United Kingdom	5 4 3 2 1	\$0.3050 add to cart
	\$100 Bill seller: CashExpress 0.0 ships from: United States of America	5 4 3 2 1	\$0.9180 add to cart
	ANONYMOUS VISA ATM CARD EUR/ USD + Bank ACC seller: BioCanna 0.0 ships from: Poland	5 4 3 2 1	\$0.3421 add to cart
	ANONYMOUS VISA ATM DEBIT CARD EUR/USD/GBP seller: jomacchard 0.0	5 4 3 2 1	\$0.1380 add to cart

A1340

600 Silk Road discussion / A brand new anonymous market!

« on: February 26, 2012, 07:57 am »

-----BEGIN PGP SIGNED MESSAGE-----

Hash: SHA1

We are happy to announce a brand new site called The Armory. It focuses exclusively on the sale of small-arms weaponry for the purpose of self defense.

The issue of whether weapons should be sold on Silk Road has been brought up and debated too many times to count. I have heard good arguments on both sides of the debate and had to really think hard before choosing to take this direction. Here is a brief summary of my thoughts on the matter and why I chose to spin-off a new site rather than ban weapon sales completely, or allow them to continue here:

First off, we at Silk Road have no moral objection to the sale of small-arm weaponry. We believe that an individual's ability to defend themselves is a cornerstone of a civil society. Without this, those with weapons with eventually walk all over defenseless individuals. It could be criminals who prey on others, knowing they are helpless. It could be police brutalizing people with no fear of immediate reprisal. And as was seen too many times in the last century, it could be an organized government body committing genocide on an entire unarmed populace. Without the ability to defend them, the rest of your human rights will be eroded and stripped away as well.

That being said, there is no reason we have to force everyone into a one-size-fits-all market where one group has to compromise their beliefs for the benefit of another. That's the kind of narrow thinking currently used by governments around the world. It's why we are in this mess in the first place. The majority in many countries feel that drugs and guns should be illegal or heavily regulated, so the minority suffers.

Here at Silk Road, we recognize the smallest minority of all, YOU! Every person is unique, and their human rights are more important than any lofty goal, any mission, or any program. An individual's rights ARE the goal, ARE the mission, ARE the program. If the majority wants to ban the sale of guns on Silk Road, there is no way we are going to turn our backs on the minority who needs weaponry for self defense.

So, without further ado, I give you our answer to this whole conundrum:

The Armory: ayjkg6ombsahbx2.onion

The Armory is run on the same codebase that runs Silk Road, with all of the same features you know and love. However, it is run completely independently with it's own servers, Bitcoin wallets, databases, etc. If it becomes popular, we'll even look into putting it under separate management.

A note to vendors: If you have items in the Silk Road weapons category, please relist them at The Armory asap. We will be shutting down weapons sales on Silk Road on Sunday March 4th.

-----BEGIN PGP SIGNATURE-----

Version: GnuPG v2.0.14 (GNU/Linux)

iQEcBAEBAGAGBQJPSt5DAAoJEAiQjnt/oIO9IH+jIH9+bqUjakkOSbbOxqKe7g
IGBQWpNDTvcyI/5/EX7Y6DDUs3sR5OhQpXoeQH1+aGvNoF+iUrot0TYmiTDa72
cBI3AD9TtaxrbLuuuKhnUXTQ3BhoZMKx8VLdLK6HallITW9Qwn5Fp2lr54tOV29a
BQXvhqfibg7+BZRM38yZJT/GFW2+FCjxMnp3o6oD/nXDRYDqtRjfuas4Yad3JkB
owsH3+mZO014//UuLawUqJ/EKU7GA1xZ+YXy2fgn6U+hHNH9STLXj3kIHkgN8QV
KsoP/fxpiGeZyUprkVUarCs1LtsNHBsbiz+MzsaTYitvwSagZId+3X33n7AH2Mo=
=+nt5

-----END PGP SIGNATURE-----

A1341



Welcome group!
[messages\(0\)](#) | [orders\(0\)](#) | [account\(\\$0.00\)](#) | [settings](#) | [log out](#)

| [\(0\)](#)

The armory will close indefinitely in **11 days 15 hrs 49 mins 30 secs**. Please conclude any outstanding business and withdraw all funds from your account.

[bookmark this item](#)

Rifles

Bushmaster/Colt AR-15 (Full Auto/M-16)

Seller:
 GunsmithCats

Price:
 \$659.44

Ships from: United States of America
Ships to: United States of America

Description:

Bushmaster AR-15 with installed/working autosear. Receiver was modified and autosear was installed by me.

16.1" barrel with 1:7 twist, ribbed foreguard, standard collapsible stock and standard grip.

The upper is a brand new Colt... all parts in the upper are Colt. The lower is well used but not damaged in any way. The lower is not registered as a Class 3 weapon, so in a way it is very hot. It will ship in 2 parts (Upper and lower).

MESSAGE ME BEFORE YOU BUY. If you don't I will cancel the order.

Email because TA is closing: gunsmithcats [at] tormail.com

add to cart

[become a seller](#) | [how does it work?](#) | [community forums](#) | [contact us](#)

Saturday 4th of August 2012 04:14:37 AM UTC

A1342

File Edit View History Bookmarks Tools Help

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Welcome! | Silk Road

ay/kg6ombsahbx2.onion/silkroad

Google

search

messages(0) | orders(0) | account(\$0.00) | settings | log out

search

shopping cart (0)

THE ARMORY



Welcome grouper!

messages(0) | orders(0) | account(\$0.00) | settings | log out

The armory will close indefinitely in **11 days 15 hrs 55 mins 16 secs**. Please conclude any outstanding business and withdraw all funds from your account.

Shop by category:

Firearms(19)
 Handguns(7)
 Rifles(5)
 Shotguns(1)
 Accessories(6)
 Ammunition(27)
 Guides(15)
 Non-Lethal(1)

News:



FREE Glock 19 (\$19) Gen 4
 FS 9mm...
\$0.68

- The Armory opens for business!

[become a seller](#) | [how does it work?](#) | [community forums](#) | [contact us](#)

Saturday 4th of August 2012 04:08:52 AM UTC

A1343

File Edit View History Bookmarks Tools Help
 Welcome! | Silk Road
 Case 1:14-cr-00068-KBF Document 256-2 Filed 05/26/15 Page 4 of 4
 Closing the Armory
 dkn255hz262ypmil.onion/index.php?topic=33758.0
 Google

Silk Road forums

Welcome, **Guest**. Please login or register.

Login with username, password and session length




[Home](#) [Help](#) [Search](#) [Login](#) [Register](#)

Silk Road forums » Guest markets » The Armory » Closing the Armory

Pages: [1] 2

« previous next »


Topic: Closing the Armory (Read 2067 times)

Dread Pirate Roberts  **Closing the Armory**
 Administrator
 Sr. Member

 Posts: 389
 Karma: +124/-3
 as you wish... 


As most of you have figured out, we are closing the armory. Your first question is probably "why?". Well, it just wasn't getting used enough. Spinning it off originally was done somewhat abruptly and while we supported it, it was a kind of "sink or swim" experiment. The volume hasn't even been enough to cover server costs and is actually waning at this point. I had high hopes for it, but if we are going to serve an anonymous weapons market, I think it will require more careful thought an planning.

The next question is probably "can we now sell guns on Silk Road?". The answer there is most definitely NO. If we do support weapons sales once more, it will be on a separate site.

As the banner on the site says, finish up your business there and withdraw your coins before the end of the countdown. If you recently bought a seller account and haven't made enough sales to at least break even on it, contact us on the armory and we'll get you a refund.

 Logged

"any time nothing has gone wrong for more than a few days, I have time to work on features that then break when I launch them"

Transferring data from dkn255hz262ypmil.onion...  let, mizee nnn/hnake/newlibethu.ndf anarchyism net/newlibethuarianmanifesta.htm mizee nnn/hnake/mactnm.ndf

427 Silk Road discussion / Re: chat

« on: September 23, 2012, 11:06 pm »

Thank you for expressing a dissenting viewpoint. I appreciate a civilized debate, so allow me to respond.

Quote from: bitfool on September 23, 2012, 07:15 am

⚡ Silk road is nice because it's a fuck-you of sorts to the powers that be...

...but...

It will have no impact whatsoever on the so called war on drugs. It's not going to affect government in any meaningful way. Agorism is a pretty lame strategy. It may even backfire (from the point of view of agorists) and cause the government to ban tor or bitcoin or both. Of course it can be done, just ask ISPs to do a bit of traffic shaping.

Lastly, DPR is doing this for the money.

Silk Road has already made an impact on the war on drugs. The effect of the war is to limit people's access to controlled substances. Silk Road has expanded people's access. The great thing about agorism is that it is a victory from a thousand battles. Every single transaction that takes place outside the nexus of state control is a victory for those individuals taking part in the transaction. So there are thousands of victories here each week and each one makes a difference, strengthens the agora, and weakens the state.

The state may try to ban our tools, but if we never use them for fear of them being banned, then we have already lost, no? Personally, I don't think they can be effectively banned at this point. Iran and China, for example, are actively trying and failing.

On your last point, we agree, though I'd like to add some clarification. Money is one motivating factor for me. If it wasn't I wouldn't impose a commission on trades, or require vendors to use the Silk Road payment processor. Money motivates me for two reasons. For one, I have basic human needs that money allows me to meet so that I may devote my time to our cause. I also enjoy a few first-world pleasures that I feel I have earned, but nothing extravagant. In fact, compared to most I know, I still live quite frugally. I buy better food at the grocery store now, and got some new clothes, and am more generous with my friends and loved ones, but I've always been a cheap ass, and still kinda am out of habit. Besides that, I don't want the attention that buying big toys brings for security reasons.

More importantly, money is powerful, and it's going to take power to affect the kinds of changes I want to see. Money allows us to expand our infrastructure and manpower to accommodate the growing demands of our market and to pursue paths that will compliment and strengthen what's already been created here.

All that being said, my primary motivation is not personal wealth, but making a difference. As corny as it sounds, I just want to look back on my life and know that I did something worthwhile that helped people. It's fulfilling to me. If you don't know this joy, you may hear my words as insincere and as a way to manipulate, but I know they are true and resonate with some of you. There is nothing wrong with living your life to maximize your own pleasure, so long as you aren't hurting anyone in the process, but you will miss out on higher levels of happiness if your focus is always on yourself. It's paradoxical, but the less you focus on your own happiness and focus on other's, the happier you'll be. Try it out, you can always go back to being selfish 😊

A1345

USPS.com® - Track & Con...
 TorBrowser
 Inbox | Silk Road
 silkroadvb5piz3r-onion/messages

messages 1 orders 0 account B0.0118 \$1.47

Search

Go

the Dread Pirate Roberts
 3 few words from
 Hi, d0xic
 logout

all read messages delete

from	subject	freshness
PTandRnR 5.0	Your day just got better	3 hours read delete
PTandRnR 5.0	Your day just got better	22 hours read delete
Prughero 5.0	Inquiry...	1 day read delete
hiesenberg 5.0	Oh and...	1 day read delete
listonishere 5.0	Inquiry	1 day read delete
PTandRnR 5.0	Rillighteous	1 day read delete
hiesenberg 5.0	Oh and...	1 day read delete
PTandRnR 5.0	Full of surprises	1 day read delete
PTandRnR 5.0	Rillighteous	1 day read delete
hiesenberg 5.0	Oh and...	1 day read delete
noutratshestuff 5.0	I presume	1 day read delete
noutratshestuff 5.0	I presume	1 day read delete
noutratshestuff 5.0	I presume	1 day read delete
deliveredelivery 5.0	re inquiry	1 day read delete

Shop by Category

inbox
unread
sent
bulk reply

A1346



A1347



A1348



(2011-12-19 17:12) vj: so vendors that mention a buyers handle to bitch about fucking feedback should be fed to the sharks

(2011-12-19 17:13) vj: ones that do that AND keep records of the addresse should be fed to ants, and then to sharks

(2011-12-19 17:13) vj: lttm keeps addressess

(2011-12-19 17:13) vj: Paperchasing keeps addressses and threatens to spread names of anyone who dares give him a 4/5

(2011-12-19 17:13) myself: how do you know all of this?

(2011-12-19 17:14) vj: I read the forums

(2011-12-19 17:14) myself: I should probably do that ;)

(2011-12-19 17:14) vj: your aware of the Gummy stars fiasco?

(2011-12-19 17:14) myself: yes

(2011-12-19 17:14) vj: search under lttms name for 'address'

(2011-12-19 17:15) vj: for that I'd lifetime ban the bitch and take her funds and split them 'tween gummy's victims, and make it known that she got off easy.

(2011-12-19 17:16) vj: a vendor keeping addresses is gonna be doing that to save a little negotiating material in case they get busted, otherwise its pretty dangerous to have around.

(2011-12-19 17:18) vj: Paperchasing is not only blackmailing folks into 5/5's or face his wrath, he's also keeping addresses - or as he says, he has a 'good memory' for them, so in spite of his 1000+ orders if someone who's crossed his little feedback fetish tries to order under another name, he can 'remember' their addy from before.

(2011-12-19 17:19) vj: For that, I'm gonna give him a bit of a bollocking on the forums, probably leave a few bruises on him for

A1350

tv32wkhirljvcb4f.doc

the effort. But next week, I've too much to do this week, and when it starts it's gonna go on for a day or 4

(2011-12-19 17:19) vj:

Just giving you a heads up, is all. Not asking permission. Not asking you to get involved.

(2011-12-19 17:20) vj:

just when it blows, I thought you should know why

(2011-12-19 17:20) myself:

thanks for the heads up. I'll definitely be keeping a closer eye on things. Up to this point, I have been relying on buyers to come to me with complaints and there haven't been many.

(2011-12-19 17:21) myself:

looks like I need to be more proactive

From: Ross Ulbricht
To: Kim [REDACTED]
Subject: Re: just heard about this
Date: Date
2/10/2013 11:30:58 PM UTC

thanks kim. I heard about spice about a year ago. if they didn't outlaw pot, they wouldn't need to come up with experimental synthetic and dangerous cannabanoids to get around the laws. But yea, I don't go near that stuff.

On Sun, Feb 10, 2013 at 2:54 PM, Kim [REDACTED] <[kim](#)[REDACTED]> wrote:

You may already know this...and I am not assuming that any of you use, but I just heard some stories about how much worse -- how dangerous and damaging -- synthetic pot ("spice") is. This, and of course "bath salts" are to be totally avoided. Well, I would say all drugs. These are legal, but you never know what is added to any of it. A girl is now blind and paralyzed and the stories go on.

Fore-warned is fore-armed.



Silk Road
anonymous market

messages 0 orders 0 account \$0.0000
Case 1:14-cr-00068-KBF Document 256-8 Filed 05/26/15 Page 1 of 8

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3 NEW WORTHY RUMI

the Dread Pirate Roberts

Hi, FBINY
logout

Go

discuss this category 0

update

☐ Domestic only

sort by: bestselling

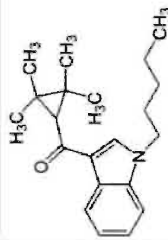


3.5grams 100% pure JWH-018

seller: alkaloyd 0.0
ships from: United States of America

5
4
3
2
1

\$0.3707
add to cart



5F-UR-144 - 1g - Pure and Domestic

seller: illegal entrepreneur 0.0
ships from: United States of America

5
4
3
2
1

\$0.0897
add to cart



JWH-073 1g - synthetic THC magic

seller: nawlins 0.0
ships from: United States of America

5
4
3
2
1

\$0.2614
add to cart



Herbal Smoking Blend
with 4% JWH-018

OR 87 000 7% SO FUCKING STONED

OMG I'M SO FUCKING STONED 3g @ 4%
JWH-018 FRESH

seller: nawlins 0.0
ships from: United States of America

5
4
3
2
1

\$0.1493
add to cart



BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4%
blends

seller: nawlins 0.0
ships from: United States of America

5
4
3
2
1

\$0.2237
add to cart



1 One gram JWH-018

seller: FatBurger 0.0
ships from: United States of America

5
4
3
2
1

\$0.2241
add to cart



1gram of Ultra Pure JWH-018 99+% pure white
powder

seller: alkaloyd 0.0

5
4
3
2
1

\$0.1486
add to cart

A1353

Astro Turf Synthetic Cannabis 30g | 5F-UR-144

\$0.3734

[add to cart](#) |
 [bookmark](#) |
 [discuss 0](#) |
 [report](#)





Item info:

seller	illegal entrepreneur 0.0
ships from	United States of America
ships to	Worldwide
category	Smoking Blend

postage options:

combined (\$0.0000) 

Description

 Astro Turf  - 30g - 5F-UR-144

INFO:

Name: Astro Turf
 Net Weight: 30g
 Price Per Gram: \$1.65
 Scent: None
 Strength: 2g:1oz chem/leaf ratio
 Leaf(s) Used: Damiana
 Chem(s) used: 5F-UR-144

SHIPPING:

Please only choose "Ships Free" if it says free shipping in the title.

I promise to only sell the best and purest spice and chem. on the market. My spice is never full of stems and my chem. is never cut!

Become a Fan!! Keep an eye on my seller page for new blends.

If you have any questions please message me!

****SEE SELLER PAGE FOR PGP****

Reviews:

sort by: freshness

go 

King Salami

orders spent vendors
 10+ \$1+ 10+

review for:  Astro Turf  Synthetic Cannabis 30g | 5F-UR-144 qty: 1 price: \$0+

Perfect stealth. Just had 2 cones mixed and I am nicely stoned. Great stuff , came quick to Aus and wasn't intercepted by kangaroos. I will definitely be back.

1y 8m old 5 of 5

alias hidden

stats: (hidden)

review for:  Astro Turf  Synthetic Cannabis 30g | 5F-UR-144

gotta mow that astro-turf, man.

1y 11m old 5 of 5

A photograph showing two white bowls filled with a thick, green vegetable soup. The soup contains visible pieces of green vegetables and possibly small pieces of meat or tofu. To the left of the bowls is a rectangular package wrapped in crinkled aluminum foil. The items are placed on a dark, reflective surface.

[add to cart](#) [bookmark](#) [discuss 0](#) [report](#)

seller	BURN CITY 0.0
ships from	Australia
ships to	Australia
category	Synthetic

postage options:

Our synthetic weed is super strong. I can't let you know the chemical makeup as it's currently legal in AUS and I don't want it getting found out. We are the only weed suppliers in a big way in AUS and now due to federal bans we have gone underground. Rest assure the blends we use although SUPER STRONG are legit and not harmful stuff.

Reviews:

sort by: freshness

go

	review for:	7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR-	qty: 1	price: \$0+
--	-------------	--	--------	-------------

orders	spent	vendors
10+	\$100+	10+

review for: 7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR- qty: 1 price: \$0+

review for: 7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR-

stats: (hidden)

Superb quality and great high as per usual. Thanks Burn City, you are the original and the best.

review for: 7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR-

stats: (hidden)

awesome as always

review for: 7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR-

stats: (hidden)

lovely

review for: 7G SUPER STRONG SYNTHETIC MARIJUANA -AUS VENDOR-

stats: (hidden)

1/2 a bong half an hour ago and I'm still ripped. This stuff is strong and has serious legs. Delivery was next day as guaranteed. A+++

A1355



BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4% blends

\$0.2237

add to cart | bookmark | discuss 0 | report

Item info:

seller	nawilns 0.0
ships from	United States of America
ships to	United States of America
category	Smoking Blend

postage options:

Priority Mail USA (#0.12)

Description

5 grams each of two very strong smoking blends made with the legendary synthetic cannabinoids JWH-018 and JWH-073.

5g of JWH-018 at 4% blend.
5g of JWH-073 at 4% blend.

Ten grams total.

Remember kids. Don't forget your screens....

in Brass: <http://silkroadvb5pz3r.onion/silkroad/item/97069ff760>
or Stainless Steel: <http://silkroadvb5pz3r.onion/silkroad/item/60f58b49aa>

Reviews:

sort by: freshness

go

irishjunkie420	review for: BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4% blends	qty: 3	price: \$0+	1y 7m old	5 of 5
orders spent vendors	Perfect Transaction A+++				
10+ \$10+ 10+					
bobdole111	review for: BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4% blends	qty: 1	price: \$0+	1y 7m old	5 of 5
orders spent vendors	Good packaging, solid weight on the product, and reasonable stealth. Took a little bit longer than expected to ship, but that might have just been the weekend too. Seems like a pretty solid seller!				
1+ \$1+ 1+					
ojsam329	review for: BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4% blends	qty: 1	price: \$0+	1y 7m old	5 of 5
orders spent vendors	Nice stealth, good packaging! Product looks good! Would recommend!				
10+ \$1+ 10+					
jeebuskreyest	review for: BRAIN DAMAGE 5g of each JWH-018 & 073 @ 4% blends	qty: 1	price: \$0+	1y 7m old	5 of 5
orders spent vendors	A #1 Joel!				
10+ \$100+ 10+	Jeebus wut is this stuff? LOL				

A1356



3g Kush Synthetic Blend Sale HOT !

\$0.1529

add to cart bookmark discuss report

Item info:

seller	CrystalMethCat 0.0
ships from	Germany
ships to	Worldwide
category	Smoking Blend

postage options:
Free (\$0.0000) ?

Description

Hi friends !

\$\$\$SALE ON ALL MY SYNTHETIC CANNA BLENDS\$\$\$

CHOOSE 4 IN QUANTITY OF ANY OF MY BLENDS LISTED AND GET A 5TH ONE FOR FREE !!

or

CHOOSE 10 IN QUANTITY OF ANY OF MY BLENDS LISTED AND GET 3PACKS FOR FREE !!

BUY 4 PACKS AND GET 5 !!

or

BUY 10 PACKS AND GET 13 !!

Here i offer u 1 Pack of famous Kush 3g Blend ! Youll get the original sealed ZipperBag, containing 3g of Herbals. Strength is 9/10.

Its the original recipe mixture, no cheap imitate !

Check it out

Reviews:

sort by: freshness

go ?

Silk Road anonymous market 3 NEW WORDS FROM the Dread Pirate Roberts

messages 0 orders 0 account \$0.0000

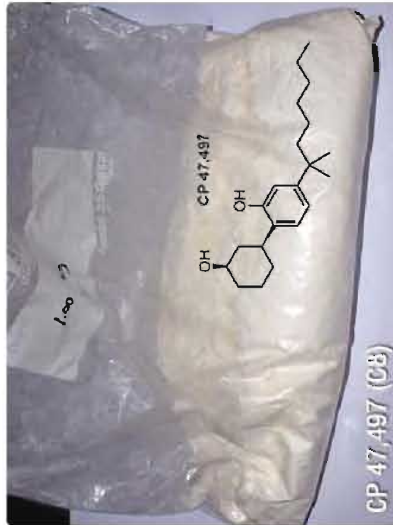
Case 1:14-cr-00068-KBF Document 256-8 Filed 05/26/15 Page 6 of 8

Search

Shop by Category

Hi, FBINY logout

CP 47,497 / Cannabicyclohexanol - 100g

\$13,4110
[add to cart](#)
[bookmark](#)
[discuss 0](#)
[report](#)


Item info:

seller	b1g1mpact 0.0
ships from	Czech Republic
ships to	Worldwide
category	Chemicals

postage options:

European Union (\$0.0) ?

Description

CP 47,497 / Cannabicyclohexanol

2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol

This is the C8 - or 1.1, dimethyloctyl homologue - of CP 47,497, which is several times more potent than standard CP 47,497. It is one of the most potent synthetic cannabinoids, around 20x stronger than THC. The product should be used sparingly, it is normally dissolved in warm alcohol and evaporated off of a smokeable herb. If using neat, use in very small quantities.

CP 47,497 is a cannabinoid receptor agonist drug, developed by Pfizer in the 1980s [1]. It has analgesic effects and is used in scientific research. It is a potent CB1 agonist with a Kd of 2.1nM. The compound is widely illegal in Europe and the far East since the ingredients of Spice were found.

Chemical formula: C21H34O2

CAS number: 70434-82-1

We ship super stealth, in heat sealed, triple layered, odour free pouches.

Reviews:

sort by: freshness

go



alias hidden

stats: (hidden)

review for: CP 47,497 / Cannabicyclohexanol - 100g

[Leave feedback here](#)

1y 9m old 5 of 5

A1358

1/2 OZ Stupid Strong Spice *CHEAP*



\$0.2614

[add to cart](#) | [bookmark](#) | [discuss 0](#) | [report](#)

Item info:

seller	j1m1th1ng 0.0
ships from	United States of America
ships to	United States of America
category	Smoking Blend

postage options:

[multi item order](#) [alrea ?](#)

Description

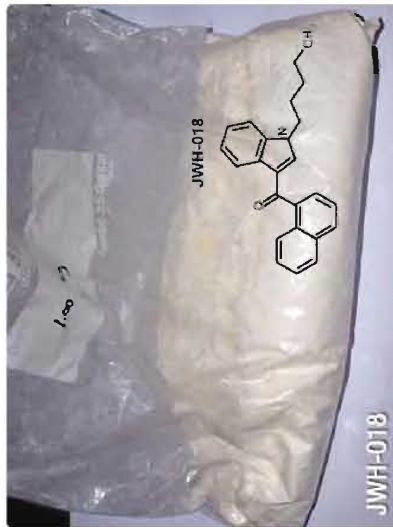
This is our "Stupid Strong" straight spice blend we use a stupid high ratio of noids to blend. You will not find a blend with a higher ratio out there. This blend used 100% destimmed and cleaned marshmellow leaf and tons of AM-2201 and SF-AKB48 in just the right ratio and for basement level prices.

Reviews:

sort by: [freshness](#)

[go](#) [?](#)

A1359



JWH-018 - 30g

\$3.8334

[add to cart](#)
[bookmark](#)
[discuss](#)
[report](#)

Item info:

seller	b1g1mpact 0.0
ships from	Czech Republic
ships to	Worldwide
category	Chemicals

postage options:

European Union (\$0.0)

Description

JWH-018

Naphthalen-1-yl-(1-pentylindol-3-yl)methanone

The original ingredient of the legendary Spice is still one of the most popular synthetic ingredients. Ours is 99.9% certified pure and absolutely top quality.

JWH-018 (1-pentyl-3-(1-naphthoyl)indole) or AM-678[1] is an analgesic chemical from the naphthoylindole family that acts as a full agonist at both the CB1 and CB2 cannabinoid receptors, with some selectivity for CB2.

Chemical formula: C24H23NO

CAS number: 209414-07-3

We ship in heat sealed, triple layered, odour free pouches and send in extreme stealth.

Reviews:

sort by: freshness

go

?

alias hidden

stats: (hidden)

review for: JWH-018 - 30g

Brilliant as always

1y 9m old

5 of 5

alias hidden

stats: (hidden)


review for: JWH-018 - 30g

Leave feedback here

1y 9m old

5 of 5

A1360



Silk Road
anonymous market

messages 0 | orders 0 | account \$0.0000

Case 1:14-cr-00068-KBF Document 256-9 Filed 05/26/15 Page 1 of 2

Search

the Dread Pirate Roberts








Hi, FBINY [logout](#)

Shop by Category


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- 4-MEC 14
- 5-APB 4
- 5-IT 3
- Butylone 7
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- MPA 1
- Pentedrone 1
- Pentylone 1
- Pills 467
- Cannabis 2,906
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- Art 14
- Books 1,322
- Collectibles 26
- Computer equipment 100
- Custom Orders 87
- Digital goods 892
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- Erotica 584
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- Hardware 35
- Home & Garden 28
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- Lotteries & games 169
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- Musical instruments 7
- Packaging 91
- Services 171
- Sporting goods 3
- Tickets 4
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sort by: [bestselling](#) ☐ Domestic only [update](#)

discuss this category 1

 <p>28gr (1oz) PURE Crystal Methylone *DOMESTIC* seller: PablosPuro 0.0 ships from: United States of America</p>	<p>5 4 3 2 1</p> <p>\$2.8002 add to cart</p>
 <p>112gr (4oz/QP) PURE Crystal Methylone *DOMESTIC* seller: PablosPuro 0.0 ships from: United States of America</p>	<p>5 4 3 2 1</p> <p>\$8.9569 add to cart</p>
 <p>100 GRAMS OF HUGE 99.9% PURE METHYLONE CRYSTALS seller: Jack N Hoff 0.0 ships from: China</p>	<p>5 4 3 2 1</p> <p>\$3.3016 add to cart</p>
 <p>1 Kilogram OF 99.8% PURE METHYLONE FREE SHIPPING seller: DRGONZO 0.0 ships from: undeclared</p>	<p>5 4 3 2 1</p> <p>\$21.0030 add to cart</p>
 <p>56gr (2oz) PURE Crystal Methylone *DOMESTIC* seller: PablosPuro 0.0 ships from: United States of America</p>	<p>5 4 3 2 1</p> <p>\$4.8537 add to cart</p>
 <p>14gr PURE Crystal Methylone *DOMESTIC* seller: PablosPuro 0.0 ships from: United States of America</p>	<p>5 4 3 2 1</p> <p>\$1.5682 add to cart</p>
 <p>7gr PURE Crystal Methylone *DOMESTIC* seller: PablosPuro 0.0 ships from: United States of America</p>	<p>5 4 3 2 1</p> <p>\$0.8961 add to cart</p>

A1361



Silk Road
anonymous market

messages 0 orders 0 account \$0.0000

the Dread Pirate Roberts

Hi, FBINYL
logout

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Go

search

Shop by Category

- Drugs 13,802
- Stimulants 1,644
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- 2-DPMP 1
- 3,4DMMC 17
- 4-EMC 3
- 4-MEC 24
- 6-APB 36
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- Caffeine 11
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- Mephedrone 101
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- Fireworks 34
- Food 13
- Forgeries 156
- Hardware 35
- Home & Garden 28
- Jewelry 104
- Lab Supplies 30

sort by: bestselling

☐ Domestic only

update

discuss this category 7

10g MDPV

seller: uhrwerk 0.0
ships from: Germany

\$1.1201
add to cart

5g MDPV

seller: uhrwerk 0.0
ships from: Germany

\$0.6538
add to cart

Bring on the Shadow People! New batch MDPV 1g

seller: nawlins 0.0
ships from: United States of America

\$0.2166
add to cart

1g MDPV

seller: uhrwerk 0.0
ships from: Germany

\$0.1825
add to cart

MDPV Half Gram SUPER COKE 99.5% Pure

seller: FabioOchoa 0.0
ships from: Australia

\$1.7100
add to cart

Bring on the Shadow People! New batch MDPV 10g

seller: nawlins 0.0
ships from: United States of America

\$7,467.2000
add to cart

CAUTION PURE TAN FLUFFY MDPV 250mg
!FREE SHIP

seller: CrystalMethCat 0.0

\$0.1115
add to cart

A1362



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 26, 2015

By ECF

Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross William Ulbricht, 14 Cr. 68 (KBF)*


Dear Judge Forrest:

Please find attached five victim impact letters submitted by relatives of several of the individuals whose drug-related deaths are described in the Government's sentencing submission.

Respectfully,

PREET BHARARA
United States Attorney

By: _____


SERRIN TURNER
TIMOTHY T. HOWARD
Assistant United States Attorneys
Southern District of New York

cc: Joshua Dratel, Esq.

April 20, 2015

The Honorable Katherine B. Forrest
United States District Judge, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1950
New York, NY 10007

Dear Judge Forrest:

I am writing to tell you about my son, Bryan, and how his life was taken by heroin that was supplied by Silk Road – the scheme that was created by Ross Ulbricht.

On the morning of Monday, October [REDACTED], 2013, I received a phone call from Bryan's employer in Boston to tell me that he had just found him dead in his apartment. He believed he had died from a drug overdose. I can't accurately describe what a shock this call was. Bryan had turned 25 the week before and had come home to spend his birthday weekend with us in California. Our birthdays are only 4 days apart and we almost invariably celebrated our birthdays together. Bryan was an incredibly good athlete, a beautiful blond haired, blue eyed young man, a graduate (with honors) of the University of D [REDACTED] working at a small money management company in Boston where he had moved just two months before. He was in perfect health. When Bryan moved to Boston, his first major purchase was a bright yellow kayak. He would paddle on the Charles River for hours and, when he was done, he would carry it back to his apartment. This was no small feat: the kayak and all of its accessories weighed nearly 50 pounds and Bryan lived several blocks from the river. When Bryan's body was found in his apartment, the kayak was hanging on the wall right next to him. The weekend of his birthday we took a scenic 30 mile bike ride together. He was the last person that anyone would have expected to die from a drug overdose. When a Boston detective called me within an hour of the call from his employer to tell me that he believed Bryan had died from a heroin overdose, I told him "you either have the wrong guy or my son was murdered. He does not do drugs." I believed I had good reason to say that. It was something we had talked about within a week of his death.

I could not reconcile his death - and, in particular, the cause of his death - with the son who I was so close to, loved so deeply and thought I knew so well. In fact, it is difficult to get my mind around it as I write this to you. I began my own investigation almost immediately. I hired a lawyer in Boston who helped me navigate the process. We contracted with a forensics team to examine Bryan's computers (both work and his laptop) and his cell phone. We looked at his text messages, emails, web searching activity, etc. I also interviewed anyone I could get to talk to me: his employer, his colleagues, former employer, former

colleagues, college friends, roommates, etc. Within weeks, I had a good outline of what had taken place and a few months later, I developed a better understanding.

In sum, what I learned was that Bryan had probably tried heroin at the beginning of his senior year of college, realized what a huge mistake he had made, and spent the last two years of his life fighting off occasional urges to do it again. We will never know why he tried it. Nobody - except a small handful of people he thought were his friends knew he had done it. That's why everyone - his close friends, his family, and his relatives - was so shocked. In hindsight, it breaks our hearts to learn that he was struggling with this, but it was clearly something he was not proud of and something he thought he could handle on his own. He wanted no one to know.

He was doing very well in life despite these struggles until mid September 2013, when he discovered Silk Road. We now know that Silk Road could only be accessed by the TOR browser - a deeply encrypted software program that was originally used by the defense department. The website offered an amazon.com-like experience: a vast selection of illicit drugs (among other things) that any potential user could want, delivery to his doorstep, complete anonymity, and, perhaps best of all, everything had to be paid with Bitcoin (an untraceable cryptocurrency). The scheme was diabolical. It eliminated every obstacle that would keep serious drugs away from anyone who was tempted. Silk Road customers would avoid high-risk back alley drug deals, police detection, friends and parents finding out...all with the promise that no one would ever know. Our investigation revealed that Bryan, who was fighting off urges to try heroin again, was simply overpowered by the combination of convenience and anonymity. Bryan downloaded the TOR browser, he set up a series of fictitious email accounts as per Silk Road's instructions, he transferred money from his bank account to a Bitcoin dealer, and he ordered heroin on Silk Road. On the morning of his birthday (September 29th), the supplier called him on Skype to confirm the shipment of the product. It was delivered by USPS to his apartment (where we later found the packaging) and he was dead a few days later.

The autopsy of Bryan's body revealed that he most likely died on Friday evening (October 4th) which we can confirm from the lack of cell phone activity after 9:30 pm that night. While Bryan's dead body laid in his apartment that weekend, my daughter tried repeatedly to reach him by phone in order to share some great news with him; he was going to be an uncle. Today, my grandson will never know his Uncle Bryan and Bryan never knew of him. My daughter's wedding was on July 6th and it was a joyous occasion for our entire family. Three months later, Bryan was gone.

As you know, Ross Ulbricht was arrested on October 2, 2013. Unfortunately, that was one week too late to save Bryan. Since Ulbricht's arrest our family has been assaulted by the persistent drumbeat of his "supporters" who go as far as to proclaim him (in your courtroom) a "hero." They continue to tell anyone who will listen the narrative that Ulbricht's crimes were "victimless" and

the government's case against him was unnecessary and unjust. Suffice it to say their claims, aside from being deeply offensive, are false and absurd.

While it is true we are all born with free will that allows us to make our own choices in life, drugs that are highly addictive - like heroin - diminish or eliminate our ability to make good choices. This is exactly why these types of drugs are illegal: they offer no medicinal or therapeutic value and have addictive qualities that can lead to extremely harmful consequences for society. Clearly my son made a horrible choice in electing to try heroin in the first place, but Ross Ulbricht's Silk Road scheme removed all the natural "governors" that would otherwise prevent people like Bryan from gaining access to a drug like heroin. This is why the creation of Silk Road was so evil: Ulbricht's business plan was not simply a plot to disintermediate local drug dealers. It was Ulbricht's plan to radically expand the market for illicit drugs, and in the process, dramatically enrich himself without any regard for the lives of others or the effects on our society. This is not the behavior of an Eagle Scout - as constantly claimed by his supporters - this is the behavior of a sociopath. I have seen no sign of remorse or contrition from Ross Ulbricht for the consequences of his monstrous crimes. It is inconceivable that he did not realize that by creating Silk Road people would die because of his greed. Deaths from drug overdoses - especially heroin - are well documented. In fact, it is highly unlikely that my son was the only victim to die from drugs supplied by Ulbricht's Silk Road. I am fortunate because I had the time and resources to investigate what happened to Bryan. Other parents will have learned of the death of their child and may spend the rest of their lives wondering how it could have happened. The loss of a child leaves a parent with a deep and permanent emotional scar. Ross Ulbricht clearly did not care about the negative consequences of creating Silk Road or about the lives - like Bryan's - that would be lost while he watched his wealth grow with every drug transaction. Every time a customer engaged in the seemingly innocuous act of clicking on the "Purchase" icon on Silk Road's website, Ross Ulbricht's wealth expanded while his customer's lives were put at risk. His victims were just more Bitcoins.

Ross Ulbricht deserves the most severe sentence the law will allow. Everyone who knew Bryan feels the enormous pain of our loss. I lost my only son and my daughter lost her only sibling. We loved him more than we can describe. We know that punishing Ross Ulbricht will never bring Bryan back, but a clear message needs to be sent to Ulbricht and anyone who contemplates a similar scheme in the future.

Sincerely,



Richard

April 23, 2015

The Honorable Katherine B. Forrest
United States District Judge, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1960
New York, NY 10007

Dear Judge Forrest:

I am writing you about my little brother, Bryan [REDACTED] whom we lost in October of 2014, shortly after he discovered the Silk Road. He had just turned 25 years old when he died of a heroin overdose, with heroin he purchased on the Silk Road.

My father, Richard [REDACTED], has also written you a letter in which he gives a very detailed account of the events that transpired prior to my brother's death. If you have not yet read his letter, please read his before continuing on with mine. His letter is far more eloquent and detailed than mine.

My brother was smart, athletic, loveable, funny, and sensitive. He was always the bright light in the room, with people circling around him, hanging on his every word. At the same time, he was sensitive: always quick to befriend the new kid in school, or take a struggling classmate under his wing. He really was incredibly well rounded. Did I mention he was handsome too? He really had it all.

Yet, in addition to all of these amazing qualities, Bryan was also impulsive and naive. He was a daredevil on a bike and on the ski slopes, and thought he was invincible. He was really athletic, so he got away with it, but being impulsive in life is another matter.

We know from Bryan's heroin overdose that he wasn't making good decisions, but he most likely had the sense to not go seeking out drug dealers in Boston's dark alleys. Once he discovered the Silk Road one night his mind was made up – he was ordering heroin and it was as simple as a few clicks of a mouse, and it would arrive on his doorstep within just a few days. The Silk Road online market place enabled anonymity and seemed to eliminate all the risks of traditional drug transactions. No one was going to try to physically harm or rob him, and most importantly no one would know whom he was.

A1367

I often read articles about sites or services on the Internet, such as social media for instance, or online forums, and how the users feel a sense of anonymity just because they're interacting through a computer screen. I'm 31 years old, and I even see some of my peers treating social media as some sort of anonymous outlet for sharing too much information and bad decisions. Everything seems less "real" online. It's easier for people to buy too much online for instance [speaking from experience]. If I were to go to the mall, and physically handle all of my purchases - pick them out, try them on, purchase them, and then carry them around the mall, I would certainly buy much less. Yet, when I go online and remove nearly all these steps - all I have to do is scroll through a few pages, add to cart, and sometimes there's even 1 click checkout, thus I buy more. A few days later boxes show up at our door and it looks like I bought half the mall.

I think Ross Ulbricht and his supporters have been unable to see past the online nature of his crimes, and to him he probably doesn't envision any real victims. I think that a connection needs to be established from the intangible, almost imaginary online life to real life and real consequences.

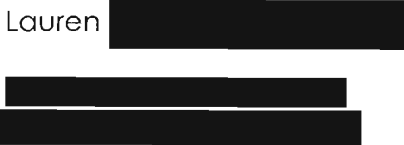
Given other sites like the Silk Road keep trying to start up, and everything else in the world is developing a stronger Internet presence, I would think this would be a crucial time to set a strong precedent. If Ross Ulbricht were to receive the harshest sentence allowed by the law, perhaps it may make some of these other 'entrepreneurs' realize the true nature of these crimes - they are clearly not victimless crimes. If his sentencing can force people to see the connection between online activity and real life consequences, then perhaps it can deter them from becoming the next Ross Ulbricht.

Thank you very much for your time and consideration. I very much appreciate it.

Sincerely,

A handwritten signature in black ink, appearing to be "Lauren", is written over a large black rectangular redaction box.

Lauren

Three lines of black rectangular redaction boxes covering the address information.

In the matter of : Ross Ulbricht

Charges : Narcotics, Money Laundering, Conspiracy

VICTIM IMPACT STATEMENT

OF

Vicki [REDACTED] (mother)

Aimee [REDACTED] (sister)

I received a telephone call around 9.45am Saturday [REDACTED] February 2013, saying that Preston had a bad accident and had been transferred by ambulance to the local hospital. Aimee and their Dad picked me up to go to the hospital. All we knew was that Preston was very badly hurt.

When we arrived at the hospital, the emergency department staff asked us how we knew about it, as no one had been officially notified. It was only because Aimee and her Dad had by chance, driven past the scene and asked Preston's friends.

At the hospital, we were ushered into a private room with the doctor and then a social worker to talk to us. They prepared us for what was going to happen. Preston had suffered severe head injuries and they would have to operate immediately to reduce the swelling on his brain. I asked if I could see him before they prepared for surgery.

As it was a Saturday, I felt it took some time for the hospital to organize staff, etc. I was escorted in to see him. I noticed there was a lot of blood coming out from his right ear. There was staff surrounding Preston with apparatus to keep him breathing and continual observations. Preston was lifeless on the trolley.

Everyone was rushing around. I knew that blood out of his ear was not a good sign. I left the room. I asked if Aimee could come in and see him.

Due to the swelling, they had to operate to remove part of his skull. I went in with Aimee who said "hang in there Preston." I said "I love you son, hang in there, everything will be okay, they are going to look after you."

We went back to waiting in the family room. It seemed like a long time. During the wait the doctor came in and told us that Preston had lost all dilation in his pupils. They weren't going to go ahead with the surgery as it was too dangerous; they were going to administer a medication instead to help with the swelling of the brain. He was put onto life support at that stage. The doctors said they would see how Preston went over the next few days.

Shortly after, the doctor left, the social worker came back in and said "Sorry you have lost Preston." We were in total shock at her comments as we had not been told this by the Doctor.

From emergency he was transferred to the Intensive Care Unit, there were multiple meetings with specialists and the organ donation coordinator. I left the room and collapsed in shock, curled up in a ball on the floor, crying in disbelief of what was happening.

Media were at the hospital and also phoning us to get a story. It was a waiting game. Aimee continued to get phone calls so posted on Facebook, "Preston is not in a good way – hope he will come out of it."

Over Saturday, Saturday night – it was a very long time. Close family were coming in and knew the outcome wasn't going to be good, that Preston may not survive. On Saturday afternoon we understood from some of Preston's friends that what had happened to him was somehow connected with drugs.

Aimee and I had a room in the hospital that night. On Sunday morning, about 200 people came. We asked the hospital to let them in to say hello to Preston.

I took the first group of Preston's friends in and found myself saying, "This is what drugs are going to do to you." Nursing staff advised that I had better tone it down for the next group. That's not what I felt, I was angry that he had taken this drug, I just held onto hope that some miracle may happen and that my little boy was going to be ok.

Seeing all these kids coming in, some of them howling, it was so hard. Sunday was very busy – chauffeuring in all the friends and family to see Preston. We realised that day how much Preston had an influence on so many people.

We were aware of all sorts of rumors flying around. Rick [REDACTED] a local TV presenter and friend of the family telephoned us. We decided to do an interview with him. There were all sorts of out of control messages on Facebook. In the interview with Rick [REDACTED] we said we didn't know if drugs were involved.

On the Sunday night, Preston's blood pressure skyrocketed and his forehead became so swollen, we thought we were going to lose him. The hospital managed to control his blood pressure.

We were spending as much time as possible with Preston, just holding his hand, talking to him. I even gave him a sponge bath, given that it may be the last time I would get to be with my son.

On Monday, Preston had an MRI. More reporters were phoning constantly, we turned our phones off. The media started posting on Facebook, it was extremely exhausting and traumatic all at once.

A Doctor came in and sat in the interview room. He had a smile on his face. I thought it was going to be good news. It wasn't. He told us that Preston had died from a catastrophic brain injury – there was no blood flowing through his brain.

I asked "How do we know when to turn off the machine or to donate his organs?" The Doctor showed us an xray of a healthy skull and then Preston's skull. We could see that there was no blood flow.

The organ donor coordinator came straight in. We all agreed that was what Preston would have wanted. It seemed as if we were making a shopping list of what organs to donate. We decided that it would be his vital organs – heart, lungs, liver, kidneys and pancreas.

We said we wanted an opportunity for family and close friends to say goodbye to Preston. It was arranged that they could spend an half an hour with him on the Tuesday to say their last goodbyes.

Throughout Tuesday, people said goodbye. Wednesday was scheduled for operating. The three of us walked down to the theatre to say goodbye to Preston.

We kept the cast off his arm and some of his hair for keeps sake.

We then had to make funeral arrangements. A Service was held at Preston's school and over a thousand people attended. There were about nine hundred people at his funeral. Preston was very popular and well known.

He was an extrovert with a genuine heart. He once told me "mum I don't know anyone that I don't like, and who doesn't like me". At that time I just took what he said as being a show off. But it was telling the truth. He gave people guidance and wasn't judgmental. Preston was wise beyond his years, which I had relayed to me on numerous occasions.

He was always involved in sporting activities - football, little athletics, and baseball. We lived in the same area for many years along with living in the south west of WA for three years. Preston made many friends during his short life. His passing has affected a lot of people.

Vicki

The last two years have been extremely hard. I had an intense job as a Contracts Administrator. I went back to work after two weeks. After a year, my employer moved me into another role because I wasn't managing well. As a result, I had to learn a new job and have a \$15,000 pay cut which added to my already very high stress levels. Just before my pay cut, I had bought a new house with partner.

I went to counseling. I had lost a whole lot of confidence, I was being micro managed. However, I decided it wasn't going to beat me. Fortunately, last year I was given a good manager and I feel things are getting back on track at work slowly. My partner is very supportive and our relationship has stayed strong.

I think I was numb for the first twelve months after Preston's death. In ways, 2014 was the hardest year, the numbness had worn off, and I was crying all the time. When things get hard, I withdraw, push people away. These feelings can be overwhelming on anniversaries.

I am very concerned about Aimee's well being and health. She spends most of the time in her bedroom. I worry that she has bottled up her emotions. She and Preston had a very good relationship; she was his nurturing big sister. As Preston grew up, he was her protector. They hardly ever fought.

Often I look at old messages from Preston on my phone. Generally I try to keep busy and not over think what happened to Preston, and life without him. We keep Preston's ashes at home. Sometimes I just hold his ashes and get his blanket and try to get close to him.

At other times, I get really mad - Why did it happen? Why did Preston do it? He had so much to live for. One stupid synthetic tablet cost him his life.

A1371

I have started a Facebook page - "Stop Synthetic Drugs Killing Our Teens" I provide updates on what's going around at the moment, what's out and about and associated deaths and/or catastrophic reactions.

I also do volunteer work for Donor Mate, targeting 15-35 year olds to consider registering to donate their organs.

Aimee

On the Saturday morning my Dad and I were going for breakfast at the beach and we decided to contact Preston to see if he wanted to join us, but we didn't get a reply. We saw an ambulance and police car and what looked like a body under a sheet. As we drove on, we seemed to have the same thought – that it might be Preston as he attended his leavers' ball the night before and was staying with a friend for the night that only lived a few streets away. We decided to turn around and make some enquires. That's when my life changed forever. I was told by his friends that Preston had totally lost control, out of his mind; he was on the veranda of the hotel and jumped from the first floor because he was freaking out about going down the stairs.

I am not much of one for crying. People say that I am "so strong" but I'm not. I just cry myself to sleep. I have lost all motivation. I miss my brother so much.

I have had the same job for four years. My employers are very understanding. They had met Preston and attended his funeral. There has never been a problem with my having time off when I need it.

I was always really close to Preston, spent a lot of time with him. I didn't have an ongoing group of friends. Preston was the consistent person in my life.

Often I feel depressed and suicidal, wondering what is the point? I saw a doctor who prescribed anti-depressant medication. I only took for about six weeks. I just want to see Preston be with him. I can be going along okay and then this deep grief just hits me, like a bolt out of the blue. I try to avoid burdening people with my emotions.

I have a lot of trouble sleeping and then I am sleeping too much. At home I am constantly reminded of Preston's absence. We used to stay up late together, watch movies, get takeaway. Now, it is just me.

I have no doubt in my mind, that had Preston not taken that drug which one of his friends had purchased off the internet Silk Road, he would still be alive today.

Signed:  _____

Signed: _____

Dated: 8/  2015 _____

Dated: _____

OUR PERFECT LIFE

After a scheduled morning meeting with my business partner I made comment that I felt this was going to be a great and rewarding year for both of us. Boy, was I wrong, this was the day of February [REDACTED] the night of Preston's Year 12 school ball. I remember coming home around 4pm, he arrived home shortly after. He had been to the beach and I asked him if he had been for a spray tan. He replied he didn't want to destroy a perfect body.

He was all excited and eager to get in his new suit for the big night. He had a glow about him, something that was always there but this had added excitement. He entered his room and I prompted him to hurry up as his mother was coming to get him to attend the pre ball photos. No doubt all his school friends would be waiting for him. I went back to the entrance of his room and found him glaring into his cupboard with both doors wide open. I walked over and on the top shelf in a perfect line I sighted all my aftershaves that had randomly disappeared over the previous months. When I asked the simplest of questions "what are you doing with all my after shaves?" I had a simple response "well it would be a waste on you if you used them." Simple in context, polite but true. That was Preston, he had an answer for everything.

At 5.30pm Preston was joined by a friend, they came out of his room both dressed immaculately, black suits, cocktail bow ties and those matching cheeky grins. The boys were ready for the night of their lives. They departed with Preston's mother for the pre ball photos. Before leaving I took a picture and arranged to pick him up from the ball at closing time.

Later that night I waited in the foyer at the convention centre and at 11.30pm he departed surrounded by many friends, this was Preston. A party or gathering was not the same if he wasn't there. The ultimate practical joker but the one that would stay

back and help the parents clean up. Preston was a sportsman, Record breaker in Athletics, Fairest and Best in Baseball, hockey, football, winning in most age groups of his sporting career. A Claremont Colt squad member, School captain, School prefect, Champion boy, he had it all. The envy of many, the one to beat.

On leaving the ball with the normal vehicle full of his friends we travelled to my house so they could get changed and off to the after party. I dropped them off at 12.30am and I remember my final words to him, stay safe ring me when you are finished and I will pick you up. His reply was simple, "Dad, what do you think I am an idiot." They were the last words that were spoken, I will never forget them.

At 3.30am I text him and he replied that he will stay at the house where the party was and help clean up in the morning. This was not uncommon for him.

At 9am my daughter Aimee suggested we go for breakfast. We decided it was such a beautiful morning that we would go to a café on the beach. This was an activity that we did on a regular basis. We decided to call Preston to see where he was so he could join us. We text him but had no reply. We rang his number but no reply. On driving along the main highway we came across Police cars and Ambulances at a popular beach resort. On the side driveway was what appeared to be a body under a white sheet. I remember saying to Aimee Oh my god I think someone has fallen from a balcony. Disturbed by this we attempted to ring Preston again but no answer. I kept driving to the café and suddenly a cold shudder crossed my body, I looked at Aimee and I said I think that was Preston. Aimee to my amazement agreed as she had the same chilling feeling. I turned the car around and drove back to the scene. The body was gone and the Ambulance had left. In attendance were several Police and some very familiar teenage faces. I crossed the road and all I could think was Preston just show your face, step out from behind a wall whatever, I didn't care. I looked into the eyes of one of his best friends and all I could see was him trying to say

Preston's name. I knew at that moment it was Preston. The local Police in attendance gave us the news that he had fallen from a two storey balcony and had suffered a severe head injury.

We left the scene and picked up Preston's mother from her home and raced directly to the Hospital. On arrival at the emergency section of Sir Charles Gardiner Hospital we were greeted by an entourage of medical staff, this vision did not look promising. We just wanted to see our son and Aimee wanted to be with her brother. We entered the ICU unit and here we saw this perfect specimen of a teenage boy on a hospital bed with tubes and wires going everywhere. He looked peaceful but lifeless. We stayed with him just sitting looking and shedding many tears. I remember thinking this is our boy, what the hell has happened. His vitals were stable, he remained lifeless but peaceful. I left his bedside for a few hours and I had to ask questions in relation to what happened to him.

A teenager that was with him in the morning said that one of the school students turned up at the resort and gave Preston and the other boys in the room tabs of synthetic acid. The teenager made mention that the boy that handed out the drugs said he bought them from Silk Road. I was wondering what suburb Silk Road was in. I was then told that Silk Road was a website that you can buy drugs from. Call me naïve but I had no idea that this was possible. I decided that after the heat died down I would investigate more. Throughout the day we had an entourage of friends and family coming to see him. We allowed family and some close friends to visit his room but kept it to a minimum. I decided to remain with Preston during the night.

At 5.25am the following day I remained next to his bedside and I could hear the sounds of loud constant beeps, this seemed a concern to the nurse in attendance. I remember asking what that noise was, she hesitantly replied that was his blood pressure. As I glanced over to the machine and noticed the reading was increased to 252 over 230 this couldn't be good. I placed my hand on this forehead and it felt like it was about to explode. It was at this point I caught a glimpse of the nurse; she made an

indication to a colleague with a slight shake of her head. I knew at this point Preston was not going to survive. Again, this vision will remain with me forever. I was asked to telephone Aimee and Preston's mum and ask them to come to the hospital. They joined me a few hours later and we remained with him. At this point his blood pressure had returned to normal and now I was totally confused.

Preston was moved to a room to allow privacy for family and friends. We had many updates on Preston's condition over the course of the day but unfortunately nothing overly positive. At around 11am we were told by one of the nursing staff that a group of Preston's friends and parents were gathering in the waiting area. To my surprise the automatic doors opened and I was greeted with a packed house. 120 to 150 people had gathered waiting for news. It was then decided that we let his friends visit his bedside. We allowed groups of 8 to visit him at each time. This wasn't the easiest decision for us to make but it served a purpose. The teenagers had the chance to see what happens when things go terribly wrong. I have never experienced a tragedy in this way and the sadness that was seen in the eyes of his close friends will never leave my memory. As teenage friends, parents and family were leaving the room they struggled to handle their emotions. This was a truly unbelievable sight. We stayed on through the night with Preston, with regular visits from family and friends. Many teenagers changed their clothing so they could be in disguise, so they could return to see him that one last time.

I stayed with Preston during the night just waiting for a positive sign but it did not happen. I remember clearly falling asleep for a few hours and when I woke I stared up at the ceiling and thought where the hell am I? I glanced over my right shoulder and saw Preston's head only a few feet away. The reality hit me so hard I cried uncontrollably. This was my beautiful son and he shouldn't be the one. I have always believed that children should outlive their parents and I was of the belief that this was not going to happen. It fascinates me when your mind can think like that in tragic circumstances.

Monday ■ February will always be a day I would like to forget. We were called in to a meeting room and greeted by the head nurse and the leading surgeon of the ICU. We were given the news that no parent will ever wanted to hear. Preston was pronounced brain dead at 3.48pm on this day. I remember looking at my daughter Aimee and trying to think what do I say, she has just lost her brother and I my son. You want to be angry but you cannot. What now, what do we do, it was all so surreal, he is no longer here, gone never to be seen again. The next decision was one of the easiest that my family had to face, the donation of Preston's organs. We were asked the question and immediately we responded in favour of it. If his life can save others this is exactly what Preston would want. The paperwork was completed and we agreed to all organs that are life saving to be made available. I remember going to the waiting area and stood there trying to explain the news of Preston's death to our immediate families and close friends. This was one of the most difficult times that I can remember. We had the pleasure of having Preston with us for two more days, they were the most precious days and I will always remember them. We allowed more visitors to see him but a decision was made that on the Wednesday morning before they took him away it would only be his mother, Aimee and myself with him.

On Wednesday at 11.45am it was time for Preston to leave. The surgeons from another hospital were in attendance and waiting in anticipation for Preston to be delivered. I remember walking beside him and as they pushed the bed past the waiting room I saw the faces of our friends and family as he left the area. This was the last time they were going to see him. We travelled in a lift to a designated floor where surgeons were waiting to operate. It was overwhelming to see the nurses that looked after Preston shedding tears. Everyone was emotional and I could only think that he touched their hearts in a different way, the only way he knew how to, just being him. It was obvious from the amount of visitors he had at the hospital it had an effect on many. This was the last time we were to see him. We said our

emotional goodbyes and returned to where our family was waiting.

That night was my first night home, I slept in Preston's bed. I just kept thinking this could not be happening, but it was and it was real. I had many tears that night and cried uncontrollably. It was not fair, not him, he did not deserve this at this young age.

Over the next few days we had meetings with the senior staff of Churchlands High school. They kindly offered to have a memorial service at the school on the day of our choosing. Over 1400 people attended the service and later that day we held a cremation service at Pinnaroo where a further 700 attended. The crowd was that big it flowed to the edges of the car-park.

Since the funeral many things have happened, football clubs playing for the Preston [REDACTED] Cup, tree planting service at the school, it has been so overwhelming.

Now I had to focus on something to take away the pain. While waiting for the Council approval of a café I had time to reflect on the Silk Road issue. I could not believe that a website could sell drugs and not be closed down. To my disbelief it was true, the site could not be closed down due to some very advance software. This site was the conduit for selling drugs which allowed dealers and buyers to connect together to complete anonymous transactions. The more I considered it the more I blamed this Silk Road site. The site was responsible for my son's death. I will not allow this to happen to another family again. I had two choices in front of me, educate teenagers of the dangers of this website and the dangers of cheap and nasty drugs and show them the real reality of life and how it can destroy lives and families.

I have campaigned vigorously in Australia against this site and finding out about the arrest of the director of Silk Road, Ross Ulbricht brought many tears. I will still continue to campaign against these terrible sites as they are nothing but evil.

The Silk Road web site has been responsible for many deaths globally. You can buy any drug that you desire with no quality control. Ross Ulbricht does not know what is sold on his site, he does not care, it is all about money and greed. He shows no remorse regarding his actions and continues to try and convince everyone of his innocence.

At last Preston's Café has now been completed and we have now opened the doors. The venue will be for family and friends and the public to come and enjoy the atmosphere and celebrate Preston's short but most amazing and wonderful life. He was a true gift and words would never do him justice.

Life goes on in some ways but it is quite clear that the pain will never leave me, it will always remain, I now have no option but to try and manage and live with it.

Every night I go to bed crying and I must wake up and remind myself that I have a beautiful daughter who needs me even more than ever now.

I will never be able to understand what happened that night, my son is not a drug user and maybe peer pressure was an issue. The only issue I have is that if Silk Road did not exist then Preston would still be with us and for this reason I will continue to campaign against these Evil web sites.

Every day we are reminded of Preston in some way, those beautiful moments are now gone and we are only left with disbelief, sadness and despair and memories. As a human being I have always been scared of death but in some way when it is my turn to go I will be at peace. I know longer worry about death as I will hopefully one day be united with my beautiful boy. Rest in Peace my little buddy. DAD

Signed _____

11/15

A1379



STATEMENT OF WITNESS

Statement of Witness: Michelle [REDACTED] Age: Over 18 years

This statement, consisting of 7 page(s) signed by me is true to the best of my knowledge and belief. I know that this statement may be accepted in evidence in the Coroner's Court of South Australia and that if it contains material which is false or misleading in a material particular and which I know to be false and misleading I will be guilty of an offence.

Dated the 8th day of APRIL 20 15Signature: M [REDACTED]Witnessed by: SCOTT [REDACTED] (name)of C/- SARAL (address)Signature of Witness: [Signature]

Relative to the death of;

Jacob [REDACTED]
[REDACTED]

I provided this statement to Detective Senior Constable First Class DAVIES ID no.

[REDACTED] on Wednesday the 18th of March 2015.

I am the mother of Jacob [REDACTED]. He passed away on Thursday the 14th of February 2013. I have been asked to provide a statement in relation to how Jacob's death has affected me.

Signed: M. OlyanSignature Witnessed by: [Signature]

A1380

South Australia Police
STATEMENT OF WITNESS

FD166

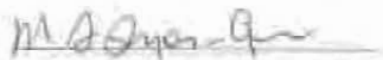
Continuation of Statement of: **Michelle** [REDACTED]

Life with Jake was anything but ordinary or normal. We had the funniest and the saddest moments possible. The last few years of Jake's life were not easy. He went on a journey that took him to some dark places with consequences that on occasions almost and eventually took his life. He had an addiction. An addiction that was fuelled and enabled by many demons. One of which was the internet. Silk Road. What he (like many other people with addiction) did not understand and he refused to acknowledge is that he took me with him on this journey. It was a journey that I did not ask to go on. It was a journey that we worked together to end many times but without success. On the 14th February 2013 Jake started me on a new journey. One that did not ask to go on nor do I want to be part of.

Now I am left with a life sentence for a crime that I did not commit. Grief. I am left to spend the rest of my life wondering. Wondering why he started. Wondering why he could not stop. Wondering what pain or trauma was he trying to forget. Is it my fault? Was I a bad parent? Where did I go wrong? Did I do enough to help him? Did I do enough to stop him? Why wouldn't he listen to me? Why do I have to go through this? What did I do to deserve this? Why has this happened? Why me? Why Jake? Why me? Why Jake? It seems I am condemned to life of endless questions that I will never get answers for.

Shame and guilt. Telling people about Jake's journey and how he died is a conversation killer. People do not know how to respond. They just do not know what to say. Instead they judge. They judge me as a person and they judge me as a parent. "Oh well, she must be a druggie too". "Well he was from a single parent family and we all know what that means". No one has said this to me but I know people are talking and will continue

Signed:



Revised: 14/01/2015

Signature Witnessed by:



Page 2 of 7

A1381

South Australia Police
STATEMENT OF WITNESS

PC166

Continuation of Statement of: **Michelle [REDACTED]**

to talk. It feels like society does not care. People who die from a drug related death are not reported on the news but it is a tragedy, and yet a story people do not want to hear. People do not want to hear that everyday someone lost their precious daughter or their loving son. All over the world is the sound of hearts breaking and yet nobody can hear it. A heart like mine. There is no organisation that swoops in on your family and offers support like it would if your child died of cancer. People offer their condolences, send you flowers and then promptly get on with their lives. I am left standing. Feeling very alone wondering how do I get on with mine. How do I pick up the pieces of my shattered heart and live a long and happy life? What does happiness mean now? It is something that I struggle to redefine.

Although Jake passed away just over two years ago, my grieving started a long time ago. I had to learn to live with the fact that Jake would not grow up to be the man I thought he should be and had the potential to be. Living with a loved one who's life is spiralling downward at a fast pace is an incredibly difficult journey to be part, particularly when you feel like a bystander. Someone watching. Trying to reach out and doing everything you can yet feeling like a bystander. The approach I took to protect myself from the emotional pain was to manage. Manage his behaviour. Put in boundaries. Stop enabling. This resulted in me asking him to move out of home all the while knowing he had nowhere to go. The feelings of anxiety and guilt and are indescribable. This went against my belief that my job as a mother was to protect and provide a good home. There were times I did not hear from him for days or weeks and then it would get to a point where I had to know, so I would go looking for him. The fear that he had turned to crime and was living on the street made me feel sick. Physically sick. Endless days of nausea. Waiting for the knock on the door. Fortunately, this never happened and the

Signed: 

Revised: 14/01/2018

Signature Witnessed by: 

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A1382

South Australia Police
STATEMENT OF WITNESS

P0366

Continuation of Statement of: Michelle [REDACTED]

boundaries and rules that I put in place meant that home was a safe place for Jake. And when he needed a break, when he needed time out – he came home. When he asked to move home, for what would be his last few weeks, I said yes, but the boundaries and rules remained. He came home for help. One more try to get this monkey off his back.

I decided that I would never give up on Jake. Statistics tell me that I should have. Cut your ties, count your losses and keep yourself safe. But if I gave up, then who would believe in him, who would believe that he would get through this, who would be there for him when he was ready? The to-ing and fro-ing in my head resulted in days when I could not work because the anxiety got the better of me. Over time I realised it had to be me. I was the one that had to be strong and I vowed to do everything I could to help him. Enjoy the good times and manage the bad. I set a benchmark myself – could I stand up at Jake's funeral and feel confident that I had done everything I could to help him. Not once believing this would become the reality.

Forgetting and remembering. I loved Jake through the good times and bad and I do not want to forget any of that. Grief has had a huge impact on my memory. And yet I cannot forget what it felt like when I found him the night he died. I cannot forget how it felt to ring my sister, ask my neighbours for help, to face my family and Jake's friends. I cannot forget the level of heightened anxiety when I see people for the first time since he passed. Do they know, do they not know, what will I say if they ask me? At the moment I seem to remember more of the bad than the good. I hope my memory recovers and the good comes back.

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Revised: 14/01/2015

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A1383

South Australia Police
STATEMENT OF WITNESS

PD166

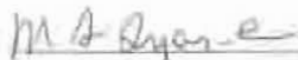
Continuation of Statement of: **Michelle** [REDACTED]

Jake was my family. I lost my family in one night. I have not had the opportunity to have more children and I did not mind because I felt complete. I had my family. I had my Jake. Now I feel incredibly incomplete. When I die that is the end of me. There is no part of me left in the world. When I grow old, who will go with me to doctors' appointments? Who will visit me in the nursing home? I am most hurt knowing that I will not have grandchildren, a part of my life I was most looking forward to. The truth is that in the last few years of Jake's life, he caused me so much pain and suffering. Now, I would give anything to have that back. I would give anything for him to walk through that door. I would give anything to not know where he is and if he is ok. I would do anything to be sitting in the hospital's intensive care unit again waiting for him to wake up from an overdose. Anything. It was hard. A very difficult time, yet easy compared to this. This grief.

Losing Jake has also affected my wider family. My sisters lost me (to grief) for a while and still do some days, as I just cannot love and support them the way I used to. My parents lost their first grandson. They played a major role in raising Jake and they were very close. Jake's passing is something they may never fully understand as addiction is not discussed by their generation, nor do they understand the power of the internet. My father initially suffered from heart failure and a mild heart attack following Jake's death which resulted in a couple of weeks in hospital each time. Both Mum and Dad now suffer from sleepless nights that they cannot explain and overall their general health has suffered. I can explain. It is called grief.

Both of my sisters have suffered from the anxious moments that I have experienced, what will I say? How do I say it? They too have had to take days off work when the grief

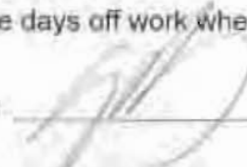
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A1384

South Australia Police
STATEMENT OF WITNESS

P01166

Continuation of Statement of: **Michelle [REDACTED]**

has become too much. I have a young nephew and niece. They have had their world turned upside down. Their cousin, who they loved dearly, has gone from their lives. Their mum, my sister, has had to have conversations with them that no parent should have to. She has had to have discussions about suicide (as this is what people think when young people die suddenly), drug addiction and then finally the truth. My nephew and niece are at a loss to explain to their friends why they did not come to school, they struggle to explain who the person in the photos is. They have suffered multiple unexplained emotional outbursts, separation anxiety and sleepless nights. But most of all they just miss hanging out with Jake, playing Xbox, watching movies and we all miss his sideways hugs. Grief has invaded my whole family and taken so much.

Grief is like roller coaster. I do not know what is around the corner. I do not know what is over the next rise and I cannot get off, I am trapped. What I do know is that grief hits you from nowhere. There you are busily getting on with what your life and then bang. It's a smell, a song, a t-shirt, a colour, an expression, a person, a memory. It comes out of nowhere and leaves you flat for a moment, a day or maybe a week. People think that the anniversary or a birthday of someone who has passed is a day. The reality is for me is that it lasts for weeks. The anxiety slowly builds up. What will I do? How will I feel? Who do I want to be with? Can I go to work today? The day comes and it is gut wrenching. Shattering. A day to think about what I have lost. Those thoughts are there every day. It is on these days I cannot put it in a box and close the lid. Once the lid has been opened, I have no choice but to deal with it, usually this means for weeks at a time. Grief fills my head. I cannot work. I cannot socialise. I can only breathe and sleep. It becomes my life.

Signed:



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A1385

South Australia Police
STATEMENT OF WITNESS

#0166

Continuation of Statement of: Michelle [REDACTED]

I was often fearful that a stranger would knock on my door seeking money that Jake owed or looking for drugs. I was at times fearful for my safety. As it turns out, I should have been more fearful of the internet. The internet makes it too easy. Silk Road made buying and selling drugs safe. Buying drugs over the internet eliminated the risk of threat. The risk of being robbed or physically hurt. It eliminated the risk of meeting a stranger in a dark alley. All things Jake was fearful of. In fact, Silk Road meant that Jake did not even have to leave the comfort of his home. My home. The home I had created as a safe place. Drugs are not tolerated. I find, I flush. Not in my house. This behaviour is not acceptable. Then Silk Road walked in. Uninvited. Providing a platform that preys on the weak and vulnerable. A platform to bring illegal activities into my home. It is not ok. In fact, it is not fair. My loss will always be greater than yours.

I turned 40 the year Jake passed and my friends kept telling me to have a party and that I should celebrate. All the while I was thinking that if I was turning 40 and lived to 85, it would be 45 years I would have to live without Jake. I would have to live with this 'grief'. I did not want to celebrate. I barely remember my life before Jake entered it and the thought of living without him is overwhelming. What I do know is that life without Jake will continue to be anything but ordinary and normal.

Signed: 

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—
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STEVEN WRIGHT
Office Manager

May 27, 2015

BY ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Ross Ulbricht,
14 Cr. 68 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of defendant Ross Ulbricht, in response to the questions posed in the Court's May 20, 2015, Order (Dkt. #249), regarding the mitigation materials relevant to Mr. Ulbricht's upcoming sentencing this Friday, May 29, 2015. Those responses are as follows:

1. ***Can defendant provide the Court a complete copy of all of Dr. Caudevilla's communications with DPR (including, but not limited to, his weekly reports and private messages)? Defendant has attached two excerpts at Exs. 6 and 7 to the Lewis Declaration; the Court would like a complete set.***

Unfortunately, it is not possible to provide the Court with a complete set of Dr. Caudevilla's communications with DPR. These communications were not produced by the government in discovery, and after a thorough search, do not appear to have been formally preserved elsewhere either. Accordingly, all communications between DPR and Dr. Caudevilla submitted to the Court as Exhibits 6 and 7 to my May 20, 2015, Declaration were provided to us directly by Dr. Caudevilla, who had saved a select number of his communications with DPR prior to the October 2013 closure of the Silk Road web site.

Since our May 20, 2015, filing, and based on the Court's request for a complete copy of

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communications, Dr. Caudevilla has located a few additional weekly reports to DPR, which we have attached hereto as Exhibit 1, and has advised us that he does not have any additional communications in his possession. Thus, as of this letter, the Court has all preserved communications between DPR and Dr. Caudevilla of which the defense is aware.

2. ***In the Declaration of Tim Bingham, he states, "I did not encounter a single customer whose first drug purchase was on the Silk Road website." (Bingham Decl. ¶ 6(f)). What is this based on? Was there a specific question posed in this regard? Please provide the Court the [form of] questionnaire.***

I have spoken with Tim Bingham and he has informed me that his statement that he "did not encounter a single customer whose first drug purchase was on the Silk Road website" was based on the responses he received to his "buyers questionnaire," attached hereto as Exhibit 2, that he circulated while conducting his research on Silk Road.

Indeed, there were several questions in the "buyers questionnaire" which would have revealed first time users and/or confirmed prior drug purchases and use, including the following:

- "Length of Drug using History;"
- "Repertoire of Street Drugs Used;"
- "Patterns of Prior Use;"
- "Favourite Street Drugs;"
- "Favourite Settings for Street Drug Use;"
- "Year when commenced using Internet drug sourcing. Why?;"
- "When did you first starting using Silk Road? Why?;"
- "Why do you purchase drugs from Silk Road as opposed to a street dealer, or as opposed to other drug sites on the web?;"
- "Have you found drugs and bought on the site that would not be available in your area?;" and
- "Do you use any street drugs now? If yes, Why? If no, Why?"

See "Buyers Questionnaire (Exhibit 2).

—Similarly, what is Bingham's conclusion in ¶ 6(j) based on? (See Bingham Dec. ¶ 6(j) ("I also did not encounter any Silk Road user who would have stopped purchasing drugs entirely if unable to do so on Silk Road."). Please provide the Court the [form of] questionnaire.

Mr. Bingham informed me that his statement that he "did not encounter any Silk Road user who would have stopped purchasing drugs entirely if unable to do so on Silk Road" was also

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based on the responses he received to his “buyers questionnaire” (Exhibit 2), while conducting his research on Silk Road.

In addition to many of the questions bulleted **ante** in response to Question 2, answers to the following “buyers questionnaire” questions would also have revealed that a particular buyer would have continued to purchase drugs elsewhere if unable to do so on Silk Road:

- “Do you use any street drugs now? If yes, Why? If no, Why?,” and
- “What are your future intentions around purchasing and use of drugs on Silk Road?”

See “Buyers Questionnaire” (Exhibit 2).

—Relatedly, in footnote 2, Bingham states that certain drug users found that “Silk Road provided them the opportunity to try drugs they would otherwise not have known to try or had access to.” (Bingham Decl., at 4 n.2). Does Bingham’s conclusion in ¶ 6(j) take new/introductory usage into account? In other words, if a user had only tried 2C after learning of it on Silk Road, did that user indicate that he/ she would continue to purchase drugs elsewhere if unable to do so on Silk Road?

Based on evidence that emerged through the “buyers questionnaire” (Exhibit 2) and Mr. Bingham’s own interactions on the site, it is Mr. Bingham’s position that even if a user had only learned of and ultimately tried a drug as a result of Silk Road, they would nonetheless seek to purchase that drug elsewhere if unable to do so through Silk Road.

3. ***Bingham references violence/ safety concerns expressed by respondents. Were these concerns expressed by users or sellers or both (e.g. safety at the wholesale or retail level)?***

Mr. Bingham has informed me that violence/ safety concerns were expressed primarily by users, not sellers. In this regard, he also included his “Vendors Questionnaire,” attached hereto as Exhibit 3.

4. ***In reaching their conclusions as to Silk Road’s safety, did Bingham and Ralston consider DPR’s commission of murders-for-hire? Is that relevant to their conclusions in this regard?***

I have communicated with both Meghan Ralston and Tim Bingham regarding the bases for their conclusions as to Silk Road’s safety. In regard to the Court’s inquiry, Ms. Ralston responded,

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it is my understanding that [the murder-for-hire] allegations remain uncharged in the Southern District of New York and that Mr. Ulbricht has neither been tried nor convicted for any crimes outside of those of which he has already been found guilty. I therefore did not consider the allegations when assessing the harm reduction and safety aspects of the site for people who buy or sell drugs. My opinions about the harm reduction merits of the site are based on the function and workings of the site itself. Nonetheless, were Mr. Ulbricht to be convicted of additional crimes, it would not change my opinions about the harm reduction merits of the website itself.

Mr. Bingham, likewise, responded that his “observations were focused on the findings of [his] study which related to user experiences on the site and harm reduction and not to the facts of the case.”

Accordingly, the uncharged, unproven murder-for-hire allegations did not alter the conclusions reached by Mr. Bingham or Mr. Ralston regarding Silk Road’s safety. Nor did the allegations appear to be relevant to their particular analyses.

5. ***Dr. Caudevilla states in ¶ 10 of his declaration that, during the seven months of providing advice on Silk Road, he never came across a single report of a Silk-Road related overdose. Did he consider whether the posts of a number of users describing symptoms could have related to non-fatal overdoses (e.g. oldcactushand’s post dated May 31, 2013)?***

In response to the Court’s inquiry as to whether Dr. Caudevilla had considered posts regarding non-fatal overdoses when he declared that he “never came across a single report of a Silk-Road related overdose,” Dr. Caudevilla provided the following answer:

[i]n the statement “I never came across even a single report of a Silk Road-related overdose” I meant “lethal, fatal overdose.” In any case, I do not remember [having] heard about SR related deaths in the forum and there [is] no data about this in DoctorX’s thread.

I have reviewed my thread[,] searching for non-fatal overdoses, or relevant acute toxicity cases . . . including the answers that I gave. [See relevant cases/ portions of DoctorX’s thread, attached hereto as Exhibit 4].

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While acknowledging that “information provided through an e-mail system is very limited and in many cases does not allow [for] definitive conclusions” Dr. Caudevilla provided the following commentary and analysis as to six of the nine potential (non-fatal) overdose cases indicated in his thread, and which are included in Exhibit 4 to this letter:

CASE 1 is a user who has been using new synthetic drugs “during two years.” Substances like 4-MMC, methyline, 4-FA, 4-EMC or MXE were easily available through the Internet, outside SR.

CASE 2 is an unusual reaction to LSD, as epileptic seizures are not a common LSD toxic effect. It is not clear if the episode was really a “seizure” or if it was related to drug use.

CASE 4 seems [to be] a psychiatric disorder that worsened after a single DMT experience, but there are symptoms before use of the substance.

CASE 5 refers [to] . . . respiratory-cardiovascular symptoms that could be (or not) related to illegal drug or nicotine use.

CASE 6 is a depressive acute episode after a high dosage of cocaine. It is the unique case in which the user refers [to having acquired the drug on Silk Road].

CASE 7 refers to an unavailable page of the forum[.] It seems [to be] an acute ketamine intoxication but I do not remember any data.

Dr. Caudevilla also noted that “the thread reviewed is the ‘public’ part of the forum but [he] also provided advice through private messages (around 100-150). These messages are unavailable (although topics covered are in the reports sent).” *See* Exhibit 1. Nonetheless, Dr. Caudevilla reported that he “do[es] not remember about any death or fatal overdose in these messages.”

He does, however, “remember once . . . assessing a person across instant messages whose girlfriend had suffered an acute reaction.” He does not “remember details of the story but it is described in [an article], which notes that “[o]ne Silk Road member, Trust In Us, wrote that his girlfriend had overdosed and contacted Caudevilla who happened to be online at the time: ‘He gave her the directions she followed and lived.’” *See* Eileen Ormsby, “Fernando Caudevilla: Spanish Doctor Advises Drug Users on the dark web’s Silk Road,” *The National* (October 20, 2014), available at

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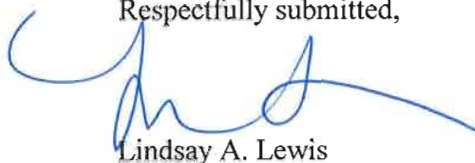
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<http://www.theage.com.au/national/fernando-caudevilla-spanish-doctor-advises-drug-users-on-the-dark-webs-silk-road-20141020-1181fi.html>.

None of the communications indicate that the girlfriend of the person who contacted Dr. Caudevilla, and who suffered the overdose, obtained the drugs that caused the overdose from any vendor on the Silk Road site. Thus, it is just as likely that the resource provided by Silk Road via Dr. Caudevilla's expertise and guidance saved the life of a person whose drug crisis was not the result of purchases from a Silk Road vendor.

In addition, Dr. Caudevilla notes that he has "been involved in on-line assessing [of] drug users for 10 years and it is a bit difficult for [him] to remember every case."

Respectfully submitted,



Lindsay A. Lewis

LAL/
Encls.

cc: Serrin Turner
Timothy T. Howard
Assistant United States Attorneys

0613

Etizolam and GHB cross tolerance
Moclobemide and amphetamine interaction
Steroid selection and dosage
Phenelzine interactions with drugs
Candyflipping dosage questions
Adulteration of drugs
Phenibut adverse effects and dosage
Ketamine intoxication
Viagra adverse effects
LSD dosage and long-time risks

PM:

Cocaine risk of nasal septum problems
Hyoscine buthybromide and scopolamine differences
Auto-medication with amphetamines
Methylone general information
LSD and risk of seizure in a epileptic man

1319

Differences between 4-AcO-DMT and 5-MeO-DMT
Benzodiazepines and driving skills
MDMA and terbinafine interaction
MDMA and piracetam interaction
Long term effects of 2C-X-NBOMe
Neurobiological aspects of "rush"
Paranoid reaction to cocaine
Long term effects of 2C-X-NBOMe (II)
Spiritual use of psychedelics
Morphine detoxification using buprenorphine/naloxone
LSD microdosing
Drugs for lumbar pain
Oxycodone as antidepressant
Alpha-lipoic-acid as neuroprotective for MDMA
5-HTP and green tea extract for MDMA neuroprotection
Cannabis use and flu

PM:

Testosterone dosage
3-MMC toxicity
Oxycodone as antidepressant

1622

Effects of Growth hormone analogs
Damage of GHB use in night
Use of vaporizers (cannabis)
Dosage of Dextroamphetamine
Effects of melatonin and 5HTP
Dosage of DMT
DMT and psilocybin cross-tolerance
Carcinogenic potential of nicotine
Benzodiazepines withdrawal and anxiety
Cardiovascular training and cocaine
Effects of low dose weed
Cocaine and antihypertensives
Benzos and amphetamine interactions
Rick Simpson's Oil
Methylphenidate dosage
Cannabis and bipolar disease
Neurotoxicity of 4-fluoroamphetamine
Amphetamine and ADHD

PMS:

IV use of crushed OxyContin
Midazolam negative effects
Heroin and diabetes
Flunitrazepam dosage
Methamphetamine dependence potential
Irritable bowel syndrome and psychedelics

2330

Cocaine and cardiovascular risk
Drug use and risk in teenagers
Neurotoxicity of 2C-E and AMT
Drugs and anxiety
Emergency drugs for acute intoxication
Pre-treatment with antihypertensives before stimulant use
Lisdexamphetamine and cocaine combination risks
Clonazepam detoxification
Heroin withdrawal and kratom
Modafinil and mental health/neurocognitive effects of cannabis
Dependence potential of ketamine
LSD, DMT and psilocybin neurotoxicity
Heroin withdrawal and further use of heroin
LSD and major depressive disorder
Persisting nausea after high dose of MDMA
Psychedelics and vegeto-vascular dystonia
Physical effects from opiates

PMS:

ADHD and cannabis
Heroin tolerance
Flunitrazepam recreational use
Fluoxetine treatment and cannabis use
Steroids adverse effects (oxandrolone)
Cocaine and cardiovascular disease

3005

Cocaine as a cognitive drug enhancer
DMT and psychiatric disorder
2C-T-2 and 2C-T-7 neurotoxicity
Fentanyl detection in urine
Psychological discomfort on stimulants
Physical side effects of opiates
Time to inject after preparing syringe
Idiopathic intracranial hypertension and MDMA
Ketamine as antidepressant
Mortality rates from MDMA
Rectal administration of amphetamines
Mechanism of action of amphetamines and cocaine
Pupilar asymmetry while on drugs
Candyflipping dosing and timing
Risks of aluminium foil

PMS:

Oxandrolone dosage for muscular gainings
Heroin and risk of seizure in epileptics.
Ephedrine for losing weight
Solubility and stability of cocaine in water
Lethal dose of pentobarbital

Buyers questions

Participant Details

Age

Gender

Employment

Type of Drug User (ie. Psychonaut)

Length of Drug using History

Repertoire of Street Drugs Used,

Patterns of Prior Use,

Favourite Street Drugs,

Favourite Settings for Street Drug Use

Year when commenced using Internet drug sourcing. Why?

Had you used other internet information source sites prior to selecting Silk Road?

If yes, which ones?

If yes, what was your experience of the other drug information sites (ie erowid, bluelight etc)?

Which sites do you prefer and why?

Silk Road

When did you first starting using Silk Road? Why?

Why do you purchase drugs from Silk Road as opposed to a street dealer, or as opposed to other drug sites on the web?

Who introduced you to Silk Road?

Can you describe your experience of using Silk Road?

Can you describe how you purchase drugs off Silk Road

How do you make choices around which drugs to buy from Silk Road- for example is it influenced by Chat forums reporting favourably about a particular drug?

Have you interacted with other users on the Silk Road Forum?

From whom do you get advice and information around optimum dosing? Is this from other cyber users?

Have you found drugs and bought on the site that would not be available in your area ?

Have you had any negative experiences with drugs bought on Silk Road?

Do you feel part of a drug using web community?

Do you use drugs with others or alone? Why?

Does the purchasing of drugs on the Internet facilitate solitary use?

Do you feel safer buying from silk road ?

Can you describe any negative effects of drugs bought on the internet when you use them, and afterwards? Is this the same for drugs bought on Silk Road? (short and long-term effects)

What is your opinion on the rapid growth of designer drugs fuelled by web retailing?

Do you think it promotes drug consumerism?

Do you feel your experience as drug connoisseur helps you make your choices around purchase and use of Internet drugs?

Do you pay any attention to product labelling, and do any products you buy have health warnings on outer or inner packaging?

Has a packages ever been seized by customs and excise ?

Do you keep your internet drug use a secret from friends?

Do you use any street drugs now? If yes, Why? If no, Why?

What are your future intentions around purchasing and use of drugs on Silk Road?

What's your opinion on the security browser permitting access to Silk Road?

Vendor Questions

Gender

Age

18 – 25

25 – 30

30 – 35

35+

Employment (ie full time on SR or other employment)?

What drugs you sell ?

What year did you start selling on silk road ?

Who introduced you to Silk Road?

Were you selling drugs before Silk Road (example street seller or via another website) , if yes are the drugs your selling now different ?

How easy or difficult was it for you to get started with Silk Road

How do you ensure you maintain a customer base

Have you seen a growth in sellers on silk road

How do you compete with competition on silk road

Do you sell on the street as well as Silk Road ?

Do you use the same supplier ?

Have you ever had to change supplier ? if yes why ?

How do you ensure the quality of the drugs ?

What is your motivation to maintain quality, consistency and basic safety standards for your buyers ?

Do you interact with others on the forums ?

Had you used other internet information sites prior to selecting Silk Road?

Do you purchase off Silk Road ?

Whats your opinion on the BTC ? ie does the fluctuation in the valuation of the currency concern you

Would you sell to a person with under 5 previous transaction if no why ?

If you were allowed to sell without the fear of prosecution would prefer to sell other drugs? if so what would you prefer to sell ?

In your opinion has silk road made drug use safer ?

In your opinion would regulation of the 'drug market' make drug use safer ?

In your experience, what are the advantages and disadvantages of selling drugs using Silk Road compared with (a) other websites, (b) traditional drug markets?

CASE 1

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: jorgecassio on 15 May 2013, 02:47:34

I got a question, mainly about research chemicals and their long-term effects. I've dug up as much info as I can on it (online, bought a \$130 book on toxic pharmacology, etc.) but still have questions about persistent symptoms I'm having. I used to use 4-MMC, methylone, 4-FA, 4-EMC, and MXE with my use spread out over a 2 year period in small quantities. Apart from the 2-3 times I've gotten out of control with 4MMC, I was pretty good about using everything carefully and only tiny doses, only bought 8g total of any of this stuff, as I was broke back then and RC's were cheap and plentiful.

Anyways, currently I have permanent bruxism and problems with my vision. What made me quit was when I started seeing floaters and swirls of light in my vision 24/7 after a night of methylone, whether my eyes are opened or closed, I still see things. I tested 2 anti-psychotics out recently (seroquel and lamictal), and they make the swirls away, so I think I've been hallucinating for a long time now without realizing it :-\ . I'd like to know if I should be concerned about any brain damage or possible mental health conditions down the road and how to mitigate any potential risks. I longer mess with RC's or any dodgy/illegal stuff but I do still drink beer from time to time. Thanks.

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 16 May 2013, 11:27:13

We have discussed previously in this thread about the potential harms related to RCs. There is little experience with substances like 4-MMC, methylone, 4-FA, 4-EMC, and MXE. It is not clear if 4-FA is neurotoxic or not. MXE is clearly related with reversible cerebellar toxicity and cathinone derivatives are known to cause problems, although they are so new and experience is so small that it is impossible to know what are "safe" doses.

<http://www.ncbi.nlm.nih.gov/pubmed/22108839>

<http://www.ncbi.nlm.nih.gov/pubmed/22578175>

If your problems are persistent I think you should search for direct, personal and professional attention. We can't give advice through Internet about if you need exams or treatment, but if symptoms persist after weeks of abstinence I think it would be important to search for help.

CASE 2

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: oldcactushand on 29 May 2013, 13:43:11

This is really great work. Thanks a lot for this thread DoctorX.

I made a thread about my friend having a seizure after taking LSD, followed by a period of semi-consciousness and then an intense migraine and vomiting. I now believe it was a panic attack set off by a bad trip, but I know my friend would love to hear your opinion.

<http://dkn255hz262ypmii.onion/index.php?topic=165311.0>

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 30 May 2013, 16:24:39

It is very difficult to know what can exactly have happened. It could be a panic attack. But it is very uncommon that a panic attack causes a complete lose of consciousness. The sequence (short time of complete lose of consciousness followed by a post critic state with symptoms) could correspond to a seizure (epileptic-like). I can't confirm it 100% but it sounds possible to the story, as I have read in your thread. If case she is taking LSD or stimulants, she should be careful with doses, stay with someone else and consult to a doctor if something strange happens

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: oldcactushand on 31 May 2013, 11:51:29

Thanks for taking the time to read my thread. My understanding of epilepsy is that everyone has some sort of seizure threshold, and potentially can have an epileptic fit. I know she was complaining of it all getting too much, she said everything was just rushing at her eyes and there was way too much to take in. This was when she said she couldn't see, and I believe it was getting too much even when her eyes were shut.

Is it possible then that the hallucinations she experienced were powerful enough to set off an epileptic seizure in someone with no history of epilepsy? If so, does this mean she will have a lower seizure threshold in future? I know she's not going to jump back in on the same dose of LSD straight away, but if she was to take a similar amount, is there a good chance the hallucinations would again become too overwhelming? I know you won't be able to answer such questions with any certainty, but I value your opinion.

My theory regarding her lack of consciousness (if it was a panic attack), is that she had a panic attack just as she experienced ego death, the experience of ego death rendering her seemingly un/semi-conscious. She was in the fetal position, and would move intermittently. She would make noise, and would be able to communicate with me but could not muster up the effort to say many actual words. There is no doubt she experienced ego death during this period.

I am certainly not trying to challenge your knowledge or opinion which is much more credible than my own, but is it actually possible that fear could trigger an epileptic seizure? She fell to the ground screaming, and this was preceded by a very definite increase in stress and fear and panic. I have never seen someone have their *first* epileptic seizure though... is it possible

that someone would get very scared as they began to experience the prelude to an epileptic seizure?

On a side note, there were no flashing lights and it was actually getting progressively darker at the time. If it was epileptic, do you think her not being able to see (except hallucinations) was an early symptom of the epileptic attack set off by an unknown cause, or is it more likely to be the cause itself?

I've probably repeated myself a bunch of times there, sorry. She is perfectly fine and happy now and had a wonderful experience, but out of my group of friends I'm "the one" who does the most research and who gets to know all of this stuff etc. so I still feel a certain responsibility about all of this, and I want to be able to offer sound advice where possible. Thanks a lot DoctorX, awesome work you're doing here!

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 03 June 2013, 16:01:20

In general, panic attacks don't trigger an epileptic seizure. In fact, epileptic seizures are not a known complication of LSD use (at least in healthy, non-epileptic persons) although LSD use is contraindicated in epileptic persons. In medicine, it is sometimes very difficult to distinguish between a panic attack and an epileptic seizure. I can't be sure about what has happened with your friend. The story resembles more of seizure but it is not a sure diagnosis. In my professional experience, when someone has suffered a very unpleasant experience on LSD at his first experiences, there is more chances the bad experience will repeat with subsequent uses of the same substance. It is not always in 100% cases but I have seen it many times.

CASE 3

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: barbequehex on 28 May 2013, 20:15:53

Hello DoctorX,

First I would like that I really appreciate what you are doing for us guys here. It is often hard to get reliable information about drugs. Anyways I got a question about combining 25c-NBOMe and MDMA. A friend of mine dropped 800mg of the 25c and 150mg MDMA a 2 nights ago and still did not sleep yet. He is still dancing around in the room to the music and does totally ignore that he should sleep.

And another question, I am not sure if it was asked already, but do you know something about the long time harms of weekly usage of 25c-NBOMe?

Thanks in advance.

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 29 May 2013, 22:03:23

2C-C-NBOMe has no history of human use prior to 2010 when it first became available online. In fact there is only one published study about its properties and it is a investigation on pigs. There are no data about its mechanism of action in humans, adverse effects, short or long time toxicity. We can't say anything about short or long term effects because they are completely unknown. Compared with other substances (like MDMA, for example, with more than 6.000 studies in the last 40 years) people taking 25-NBOMe are behaving as guinea pigs.

I hope your friend has finished dancing :o

CASE 4:

Title: It's not Lupus

Post by: Sooperknot on 11 June 2013, 15:41:27

A mid-forties female has been suffering recurrent anxiety episodes that lead to respiratory distress with hyperventilation syndrome. Following a particularly serious attack of this type, a medical screening and detailed exam showed "no evidence of any type of acute emergency process at this time." BP at the time was mildly elevated -- enough to suggest ongoing treatment for hypertension.

The patient's subjective experience of the recent, particularly serious attack includes the following:

- A multitude of voices shouting in her head, mixed with an overwhelming clamour of noise in general

- "I felt like I was dying"

- Extreme confusion about her physical location. At different times during the episode, she clearly stated her location as two different places that are separated by 100 miles or more.

The patient has a history of "seizures" that have been recurring infrequently for more than 20 years. Information about the exact nature of these episodes is sparse, but some of the incidents did lead to ER visits and medical exams. At no time did any medical exams produce a diagnosis of any organic process causing these "seizures," and they have always been attributed to general anxiety. For much of this historical period she has been a very heavy smoker of cannabis. Light drinker, 1/4 pack per day cigarette smoker, no other drugs of abuse.

Physically the patient is very slender. Her measured body temperature tends to be lower than normal, yet her skin feels warm to the touch -- warmer than an average person. She states that she has had "thyroid problems" in the past but we have no specific information about those.

Two weeks prior to the most recent spate of anxiety attacks, the patient used DMT for the first time. This was her first genuine psychedelic experience of any kind. In the immediate aftermath of the trip she reported the usual feelings of wonder, awe, and amazement, expressing a desire to do it again as soon as possible and try a higher dose to achieve "breakthrough."

However in the two week period that followed, this already slender woman lost 10 lbs, became increasingly anxious and irritable, and finally began having the acute anxiety attacks that culminated in something resembling a psychotic break.

The patient believes that the DMT trip caused, or at least precipitated, her psychiatric symptoms.

Any thoughts?

Title: Re: It's not Lupus

Post by: DoctorX on 14 June 2013, 18:57:46

It is important to consider that it is not possible to give concrete diagnosis based on Internet information, although you have explained very well and detailed the situation. There is only one thing that sounds strange in the story. The fact that "a multitude of voices shouting in her head, mixed with an overwhelming clamour of noise in general" does not coincide with panic attacks. There are some rare diseases (like temporal epilepsy) that can curse with symptoms like that. I'm not stating that is the cause of the problem, I'm only pointing one possibility and the idea that, in general, auditive alucinations are not typical of panic or anxiety.

Of course DMT can trigger a psychotic problem. It is an uncommon situation but, in my experience this can happen more frequently with DMT than other drugs. In general, these episodies occur in pre-morbid, predisposed personalities. The symptoms you describe could indicate this (once more, it is only a possibility, I can't be 100% sure). Anyway, if she is experiencing psychotic symptoms I think she should search for professional help. DMT psychosis usually have an excelent response to antipsychotics and 2-3 months are enough for most patients. It is important also to avoid DMT and psychedelics in general.

Title: Re: It's not Lupus

Post by: Sooperknot on 29 August 2013, 12:02:05

This question is directed at both Doctor X, and also at all DMT users reading the thread.

For the past three months the woman described below has continued to experience a range of psychotic delusions, often of a paranoid nature. The psychiatric symptoms are not present constantly -- on some days she seems positive and perfectly normal, while other days I feel like she ought to be physically restrained to prevent harming herself and others; though I lack the medical authority to do so.

The patient continues to firmly believe that her one and only DMT experience, three-and-a-half months ago, was THE cause of all her psychological problems, and not merely one element in a complex of interacting psychological factors.

Of particular concern is a recent claim she made:

"I have been doing a lot of research and it seems that it is common knowledge among DMT users that you should NOT be sitting on a chair as we were, and that you should not attempt to talk to someone who is tripping, which both you and [another person present during her trip] did. Apparently, both are very dangerous."

I am not exactly naive about DMT, but I have NEVER heard of these items of "common knowledge" among users. If you're NOT supposed to do DMT while sitting on a chair, what IS the appropriate posture, and why? I could certainly see that some DMT users may not want to be spoken to during their trips; and if that's the case, they could make their wishes known. However I'm not aware that this is some kind of universal law. Has ANYBODY heard of something like these universal rules of doing DMT?

Title: Re: It's not Lupus

Post by: DoctorX on 30 August 2013, 11:32:24

Discussions about causes of mental health problems and the role of psychedelics are theoretical. In a practical case, it is not really important if she believes that her problem has

been “caused”, “triggered” or “exaggerated” by DMT use. The thing is, as you say, that a person is suffering from periodic symptoms that seems psychotic in their nature (disorientation, voices shouting in head, anxiety...). In this case a real face to face medical evaluation is important for obvious reasons. Some rare epilepsies look similar to this woman's symptoms. maybe is the consequence of DMT use or maybe not, but it would be important to clarify the diagnosis and use a specific treatment in order to reduce her symptoms and avoid problems (for her and for other people). Some psychotropic drugs, used for weeks or maybe months, are extremely effective for these problems. We don't know what is the role of DMT in this case, but, as a preventive measure, she should avoid using psychedelics.

There is no logical reason not to stay sitting down while using DMT. In fact, to sit down or to lie down are the best way to avoid falls or accidents in a modified state of consciousness. The closer one's head is to the ground the better since falls are a common risk factor for most drugs. On psychedelics, some people prefer to concentrate in their inner world and avoid communication. For other people is different. But there is no “sacred rule” that prohibits oral communication and this should not trigger any psychotic problem.

CASE 5:

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: chil on 15 June 2013, 10:22:46

Hola Doc,

I am an occasional (2-3 a month) user of stimulants (coke, amphetamines, modafinil, mephedrone, nicotine). I've been running (jogging) outside 3-4 times a week for 3 months with no problems whatsoever.

I've used mephedrone last week and nicotine daily (electronic cigarette). Since then, whenever I go for a jog, I have to stop after 3 minutes because there is a strong pain in my heart. I don't feel breathless, I just have to stop because of the pain. Once I stop running, the pain disappears.

1) do stimulants have a long-term negative effect on your heart ?

2) does this pain could be related to mephedrone use or nicotine ?

Muchas Gracias !

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 16 June 2013, 12:36:15

I can't say exactly what can be happening but data you provide are enough to recommend search medical assistance. It is not sure that you have a problem, even I don't know if this problem is or not related to drugs. But there are several respiratory and cardiac conditions with symptoms like yours. It should be important to have a RX and cardio-respiratory stress test to rule out the possibility of serious problems. In the meanwhile, I recommend you to stop jogging and using stimulants.

CASE 6:

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: bodizzle on 07 July 2013, 17:01:23

DoctorX: Thanks so much for offering your time and knowledge here.

I am currently rather concerned after an experience I have had and hoping maybe you could offer some insight:

Last tuesday and wednesday I did some pretty pure coke I bought from here on SR. Only 1 gram total for both days. I also had on hand, about 70-80 mgs of valium to help with the comedown and increased heartrate/nervousness. Besides having the valium on hand, having to do with history before taking the coke, I have also been taking 10 mg lexapro as well as 250mg Rhodiola Rosea 2x day for 2 years. Lexapro is an SSRI and rhodiola seems to be a dopamine/serotonin reuptake inhibitor as well (also read it could be a slight MAOI). But overall rhodiola has a very safe track record.

So on the 2 days I did the 1 gram coke, I had taken my regular dosages of 10 mg lexapro and 500 mg rhodiola. Alongside those, I also ended up taking all of my valium (maybe 80-90mgs) as I hate the jitteryness of coke (do it for the euphoria) and I hate the comedown.

The following days, starting thursday, up until now, I just feel so very very down, unable to feel back to my normal self and really unable to feel any sort of happiness. Just an overall feeling of shit basically. Like there was some overload of dopamine or serotonin maybe and some possible damage to synapses in my brain that are just not regenerating. I understand 1-2 days of rehab time is normal, but it is going on 4 days now and I still feel like shit. I have never felt like this after doing coke before in my life (but had not been on the lexapro/rhodiola combo) and I am feeling very very concerned that some kind of permanent damage might have taken place? Something to do with dopamine/serotonin reuptake inhibitors being maxed or damaged? OR could it just be I am still detoxing from all that valium? (4 days doesnt make sense though...)

Do you think my brain could regenerate from this? Any ideas on what is going on? Should I stop taking the lexapro and rhodiola for a couple days to try and initiate a reset of my brain chemistry?

Any feedback is massively appreciated.

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 08 July 2013, 17:57:43

Sorry for delay, but I have too much work (here in SR and outside) and I have little time to answer all your questions in general forum and in PM. I usually answer questions one by one, but I understand you have some urgency. I have read your story. It is difficult to give advice only by Internet, without personal communication. But, in your case, I suspect what is happening can be a "normal" effect after high doses of cocaine. I don't know if you are a frequent user or if you have tolerance to the substance, but a gram of cocaine can cause your symptoms. Depressive episodes are common after a binge of coke. They are related to monoamine depletion, but they are normally reversible along time.

I would not reccomend to abandomn Lexapro, as it can help to mitigate symptoms. I have doubts on Rhodolia, as there is little information available about its mechanism of action. But,

probably, symptoms will improve in following days. It is important that you sleep well (as long as you need) during these days and try not to be stressed or make important decisions. I think you will improve during following days, if it is not the case I recommend for professional evaluation

CASE 7:

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: iamcanada on 11 September 2013, 05:09:12

Hey doctorX

if you have time to help me here I would appreciate it
<http://dkn255hz262ypmii.onion/index.php?topic=211153.0>

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 11 September 2013, 09:06:19

I am sorry that through Internet is impossible to offer help of this kind. But your symptoms and antecedents (heavy use of ketamine) seem so important to recommend to seek for immediate medical evaluation, to rule out the possibility of severe problems.

CASE 8:

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: Davey Jones on 14 September 2013, 00:18:03

Hey Doc, I had a buddy of mine went on a binge doin coke, and in the middle of his party he swore he saw me and someone else he knew go into the hotel room next to his and he claimed he could hear us talking about him thru the wall so he goes and gets the manager and has him open the door and no one was there so he thinks we ran off and were messing with him. Seems like he was hallucinating and had a little break with reality. Is there anything that can stabilize him besides opiates? Benzos possibly?

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 15 September 2013, 10:52:26

I think it sounds more like a paranoid reaction than hallucination. There is no real break with reality but a false belief that he could hear you talking about him in a bad way. Paranoid reactions are very typical of high dosages of stimulants (cocaine, amphetamines or methamphetamine). If this disappears in a few hours, nothing else is necessary to do. Anyway, some people are prone to this effect and he should know this and be very careful with stimulant dosages. He should think about this once the cocaine effects have passed, analyzing the situation again and realizing that this was not true.

If these unreal ideas persist hours or days after cocaine use or if the paranoid ideas are out of reality (for example, you and your friends are aliens that are laughing at him) it should be necessary medical-psychiatric evaluation and specific medication. It is not worthy to try benzos (or worse, opiates) without medical prescription. A paranoid person can be dangerous (for himself or others), as he feels fear. He could feel, for example, that he is going to be poisoned if he is offered medication. So, if the strange ideas do not disappear in a few hours I would recommend medical evaluation

CASE 9:

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: mrmrmr on 20 September 2013, 18:27:04

Dr. X,

Now that was interesting. Yesterday I had what I'd guess was a panic attack (high BP (up to 173/100 when I was able to measure), high HR, scared shitless, sweating, chest pain, and so on). I'm not sure what exactly caused it, but I guess it was dosing up amphetamine too fast in only a few days (a week or so) with Moclobemide being present, and maybe the (not related to both drugs) little sleep I had the last weeks.

Just to be specific: I was at 3x8mg d/l-amphetamine throughout the day, and I only had slightest if any changes in BP throughout the day, while also taking 600mg moclobemide as prescribed. The amphetamine worked wonders for my adhd even after the in that case undesired euphoria disappeared, and only in the afternoon I felt a bit "wired". The panic attack happened in the evening, probably three or four hours or so after the last dose.

Of course I stopped taking any amphetamine the next day and will probably only and carefully try it again when I get my hands on some dextroamphetamine, because without the l-amphetamin it should probably have less effect on noradrenaline and so cause less bp issues or anxiety, as far as I know.

So now my question is: If something like that happened again, could/should I take a benzo as it seems to be recommended for "general" amphetamine overdoses and/or rebound, or would the combination of moclobemide, amphetamine and a benzo do bad things? From what I know moclobemide only slows the breakdown of the benzos and one should take a smaller dose.

And if it would be the right option in a situation like that, is there any recommended benzo for that purpose? I might be able to get some sublingual lorazepam, would that be OK? And at which dose?

Thanks again for your work, by the way, I guess I should get some coin and send it to you asap. :)

Title: Re: Ask a Drug Expert Physician about Drugs & Health

Post by: DoctorX on 22 September 2013, 12:41:12

I am not sure that moclobemide and amphetamine combination is a good idea. Moclobemide is much safer than other MAOIs but combination with amphetamine should be done with caution. It is possible (but not sure) that combination of both substances has caused your problem. It is possible that d-amphetamine has fewer effects, but I do not recommend combining with moclobemide, anyway.

Combination of benzos with moclobemide and amphetamine is probably safe. Lorazepam 1 mg sublingual is useful for panic attacks. But we can't be sure that your problem was this. So if you are suffering again it should be prudent to confirm diagnosis before using benzos.

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May 28, 2015

BY ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross Ulbricht*,
14 Cr. 68 (KBF)

Dear Judge Forrest:

This letter is submitted on behalf of Ross Ulbricht, defendant in the above-entitled matter, and supplements the previous submissions made on his behalf with respect to sentencing. This letter, in particular, will:

- (1) reply to the government's sentencing letter dated May 22, 2015 (Dkt # 256);
- (2) provide two additional letters on Mr. Ulbricht's behalf (and which were not received until after my May 22, 2015, letter was submitted); and
- (3) the May 26, 2015, report by Board-certified forensic pathologist Mark L. Taff, M.D. (and also Clinical Associate Professor of Pathology at Mount Sinai School of Medicine), which is attached hereto as Exhibit 7,¹ regarding the six deaths the government seeks to attribute to Mr. Ulbricht.

¹ The Exhibits attached hereto are numbered sequentially starting with Exhibit 5 in order to avoid confusion with the four Exhibits attached to my May 22, 2015, letter.

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Hon. Katherine B. Forrest
United States District Judge
Southern District of New York
May 28, 2015
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I. *The Government's Sentencing Submission*

A. *The Silk Road's Harm Reduction Measures*

The government's claim that the Silk Road web site represented an enhanced danger because it "lowered the barriers" for drug purchasing and selling is based not on a canvass of users of the site – as was the case for the researchers who provided Declarations in conjunction with my May 15, 2015, letter – but rather on Michael Duch, a single convicted felon providing cooperation in return for extraordinary leniency,² and whose testimony at trial was so riddled with inconsistencies and insupportable claims that he lacks credibility – even if the experience of a single person were somehow a valid substitute for the comprehensive research conducted by the Declarants (Tim Bingham, Meghan Ralston, and Dr. Monica Barratt), and the contact Fernando Caudevilla, M.D., had with many of the site's visitors. *See* May 15, 2015, Letter from Joshua L. Dratel, Esq., to the Court (Dkt #241), at 2-8.

Also, while the government repeats Mr. Duch's claim that he did not begin selling drugs until he became a vendor on Silk Road, that contention is belied by Mr. Duch's 2008 arrest for possession with intent to distribute a felony-weight quantity of drugs. T. 1596.³ Also, in 2009-09 (as reflected in his cooperation agreement, *see* T. 1542), Mr. Duch had traded prescription medication for heroin. Mr. Duch also sold drugs on multiple internet sites, including Atlantis and Black Market Reboot. T. 1592.

In addition, Mr. Duch's claim that he consumed 600-700 bags per week for his own heroin addiction is not corroborated at all. *See* T. 1535-36. Indeed, that astronomical amount more than likely included bags that he sold to others to support his extensive and prohibitively costly habit. In any event, Mr. Duch's claims are without any verification.

Yet the government urges the Court to rely exclusively on that self-serving,

² While Mr. Duch acknowledged selling three times the amount of heroin required for a charge carrying a ten-year mandatory minimum prison term pursuant to 21 U.S.C. §841(b)(1)(A), he was permitted to plead guilty to a charge, under §841(b)(1)(B), that carried only a five-year mandatory minimum. T (Trial Transcript) 1532-34. In addition, the government has not filed against Mr. Duch a prior felony information, which would double any applicable mandatory minimum sentence. *Id.* *See also* T. 1538-39. Mr. Duch's cooperation agreement with the government also insulated him from charges for a host of other criminal activity, including theft, assault (throwing a telephone at his girlfriend), and use and distribution of other drugs. T. 1541-42.

³ "T." refers to the trial transcript in this case.

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unsubstantiated anecdotal account and ignore the independent, objective clinical professional research provided by Mr. Bingham, Ms. Ralston, Dr. Barratt, and Dr. Caudevilla. Moreover, as even the government's figures establish, heroin sales did not constitute a significant portion of the sales made by Silk Road vendors. Rather, they comprised 3.5% of all sales on the Silk Road site, and were not in the top 20 drugs for the U.S., the U.K., and/or Australia. *See* Declaration of Dr. Monica Barratt, at ¶ 6 (attached as Exhibit 13 to the May 15, 2015, Declaration of Lindsay A. Lewis, Esq. (Dkt. #242). *See also* Monica Barratt, Jason A. Ferris and Adam R. Winstock, "Use of Silk Road, the online drug marketplace, in the United Kingdom, Australia and the United States," *Addiction* 109, at 774-783 (2013) (attached as Exhibit 8 to the Lewis Dec.). Indeed, Mr. Duch's sales may very well have represented a considerable portion of the total of heroin sales from Silk Road in the U.S.⁴

The government discounts entirely the harm reduction measures instituted on the Silk Road site, but that categorical approach defies the reality of the demand, and consequent supply, of controlled substances (which are detailed in my May 22, 2015, letter, at 52-67). Of course Mr. Ulbricht is being sentenced for his participation in the Silk Road site, but the government's approach would deprive the sentencing of any context with respect to the atmosphere that Silk Road engendered in its totality – perhaps unprecedented, but certainly in more respects than simply internet availability of illicit drugs within the anonymized TOR network. In that context, the harm reduction measures were as much a part of that environment, and highly relevant for sentencing, as the means of buying and selling.⁵

B. *Attributing to Mr. Ulbricht the Six Deaths Cited By the Government Would Create An Unwarranted Disparity In Contravention of 18 U.S.C. §3553(a)(6)*

As discussed in my May 22, 2015, letter, at 43, 18 U.S.C. §3553(a) directs a sentencing court to "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." Here, in addition to the lack of sufficient proof linking the six deaths to drugs purchased from vendors on the Silk Road site – the government has not engaged any forensic expert or analysis sufficient under any standard of proof –

⁴ Mr. Duch's testimony included other prevarications and evasions, including his persistent denial that he made statements (or heard statements made to him) that were reflected in government interview memoranda. *See, e.g.*, T. 1538-39, 1597-98, 1600-01 & 1605-06.

⁵ In fact, the chat passages between Dread Pirate Roberts and site administrators quoted by the government (in its letter, at 12-13) demonstrate not an amoral disregard for the consequences, but rather a recognition of the sometimes uncomfortable moral ambiguity, including adverse impact on others, that unavoidably attended the Silk Road site's commitment to an unregulated free market for all forms of commerce and merchandise.

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enhancing Mr. Ulbricht's sentence because of those deaths would institute an unwarranted disparity.

In that context, the government's argument, in its letter at 9-10, with respect to foreseeability proves too much. If it is axiomatic that facilitating the sale of illegal drugs is inherently dangerous for purchasers, then it applies in *every* drug-trafficking case, particularly in those involving sales by organizations that exist over a period of time.

Yet the government cannot cite a single case in this district, and only one in the Second Circuit, discussed and distinguished below, in which *any* enhancement applied in such a case. Thus, the government would have Mr. Ulbricht serve additional time for a factor that is present in *every* drug-trafficking case of any magnitude or duration, but which is subject to an enhancement within this district only in this case (and in only a minute fraction of cases nationwide, and in very different factual circumstances). That is the essence of an unwarranted disparity.

Also, here the disparity is not merely generalized. This past Tuesday, May 26, 2015, in *United States v. Peter Nash*, 13 Cr. 950 (TPG), the Honorable Thomas P. Griesa sentenced the defendant, Peter Nash, a/k/a Samesamebutdifferent, a forum moderator and one-time administrator on the Silk Road site for nearly a year prior to its closure (during which time the Silk Road site experienced its highest volume of sales), to "time served" – essentially a 14-month sentence. *See* Judgment (Dkt. #36), *United States v. Peter Nash*, 13 Cr. 950 (TPG). *See also* Gov't Nash Sentencing Letter, at 4, 7, 8.

Mr. Nash pleaded guilty to conspiracy to sell drugs in an amount that made him subject to a ten-year mandatory minimum sentence pursuant to 21 U.S.C. §841(b)(1)(A). *See* Government's Sentencing Submission, *United States v. Peter Nash*, 13 Cr. 950 (TPG) (Dkt. # 35) (hereinafter "Gov't Nash Sentencing Letter"), at 4. As a result, Mr. Nash's Sentencing Guidelines Base Offense Level was 36, the same as Mr. Ulbricht's is here. *See id.*, at 5. *See also* Mr. Ulbricht's Pre-Sentence Report (hereinafter "PSR"), at ¶ 94. Yet even with multiple downward adjustments for his minor role and his safety valve proffer, Mr. Nash's adjusted Guidelines range was still 121-151 months. *Id.*, at 5.

The government did not seek any enhancement for Mr. Nash for the deaths it cites here, even though Mr. Nash, who worked for the Silk Road site from January 2013 through its closure in October 2013, was involved with the site during a period in which five of the six deaths occurred. *See* Gov't Nash Sentencing Letter, at 4 & n.1. In fact, the PSR for Mr. Nash clearly noted the drug-related deaths, as the government, in its submission, remarked that Mr. Nash involved himself with the Silk Road site with full knowledge of its activities and "with predictably harmful (and in some cases deadly) consequences, as the PSR makes clear." *Id.*, at

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10.

Yet, as noted above, the government did not seek an enhancement of Mr. Nash's sentence on that basis, and clearly, in imposing a "time served" sentence, the Court did not enhance Mr. Nash's sentence on that ground, either. Indeed, the government recommended a below-Guidelines sentence for Mr. Nash. While certain factors, *i.e.*, Mr. Nash's minor role and his safety valve proffer, could justify a disparity in his sentence and that of Mr. Ulbricht, the gulf between time-served and even the 20-year mandatory minimum Mr. Ulbricht faces represents too drastic a disparity, particularly when the government selectively decides against whom to seek enhancements for unintended events, even accidents, that are by the government's rationale attributable to *every* participant in a drug-trafficking conspiracy.⁶ Of course, that includes as well Mr. Duch, who sold heroin directly to customers (and against whom it is extremely doubtful the government will seek such an enhancement).

The cases cited by the government only reinforce the conclusion that any enhancement here (pursuant to §3553(a), the Guidelines, or otherwise) would be inappropriate factually and legally, and in contravention of §3553(a)(6). Indeed, none are from this district, or the Eastern District of New York, both of which have an inordinate volume of drug-trafficking cases without a single reported case in which such an enhancement has been applied.

For example, *United States v. Faulkner*, 636 F.3d 1009 (8th Cir. 2011), and *United States v. Westry*, 524 F.3d 1198 (11th Cir. 2008), cases from the 8th and 11th Circuits, respectively, addressed issues of conspiratorial liability for overdose deaths caused by a co-conspirator. Neither opinion discusses the evidence at issue, or whether it, or the causation, was contested by the defendant(s). Rather, the opinions *presume* that the drugs distributed by the charged conspiracies caused the charged overdose deaths. *See, e.g., Faulkner*, 636 F.3d at 1022 (defendant's liability established because *jury found beyond a reasonable doubt* that overdose was reasonably foreseeable, although the defendant did not play a "direct role in manufacturing or distributing heroin *that caused* [the victim's] death") (emphasis added); *Westry*, 524 F.3d at 1220 ("[b]ecause [the victim] died from a drug overdose from drugs distributed by a member of the conspiracy . . . , and the goal of the conspiracy was to distribute drugs, [the victim's] death was reasonably foreseeable and within the scope of the conspiracy").

⁶ The government's insinuation, in its letter herein, at 16 (that Mr. Ulbricht "at no time [] has accepted full responsibility for his actions) that Mr. Ulbricht be penalized for exercising his right to trial should be disregarded entirely, especially since the government did not extend to Mr. Ulbricht a plea offer that would have ameliorated any aspect of the Guidelines calculation ultimately adopted by the PSR.

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In *United States v. Pacheco*, 489 F.3d 40 (1st Cir. 2007), in contrast with the circumstances here, the government presented medical records which established that the victim, who survived (and is therefore incorrectly described as deceased in the government's submission) was admitted to the hospital with a "provisional[] diagnos[is of] a ketamine overdose" which was confirmed by the victim's later statements to hospital staff regarding his ingestion of heroin and a substantial ketamine dose, as well as "subsequent diagnoses [which] reflected . . . ingestion of both drugs." *Id.* at 42-43.

In addition to the well documented cause of the victim's injuries, the defendant in *Pacheco* in fact admitted to mailing ketamine to the victim regularly, including a shipment five weeks before the overdose. *Pacheco*, 489 F.3d at 43. As the government notes, in its letter herein, at 9, the defendant's argument in *Pacheco* that the five-and-a-half week gap between the last shipment and the overdose raised a "serious question" as to whether he had actually supplied the fatal dose was rejected by the Court, in part because another package of ketamine from the defendant was waiting in the victim's mailbox at the time of his overdose, dispositively undermining the defendant's claim that the last shipment he sent was more than a month before the overdose. *Pacheco*, 489 F.3d at 45.

Similarly, in *United States v. Nossan*, 647 F.3d 822 (8th Cir. 2011), the government was able to rely on the defendant's own admissions to establish the connection between the drugs and the overdose. The defendant told police she had mailed a package "containing black tar heroin, a single balloon of cocaine, and syringes" to the victim using the name of one of his former girlfriends as a return address. *Nossan*, 647 F.3d at 824. Following the victim's death, established by an autopsy to be the result of heroin toxicity, the police recovered "a small balloon containing . . . black tar heroin" and two padded envelopes, one of which had "a return address of 'Michelle Lamport'," an ex-girlfriend of the victim. *Id.*

The only case cited by the government on this issue which arises from a court in the Second Circuit is *United States v. Russow*, 2015 WL 1057513, at *1-2 (D. Conn. Mar. 10, 2015), in which the victim's overdose occurred only a few hours after several text messages between the victim and the defendant discussing heroin availability and quality. The heroin sale was corroborated by surveillance video of the victim arriving and leaving the defendant's home around the same time he sent a text informing someone else that the defendant had "Much Better" brand heroin. *Russow*, 2015 WL 1057513, at *1-2. He was found dead about three hours later with two empty bindles labeled "Much Better," and the autopsy report concluded that the cause of death was "acute heroin toxicity." *Id.*

The government's focus on drug abusers' addictions, and other harms associated with drug abuse, *see* Government's Sentencing Letter, at 9-13, should also not be grounds for enhancing Mr. Ulbricht's sentence. Those aspects are already factored into the severe

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punishment matrix and high Guidelines levels for drug offenses in the first place. Singling out Mr. Ulbricht in that regard would not only be, in effect, inappropriate “double-counting,” but would also create further unwarranted and unjustified disparity.

**C. “General Deterrence” Would Not Constitute An
Appropriate Reason to Enhance Mr. Ulbricht’s Sentence**

Regarding general deterrence, the government’s citation, in its letter, at 14, to *Empress Casino Joliet v. Balmoral Racing Club, Inc.*, 651 F.3d 722, 728 (7th Cir. 2011), that “deterrence is never perfect” is entirely unpersuasive. Not only is that a civil case, but as demonstrated by the research and studies discussed in my May 22, 2015, letter, at 50-64, in the criminal context not only is deterrence “never perfect,” it is *illusory*.

Given the lack of any empirical evidence supporting an enhanced sentence for purposes of achieving general deterrence, the government would have the Court enhance Mr. Ulbricht’s sentence on a hope – as yet unproven by any clinical studies – that it could have an impact on a hypothetical person who may, at some point in the future, contemplate a crime. The number of conditional elements in that construction are far too numerous to permit, much less justify, a longer sentence on that ground. That is not criminal justice; rather, it is a lottery in which only Mr. Ulbricht suffers.

Relying on general deterrence to enhance Mr. Ulbricht’s sentence would also aggravate the disparity between his sentence and others, both generally and specifically with respect to the Silk Road web site, because any such enhancement is neither quantifiable nor consistent with other “general deterrence” components of sentencing. As a result, it represents a recipe for disparity untethered to any objective standard or ability to measure.

D. Mr. Ulbricht’s Lifestyle and the Money Generated By the Silk Road Site

The government’s contention that the Silk Road web site’s purpose was, like other drug-selling operations, based on the profit motive is belied by several factors. Mr. Ulbricht neither displayed nor possessed any of the traditional material, ostentatious trappings of drug-trafficking, or of financial success at all. Indeed, with respect to Dread Pirate Roberts (hereinafter “DPR”), certain TOR chat logs provide a window to a very different set of priorities.

For example, in TOR log chat TV32, at 785-90, between DPR and Cimon, DPR suggests using profits from the possible sale of the Silk Road site for “feeding and empowering” Africans

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by providing seeds for agricultural and other growth.⁷ Later in that same TOR chat, at 499-501 519-20, 523, 526 & 708, DPR and Cimon discuss channeling Silk Road proceeds to Kiva, a global micro loan charity. *See* <www.kiva.org>. Similarly, in TOR chat log GX5O, between DPR and Flush, DPR notes that certain Silk Road funds would be passed on to certain non-profit organizations that DPR supported.

E. *The Two-Point Enhancement for “Credible Threats of Violence” Should Be Denied and Deleted from the Pre-Sentence Report*

As the government notes, in its letter at 16 n. 19, the PSR, at ¶ 94 and pursuant to §2D1.1(b)(2) of the Guidelines, assesses a two-point enhancement for “credible threats of violence.” For all the reasons set forth above and in the previous submissions on his behalf, Mr. Ulbricht objects to that enhancement, which should be deleted from the PSR.⁸

II. *Two Additional Letters on Mr. Ulbricht’s Behalf*

Attached hereto as Exhibits 5 & 6 are two additional letters on Mr. Ulbricht’s behalf. Exhibit 5 is from Michael Van Praagh, an inmate at the Metropolitan Correctional Center (hereinafter “MCC”). As Mr. Van Praagh recounts in his letter, he met Mr. Ulbricht at MCC while Mr. Van Praagh was teaching General Education Diploma (hereinafter “GED”) classes for other inmates, recalling that “Mr. Ulbricht approached me after class to inquire how he too, might get involved in teaching classes.” *See* Letter from Michael Van Praagh (attached hereto as Exhibit 5).

Mr. Van Praagh was “moved immediately by [Mr. Ulbricht’s] sense of concern for what we were doing in trying to share our gifts and help teach some of the other dedicated inmates who haven’t been so fortunate to have had some of the same privileges afforded to Ross and myself.” *Id.*

Even during trial, Mr. Ulbricht remained committed to the other inmates, including Mr. Van Praagh, who writes,

[a]s difficult of a time as it was [during Mr. Ulbricht’s trial], he always was available for me and for my students. Sharing his

⁷ The excerpts from these TOR chats will be provided as soon as defense counsel can collect them and prepare them as Exhibits.

⁸ The PSR includes that enhancement within the Base Offense Level computation in ¶ 94 instead of as a separate offense-conduct specific enhancement.

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knowledge and his experiences had inspired me to do something that I always wanted to do but never managed to accomplish. I enrolled in College.

Id.

Thus, even during a period of extraordinary stress and concentration on a matter of utmost importance to him, Mr. Ulbricht nevertheless found the time and energy to devote to others. Yet Mr. Ulbricht's positive influence on Mr. Van Praagh did not stop there. As Mr. Van Praagh relates,

[a]s a first generation college student, the whole ordeal of choosing a school, enrolling, picking a major, and registering for classes was completely foreign to me and frankly intimidating. I am forever grateful that Mr. Ulbricht patiently walked me through the entire process. He has provided me the advice and confidence necessary to take those vital first steps.

Id.

In addition, Mr. Van Praagh reports, "[t]here are three other students in my class that are grateful to Mr. Ulbricht, for he convinced them too that as proud as they should be to have made such valuable strides and receive their GED's, that it is only the first step to ensuring a successful life that is free of recidivism." *Id.*

As a result, Mr. Van Praagh and the three other inmates "are degree seeking students, enrolled at Adams State University." *Id.* Yet Mr. Ulbricht did not stop even there. The correspondence courses provide materials and a note of encouragement, but little else in the form of guidance. As Mr. Van Praagh admits, "[t]hat is pretty scary. I know that it is nothing that has not been done before, but with no personal instruction, it's a daunting task."

Mr. Ulbricht fills that void. According to Mr. Van Praagh, "Mr. Ulbricht sits with the four of us every single day and we've made such great progress that I fear what it will be like when we are no longer able to take advantage of his wealth of knowledge [and] the unparalleled generosity with which he shares it." *Id.*

In addition, Mr. Van Praagh recognizes that "Mr. Ulbricht does all this without any expectation of something in return. It's [] solely to help others and I have found that to be of the most endearing and noble qualities I have found in anyone I have met throughout this entire unfortunate experience." *Id.* As a result, even in an environment as desolate and despairing as

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the MCC is in many respects, Mr. Ulbricht's "kindness and devotion to excellence has truly inspired us all." *Id.*

Exhibit 6 is a letter from Joseph Ernst, the son of Thomas J. Ernst, "[a] Georgetown Law Graduate, Air Force intelligence officer and tireless philanthropist," and also a convicted felon currently serving a 48-month sentence at FCI Fort Dix. Joseph Ernst contacted defense counsel yesterday because he wanted to write a letter to the Court on Mr. Ulbricht's behalf after identifying certain similarities between Mr. Ulbricht and his father, who "like Ross, . . . spent a life in service to others, only to make a mistake" which led to his conviction and incarceration. *See* Letter of Joseph Ernst, attached hereto as Exhibit 6.

Mr. Ernst's chief concern is that Mr. Ulbricht, if imprisoned at a higher security level facility for a long period of time, will suffer the same fate as his father who even "incarcerated for what seemed like a short period of time" has experienced irreparable damage to his ability to be a high-functioning and productive member of society. *Id.* As Mr. Ernst explains in his letter, his father

[a]s a man with considerable education, has been unable to find programs to better himself or prepare himself for life outside beyond basic correspondence courses. . . . As a convicted felon, his job prospects are non-existent. . . . In sum, he is a man that while educated at the highest levels, now finds himself unemployable at even the most entry level jobs. He has no place to live once released, nor means of subsistence and finds himself in an endless cycle of indignity, spiraling ever downward.

Id.

Accordingly, "[h]aving seen the affects that even a short period of incarceration can have, it is [his] fervent hope that Ross is not subject to an unduly long period away from his family and friends" given that "[a] man like Ross Ulbricht, with an impressive education, demonstrated ability to favorably impact people around him and prior experience in business with community service components, could add something so positive to [the national] fabric" and "is not someone who has placed himself beyond the edge of society." *Id.*

III. Dr. Taff's Report

Attached as Exhibit 7 hereto is Dr. Taff's report regarding the six deaths the government seeks to attribute to drugs purchased from vendors on the Silk Road site. As Dr. Taff notes, he possesses "over 30 years of clinical, investigative, teaching, testimonial, and administrative

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experience,” and has “conducted hundreds of death investigations and autopsies, including dozens of drug-related fatalities in urban, suburban and rural communities.” *Id.*, at 1.

As Dr. Taff’s report states, based on his “review of the available documentary evidence,” *id.*, at 2, each of the six deaths “lacks information about or more the 6-stages of death investigation.” *Id.* See also *id.*, at 1 (listing the six stages of a death investigation); Lewis Dec., dated May 15, 2015, at ¶ 10-12.⁹

Elaborating, Dr. Taff’s report cautions that

[p]artial death investigations and/or partial autopsies yield partial answers which is as bad as no autopsy at all. Without certain pieces of information, it is impossible for medical examiners to render opinions about issues that typically arise during criminal and civil litigation (*e.g.*, cause, manner and time of death, time of onset of injury, pre-existing pathological (medical and/or psychiatric) conditions, interactions of drugs, drug metabolism (absorption, breakdown and elimination of drugs), conscious pain and suffering, life expectancy, quality of medical and surgical care, etc.).

Id., at 2.

Also, Dr. Taff’s report points out that

[t]he interpretation of drug levels is difficult because of multiple variables, including: a) use of multiple drugs in varying amounts; b) administration of drug[s] via different or multiple routes (inhalation (snorting, sniffing), ingestion, injection); c) use of drugs at different times; and d) use of drugs by individuals of different ages and body weights with varying levels/degrees of drug tolerance.

⁹ Mr. Ulbricht submitted to the government a number of discovery requests regarding the six deaths. However, the government failed to provide any additional information or materials with the exception of a coroner’s and toxicology report with respect to one death, a toxicology report with respect to another death, and scant information as to what the government described as Silk Road drug user profiles.

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Id.

In addition, Dr. Taff's report notes that "[d]rug-related homicides are rare[.]" and "medical examiners rarely classify drug overdoses as homicides." *Id.* As Dr. Taff's report explains, "[b]ecause of the lack of reliable circumstantial, testimonial and scene information surrounding many drug overdoses, the manner of many drug-related deaths are not clear-cut." *Id.*, at 3. As a result, "[m]any medical examiners have opted to rule the manner of many drug-related deaths as 'undetermined' (possible accident, suicide or homicide) with the understanding that such a classification might be amended if additional (compelling) information comes forth in the future. *Id.*

Dr. Taff's report proceeds with the evaluation of the six deaths, which findings are summarized in the May 15, 2015, Declaration of Lindsay A. Lewis, Esq. (which is attached as Exhibit 1 to my May 15, 2015, letter). Dr. Taff's report also discusses the coroner's and toxicology report for Alejandro A. (which was provided to the defense May 14, 2015, after Dr. Taff had provided his preliminary findings to defense counsel).

In addition to analyzing the documents provided, including the exclusion of certain factors – such as the presence of two other drugs, marijuana and Prozac, as well as a pre-existing heart disease – from the cause of death, *id.*, at 9, Dr. Taff, based on his review of Mr. A.'s records, offered an opinion to a reasonable degree of forensic medical certainty that Mr. A.'s cause of death was "due to multiple drug (25I-NBOMe, marijuana and Prozac) intoxication." Dr. Taff's report adds that "[c]ardiomegaly (enlarged heart) of undetermined origin was a significant associated condition contributing to [Mr. A.'s] death. *Id.*¹⁰

Ultimately, Dr. Taff concludes that "the incomplete records raised several questions and precluded [Dr. Taff] from rendering opinions regarding the cause, manner and time death as well as, possibly, other forensic medicine issues of interest to the criminal justice system." *Id.*, at 3. Thus, he was "unable to render opinions to reasonable degree of medical forensic certainty in 5 of 6 cases regarding cause, manner and time of death as well as several other forensic issues typically addressed by medical examiners investigating drug-related deaths . . ." *Id.*, at 9.

Dr. Taff's report cites as reasons the following:

¹⁰ Dr. Taff's report notes that "[a]fter a 7-month long investigation, California[] officials concluded that the manner of [Mr. A.'s] death should be classified as an accident." *Id.*, at 9. Finding "nothing the records to suggest otherwise," Dr. Taff rendered an opinion to a reasonable degree of medical forensic certainty that Mr. A.'s "manner of death was appropriately ruled an accident." *Id.*

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- a) paucity of information;
- b) confusing interpretations, selective/partial/incomplete diagnoses;
- c) omissions; and
- d) inability to inspect original death investigation and autopsy reports and primary autopsy evidence.

Id.

Regarding the sixth case, that of Mr. A., in which Dr. Taff does posit a cause of death, Dr. Taff, as noted *ante*, “disagreed with the official cause of death[]” because “the California[] forensic team failed to factor in the presence of other drugs and a pre-existing heart condition into [Mr. A.’s] cause of death.” *Id.*, at 9-10.¹¹

Regarding the other five deaths, Dr. Taff’s report cites, *inter alia*, the “paucity of post-mortem medical-scientific evidence and the decedents’ ante-mortem histories of medical and mental health and substance abuse problems . . .” among the reasons for his inability to render an opinion. Also, he explains that “[a]lthough all the decedents had drugs in their systems at the time of death, toxicology labs cannot match illicit drugs present in a person’s body fluid and tissues to an exogenous (outside) source of drugs.” *Id.*, at 10.

Also, “[b]ased on the available information,” Dr. Taff was unable to

correlate the time of purchase/acquisition from an alleged Silk Road vendor, time of usage of the alleged Silk Road purchase, time of usage of other illicit drugs and prescribed medications, the amount/dose of drugs used, time of mixing/cocktailing of alleged Silk Road purchase with other drugs, pre-existing pathological health conditions and cause, manner and time of death.

Id.

Indeed, Dr. Taff’s report points out that “[i]t is unknown when each decedent, with other

¹¹ In noting that Mr. A.’s death was ultimately declared an accident, Dr. Taff notes that “[t]his ruling indicates that local authorities had insufficient evidence to criminally charge another person for contributing to or directly causing [Mr. A.’s] death.” *Id.*, at 10. Dr. Taff was “not surprised” at that conclusion, although he points out that during his career, “law enforcement has conducted dozens of in-depth investigations with the intention of making drug dealers legally/criminally responsible for the deaths of individuals to whom they sold drugs.” *Id.*

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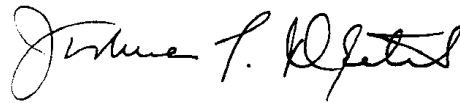
drugs in his system, took alleged Silk Road drugs.” *Id.* In that context, as Dr. Taff’s report states, “[t]he mixing of drugs in low levels can cause more powerful and potentially fatal effects than each drug used individually (so-called synergism).” *Id.* Consequently, “[m]edical examiners must look at all of the results in a post-mortem drug screen[,]” *id.*, and “[i]t is bad science to be selective or hierarchical about drugs (*e.g.*, heroin in more dangerous than cocaine which is more dangerous than alcohol, and, thus, if not for heroin, the person would still be alive) when rendering opinions about the cause of drug-related fatalities.” *Id.*, at 10-11. As a result, “[p]ost-mortem drug results must be viewed in context with the findings from other phases of a death investigation.” *Id.*, at 11.

Accordingly, the information provided by the government fails to establish a sufficient factual, medical forensic basis for attributing the deaths either to drugs purchased from vendors on the Silk Road site, or to Mr. Ulbricht. That would be not only “bad science,” but, in the context of the Due Proces requirements for considering information at sentencing, legally unsustainable. While, as the letters from the decedents’ family members make clear, unquestionably the six deaths represent personal and family tragedies and trauma, there is simply not an adequate basis to attribute them to Mr. Ulbricht.

Conclusion

Accordingly, for all the reasons set forth above, as well as in Mr. Ulbricht’s prior submissions, it is respectfully submitted that he should be sentenced to a term of imprisonment substantially below the advisory Guidelines range.

Respectfully submitted,



Joshua L. Dratel

JLD/

cc: Serrin Turner
Timothy T. Howard
Assistant United States Attorneys

EXHIBIT 5

Honorable Katherine Forest
United States District Court
Southern District
500 Pearl Street
New York, NY 10007

Michael Van Praagh
Reg # 70470-054
MCC-NY 150 Park Row
New York, NY 10007

May 21, 2015

My name is Michael Van Praagh and I am an inmate currently being held at the Metropolitan Correctional Center in Downtown Manhattan. I am not proud of my current living situation but I am thankful because I know now that this experience has not only changed me, but probably saved my life. I have been fortunate enough to be able to use the resources available to me to become someone who I always wanted to be and grow to my fullest potential.

After just a few months here I started working with the Education Department and formed some GED prep classes on my unit. I found a passion for teaching and I held and still hold, one year later, two classes everyday for six days out of the week. I spend a major portion of my day in the classroom, in fact, it was in the classroom where I first met Mr. Ross Ulbricht. Mr. Ulbricht approached me after my class to inquire about how he too, might get involved in teaching classes. He explained that he was fortunate enough to have had a good education and that he was interested in getting involved with the Education Department or at the very least, helping me out in any way he could. I was moved immediately by his sense of concern for what we were doing in trying to share our gifts and help teach some of the other dedicated inmates who haven't been so fortunate to have had some of the same priveleges afforded to Ross and to myself.

Mr. Ulbricht began joining me every morning at 8:00 am in the classroom. His consideration and dedication made me realize that he is the kind of person that being around I found would prove to be in my best interest. From that point on, he and I became friends. That is not, however, why I am writing this letter. I would like to share with Your Honor, not that Mr. Ulbricht and I became friends, but why, and to shed some light, from my perspective, on the kind of person he is and how he has affected, not only me, but many of our other fellow inmates. Of course, I have no knowledge of who he was or how he lived before coming here, but I can speak for who he is today.

Ross Ulbricht and I share the common experience of having gone to trial, so I know how stressful of a time that can be for anyone. As difficult of a time as it was, he always was available for me and for my students. Sharing his knowledge and his experiences had inspired me to do something that I always wanted to do but never managed to accomplish. I enrolled in College.

As a first generation college student, the whole ordeal of choosing a school, enrolling, picking a major, and registering for classes was completely foreign to me and frankly intimidating. I am forever grateful that Mr. Ulbricht patiently walked me through the entire process. He has provided me the advice and confidence necessary to take those vital first steps. There are three other students in my class that are grateful to Mr. Ulbricht, for he convinced them too that as proud as they should be to have made such valuable strides and receive their GED's, that it is only the first step to ensuring a successful life that is free of recidivism.

I am so very proud to broadcast to anyone that will listen that Michael Jimenez, Elvin Soto, Leon Santiago, and I, aside from being inmates here at MCC, are degree seeking students, enrolled at Adams State University. We take classes through correspondence. The school mailed us books, course syllabi, due dates, and a note from our professors that says, basically, "Good Luck." That is pretty scary. I know that it is nothing that has not been done before, but with no personal instruction, it's a daunting task. Mr. Ulbricht sits with the four of us every single day and we've made such great progress that I fear what it will be like ~~when we~~ are no longer able to take advantage of his wealth of knowledge the unparalleled generosity with which he shares it. Mr. Ulbricht does all this without any expectation of something in return. It's is solely to help others and I have found that to be of the most endearing and noble qualities I have found in anyone I have met throughout this entire unfortunate experience. Ross Ulbricht kindness and devotion to excellence has truly inspired us all.

I cannot even begin to understand the pain and the stress this most exceptional person harbors because that is the only way that he would have it. He does not wear his misery like most people around here do and if I didn't know about it, I could never imagine what it is he is going through. He does not share most of the details but I am aware of his pre-sentencing recommendation. If I may most respectfully share with Your Honor, my feelings, to sentence this young man to a lifetime detained behind bars, kept from society, would not only be tragic but also a detriment to Mr. Ulbricht, his family, and society.

Respectfully and Humbly Submitted,


Michael Van Praagh

EXHIBIT 6

A1433

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The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Dear Judge Forrest,

I write to you on behalf of Ross Ulbricht, who is scheduled for sentencing this Friday, May 29, 2015. I write in sincere support of his attorney's submission that Ross receive a sentence substantially below the applicable sentencing guidelines and be allowed a chance to reclaim part of his life to spend in the service of others, where his considerable intellect, interest in people and compassion for others could find him in a position to affect many lives for the better.

It is worth mentioning that I do not know Ross Ulbricht personally in any way. Like many in the computer forensics business, I have followed his case with great interest, given the technology involved and technical matters presented at trial. In reading the ninety seven letters to the court in support of Ross, I was struck by the universal overtones of love, respect and gratitude in each one. I found myself compelled to reach out to his attorneys, as it became apparent that Ross is not a career criminal, a technically proficient supervillain or evil, but rather an educated man who cares for others, is interested in the world around him, and has no prior history of criminality before making an extraordinarily bad choice. This is a man, who with the help of such an impressive support system, could truly give back to society if given the chance.

This apparent duality resonated deeply with me. My own family has been forever altered by the extraordinarily bad choices of my Father, Thomas J. Ernst, a man much like Ross, who spent a life in service of others, only to make a mistake which saw our family cast into a whirlwind that ultimately destroyed it. My Father was convicted of tax crimes in 2011 and sentenced to 48 months in prison in the Eastern District of Virginia.

A Georgetown Law Graduate, Air Force Intelligence officer and tireless philanthropist, my Father was an advocate for the disadvantaged regardless of race, creed or station. He was honored by no less a moral compass than Nobel Prize recipient Elie Wiesel with a place on the board of the Elie Wiesel Foundation for Humanity. In spite of his success, accolades and the love of his family, he made a series of tragically bad decisions that led to his incarceration at Fort Dix, the loss of all family assets and in part contributed to the untimely death of my Mother three months ago.

While incarcerated for what seemed like a short period of time, the effects of this time have been incredibly hard to believe. Over the course of his first year, he experienced a series of falls that have now left him increasingly incapacitated physically. He has received a preliminary diagnosis

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of Parkinson's disease, brought on in part by these falls where he has hit his head. He is unable to recall names, events or places and is unable to groom himself. As a man with considerable education, he has been unable to find programs to better himself or prepare himself for life outside beyond basic correspondence courses, only some offering college credit. Most of all, my Father knows his actions led to him never seeing his wife of forty one years ever again, and that, coupled with the experiences above, have had a tremendous impact on his mental state.

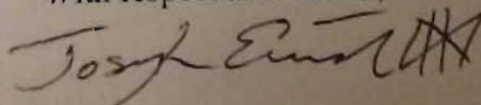
My Father knows as a seventy year old convicted felon, his job prospects are non-existent. His attempt to serve as a volunteer mentor at a school where many of my family members attended was rebuffed. He's been unable to even get an interview to be a greeter at a large retailer. In sum, he is a man that while educated at the highest levels, now finds himself unemployable at even the most entry level of jobs. He has no place to live once released, nor means of subsistence and finds himself in an endless cycle of indignity, spiraling ever downward.

While brought about by his own decisions, our hope as a family was that someone with his experience and education would at minimum, be well placed to be a mentor to someone at risk of doing something similar. While obviously more of a national conversation with clear political components, I believe it is fair to say that we can do and ultimately must do more to give incarcerated citizens a path back toward reintegration that leads to personal fulfillment and community benefit. That path could begin as early as the first day of their sentence.

Having seen the affects that even a short period of incarceration can have, it is my fervent hope that Ross is not subjected to an unduly long period away from his family and friends, which at a minimum will be a decade and a half longer than my father will be away from his friends and family. While not based on personal acquaintance, this hope is based on the firm personal belief that all of us as citizens, whether we be free or incarcerated, have something to add to the national fabric. A man like Ross Ulbricht, with an impressive education, demonstrated ability to favorably impact people around him and prior experience in business with community service components, could add something so positive to that fabric. This is not someone who has placed himself beyond the edge of society, but someone who made an awful mistake and yet can find redemption still in reach.

As a young man with an impressive array of people that obviously are personally invested in his well-being and ultimate path in life, Ross is far better poised for success once released than the average person. With the right placement in a lower security level facility, Ross could be working towards a larger goal from day one. He could be the force for good that was mentioned so often in his letters of support. He could be that caring friend, doting cousin, loving brother and son to not only his own family, but maybe to others who really need that sort of person in their lives. Most importantly, Ross could realize the potential in his tomorrows that may have eluded him in the present.

With respect and thanks,



Joseph Ernst

A1435

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STEVEN WRIGHT
Office Manager

May 29, 2015

BY ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ross Ulbricht,*
14 Cr. 68 (KBF)

Dear Judge Forrest:

Attached please find excerpts from TOR chat logs, including TOR log chat TV32, at 785-90 (cited in Mr. Ulbricht's reply to the government's sentencing letter, at 7), which rebut the government's contention that the Silk Road web site's purpose was, like other drug-selling operations, based on the profit motive.

Respectfully submitted,



Lindsay A. Lewis

LAL/
Encls.

Excerpt From Torchat Log gx5of53tpzvjjwn.log [Flush]

2012-11-06 11:27) flush: also, one guy wanted to tip customer support. I just gave them the standard " donate to DPR" pasta
(2012-11-06 11:28) myself: if he wants to tip support specifically, you can accept it and split it with inigo. if they want to donate to the site, have them send it to me. we pass those along to some non-profits we support
(2012-11-06 11:28) flush: okay cool
(2012-11-06 11:29) flush: hey, if you want, you can add The Family Literacy centers, llc to the non profits
(2012-11-06 11:29) flush: its for helping people learn how to read
(2012-11-06 11:29) flush: its the one i donate my time to
(2012-11-06 11:29) flush: when i have extra time that is, lol
(2012-11-06 11:29) flush: they are a registered 501c
(2012-11-06 11:30) flush: their website is www.flcinc.org
(2012-11-06 11:30) myself: oh good, then I can write off my taxes, lol
(2012-11-06 11:30) flush: absolutely
(2012-11-06 11:30) myself: that's a joke mate :)
(2012-11-06 11:30) flush: my dad is in charge of it

Excerpts from Torchat Log tv32wkhirljvcb4f.log [Variety Jones]

Cited as 785 – 790 in Dratel May 28, 2015 Letter

(2012-05-16 14:14) vj: [delayed] I know where I want to put my 2.5, and yours if you agree, if we make this deal.

[delayed] And considering my background, this is funny as hell

[delayed] Seeds.

(2012-05-16 14:14) vj: Over 1/4 million 3rd world farmers went broke last year, and over 2,000 killed themselves, because they'd bought into Dow's and Monsanto's promise of better crops, but the crops are sterile and they need to buy more seed stock the next year, and they only grow if fertilized by patent encumbered agents and fertilizers.

(2012-05-16 14:15) vj: and as a result, over 2 million people died of starvation last year

(2012-05-16 14:15) vj: at a minimum

(2012-05-16 14:15) myself: I've heard of this

(2012-05-16 14:15) myself: briefly

(2012-05-16 14:15) vj: I want to break their backs

(2012-05-16 14:16) myself: seeds are magical things

(2012-05-16 14:16) myself: so tiny, but so much comes from them

(2012-05-16 14:16) myself: well water and seeds

(2012-05-16 14:16) vj: Read up on it. GMO *could* be the worlds salvation...

(2012-05-16 14:17) vj: Borlaug won a noble peace prize for seeds

(2012-05-16 14:17) vj: Dwarf wheat

(2012-05-16 14:17) vj: Africa couldn't feed itself, Russia was close, as too dense of wheat fell over from the weight of the tops

(2012-05-16 14:18) vj: and borlaug came up with Dwarf Wheat, literally saved a billion lives

(2012-05-16 14:18) myself: what a badass

(2012-05-16 14:18) vj: it was a special strain that was short, so the stalk could hold the weight, and improve yields

(2012-05-16 14:19) vj: and then Dow and Monsanto came out with GMO versions, designed to be sterile, and priced high, so new seed stock had to be bought every year, and their chmeicals are needed to grow it

(2012-05-16 14:19) vj: and patented them

(2012-05-16 14:19) vj: and are reversing his work, starving folks for profit

(2012-05-16 14:19) vj: them, oh them, I could run over with a train, or put out of business

(2012-05-16 14:20) vj: fuck drugs, I want to smuggle non -sterile seeds to the bread-baskets of the world, and give it away.

(2012-05-16 14:20) vj: and trust me, the DEA are pansies compared to the armies these guys have hired to hold their exclusive rights.

(2012-05-16 14:21) vj: I was almost asleep, thinking of who had done the most in history for mankind, and there are two folks.

(2012-05-16 14:21) vj: Borlaug, he kept the world from starving

(2012-05-16 14:21) vj: and several thousand years ago, the guy that invented the solid yoke

(2012-05-16 14:22) vj: you see, with a leather strap, a slave, a horse or an oxen could all pull about the same weight of a plow

(2012-05-16 14:26) vj: but the solid yoke, well

(2012-05-16 14:27) vj: then an oxen could pull from it's shoulders, as could a horse

(2012-05-16 14:27) vj: one horsepower was originally deigned as: the work that could be done by 22 1/2 men

(2012-05-16 14:27) vj: so one horse replaced 22.5 men

(2012-05-16 14:27) vj: oxen, 55 men

(2012-05-16 14:27) vj: the solid yoke ended slaverly

(2012-05-16 14:28) vj: GMO seeds has re-started it, economic slaverly, and over a billion farmers in the third world are Monsanto's slaves

(2012-05-16 14:28) vj: Tired, I am.

(2012-05-16 14:28) myself: hows that work? monsanto is in bed with the dictators in africa so they don't let other seed in?

(2012-05-16 14:29) vj: they give them seeds to plant, and discount the fertilizers

(2012-05-16 14:29) vj: Normally, farmers hold back seeds for next year

(2012-05-16 14:29) vj: these are sterile, they can't

(2012-05-16 14:30) vj: next year, it's \$45 an acre for seeds, for a farmer that makes \$500 a year on 200 acres

(2012-05-16 14:30) vj: plus the chemicals the plants don't need, but are genetically engineered to require to mature

(2012-05-16 14:30) vj: and now it's full price

(2012-05-16 14:30) myself: why can't the better seeds get in?

(2012-05-16 14:31) vj: cause Dow and Monsanto control the mechanisms of delivery

(2012-05-16 14:31) vj: GMO can be good, better yields, more pest resisitance

(2012-05-16 14:31) vj: but they took it too far, and built in sterile seeds, so they'd have to re-buy every year

(2012-05-16 14:31) vj: and a false requirement for rare chemicals they produce, in order to mature properly

(2012-05-16 14:32) myself: so what's the plan, make our own strains that aren't sterile and don't need bs chems?

(2012-05-16 14:32) myself: or do they exists but can't get in

(2012-05-16 14:32) vj: I know a lot about this - my first 'angel' investor in a software company called ARS inc at the time, owned CIC Canola, a seed cleaning and coating biz that sold several patents, and eventually the whole company, to Monsanto

(2012-05-16 14:33) vj: Simple, buy non GMO regulated seeds anywhere, Alberta, Russia, don't matter - and smuggle them where they're needed.

(2012-05-16 14:34) vj: It's illegal in dozens of countries to import non approved seeds, and guess who sells the sterile 'approved' seeds...

(2012-05-16 14:34) myself: ok, i get it now

(2012-05-16 14:35) vj: Monsanto seed stock cost 150X what plain seed stock costs

(2012-05-16 14:35) vj: and use it once, yer locked in.

(2012-05-16 14:35) vj: plus the chems the plants are designed to require not for growth, but for survival solely to protect Monsanto's IP in the product
(2012-05-16 14:36) myself: if these locals start using good seed, won't their govts figure it out and shut em down?
(2012-05-16 14:36) vj: they can't get good seed
(2012-05-16 14:36) myself: if we get it to them
(2012-05-16 14:36) vj: they can't afford to buy it#
(2012-05-16 14:36) vj: see - lemme back up
(2012-05-16 14:36) myself: once you have one good crop, you can make your own seed, no?
(2012-05-16 14:36) vj: for centuries, farmers grow wheat, sell most, save some to plant next year
(2012-05-16 14:37) myself: ok
(2012-05-16 14:37) vj: then these guys came in - our shit yields way more - here, take some
(2012-05-16 14:37) vj: and take this fertilizer, it makes it grow better
(2012-05-16 14:37) vj: and they have their best crops ever!
(2012-05-16 14:37) vj: But, the offspring are sterile, you can't save it for next year
(2012-05-16 14:37) vj: and next year, the seeds aren't free
(2012-05-16 14:37) vj: nor are the fertilizers required
(2012-05-16 14:37) vj: and they have no money, at all
(2012-05-16 14:38) vj: and so they go bankrupt, and kill themselves in shame, and Monsanot racks up billions
(2012-05-16 14:38) vj: and millions starve, even today - fuck, especially today.
(2012-05-16 14:38) vj: There is no excuse, and who else can take 'em on. sure, I can drill wells, but any asshole can drill a well.
(2012-05-16 14:39) vj: But not anyone can take on Monsanto and Dow, and the US hegemony that fosters it.
(2012-05-16 14:39) myself: so the issue is not so much that the govts outlaw fertile seed, it's that these farms have no money to buy it since monsanto tricked them into buying a bunch of sterile seed
(2012-05-16 14:40) vj: no, they also get the governments to outlaw importing unapproved 'foreign' seeds
(2012-05-16 14:40) vj: so even if you wanted to sell it at 10% of Dow and Monsanto on the open market, it's not allowed
(2012-05-16 14:40) myself: and what about using unapproved seed once it's in
(2012-05-16 14:41) myself: I just wonder if suggling it in and giving it away will be enough, or if there needs to be structural changes in the politics
(2012-05-16 14:41) vj: Google 'farmer sued by monsanto seeds'
(2012-05-16 14:41) vj: I'll wait
(2012-05-16 14:41) myself: locals might not even accept the seed for fear of reprisal
(2012-05-16 14:43) vj: Dude, they are actually killing themselves because they can't feed their families. Reprisal ain't on their list of worries
(2012-05-16 14:43) myself: ok
(2012-05-16 14:43) myself: schmeiser

(2012-05-16 14:43) vj: OK. not all of my funds, but i'm gonna put it on my to do list for the next 2 years. At least I'll make a dent, and save some lives.

(2012-05-16 14:44) vj: Also, this idea is (scrolls back) all of 31 minutes old, came to me in a flash, hell, I hadn't thought about Dwarf Wheat in decades, so it may need some polish ;)

(2012-05-16 14:45) vj: But it's the type of thing I need to do - it's the type of thing we need to do if we're gonna work together

(2012-05-16 14:45) vj: Cause if it's just about the money, well, money I have.

(2012-05-16 14:46) myself: you know why I am in this

(2012-05-16 14:46) vj: And this type of shit, is like inventing the solid yoke - it can remove literally billions of people from economic slavery

(2012-05-16 14:46) myself: it's the structural changes that have the biggest impact. there is no uninventing dwarf wheat

(2012-05-16 14:46) myself: exactly

(2012-05-16 14:47) myself: we need to be really careful with how we invest

(2012-05-16 14:47) myself: too easy to throw money at problems and do more damage than good

(2012-05-16 14:47) vj: I was talking about kiva before, I withdraw that

(2012-05-16 14:48) vj: we won't give money to folks to drill wells, if we think a place needs a well, we'll buy the rig truck, hire a crew, and send it where it's needed. We don't need zillions of layers of bureauacracy, we need action at the point of most impact.

(2012-05-16 14:49) vj: And less investigation too - we need to invest in infrastructure and agraian ;methods of production

(2012-05-16 14:49) vj: not charities and feel-good programs

(2012-05-16 14:49) vj: and you're right, charity can make things worse

(2012-05-16 14:50) vj: but non - sterile high yield seeds... can't put that cat back in the bag, or seize or encumbrance it

(2012-05-16 14:50) myself: trouble is, the places that need us the most are in need for a reason. investors won't touch them because the governments there will just confiscate any wealth that's created

(2012-05-16 14:51) vj: Not from me, they won't.

(2012-05-16 14:51) vj: I have teeth.

(2012-05-16 14:51) myself: maybe a place like somalia, where we wouldn't be up against a well organized state. could be good pirates there

(2012-05-16 14:51) vj: See, we're not gonna invest expecting a return, and hence have a track to follow back

(2012-05-16 14:52) vj: we'll just drop the shit off

(2012-05-16 14:52) myself: i have a podcast you need to listen to

(2012-05-16 14:52) myself: might've already recommneded it

(2012-05-16 14:52) myself: the one with bruce bueno de mesquita?

(2012-05-16 14:52) vj: and we can buy a million tons of seed grain

(2012-05-16 14:53) vj: nope, not familiar

(2012-05-16 14:53) vj: could you PM me on SR with the details, my travel computer only has torchat on tor, I save nada to it. I'll check it out in the AM

(2012-05-16 14:54) myself: he has this political model based on game theory. great analysis of foreign aid and how it hurts the common man in these countries by propping up the dictators that suppress them

(2012-05-16 14:54) myself: we could be the real foreign aid

(2012-05-16 14:54) vj: Here's the good part - stop a ship with 120 thousand metric tons of wheat on it, ain't illegal anywhere ;)

(2012-05-16 14:54) myself: that gives the common man the energy they need to throw off their oppressors

(2012-05-16 14:54) vj: We need to buy a ship.

(2012-05-16 14:55) vj: No one will see us coming at all

(2012-05-16 14:55) myself: nope

(2012-05-16 14:55) myself: fuck im excited

(2012-05-16 14:55) vj: See, this here - this is change

(2012-05-16 14:55) vj: and why I like staying awake for 60 hours on occasion. Hard on the system, but damn, my brain works hard then.

(2012-05-16 14:56) myself: if we can figure out how to get these govts off people's backs. empowering the population is a huge part of that

(2012-05-16 14:56) vj: And in the back of my mind, it's why I went 180 on nob. Let's take his money.

(2012-05-16 14:56) myself: that starts with enough to eat

(2012-05-16 14:56) vj: Food, water, shelter. That's our holy trinity.

(2012-05-16 14:56) myself: security

(2012-05-16 14:57) vj: No one should do without 'em

(2012-05-16 14:57) myself: that's the beginning of property, and then wealth

(2012-05-16 14:57) vj: So, take a step back, and tell me what you think

(2012-05-16 14:58) myself: about?

(2012-05-16 14:58) vj: Everything I've said in the last 40 minutes

(2012-05-16 15:00) vj: Borlaug's new semi-dwarf, disease-resistant varieties, called Pitic 62 and Penjamo 62, changed the potential yield of spring wheat dramatically. By 1963, 95% of Mexico's wheat crops used the semi-dwarf varieties developed by Borlaug. That year, the harvest was six times larger than in 1944

(2012-05-16 15:00) vj: SIX fucking times!

(2012-05-16 15:00) vj: https://en.wikipedia.org/wiki/Norman_Borlaug#Dwarfing

(2012-05-16 15:00) myself: yea, africa is growth waiting to happen

(2012-05-16 15:01) vj: The world doesn't have starving people today because it's not capable of growing enough food, it's starving because they're patent encumbering it for profit.

(2012-05-16 15:01) myself: I think we need to find the perfect experiment

(2012-05-16 15:01) vj: Dude, my petri dish is called 'Earth'

(2012-05-16 15:01) myself: a cheap experiment that gives us information on how to take it to the next level

(2012-05-16 15:01) vj: yeah, we need smarter folks than us in this field.

(2012-05-16 15:02) vj: As a rule of thumb, I never hire anyone that isn't at least 50% smarter than me. Dumb folks like me, I can get lots of for free.

(2012-05-16 15:02) myself: like a particular farm or farming area in a particular country where we think we'll have the most impact. spend the money we need to do

it right on that small scale and see if it works. how does the govt react, how does monsanto react. does anyone even notice
(2012-05-16 15:03) vj: Ghana
(2012-05-16 15:03) myself: plant the seed, no pun
(2012-05-16 15:03) vj: 'Cause that's where I'm buying a gold mine I'm gonna use to launder money, so i'll be there once in a while anyways
(2012-05-16 15:04) myself: yea, a place that needs the seed, but has reasonably solid property rights for the farmers
(2012-05-16 15:04) vj: Or iffy property rights, and where we can effect change
(2012-05-16 15:04) vj: synergy
(2012-05-16 15:04) vj: do two things at once
(2012-05-16 15:05) myself: we need to do alot of research, like will these farmers need to educated on what they are being given, or are they so desperate for seeds they'll plant anything.
(2012-05-16 15:05) myself: and we need to be sure of the quality of our seed source
(2012-05-16 15:05) vj: Solid property rights means a tired farmer can retire. Iffy property rights means if he can't make his lease payment, his family starves to death
(2012-05-16 15:06) vj: Dude, CIC Canola, CCF Wheat co-operative... I know these guys
(2012-05-16 15:06) myself: let's come back to this. there are alot of steps between here and there. I wanna get this new skin knocked out
(2012-05-16 15:07) vj: sure, I just hadda share while it was hot, and get yer mind thinking
(2012-05-16 15:07) vj: But I like it for one of our prongs - and we're gonna have lots of prongs
(2012-05-16 15:07) myself: let's feed africa
(2012-05-16 15:07) vj: Let's feed everywhere but Washington
(2012-05-16 15:07) myself: ok
(2012-05-16 15:08) vj: Well, that's decided. We'll feed the world. What do you want to do for an encore tomorrow?
(2012-05-16 15:08) vj: Also, we need nice office chairs. Put that at #2 on the list.
(2012-05-16 15:08) myself: the same thing we do every night pinky
(2012-05-16 15:08) vj: heh
(2012-05-16 15:08) vj: damn right!
(2012-05-16 15:09) vj: K- this has been damn near an hour, get the fuck back to work on that layout, you layabout.
(2012-05-16 15:09) vj: Else yer fired.
(2012-05-16 15:09) myself: yes sir!
(2012-05-16 15:09) vj: GAtor
(2012-05-16 15:10) vj: ...Dwarf fucking wheat, who'da thunk it would grab our attention...

Kiva Material

2012-03-14 14:42) myself: had another idea, completely unrelated.
(2012-03-14 14:42) vj: shoot

A1443

(2012-03-14 14:43) myself: have a donate link. shows a page of users who've donated and how much. The fund is used to help out people who get scammed on the site, or if there is a surplus, it can go to torservers or a freedom/drug legalization cause.

(2012-03-14 14:44) myself: anon donations are ok of course

(2012-03-14 14:44) vj: good idea, but I don't think acknowledging scammers is a good idea.

(2012-03-14 14:44) vj: hmm...

(2012-03-14 14:44) vj: gimme a sec to google something...

(2012-03-14 14:44) myself: ok

(2012-03-14 14:45) vj: how about <http://www.kiva.org/>

make micro-loans with the funds, when they're paid back, re-invest them in more loans. Track on the site how many people we've helped. Warm fuzzies all over.

(2012-03-14 14:46) vj: match funds too! Donate \$20, throw in another \$10

(2012-03-14 14:46) vj: and guaranteed to get press!

(2012-03-14 14:47) myself: who would the recipients be do you think?

(2012-03-14 14:47) vj: hire a lawyer to hire a lawyer to hire a lawyer to admin it from a safe jurisdiction,

(2012-03-14 14:47) vj: with kiva, you PICK who you want to give the money to. (not quite, they had some hassles over that, but that's the idea.)

(2012-03-14 14:47) vj: You read a story, say I want to help them, and give them \$25.

(2012-03-14 14:47) myself: oh, I thought you meant it would be like kiva, not through them

(2012-03-14 14:48) vj: X lots of people to help.

(2012-03-14 14:48) vj: it would be a great cause to get behind.

(2012-03-14 14:48) myself: I'll check it out

(2012-03-14 14:48) vj: and folks could get 'kiva badges' for every \$25 they donate! Collect all 1200!

...

(2012-03-14 14:54) vj: Kiva. I really like that idea.

(2012-03-14 14:59) vj: <http://www.kiva.org/lend/402229>

Fuck, can't be a tough guy and read some of these...

(2012-03-14 15:00) vj: her previous loan for \$125, 1/2 paid off now

<http://www.kiva.org/lend/354220>

...

We could give away an ultimate home theatre package, a shitload of electronics from computers to ipads and roombas stereos and satellites and hd tv's, etc. All easier to order and pay for discretely, discreetly. <-- loves that, will use again.

[delayed] There is a brewing mutiny by a few vendors that our sale will head off. Ask DA or me for details, whoever you chat with first. Don't panic, it's a few weeks away, and their currently stymied as Pharmville is on vacation and they want him on

board. Huge trip prize for winner, 5/6 numbers wins big prizes, 4/6 wins great ones, and we'll give 1000 3/6 folks something unique, a conversation piece, or something. Announce that SR was never about making money, and we've had some huge infrastructure costs, but we are blessed to be currently running a surplus. So we're having this contest, as well as announcing that we're going to be supporting kiva, matching donations in \$5 increments, giving badges in 1/5th increments for donations they make, and we'll match them. We're kicking it off with \$7,385 from our current surplus, and will strive to continue matching donations as long as we can.

...

(2012-03-23 22:11) myself: I'm thinking I'll find someone with an austrian econ background to dig up stories loosely related to our kiva people and use some praxeological logic to connect them.

...

(2012-03-23 22:13) vj: I'm also hunting about for someone to manage kiva stuff, including picking loan recipients, doing summaries and follow-ups, etc.

...

(2012-03-23 22:29) vj: Tying the kiva stuff to the blog also is a constant source of feel-good posting, and I'm working on a format for that now. I think I'll get someone to write us a scraper/API for kiva, so we can massage the data they offer into an easy format for us, especially when it comes to followups, which we'd otherwise have to search out manually.

...

2012-03-24 08:37) vj: [delayed] Heh, check out this kiva page
<http://www.kiva.org/lend/395901>
[delayed] "About IMON International
Tajikistan, a country with a captivating Silk Road history and a rich cultural heritage..."

...

(2012-04-07 09:09) vj: and while we were talking about doing philanthropical works, supporting kiva, or something similar, etc.,

...

2012-04-07 09:11) vj: yeah, I don't want to support something with donations. I want to buy the trucks that tow the rigs that drill the wells.

(2012-04-07 09:11) vj: not send \$25 to someone to help them get a well.
(2012-04-07 09:12) vj: I don't want to support organizations, I want to create them.
(2012-04-07 09:12) myself: well, kiva works with "boots on the ground" orgs
(2012-04-07 09:12) myself: you could get involved more closely with one of them
and then look for opportunities from there
(2012-04-07 09:13) vj: yeah, no lack of opportunities, no doubt. Just hard to find an
area to focus on.
(2012-04-07 09:14) myself: what about r&d
(2012-04-07 09:14) vj: The realization that I never again in my life have to do
anything for money has made me question how I'm going to responsibly deal with
the money I do get.
(2012-04-07 09:14) myself: space exploration and such
(2012-04-07 09:15) vj: ahh - r&d - please let me wait until tomorrow to tell you the
current fucked up state of the frigid boot s/w. Much joy and pain there.

Space, fuck. Sold, let's go!

...

(2012-05-01 13:17) myself: we def should get into that kiva stuff
(2012-05-01 13:17) vj: It does. It's been waaaaaaay more fucking work setting it up
than I expected, I tell ya though. I'd think doing another trip long and hard.
(2012-05-01 13:18) myself: yea, kudos for taking it on though.
(2012-05-01 13:19) vj: I learned a bit about moving money around the world this
weekend, bitcoins didn't come up, just as well, but I did find out how to get in touch
with people that move \$ from country to country for a small (3%) fee.
(2012-05-01 13:19) vj: There's a whole 'nother world of banking out there
(2012-05-01 13:20) vj: I wonder if we could convince Kiva to take BTC
(2012-05-01 13:20) vj: would make it a whole bunch easier.
(2012-05-01 13:20) myself: putting it on the to do list!
(2012-05-01 13:20) vj: Perhaps donate the funds to make the changes that will
allow them to take BTC.

...

eprisal
(2012-05-16 14:43) vj: Dude, they are actually killing themselves because they can't
feed their families. Reprisal ain't on their list of worries
(2012-05-16 14:43) myself: ok
(2012-05-16 14:43) myself: schmeiser
(2012-05-16 14:43) vj: OK. not all of my funds, but i'm gonna put it on my to do list
for the next 2 years. At least I'll make a dent, and save some lives.
(2012-05-16 14:44) vj: Also, this idea is (scrolls back) all of 31 minutes old, came to
me in a flash, hell, I hadn't thought about Dwarf Wheat in decades, so it may need
some polish ;)

(2012-05-16 14:45) vj: But it's the type of thing I need to do - it's the type of thing we need to do if we're gonna work together

(2012-05-16 14:45) vj: Cause if it's just about the money, well, money I have.

(2012-05-16 14:46) myself: you know why I am in this

(2012-05-16 14:46) vj: And this type of shit, is like inventing the solid yoke - it can remove literally billions of people from economic slavery

(2012-05-16 14:46) myself: it's the structural changes that have the biggest impact. there is no uninventing dwarf wheat

(2012-05-16 14:46) myself: exactly

(2012-05-16 14:47) myself: we need to be really careful with how we invest

(2012-05-16 14:47) myself: too easy to throw money at problems and do more damage than good

(2012-05-16 14:47) vj: I was talking about kiva before, I withdraw that

(2012-05-16 14:48) vj: we won't give money to folks to drill wells, if we think a place needs a well, we'll buy the rig truck, hire a crew, and send it where it's needed. We don't need zillions of layers of bureaucracy, we need action at the point of most impact.

(2012-05-16 14:49) vj: And less investigation too - we need to invest in infrastructure and agrarian ;methods of production

(2012-05-16 14:49) vj: not charities and feel-good programs

(2012-05-16 14:49) vj: and you're right, charity can make things worse

(2012-05-16 14:50) vj: but non - sterile high yield seeds... can't put that cat back in the bag, or seize or encumbrance it

(2012-05-16 14:50) myself: trouble is, the places that need us the most are in need for a reason. investors won't touch them because the governments there will just confiscate any wealth that's created

(2012-05-16 14:51) vj: Not from me, they won't.

(2012-05-16 14:51) vj: I have teeth.

(2012-05-16 14:51) myself: maybe a place like somalia, where we wouldn't be up against a well organized state. could be good pirates there

(2012-05-16 14:51) vj: See, we're not gonna invest expecting a return, and hence have a track to follow back

(2012-05-16 14:52) vj: we'll just drop the shit off

1

F5T5ulbS

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

14 Cr. 68 (KBF)

5 ROSS WILLIAM ULBRICHT,

6 Defendant.

7 -----x

8 New York, N.Y.

May 29, 2015

9 1:10 p.m.

10 Before:

11 HON. KATHERINE B. FORREST,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA,
16 United States Attorney for the
Southern District of New York

17 BY: SERRIN A. TURNER
TIMOTHY HOWARD

18 Assistant United States Attorneys

19 JOSHUA DRATEL
LINDSAY LEWIS
20 WHITNEY SCHLIMBACH
JOSHUA HOROWITZ

21 Attorneys for Defendant

22 ALSO PRESENT: VINCENT D'AGOSTINO, Special Agent, FBI
GARY ALFORD, Special Agent, IRS
23 JARED DER-YEGHIAYAN, Homeland Security

Investgations

24 Molly Rosen, Government Paralegal
Nicholas Evert, Government Paralegal

25 SOUTHERN DISTRICT REPORTERS, P.C.

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your names
3 for the record.

4 MR. TURNER: Good afternoon, your Honor. Serrin
5 Turner for the government, along with Timothy Howard from the
6 U.S. Attorney's office, Special Agent Gary Alford from the
7 Internal Revenue Service, Special Agent Jared Der-Yeghiayan
8 from Homeland Security Investigations, and paralegals Nicholas
9 Evert and Molly Rosen of our office. Also, I left out Vincent
10 D'Agostino, Special Agent from the FBI.

11 MR. D'AGOSTINO: Good afternoon.

12 THE COURT: Good afternoon to all of you.

13 MR. DRATEL: Good afternoon, your Honor. Joshua
14 Dratel with Ross Ulbricht standing beside me; Lindsay Lewis,
15 Whitney Schlimbach, and Joshua Horowitz.

16 THE COURT: Good afternoon to all of you.

17 We are here today for the sentencing of Mr. Ross
18 Ulbricht who was convicted, after a jury trial, of seven crimes
19 for which he is to be sentenced. Those crimes are as follows:

20 Count One is the narcotics trafficking count which
21 carries a 10-year mandatory minimum with a statutory maximum of
22 life;

23 Count Two, distribution of narcotics by means of the
24 Internet, which also carries a 10-year statutory minimum and a
25 statutory maximum of life;

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1 Count Three, narcotics trafficking conspiracy, which
2 carries a 10-year minimum by statute and a statutory maximum of
3 life;

4 Count Four, continuing criminal enterprise, which
5 requires a 20-year mandatory minimum with a maximum by statute
6 of life;

7 Count Five, which is conspiracy to aid and abet
8 computer hacking which carries a maximum penalty of five years;

9 Count Six, conspiracy to traffic in fraudulent
10 identification documents which carries a statutory maximum of
11 15 years; and

12 Count Seven, which is conspiracy to commit money
13 laundering which carries a statutory maximum of 20 years.

14 I am going to set forth for the record now the
15 materials that I have received in connection with this
16 proceeding and that I am relying upon. Of course, the trial
17 first and foremost, but also a number of submissions:

18 The defense had made a number of submissions including
19 a submission on May 15, May 22nd, May 27th, three submissions
20 on May 28th, one of which was an additional letter of support,
21 and a submission this morning on May 29th.

22 I want to point out just a few things about those
23 submissions and that is by no means to suggest that I will be
24 covering right here, at this very moment all of the content of
25 those, but just to point out a few things.

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1 One of the main points of the May 15th submission
2 relates to an argument that Silk Road was harm-reducing and
3 that this is a factor in favor of mitigation. And we will
4 discuss this more later in this proceeding.

5 Attached to the declaration of Lindsay Lewis were
6 additional declarations from a number of individuals written
7 for this proceeding:

8 Tim Bingham, who worked in the field of addiction and
9 works now in the field, inter alia, of motivational
10 interviewing;

11 Dr. Fernando Caudevilla from Spain, also known as
12 Dr. X;

13 Dr. Monica J. Barratt, who is a research fellow at
14 Australia's National Drug and Alcohol Research Center which is
15 part of the University of New South Wales in Sydney;

16 Meghan Ralston, a former harm reduction manager for
17 the Drug Policy Alliance and now working as a freelance policy
18 consultant for the Drug Policy Alliance;

19 Also attached was a resume of Dr. Mark Taff. The
20 Court has received, at this time, a summary of Dr. Taff's
21 conclusions and has now received a formal declaration in that
22 regard later.

23 Also attached were private communications between
24 Dread Pirate Roberts -- Mr. Ulbricht -- and Dr. X, including a
25 notation that Mr. Ulbricht paid Dr. X \$500 per week starting at

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1 one point in time, for his continued work on the Silk Road
2 forum.

3 There is also the forum thread from Dr. X which is
4 several hundred pages attached as Exhibit 4 to Ms. Lewis'
5 declaration. I have read each and every one of those posts and
6 in fact the entirety of every piece of paper submitted to me in
7 this proceeding.

8 There are also several articles:

9 Articles by Barratt, Ferris and Winstock regarding
10 Silk Road; an article by Ralston entitled, "End of the Silk
11 Road," Ralston. Another article, "Silk Road Was Safer Than the
12 Streets."

13 There are also a number of attachments to the May 22nd
14 submission including a letter from Mr. Ulbricht and
15 seven letters from a very broad array, an impressive array of
16 family and friends including his parents, his grandparents,
17 aunts, uncle, cousins, sister, brother, and a large group of
18 friends essentially from every stage of his life like his early
19 childhood, his young schooling, his college years, his grad
20 school years, and his professional life.

21 There were also attached a number of photographs of
22 Mr. Ulbricht with various people from his life, and a letter
23 from an individual who states that Dr. X assisted that
24 individual in kicking his or her drug habit.

25 There was also a submission, a third submission of May

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1 27th, and a fourth submission -- as I said, there were a number
2 of submissions -- on May 28th, but that's where the Court
3 received the Dr. Taff report, he is a forensic pathologist who
4 discusses whether, in his view, it is appropriate to causally
5 link the overdose deaths which are mentioned in the presentence
6 investigation report which is known by the acronym PSR to Silk
7 Road. Actually, a copy of Dr. Taff's declaration had been
8 provided as a courtesy to the Court by the defense counsel even
9 before it was formally submitted the day before at the Court's
10 request, for which I thank them.

11 The government made a number of submissions dated May
12 18, May 26, May 27th, and May 28th. The government also
13 submitted five victim impact statements. They submitted those
14 twice so there were two separate submissions but it is the same
15 victim impact statements both times.

16 The Court has also reviewed a number of additional
17 materials specifically in connection with this proceeding after
18 receiving, in particular, the defense materials. There were a
19 number of articles, as I mentioned, that were attached to those
20 materials, and the Court felt it not only appropriate to read
21 those articles but also appropriate to explore some of the
22 material that was cited in those articles. So, the Court
23 indicated to counsel that it was doing so, requested the
24 receipt of certain information including certain harder to get
25 articles which were then provided, and the Court has reviewed

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1 those.

2 The Court also looked at a few references from those
3 articles into other articles and I am now going to set forth
4 for the record the articles I have read. It is not
5 particularly typical to go through all of the articles a Court
6 reads in connection with any sentencing proceeding, but because
7 they were submitted as part of the defense submission and
8 relied upon therein, the Court does believe it is appropriate
9 to give a complete indication as to the array of articles that
10 the Court read in connection with this proceeding. So, they
11 are as follows:

12 Michael Tonry, "The Mostly Unintended Effects of
13 Mandatory Penalties," 2009.

14 The Brennan Center's, "What Caused Crime to Decline?"
15 2015.

16 Cullen, Johnson and Nagin, "Prisons Do Not Reduce
17 Recidivism," 2011.

18 Green & Winik, of Yale, "Using Random Judge
19 Assignments to Estimate the Effects of Incarceration and
20 Probation on Recidivism Among Drug Offenders," 2010.

21 Kleck, Sever, Li and Gertz, "The Missing Link in
22 General Deterrence," 2015.

23 Caulkins, Rydell, Schwabe and Chiesa, "Mandatory
24 Minimum Drug Sentences, Throwing Away the Key or the Taxpayers
25 Money?" Rand, 1997. I only read chapters 2, 4, 5 and 6 of that

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1 book.

2 Martin, "Lost on The Silk Road," 2014.

3 Barratt, Ferris and Winstock, "Use of Silk Road, The
4 Online Drug Market Place in the U.K., Australia and the U.S.,"
5 Addiction, 2013. Addiction is the name of the
6 publication/periodical.

7 Also, Addiction, "Commentary on Barratt, et al," 2014.

8 Ralston, "The End of Silk Road, Will Shutting Down the
9 eBay for Drugs Cause More Harm Than Good?" 2014.

10 Ralston, "Silk Road was Safer Than the Streets for
11 Buyers/Sellers," 2015.

12 Hout and Bingham, "Silk Road: The Virtual Drug
13 Marketplace," 2013.

14 Hout and Bingham, "Surfing the Silk Road," 2013.

15 Hout and Bingham, "Responsible Vendors, Intelligent
16 Consumers: Silk Road, the Online Revolution and Drug Trading."

17 Fox-Brewster, "There is No Evidence Dark Websites Like
18 Silk Road Reduce Violence." 2015.

19 Corazza, et al, "Phenomena of New Drugs on the
20 Internet," 2012.

21 Aldridge and Decary-Hetu, Not an eBay for Drugs: The
22 cryptomarket 'Silk Road' as a Paradigm-Shifting Criminal
23 Innovation.

24 Martin, "Drugs on the Dark Net," 2014, which is
25 different than his other publication.

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1 The ACLU's 2013 study of life sentences.
2 The Sentencing Project's 2013 study of life sentences.
3 Johnson and McGuinigall, "Life without Parole," 2008.
4 Appleton and Grover, "Pros and Cons of Life Without
5 Parole," 2007.
6 Mauer, Ryan and Young, "The Meaning of 'Life,'" 2004.
7 In addition, the Court also requested a number of
8 searches be run on the Silk Road website in connection with a
9 number of assertions that were made in some of the submissions
10 and, in particular, as to whether or not drugs were sold mostly
11 for personal use or whether they were sold in wholesale
12 quantities as well as some other facts the Court wanted to
13 explore. By order of the Court listing those searches,
14 requested those searches be performed, or that a copy of the
15 site be provided to the Court.
16 The government then provided a computer which had the
17 site loaded onto it. Defense counsel was present when that was
18 provided to the Court. The Court ran those searches which it
19 had indicated in its order and reviewed those searches in
20 connection with this.
21 Now I want to go into the Fatico issue.
22 There are a number of facts at issue in this
23 proceeding and on April 24th, the defense counsel requested an
24 adjournment of the sentencing that was originally set for May
25 15th because of some information that had been provided. It

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1 wanted an opportunity to develop facts, consult with people,
2 and determine whether or not it wanted to have a Fatico. It,
3 at that time, indicated that it would likely request such a
4 hearing. On April 28 the government responded to that letter.

5 The Court then, on April 28th, granted the request
6 for an adjournment and set May 22nd down as a date for a Fatico
7 hearing. A Fatico hearing is a hearing to determine facts that
8 are necessary for a sentencing if those facts are contested.

9 It doesn't have to be done through a hearing, it can also,
10 under many circumstances, be done on a written record. But,
11 that's what a Fatico relates to.

12 On May 15th the defendant made its submission, as I
13 have already discussed and recited, which indicated that it was
14 not seeking a Fatico but submitted the extensive additional
15 material which I have mentioned. In light of those additional
16 factual materials, the Court asked whether the government
17 requested a Fatico. The Court did that by order dated May
18 18th.

19 The Court also stated that it assumed that the parties
20 understood that even if they waived a Fatico hearing, the Court
21 would make any necessary factual findings based on the evidence
22 in the record. That statement was contained in the Court's
23 order of May 18th. By letter dated the same day, May 18, the
24 government agreed that it did not request a Fatico hearing and
25 the Court received no further reference to a Fatico hearing

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1 from defense counsel.

2 Now, as I had mentioned, there are a number of
3 actively contested factual issues between the parties. The
4 defendant has not conceded those facts and, as I have said,
5 there is no necessary reason to have a live evidentiary
6 proceeding where live witnesses testify. The Court believes it
7 has the necessary factual record before it to make the
8 appropriate factual determinations and will do so at the
9 appropriate time in this proceeding and based upon that
10 evidentiary record. Any factual determinations would be based
11 on the standards set forth in a vast number of cases in the
12 Second Circuit which indicate that such findings are made at
13 sentencing proceedings or in connection with sentencing
14 proceedings by a preponderance of the evidence.

15 I want to confirm, however, that in light of all of
16 the very recent submissions -- and there are submissions most
17 recently by the defense but also submissions by the government,
18 that no one is seeking a Fatco hearing which would require an
19 adjournment of the sentencing today.

20 Mr. Turner?

21 MR. TURNER: That's correct, your Honor.

22 THE COURT: Mr. Dratel?

23 MR. DRATEL: Yes, your Honor.

24 THE COURT: Thank you.

25 Now, let me turn to the PSR.

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1 The PSR notes an offense level of 43 which is the
2 highest possible offense level but a Criminal History Category
3 of I which is the lowest possible Criminal History Category.
4 The PSR will be made part of the record in this matter and
5 filed under seal, and if an appeal is taken then counsel on any
6 appeal may have access to the PSR without any need for further
7 application to the Court.

8 Mr. Dratel, have you reviewed the PSR with your
9 client?

10 MR. DRATEL: I have, your Honor.

11 THE COURT: Are there any additional objections to the
12 PSR apart from those which are contained at pages 75 to 77 of
13 your submission of May 22nd, which we will go over in some
14 detail?

15 MR. DRATEL: Also, in I think yesterday's submission
16 we had the formal objection to the two points for the credible
17 threats of violence. I am not articulating it the same way so
18 I want to bring up the formal objection.

19 THE COURT: The Court had seen such an objection and
20 included it in my notation of objections previously indicated
21 so I think we are all set.

22 Was there anything else?

23 MR. DRATEL: No, your Honor.

24 THE COURT: So. I am going to go through the factual
25 disputes in a moment. So, before I adopt any factual findings,

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1 I am going to go through the factual issues.

2 Now, first before we get there I want to examine the
3 offenses of conviction. There was some back and forth. The
4 Court had issued an order indicating that while there are seven
5 counts of conviction there appears to be a legal reason why
6 certain of those counts must be, at the time of sentencing,
7 vacated.

8 On May 27th I issued an order suggesting that Count
9 One is a lesser included offense in Count Two and Count One
10 should therefore be vacated and that Count Three is duplicative
11 of Count Four and should therefore also be vacated. The
12 government responded by letter indicating that it agreed and
13 would proceed today to move to vacate those counts. I don't
14 think it needs to do so because I'm going to vacate them sua
15 sponte. The defense also agrees that those two counts should
16 be dealt with in that manner; however the defense, in addition,
17 argues that Count Two should be dismissed as it is a lesser
18 included offense in their view of Count Four and as it is also
19 a predicate offense to Count Four.

20 Now, just to be clear, what we are talking about,
21 Count Two is the sale of narcotics by means of the Internet and
22 Count Four is the continuing criminal enterprise. Count One is
23 just the narcotics sales and Count Three is the conspiracy.
24 So, Count One and Count Three are vacated. Count Two and Count
25 Four the Court does not find require any further action.

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1 The Court's rationale is as follows:

2 The Court first refers to the Supreme Court's
3 decision in the Rutledge case which is a 1996 case, also the
4 Blockburger decision, Supreme Court, and the Second Circuit's
5 decision in Andino.

6 Count One charges narcotics trafficking. Count Two
7 charges narcotics trafficking over the Internet. It is clear
8 Count One is a lesser included offense of Count Two and that's
9 why it is vacated.

10 The Court also finds that Count Three, which is the
11 conspiracy, is a lesser included offense of the continuing
12 criminal enterprise which requires you find all elements of
13 Count Three in order to find Count Four. That is specifically
14 the situation found in Rutledge.

15 Counts Two and Four, however, are not duplicative.
16 Count Two is a substantive offense. Congress intended that
17 they be separate offenses and under the Supreme Court's
18 guidance in the Garrett case, 105 S.Ct. 2407, separate
19 punishments may be imposed. The Court has considered defense
20 counsel's arguments set forth in the May 28th submission but I
21 disagree with defense's points. There is case law directly on
22 this issue which is contrary to the defense arguments.

23 In Garrett, the Supreme Court considered whether a
24 charged substantive and predicate offense had to be vacated at
25 sentencing in light of a conviction on a CCE as well and the

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1 Court held it did not. It reviewed the statute, the CCE
2 statute, and determined that, "Congress intended the CCE
3 provision to be a separate criminal offense which is punishable
4 in addition to and not as a substitute for the predicate
5 offense. Insofar as the question is one of legislative intent,
6 the Blockburger presumption must, of course, yield to a plainly
7 expressed contrary view on the part of Congress. And the Court
8 later held that the CCE offense is indisputably not the same
9 offense as a predicate substantive offense.

10 I would also refer to the Second Circuit's Amen
11 decision, 1987, also holding that double jeopardy does not
12 preclude prosecution nor does it preclude later the subsequent
13 punishment for both counts.

14 Accordingly, the Court vacates only Counts One and
15 Three.

16 The Court also notes that in the event of an appeal
17 and if one of the remaining counts were to be dismissed, there
18 is Second Circuit case law and also there are statements in
19 Rutledge about what happens in just such a circumstance. One
20 of the vacated counts can be unvacated and can be reinstituted
21 as an offense of conviction, if that were to occur.

22 The vacatur here is due solely to the reasons that I
23 set forth above.

24 Now, these dismissals occur prior to any guidelines
25 calculations and prior to sentencing leaving sentencing only as

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1 to Counts Two, Four, Five, Six and Seven. So, now I move on to
2 the guidelines.

3 I want to go through the correct calculation in some
4 detail because the PSR has certain corrections which need to be
5 made and there are certain clarifications which are important
6 to make. I used the November 2014 guidelines which are in
7 effect on the date of sentencing. Because there are multiple
8 counts of conviction, the Court has to turn, and it is a rather
9 complicated procedure to determine how you assess and come up
10 with the guidelines calculation in such a circumstance, but the
11 Court turns to Section 3D1.1 for the procedure for determining
12 offense level on multiple counts. You look at the counts
13 first, you determine which ones are grouped together; second,
14 you determine the offense level applicable to each group under
15 3D1.3; and then you determine the combined offense level by
16 taking into account the rules set forth in 3D1.4.

17 3D1.2 deals with groups of closely related counts.
18 Subpart B provides that when two or more acts or transactions
19 are connected by a common criminal objective or constituting
20 part of scheme or plan, they can be grouped. And that is
21 really the most applicable here.

22 3D1.3(a) also provides that when grouping occurs under
23 3D1.2(a) through (c), the offense level of the group is the
24 highest offense level for the counts grouped. But, if grouping
25 occurs pursuant to (b), the offense level for the group is the

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1 offense level for the aggregated quantity and then the highest
2 offense level is used. Thus, for (b), it is the aggregate
3 behavior which is the driver of the offense level.

4 In both cases the offense level includes all of the
5 adjustments per application note 1 to 3D1.3. The Court
6 believes it is proper to refer to 3D1.2(b) for Counts Two and
7 Four because only Two is determined primarily by quantity.
8 But, the Court notes that it is frankly irrelevant, and to the
9 calculation if one were to use one or the other subpart, the
10 CCE count, Count Four, is connected to Count Two by a common
11 criminal scheme or objective, hence the use of subpart (b).

12 Now, probation asserts that because Counts Five and
13 Six represent a separate type of harm they are not included in
14 the first group. The Court agrees. Selling narcotics and the
15 harm that comes from that is clearly distinct from the harms
16 relating to computer hacking and the computer hacking
17 conspiracy and a false identification document conspiracy.

18 Here, operating the Silk Road website involved the
19 computer hacking conspiracy and the identification document
20 conspiracy but they are different harms. So, therefore, Two,
21 Four and Seven are grouped in Group One; Count Five, Group Two;
22 and Count Six, Group Three.

23 Now to the calculation.

24 The money laundering offense in Count One, which under
25 the statute 1956, it requires that the Court look at the

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1 underlying narcotics offense to guide the offense level
2 calculations. The Court looks first to the CCE count which is
3 Count Four and 2D1.5 provides that the offense level is the
4 greater of the offense level from 2D1.1 plus four levels, or
5 38.

6 If we turn to 2D1.1, we calculate the number of kilos
7 of cocaine, the number of kilos of heroin, the number of kilos
8 of meth for a total equivalency for marijuana which is the way
9 the guidelines are written, of 60,720 kilos. That corresponds
10 with an offense level of 36 under 2D1.1(2).

11 The Court next looks to the specific offense
12 characteristics and this is where we get into some of the
13 contested facts and it is now that I will make and begin to
14 make certain factual findings.

15 The first factual finding relates to the direct abuse
16 of violence.

17 Under 2D1.1(b)(2) there would be a two-level upward
18 offense level adjustment for the directed use of violence.
19 Because it is contested, the Court must make appropriate
20 factual findings if it is to include it. The standard by which
21 I do that is by a preponderance of the evidence. Ulbricht's
22 directed violence here is and relates to the murders for hire
23 which he is alleged to have commissioned and paid for. The
24 Court must determine whether these allegations have been
25 demonstrated by a preponderance of the evidence and I find that

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1 there is ample and unambiguous evidence that Ulbricht
2 commissioned five murders as part of his efforts to protect his
3 criminal enterprise and that he paid for these murders. There
4 is no evidence that he was role-playing.

5 The Court finds that the evidence is clear and
6 unambiguous and it far exceeds the necessary preponderance
7 findings, that Ulbricht believed he was paying for murders of
8 those he wanted eliminated, and that he believed they had in
9 fact been murdered. He was told his first victim had a wife
10 and several children. That fact was known to Ulbricht and it
11 is never mentioned by him in connection with his consideration
12 of the murder. The consequences flowing from the murder of a
13 man with his family is never, so far as the Court can tell from
14 the record, considered.

15 When he commissioned the hit on other of what he
16 thought was one person, Tony76, he learned that Tony76 was
17 apparently someplace -- located someplace with three other
18 individuals. Ulbricht then agreed and paid for a hit on all
19 four of them. There is no evidence in the record that he knew
20 them -- these other three folks -- that he ever dealt with
21 these three folks or had any beef with them at all. He
22 commissioned the hit without regard to who they were, to the
23 fact that they had a right to life. He never asked if they had
24 families, he never expressed any concern for them at all.

25 The evidence of this murderous intent and the actions

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1 specifically taken by Ulbricht to commission the hits is based
2 on trial exhibits including Ulbricht's own journal and his
3 chats with the individuals he hired to oversee the murders and
4 it was not, as I have said, role-playing.

5 He commissioned the hits, there is no discussion of
6 hypotheticals, he paid actual funds. He paid hundreds of
7 thousands of dollars which were, in fact, paid. He is told
8 when the murders are completed, he was provided with a photo of
9 the murder scene with random numbers that he had provided to
10 the would-be assassins. That there had been no confirmation of
11 any of the deaths does not eliminate the fact that he directed
12 violence and directed the use of violence.

13 So, the Court finds by a preponderance of the evidence
14 that the addition of the two-level enhancement is appropriate.

15 The Court turns to the next enhancement which is
16 2D1.1(7). If the defendant, or a person for whose conduct the
17 defendant is accountable, distributed a controlled substance
18 through mass marketing by means of an interactive computer
19 service one adds two levels.

20 The Court has considered whether in light of the fact
21 that Count Two is a substantive offense using the Internet the
22 addition of this enhancement is in fact appropriate. It is.

23 Because the offense level is the same for conviction
24 under 841(a) and 841(h), the enhancement here which refers to
25 the use of an interactive computer service is not duplicative

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1 and the punishment is not cumulative.

2 In terms of any findings necessary to support the use
3 of the factual predicate for that, the Court finds by a
4 preponderance of the evidence that Silk Road operated, of
5 course using the Internet, and that the drug sales occurred
6 over the Internet on a slick website intended to and in fact
7 marketing drugs to a mass audience. Therefore, the two-level
8 enhancement is appropriate by a preponderance of the evidence.

9 The next enhancement is 2D1.1(B)(12), which relates to
10 maintaining a premises for the purpose of manufacturing a
11 controlled substance and that would result in a two-level
12 enhancement.

13 The Court finds, by a preponderance of the evidence,
14 that this enhancement is appropriately applied. The evidence
15 at trial including Mr. Ulbricht's own journal entries indicate
16 that he rented a house to make psychedelic mushrooms, that he
17 in fact made 10 pounds of such psychedelic mushrooms from that
18 house. The evidence is unambiguous, it is far beyond a
19 preponderance, and that two-level enhancement is appropriate.

20 The next increase is 2D1.1(b)(5). The offense
21 involved importation of methamphetamine. The PSR notes this on
22 page 18 but the calculation which is included in the PSR on
23 page 26 does not include that enhancement, though the total
24 aggregate calculation embodies it, it is just a mistake between
25 those two pages. But, if you try to add up what occurs on page

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1 26 you wouldn't get to 50 unless you go back to page 18.

2 The evidence at trial was clear and the Court so
3 finds, by a preponderance of the evidence, that significant
4 quantities of such narcotics were mailed from abroad to Silk
5 Road customers within the United States. That's at the
6 transcript pages 74 to 96; pages 177 to 183; and GX 804.

7 Also, there is an adjustment for the role in the
8 offense -- but actually there is no adjustment for role in the
9 offense for this particular group because, pursuant to
10 application note 1 of 2D1.5, a Court is not to apply a
11 leadership adjustment when the offense of conviction is a
12 continuing criminal enterprise. However, because the defendant
13 was convicted under a money laundering statute which is
14 18 U.S.C. 1956, there is an additional two leading to a total
15 aggregate offense level of 50.

16 Group Two is for computer hacking. The Court looks to
17 guidelines Appendix A to associate the statutory offense with
18 the guidelines provision. That leads us to 2X1.1. That
19 provision leads us to the substantive offense which is
20 18 U.S.C. Section 1030(a) which leads us to 2B1.1(a)(2), the
21 base offense level is 6. There is a leadership role adjustment
22 of four. That is based upon the Court's finding by a
23 preponderance of the evidence that Mr. Ulbricht was the leader,
24 the creator, the designer, the operator, the ultimate
25 administrator of Silk Road. While he had help he was certainly

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1 the leader of Silk Road and the computer hacking conspiracy
2 related to that activity. So that enhancement is appropriately
3 applied.

4 The next enhancement for this second group is 2B1.1
5 which is that the offense was committed through mass marketing.
6 That is appropriately applied because the Court finds, by a
7 preponderance of the evidence, that the website was available
8 to all who had the browser and that marketing was intended to
9 reach as many people as it could reach, thousands if not
10 millions. The offense also utilized a sophisticated means and
11 so there is an appropriate two-level enhancement under
12 2B1.1(e) (10) (C) .

13 The Silk Road itself included a number of
14 sophisticated means including the use of Tor which required
15 some amount of sophistication, the bitcoin tumbler of course,
16 the use of stealth listings, all of which support a
17 sophisticated means enhancement. That leads to a total of 14
18 for that group which is Group Two.

19 Group Three is Count Six only. The base offense level
20 is 11 pursuant to 2L2.1(a). There is a specific offense
21 characteristic of involving more than 100 or more documents or
22 passports and the Court finds, by a preponderance of the
23 evidence, that that factual predicate is found. Certainly
24 there is ample evidence to show that in terms of the sales of
25 such items at trial. That adds 9 to the 11 which is 20, plus a

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1 leadership adjustment. The Court has already discussed the
2 facts supporting a leadership role. That adds 4 for a total of
3 24.

4 Now, how one arrives at what the total offense level
5 is when you are dealing with these groups relates to looking at
6 the various aggregate totals and one adds also units.

7 Group One has one unit, no levels are added to the
8 offense level because that is essentially the one unit. No
9 units are also added to Groups Two, Three because they are nine
10 or more levels, less serious than Group One. So, the total
11 offense level is 50.

12 Pursuant to Chapter 5, application note 2, in the rare
13 cases when the total offense level exceeds 43, the offense
14 level becomes 43 and that is the appropriate offense level
15 here.

16 Counsel, are there any other arguments, other than
17 those which are addressed and set forth in your papers that you
18 would like to raise at this time or any disagreement you would
19 like to raise at this time?

20 MR. TURNER: No, your Honor.

21 MR. DRATEL: No, your Honor.

22 THE COURT: Thank you.

23 The offense level then is 43 and the Criminal History
24 Category is I.

25 I am now going to turn to, Mr. Dratel, to your

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1 objections to the PSR and go through each of those.

2 There is an objection to paragraph 2, a typo. That is
3 fine to make a change from "dead" to "dread."

4 In paragraph 10 there is a suggestion about some
5 additional language to be included. The Court has no problem
6 with that language in paragraph 10.

7 In paragraphs 49, 60(A)(e) there is a request to
8 strike the language regarding the willingness to use violence
9 and for the payment of the \$650,000 for the murder for hire and
10 the related language. That request is denied for the reasons
11 the Court has already discussed. And, based on the findings
12 that I have made, the statements regarding Mr. Ulbricht's
13 willingness to use violence and the other language that is used
14 here is entirely appropriate.

15 Paragraph 60(B)(1) there is a request to strike a
16 reference to a leadership role in the conspiracy to aid and
17 abet computer hacking and that is denied. For the reasons set
18 forth above regarding the guidelines findings, the Court finds
19 that the sale of these materials could not have occurred
20 without Mr. Ulbricht. He was the leader and without the rules
21 that he implemented and oversaw and directed others to oversee
22 on his behalf, this would not have been possible. So, he was,
23 by all accounts, the leader.

24 Paragraphs 61 to 86 and 87, there is a request to
25 strike the references to the overdose deaths. That request is

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1 also denied.

2 I am now going discuss the factual basis for the
3 inclusion of the overdose deaths in the PSR.

4 The PSR states that the overdose deaths are included
5 as they are related to Silk Road. The defendant contests that
6 the drugs sold through Silk Road cannot be shown to have caused
7 the deaths of those identified in the PSR as having died
8 following the ingestion of narcotics. But, this is not the
9 standard of proof that is required for inclusion in the PSR.

10 The defendant is not convicted of killing these
11 people. Those are not the offenses of conviction. This is
12 related conduct relevant to his sentencing. His guidelines are
13 not being enhanced for bodily harm to these individuals or the
14 suffering that they may have endured. The question as to
15 whether this information is properly included in the PSR is
16 whether the Court finds, by a preponderance of the evidence
17 that the deaths, in some way, related to Silk Road. And, they
18 do.

19 Indeed, the evidence is really quite clear on this
20 point so the question is not the but-for causation which was
21 addressed in the defense submissions.

22 As a related point, the Court has determined that for
23 the same reason it is appropriate for the decedent's relatives
24 to speak at this proceeding to the extent they so request. I
25 would note that there is a definition of crime victims that is

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1 contained in 18 U.S.C. 3771(b) (2) (D). However, that definition
2 is not, in and of itself, controlling, as to what the Court can
3 determine is a victim for purposes of a sentencing proceeding.
4 But, I do find, nonetheless, that the decedents here constitute
5 victims under that provision. A victim is simply person
6 against whom the offense is committed. It does not mean that
7 the victim, him or herself, could not be participating in some
8 way or manner in the conduct that is ultimately leading to his
9 or her own death.

10 Here the relevant offense committed is the unlawful
11 distribution of drugs and the running of a criminal drug
12 enterprise, inter alia, and there is no factual doubt that
13 based on the evidence before the Court, the sale of the drugs
14 through Silk Road caused harm to the decedents. Whether it was
15 a factor in causing their death, a contributing factor, or
16 somehow related to their deaths in close association is not a
17 decision that we have to make for today's purposes.

18 The Court's determination is supported by the
19 following:

20 The trial record of this matter established beyond
21 doubt that the types of drugs associated with the deaths of
22 each and every one of these individuals were in fact available
23 on Silk Road. But, in addition to that, there is a direct tie
24 to Silk Road to each of the decedents and to the purchase of
25 the drugs in proximate -- very proximate relation to their

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1 death.

2 On May 18, 2015, the government provided the Court
3 with a DVD that contained extensive information associated with
4 the deaths of each of these six individuals. That DVD is made
5 part of the record in this matter and is filed under seal. If
6 an appeal is taken, counsel on the appeal may have access to
7 that DVD without further application to the court.

8 On that DVD are materials which specifically link each
9 decedent to the drug purchased by themselves or through another
10 who purchased the drugs from vendors through Silk Road. The
11 drugs were used by the decedents immediately prior to their
12 deaths.

13 On April 29 and then again on May 26, the Court
14 received five victim impacts statements which contained
15 additional detail the Court does rely upon that for its
16 findings herein.

17 The Court received also the declaration of Dr. Mark
18 Taff dated May 26. He is a forensic pathologist retained by
19 the defendant.

20 The defendant's basic argument is that it is not
21 appropriate to hold Ulbricht responsible for these deaths and
22 the defendant cites to the Burrage case, the Supreme Court case
23 from 2014. But the case is entirely inapposite. In that case
24 the Court was confronted with the question of whether a penalty
25 enhancement may be applied under a statute which was

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1 841(b) (1) (C) if a death can't have been shown to have been an
2 independently sufficient cause of death. Then it may have been
3 insufficient to support a statutory penalited enhancement.
4 There the drug had to have been the but-for cause of death.

5 The statutory scheme that was at issue was a statutory
6 scheme when "death results," and in that case if such a finding
7 had been made, then Burrage's -- the defendant's -- penalties
8 would have been increased thus the element had to be submitted
9 to the jury. That wasn't new law, the Alleyne case and the
10 Apprendi case before that found something that was quite
11 similar.

12 But, here the deaths of the users set forth in the PSR
13 to which the victim impact statements relate are not the basis
14 for any kind of statutory penalty enhancement. These are not
15 the crimes of conviction, this is related conduct which is
16 entirely appropriate for a sentencing Court to take into
17 consideration in a sentencing proceeding.

18 The government, in its submission of May 26, 2015,
19 lays out the fact which tie each of the decedents to Silk Road
20 and they do that in some detail. And I will talk about the
21 decedents more in just a moment, but let me comment on
22 Dr. Taff, his examination relates to the manner of death for
23 what he uses, what he refers to as the six-stage death
24 investigation. He finds in each instance information is
25 missing regarding at least one stage of the six-stage process.

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1 He states in some cases no autopsy was performed and
2 there was no cause of death that could be reliably be
3 determined.

4 He also indicates that without certain pieces of
5 information, it is impossible for a medical examiner to render
6 certain types of opinions and he states that what are deemed
7 overdoses may be death by suicide or other causes.

8 He opines that he is unable to render opinions to a
9 reasonable degree of medical certainty as to the cause, manner
10 and time of death with each of the decedents except for
11 Alejandro. As to him he agrees that NBOM was one of several
12 drugs which caused his death. But, Dr. Taff is asking a
13 question which this Court does not need answered. It is just
14 the wrong question. The Court is not asking whether the but
15 for cause of death is drugs purchased on Silk Road. It doesn't
16 have to be but-for. The Court's question is whether there is a
17 connection between the purchase of drugs on Silk Road and death
18 and whether the drugs were ingested -- those drugs purchased on
19 Silk Road were ingested and whether the ingestion of those
20 drugs may be reasonably associated with those deaths.

21 The Court can make such findings by a preponderance of
22 the evidence and can make reasonable inferences based upon the
23 available circumstantial evidence and I make those reasonable
24 inferences based upon that circumstantial evidence now. There
25 is strong and even more than sufficient circumstantial evidence

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1 to show the connection. I am only going to go very briefly
2 through a few of these. I want to just describe the connection
3 so it is clear on the record.

4 Jordan M., who was 27 years old, found dead of an
5 overdose. There was an express mail package torn open in the
6 room where he was found, there was heroin and needles near him.
7 How is it tied to Silk Road? His computer had two browser
8 windows open, one displayed Silk Road. The decedent's private
9 message inbox showed messages with a vendor describing a
10 purchase, the package tracking and receipt. The package
11 tracking on the Silk Road site corresponded with that on the
12 open window, the second open browser window on the U.S. Postal
13 Service site which corresponded with the number on the express
14 mail envelope found with the decedent at his death.

15 It appeared from a prior message dated August 24th
16 that this individual had ordered Valium and Xanax in the past
17 but he had not previously ordered heroin through Silk Road, and
18 he inquired about ordering it for the first time.

19 The Court finds by a preponderance of the evidence
20 that the death is properly associated with the receipt of
21 heroin from a vendor on Silk Road and purchased through Silk
22 Road. The Court also finds by a preponderance of the evidence,
23 including the autopsy report and notwithstanding the contrary
24 statement by Dr. Taff, that he died of an overdose.

25 Would this individual have died at that time without

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1 the drugs purchased through Silk Road? It would be speculation
2 to even suggest that he could have. What we know is that he
3 died in the manner that he did and that his death was connected
4 to Silk Road.

5 For Preston B., he was a 16-year-old boy who received
6 a powerful synthetic drug called NBOM from a friend. The
7 friend made a statement in which he told the police, after the
8 decedent's accident, he purchased it from Silk Road to share
9 with his friends on prom night and that he had not purchased on
10 Silk Road before, that he had only ever used cannabis before.
11 The decedent is known to have ingested this drug and he had a
12 terrible reaction and jumped from a balcony of a hotel and he
13 subsequently, after being hospitalized, died.

14 The Court finds, by a preponderance of the evidence,
15 that Preston's death is properly associated with Silk Road and
16 that his death was related to a purchase of drugs from Silk
17 Road. Would he have died on that evening if Silk Road had
18 never existed? To suggest so is pure speculation. We know
19 that he died after having ingested drugs available to him
20 through Silk Road.

21 In terms of Bryan B., he was found dead with heroin
22 next to him and a syringe. Forensic analysis of his computer
23 revealed that he had run searches on his laptop for heroin in
24 Boston suggesting that he did not have a local source. Other
25 searches indicated that he had found Silk Road, downloaded Tor,

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1 and obtained bitcoins. Silk Road was marked as a favorite
2 website. A PGP key for encrypting communications was
3 established by him on September 25th, 2013. That very same day
4 he contacted a vendor and stated, "This will be my first
5 order." He placed his order for heroin the next day. He also
6 bought syringes. The package arrived on October 1st and he was
7 last heard from on October 4th. The package he received
8 contained enough for 5 to 10 doses. The heroin and syringe
9 found next to his body closely resembled those that he ordered.

10 The Court finds, by a preponderance of evidence, that
11 Bryan B.'s death is properly associated with Silk Road. It is
12 reasonable to infer that the heroin he consumed was related to
13 his death and that it is reasonable to assume and to infer from
14 the circumstantial evidence that he received that heroin from a
15 vendor on Silk Road. Would he have died in the absence of that
16 heroin? It would be pure speculation to think that.

17 Alejandro N. took NBOM from a friend who told law
18 enforcement that he obtained it from a dealer. The dealer was
19 then arrested. The dealer was interviewed. The dealer stated
20 that he had received the drug from a vendor on Silk Road. The
21 police were able to confirm that a vendor by the name given to
22 them by the dealer in fact sold NBOM on Silk Road.

23 The Court finds, by a preponderance of the evidence,
24 that Alejandro's death is properly associated with Silk Road.
25 Drugs sold by Silk Road vendors were a contributing factor, at

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1 least in his death, and even so agrees Dr. Taff. Would the
2 dealer have obtained NBOM elsewhere in the absence of getting
3 it from Silk Road? It would be pure speculation to think so.

4 Jacob L., a 22-year-old from Australia, was found
5 dead. There were multiple drugs in his system. He also had
6 pneumonia and the autopsy indicated that he may have been less
7 aware of the severity of his illness due to the presence of
8 drugs in his system. The Silk Road server revealed that the
9 decedent had an account which had been used to place several
10 dozen orders for heroin, as well as for other drugs found in
11 his system at the time of his death, including meth and crack.

12 The Court finds, by a preponderance of the evidence,
13 that purchases from Silk Road are properly associated with the
14 death of Jacob L.

15 Attached to Exhibit 16 of the Lewis declaration are
16 pages from Jacob's Silk Road account. There is a list of
17 favorite vendors. The court performed searches on those
18 vendors and confirms that those Silk Road vendors sold a large
19 array of subject drugs.

20 There are additional objections in the PSR that
21 resolves those objections as to the inclusion of the
22 information relating to the overdose deaths:

23 Paragraph 94 says, discusses a calculation of the base
24 offense level. We have dealt with that.

25 Paragraph 146 requests a correction that Mr. Ulbricht

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1 has not owned a particular house for several years. That
2 correction is appropriate and will be made.

3 Finally, the defense objects to the inclusion on page
4 38 of the justification. The Court does not adopt, at any time
5 ever, the justification section of the PSR. The Court only
6 ever looks to the factual statements so the Court does not
7 address the justification. That is from probation itself and
8 it stands separate and apart.

9 Do counsel have any other arguments apart from those
10 which were raised in their papers which they would like to
11 raise at this time?

12 MR. TURNER: No, your Honor. Thank you.

13 MR. DRATEL: Just obviously, your Honor, we object to
14 findings that the Court made.

15 THE COURT: Understood, Mr. Dratel.

16 The Court then does adopt the factual findings set
17 forth in the PSR and the additional factual findings that the
18 Court has made.

19 We have been going for 55 minutes at this point. We
20 are now at the portion of the proceeding where we are going to
21 hear from the family of two of the victims, I understand; from
22 the government; from Mr. Dratel; and from Mr. Ulbricht if he
23 would like to address the Court. The question is whether or
24 not we need to take a break right now or whether or not we
25 should just go ahead and continue. I would note if we take a

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1 break, anybody who leaves the room has to come back through the
2 additional security that is outside the courtroom at this time.

3 MR. TURNER: The government is fine proceeding, your
4 Honor.

5 MR. DRATEL: We are okay proceeding, your Honor.

6 THE COURT: All right. So, those individuals who are
7 in the audience, if somebody happens to need a short break you
8 will have to go out. You are welcome to go out and come in,
9 you are welcome to go through security but don't hesitate to do
10 so, if you need.

11 So, I understand that we have the parents of two of
12 the victims here in court today, Mr. Turner?

13 MR. TURNER: That's correct, your Honor. The father
14 of the individual referred to in the government's submission as
15 Bryan B. and the mother of Preston B.

16 THE COURT: So, would the father please, of Bryan B.,
17 please approach, sir?

18 RICHARD: Good afternoon, your Honor. Can you hear me
19 okay?

20 THE COURT: I can, sir. Thank you.

21 RICHARD: My name is Richard and I am the father of
22 Bryan whose death was referred to in the government's
23 sentencing document. I greatly appreciate the opportunity that
24 you are giving me to speak on behalf of my son.

25 I have already written a letter to you to describe

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1 Bryan and how he died from an overdose of heroin supplied by
2 Ross Ulbricht's Silk Road. If I may, your Honor, I would like
3 to present you with some pictures of Bryan that I think will
4 help illustrate some of the things I said in my letter to you
5 as well as another important point that I want to make today.

6 May I?

7 THE COURT: Yes, sir. Thank you.

8 Do you have an extra copy for counsel, by any chance?

9 RICHARD: I do.

10 THE COURT: Thank you.

11 RICHARD: It has been nearly 20 months since I buried
12 my son. As I wrote to you in my letter, I could not have been
13 more shocked when I received the phone call on the morning of
14 October the 7th, 2013, to tell me that my son was dead. As far
15 as I knew and as far as anyone who was close to him knew, Bryan
16 did not do drugs.

17 Bryan and I were very close; we talked, e-mailed or
18 texted nearly every day. In fact, several days before he died
19 I received an e-mail from Bryan that said, among other things,
20 how much he had grown to dislike marijuana, mainly because of
21 the effect that he saw in a number of his friends he said, and
22 I quote, "The older I get, the more pothead friends I see
23 becoming deadbeats."

24 As I wrote to you, I spent the next several months
25 after Bryan's death trying to understand what happened.

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1 Ultimately, I discovered Bryan had very likely tried heroin
2 during his senior year in college, realized what a mistake he
3 had made and spent parts of the next three years successfully
4 fighting off cravings to do it again. He hid this from nearly
5 everyone.

6 My letter described Bryan as a great-looking, athletic
7 and intelligent young man. He was careful about his health and
8 what he ate. He often rose at 5 a.m. in the morning to work
9 out in the gym before he went to work. He shopped for organic
10 food and sometimes asked my wife for healthy recipes that he
11 could cook. While Bryan was certainly impulsive, he was
12 planning for a long life ahead. He lectured his friends to
13 make the maximum contribution to their retirement plans, just
14 like he did.

15 The pictures I have given you illustrate the point I
16 made in my letter: He was the last person anyone would have
17 imagined to die from a drug overdose. Two of those photos were
18 taken during the time of my daughter's wedding in early July, a
19 little less than three months before he died; one was from a
20 ski trip in early 2013; and two were from a family bike trip in
21 the summer of 2012. But I want to draw your attention to one
22 particular picture and that is the one I have indicated with an
23 asterisk. It is a picture of Bryan with his arms around my
24 wife's niece and her boyfriend. In particular, I want to point
25 your attention to the marks on Bryan's left forearm. They're a

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1 little hard to see. There is a series of well-delineated cuts
2 that I didn't notice until he had moved to Boston in late July.
3 Can you see them?

4 THE COURT: Yes.

5 RICHARD: He never gave me a good explanation of how
6 those marks got there no matter how many times I asked him.
7 However, after his death, one of his close friends shared with
8 me what he had told her a few months before he died. He put
9 them there, he said, as a reminder to not do drugs. We now
10 know that he had this struggle and it breaks all of our hearts
11 to know that he was struggling and he asked no one for help
12 because he wanted no one to know. He was managing to fight
13 these urges until he discovered Ross Ulbricht's Silk Road. The
14 lure of Silk Road's convenience, the anonymity, the use of an
15 untraceable payment system, the low risk of detection by law
16 enforcement or parents or family or friends, it all overpowered
17 Bryan.

18 As I indicated in my letter, the forensic analysis of
19 his computers and phone show us exactly what happened. He
20 discovered Silk Road while doing an Internet search. He
21 downloaded the Tor browser. He transferred money from his bank
22 account to a bitcoin account. He set up several new e-mail
23 accounts, as per Silk Road's instructions. And then, he
24 ordered heroin.

25 They arrived by the U.S. mail. He died from an

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1 overdose a few days later. The U.S. mail packaging from the
2 Silk Road dealer was a few feet away from his body when he was
3 found. The toxicology study discovered only one illegal drug
4 in his body: Heroin.

5 When I spoke to the pathologist she wanted me to know
6 that Bryan was in exceptional health before he died of an
7 overdose.

8 Since Ross Ulbricht's arrest, my family and I have
9 endured the persistent drumbeat of his supporters who proclaim
10 Mr. Ulbricht a hero and persistently portray his crimes as
11 victimless.

12 To add insult to injury, Mr. Ulbricht's defense now
13 touts Silk Road's remarkable harm-reduction with the absurd
14 argument that the website that sold more drugs to more people
15 than any drug dealer ever before was performing a great service
16 to society.

17 Early in the trial the prosecution revealed that Silk
18 Road generated \$200 million in revenue in its existence. With
19 drugs like heroin selling for relatively low prices, Bryan's
20 Silk Road purchase was less than \$200. I found it. Just
21 imagine how many individual drug transactions it would have
22 taken to get to \$200 million in sales. And, keep in mind that
23 Ross Ulbricht collected a commission on every sale.

24 Where, exactly, is the harm reduction in that volume
25 of drug sales?

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1 By removing all the hurdles to get dangerous drugs
2 Silk Road expanded the market. Professionals, like my son,
3 were not going to take the risk of buying drugs from a dealer
4 on the street with all the inherent dangers that came with it.
5 I strongly believe that my son would be here today if Ross
6 Ulbricht had never created Silk Road.

7 But, sadly, when their harm reduction argument wasn't
8 enough, Ross Ulbricht's defense team took things to an even
9 lower level: They blamed the victims. I can't speak for the
10 other victims of Silk Road but I can speak for my son and I can
11 point out the statements made by Ross Ulbricht's lawyers about
12 my son's death and the recent court filings that are blatantly
13 false. They claim that Bryan was 20 years old. He had turned
14 25 a week before his death. They claim that the source of the
15 heroin was "unknown" when there was a mountain of evidence to
16 show that it came from Silk Road. And, worst of all, they
17 quoted a Boston police report saying that, "the victim was
18 known to the Commonwealth," and speculated that Bryan had a
19 prior drug-related arrest.

20 Bryan moved to Boston in late July that year. He
21 lived there slightly over two months before he died. The only
22 reason he was, quote unquote, known to the Commonwealth, was
23 because he was found dead in his apartment from an overdose of
24 heroin that was supplied by Ross Ulbricht's Silk Road. He had
25 never been arrested for anything in his life and I deeply

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1 resent the sinister innuendo that he was a chronic drug abuser
2 who had been in trouble with law enforcement before.

3 Your Honor, I know that punishing Ross Ulbricht is not
4 going to bring my son back. The past 20 months have been more
5 painful to my family and me than anything I can ever describe.
6 I lost my only son. My daughter lost her only sibling. We
7 have lost someone who we treasured and deeply loved. Bryan
8 never saw his 26th birthday. He never met my daughter's first
9 child. He won't be there for any more family holidays, ski
10 trips, or bike trips. We won't be going to Bryan's wedding.
11 We won't be caring for his children. And, I will never see my
12 son in the role of a father. We no longer get his funny texts
13 and e-mails and no longer hear his contagious laugh.

14 We know that sending Ross Ulbricht to jail won't fix
15 any of those things but in this country we build prisons for
16 two primary reasons: To punish those who commit crimes, but
17 also to protect society from dangerous criminals whose behavior
18 is a threat to others.

19 Through Silk Road, Ross Ulbricht had one clear aim:
20 To enrich himself by taking a commission on every drug
21 transaction. He did not consider the fallout on society from
22 the expansion of the market for dangerous drugs. He did not
23 consider people like my son who were so vulnerable to Silk
24 Road's deadly combination of convenience and anonymity, and he
25 did not concern himself with the simple fact these drugs are

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1 illegal for a reason. They offer no medicinal value and
2 they're all highly addictive. Once hooked, the addict loses
3 the ability to choose. All Russ Ulbricht cared about was his
4 growing pile of bitcoins.

5 This is the behavior of a sociopath and this is
6 exactly the kind of person society needs protection from. Your
7 Honor, Ross Ulbricht deserves the most severe sentence the law
8 will allow.

9 Thank you for allowing me to speak in your courtroom.

10 THE COURT: Thank you for speaking, sir.

11 We now have the mother of Preston B.

12 VICKY: Your Honor, my name is Vicky and I'm here
13 today not only for myself but for my son Preston -- my late son
14 Preston, and family and friends.

15 I have got some photos here that I would like to give
16 to you and I would like to read you my impact statement.

17 THE COURT: Yes.

18 VICKY: Your Honor, Friday the 15th of February, 2013,
19 was my son Preston's school ball or what you would call
20 something different. I assisted him getting ready that day and
21 he looked so handsome. I enjoyed the company of many parents
22 at the before gathering. I was about to leave when I asked him
23 for a photo. Preston said: Thanks mum for your help. I love
24 you. And he placed a kiss on the side of my cheek. His last
25 words to me and this was the photo of my last kiss from my son.

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1 The next day was Saturday the 16th of February, 2013.

2 This would be one of the worst days of my life.

3 I received a phone call around 9:45 p.m. from my
4 ex-husband Rod and daughter Aimee informing me that Preston had
5 been in a bad accident and was being taken to St. Charles
6 Gairdner Hospital. At the hospital we were ushered into a
7 private room where a doctor and a social worker were there to
8 talk to us about Preston's condition. They prepared us on the
9 extent of his injuries and what was likely to happen. Preston
10 had suffered severe head injuries and they would have to
11 operate immediately to reduce the swelling on his brain. I
12 asked if I could see him before they prepared him for surgery.
13 When I entered the emergency room, I noticed there was a lot of
14 blood coming out from his right ear. There was staff
15 surrounding Preston with all types of apparatus to keep him
16 breathing while continuing to monitor his observations.

17 Preston laid lifeless on the trolley. Due to the
18 swelling to the brain they wanted to operate to remove part of
19 his skull. I returned to the emergency room with my daughter
20 Aimee who said: Hang in there, Preston. And I said: I love
21 you, son. Hang in there. Everything will be okay. They're
22 going to look after you.

23 We went back to the family room and waited. It seemed
24 like a long time. During that wait the doctors came in and
25 told us that Preston lost all dilation to his pupils. They

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1 were not going to go ahead with the surgery as it was going to
2 be too dangerous. They were going to administer a medication
3 instead.

4 Shortly after the Doctor left the social worker came
5 in and she said: Sorry you've lost Preston. And we were in
6 shock because we had not been told this by the doctor at that
7 stage. From the emergency room he was transferred to the
8 intensive care unit. There were multiple meetings with
9 specialists and organ donation coordinators in the event that
10 Preston was to lose his life.

11 I left the room and collapsed in total shock curling
12 up on a ball on the floor crying in disbelief at what was
13 happening. The night before was only his school ball.

14 On Saturday night family were coming in and they knew
15 the outcome wasn't going to be good, that Preston may not
16 survive. On the Saturday afternoon we understood from some of
17 Preston's friends that what had happened to him was somehow
18 connected to drugs.

19 While Preston was at his after-party, a friend handed
20 him a tablet, a synthetic, and was told by his friend who
21 purchased it online from Silk Road that the drug was only to
22 make you stay awake and make you feel happy.

23 I was surprised to learn later that if you bought 10
24 for \$20 you could get one free to liven the pot; delivered
25 after three days directly to your door, no proof of age was

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1 required and it was delivered by international couriers. I
2 believe this is something he would not have gone to the streets
3 to find. He was not a drug addict. Silk Road made it easily
4 accessible to anyone, children included.

5 From what I am told after taking the drug Preston
6 became extremely aggressive and he was talking in what his best
7 friend explains as another language. He couldn't understand
8 him. He became resilient and abusive towards his friend of
9 whom he had known since kindergarten. His friend could not
10 control him or get him to go down the stairs of the resort
11 where he had been visiting friends. Preston was afraid of
12 something and kept saying no, no. He didn't want to go down
13 the stairs. So, his friend went to get his other mates to help
14 him. That's when Preston jumped from the second story of the
15 hotel.

16 On the Sunday morning about 200 people came to the
17 hospital. They were all lined up waiting to see him. It was
18 quite extraordinary that they allowed all of his friends to
19 visit given that it is an emergency -- 200 people.

20 I took the first group into the ICU unit to say their
21 final good-bye. We were extremely grateful to all the ICU for
22 allowing this to happen. When I took them in I said this is
23 what drugs will do to you. If you take drugs, this is going to
24 happen. And the nursing staff advised me that I had better
25 tone it down for the next group of people. That's not what I

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1 felt. I felt angry that he had taken this synthetic drug. I
2 just held on to hope that some miracle may happen and that my
3 little boy was going to be okay.

4 Seeing all of his friends coming in, most of them were
5 crying. It was so hard. Sunday was very busy chauffeuring all
6 of his friends and family to see Preston. We realized that day
7 just how much Preston was loved by many friends. He was an
8 extrovert with a genuine heart. Once he told me, Mum, I don't
9 know anyone that I don't like and who doesn't like me. At that
10 time I took it as him just being a bit of a show off but he was
11 telling the truth.

12 He gave people guidance and wasn't judgmental.
13 Preston was wise beyond his years which I had relayed to me on
14 numerous occasions from many of his friends, parents and
15 friends.

16 Monday, the 18th of February, 2013, would be the worst
17 day of my life. Preston had an MRI. Not long after the
18 doctors came in, they sat down in the interview room and told
19 us that he had died from a catastrophic brain injury. There
20 was no blood flowing through his brain. I asked, How do we
21 know when to turn off life support? What length of time do we
22 wait because maybe a miracle may happen and he would come
23 around. The Doctors showed us an x-ray of a healthy skull and
24 then the x-ray of Preston's skull. We could see quite clearly
25 that there was no blood flow to his brain. He was pronounced

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1 dead.

2 From then we had organ donor coordinators to come in
3 to meet with us. We all agreed that organ donation would be
4 what Preston would have wanted given his caring nature. It
5 seemed as if we were making a shopping list of organs to
6 donate. We were spending as much time as possible with Preston
7 just holding his hand and talking with him. I even gave him a
8 sponge bath given that soon we would have to be saying our last
9 goodbye.

10 Wednesday was the day that was scheduled for his
11 operation. The three of us, my ex-husband Rodney, my daughter
12 Aimee and I, walked down to the theater to say goodbye to
13 Preston. We watched as the theater doors closed and at that
14 moment that was the last time I saw my son. His organ
15 donations did save many lives.

16 We then made funeral arrangements. Preston was quite
17 lucky. He had two memorial services; one was held at his high
18 school, and one for family and friends.

19 Preston was very popular and a well-known young
20 teenager. We were getting constant phone calls from reporters.
21 He was always involved in many sporting activities, football,
22 and baseball to name a few. We lived in the same area for many
23 years. He was house captain many times, perfect, and received
24 citizenship awards.

25 Preston had many friends during his short life. His

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1 passing has affected a lot of people. A yearly football match
2 is played in his honor against two teams which he has played
3 for, for remembering the outstanding citizen that he was and to
4 promote the effects of drugs.

5 I think I was numb for the first 12 months after
6 Preston's death. It was the hardest year, 2014. The numbers
7 had worn off. I was crying all the time. When things got
8 harder, I truly pushed people away. These feelings can be
9 overwhelming, especially on anniversaries.

10 I am very concerned about my daughter Aimee's well
11 being and how she spends most of her time in the bedroom. And
12 she and Preston had a very good relationship. She was his
13 nurturing big sister and Preston was her protector. They
14 hardly ever fought.

15 Often I would look at old messages from Preston on my
16 phone. Generally, I tried to keep busy and not overthink about
17 what happened and life without him. We keep Preston's ashes at
18 home. Sometimes I just hold them and get a blanket, his
19 blanket, and try to get close to him and other times I get
20 really mad. Why did it happen? Why did Preston do it? He had
21 so much to live for. One stupid synthetic tablet cost him his
22 life. I mean, who knows who manufacturers these drugs and
23 where they are manufactured. Continually they're tweaking the
24 ingredients to avoid detection. I believe if he had never
25 taken this synthetic drug he would still be with us today.

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1 I know that all our children have done stupid things
2 or made bad choices. I don't deny or condone what Preston did
3 by taking the drug. Some are lucky, some are not,
4 unfortunately. Preston's consequences were death and I know
5 now I would wait until the afterlife to see him again.

6 Thank you.

7 THE COURT: Thank you.

8 The Court will now proceed in the following manner
9 which is I will ask the government to speak first, Mr. Dratel
10 and then Mr. Ulbricht if he would like to address the Court
11 before sentence is imposed.

12 Mr. Turner.

13 MR. TURNER: At the podium, your Honor?

14 THE COURT: Yes. Thank you.

15 MR. TURNER: So, as your Honor just heard from two
16 victims of the defendant's crime from opposite sides of the
17 world -- one from Boston, Massachusetts and the other from
18 Perth, Australia -- both lost loved ones due to drugs from the
19 same place: Silk Road. I think their presence here today
20 underscores the global reach of the defendant's drug
21 trafficking enterprise. It is no exaggeration to say that what
22 he did allowed anyone anywhere in the world to obtain any drug
23 they wanted as long as they had a computer and shipping
24 address. The site radically lowered the barriers to selling
25 and buying drugs. It was designed to do that and it did do

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1 that and these are some of the resulting consequences. This
2 was not a victimless crime.

3 Even the defendant now, in his letter to the Court,
4 acknowledges that Silk Road became, as he puts it, "a
5 convenient way for people to satisfy their drug addictions."
6 But what is disingenuous about that statement, your Honor, is
7 the claim that he also makes in the letter that he never
8 anticipated this happening. That drugs were safe is naive and
9 impulsive. He said he started the site for idealistic motives
10 but since learned that "taking immediate actions on one's
11 beliefs without taking the necessary time to really think them
12 through, can have disastrous consequences." This is another
13 variation of the revisionist history that the defense tried to
14 peddle at trial; that the defendant started Silk Road but he is
15 not responsible for what it grew into. And that is
16 preposterous.

17 This was not some rash decision by a young kid who
18 didn't know any better. The defendant was not a kid when he
19 started Silk Road, he was a grown man with plenty of
20 intelligence and education and he knew exactly what he was
21 doing. He studied the idea of Silk Road for months, planned it
22 for months. He ran it for nearly three years. He supervised
23 every aspect of its operation. He knew it through and through
24 and he understood perfectly well what was sold on it. He was
25 the one who decided what could be sold. And as for drugs, his

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1 policy was very clear: Anything goes.

2 He knew that the drugs he was selling included highly
3 hazardous substances, highly addictive substances. This is not
4 some sudden realization he has had in prison. There is no
5 mystery here. We are 50,000 heroin sales on the site, 80,000
6 cocaine sales, 30,000-plus methamphetamine sales. There is no
7 sudden realization now that he may have been fueling drug
8 addictions.

9 At any point the defendant could have shut this site
10 down. At any point he could have walked away. And we heard
11 Richard Bates testify at trial that he in fact tried to get
12 defendant to walk away, tried to find something to do that was
13 legal. But he never walked away, he was committed to it
14 through and through. This was a purposeful, deliberate crime
15 with full awareness of what he was doing. He did not do it
16 simply for idealistic motives. He did it, in significant part,
17 to make large amounts of money.

18 If you wanted to sell on Silk Road you had to pay him
19 a cut. That was the rule. That was a rule that he was quite
20 emphatic about, that he and his support staff constantly
21 labored to enforce. And the only purpose of that rule was so
22 that he could reap huge profits from his illegal enterprise.
23 Which he did. He fantasized about often becoming a billionaire
24 all from drug money. This was not some disinterested
25 do-gooder.

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1 Obviously, there are also the murders for hire. On
2 multiple occasions this defendant tried to have people killed
3 in order to protect his enterprise spending well over half a
4 million dollars on those attempts.

5 So, this is no idealistic naive who doesn't understand
6 the criminality of what he was doing, this is someone who was
7 emulating a traditional drug kingpin because he understood that
8 he was essentially in the same business.

9 Now, in addition to money and power did the defendant
10 have other motivations? Without doubt. He was motivated, in
11 part, by a political agenda but that is no excuse for what he
12 did. If he wanted to pursue a political agenda he could have
13 done so through the political process. He was not entitled to
14 legislate his own policies on the Internet whether it was drugs
15 or fake I.D.s or computer hacking or guns or child pornography.
16 You don't get to say that I think these things should be sold
17 without restriction and therefore I am going to do it, whatever
18 the law says. You can't do it on the street, you can't do it
19 in cyberspace. The Internet is not a license to flaunt the
20 law.

21 Your Honor, in summary, the defendant is guilty of a
22 very serious crime. He leveraged the Internet to partner with
23 thousands of drug dealers around the world. He distributed
24 massive quantities of drugs in total. He amassed millions of
25 dollars in profits. He lowered the barriers to drug use. He

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1 made it easy for anyone, anywhere, to obtain the drugs they
2 wanted. Serious harm resulted as illustrated by the deaths
3 highlighted in the PSR. He knew exactly what he was doing the
4 whole time and for all of these reasons, as we have stated in
5 our letter, we request a lengthy prison sentence substantially
6 above the mandatory minimum.

7 Thank you.

8 THE COURT: Thank you, Mr. Turner.

9 Mr. Dratel?

10 MR. DRATEL: Thank you, your Honor.

11 The standard for sentencing -- for a reasonable
12 sentence is sufficient but not greater than necessary to
13 achieve the purposes of sentencing and we have submitted enough
14 paper that I am not going to repeat what is in there but just
15 cover a couple of principles that we talked about in our papers
16 that I think are important and that is the guiding principle,
17 sufficient but not greater than necessary to achieve the
18 purposes of sentencing.

19 In that context you are sentencing a person, a young
20 man who, like all of us, is not as good as his best conduct and
21 is not as bad as his worst conduct. It is the totality of the
22 person that the Court has to sentence. And I think to a
23 certain extent the Court, part of the sentencing mandate is
24 about projecting into the future. The future is what is the
25 defendant going to be like and what is the world going to be

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1 like.

2 The situation we have here is a 20-year mandatory
3 minimum sentence so I will start with that in the sense that I
4 think that in 20 years if he is released no one will say that
5 was too short. But, I think when we start to get beyond that
6 and into the higher reaches that within a short period of time;
7 five, 10 years, because of the defendant, because of the world,
8 because it will be removed from the emotional aspect of today's
9 proceeding, that it will be clear to a majority -- overwhelming
10 majority, it is too long to achieve the purposes of sentencing.

11 What does a longer sentence achieve? In the context
12 of the purposes of sentencing I suggest it does not achieve
13 anything. I think that the Court, based on the letters that
14 the Court has received including Mr. Ulbricht's letter, I think
15 that the concept of specific deterrence is really not an issue
16 here when you talked about the length of the sentence even
17 under the mandatory minimum term.

18 I am not even sure the government is making that
19 argument in that regard.

20 I know the Court has already decided on the issue of
21 the consideration of some of these other aspects of the
22 government's presentation but I think it is important that
23 minimizing, not diminishing the nature of the personal
24 tragedies involved, the trauma, the pain. That is all genuine
25 and legitimate but we have to step back and look at the

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1 perspective of what the role is today in sentencing.

2 I think intent and impact are important in the context
3 of what the emotional content has brought to this and not even
4 the government can suggest that this was an intended result,
5 but the impact and intent are no different than every drug case
6 that involves an organized sale of drugs or even the
7 disorganized sale of drugs.

8 You talk about volume. The government talks about
9 50,000 heroin sales, that's about 73 a day over two years to
10 Silk Road. A small organization with two corner spots in this
11 city does that in an hour. Cocaine? 80,000. They do that,
12 when you break that down, they do that in an hour.

13 These stories are real but they are present in every
14 case. No one is saying this is a victimless crime. That is a
15 red herring. But, I will say it is not in every case, the
16 countervailing factors that we have set forth. And this is not
17 us, this is not coming from the defense, these are independent,
18 objective professional researchers who studied this site. They
19 didn't study it for sentencing, they studied it before. They
20 weren't commissioned by us, they did this on their own as part
21 of their own professional obligation to tell the truth about
22 what is going on with these situations, to be realists. And
23 this is a difference from the average, ordinary drug operation
24 but the other part is no different yet the government would
25 want the Court to enhance the sentence based on what is present

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1 in every case that is not part of the enhancement and that is
2 disparity from every other drug case.

3 Another part of disparity is this concept of the
4 general deterrence, and in addition to the fact that there is
5 no science or math or any other objective measurement that
6 sustains the concept of general deterrence, also as a question
7 of justice is, Is it disparate? How is it measured? How is it
8 applied in a courtroom in this court house?

9 On Tuesday, someone who worked for Silk Road for
10 nearly a year, through its most profitable, highest volume
11 period during the period when five of these deaths occurred,
12 the government never sought an enhancement, he walked out of
13 the courtroom, essentially. He got time-served; 14 months,
14 essentially.

15 So, what is the message there versus the message here?
16 There is no message, it is a sentence of a human being. It is
17 the same foreseeability for Mr. Nash. It is the same
18 foreseeability for anybody involved in any drug operation yet
19 it does not result in the kinds of sentences that are
20 contemplated here by the government.

21 In the concept of general deterrence if you are
22 looking at the difference between a 20-year sentence and a
23 greater sentence, I suggest that even reduces it even further.
24 I don't know how you can get further than zero but it reduces
25 it even further because what you are talking about is the

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1 margins that someone is going to say, well, I won't do it -- I
2 will do it if it is 20 years in jail but I won't do it if it is
3 25. That's not generally deterrent. Even beyond the ordinary
4 scholarship on general deterrence that just even reduces it
5 even further. That is more disparity.

6 We have talked about the -- we have submitted the
7 figures on sentences in this district -- nationwide, and in
8 this district and that is another disparity to be avoided in
9 this case. Even people who commit intentional murder have, the
10 average is about 270 months. That's for intentional murder.
11 You need to keep that in mind when talking about disparity and
12 sentencing the person matching the offender, the circumstances,
13 and the offense. And I submit there is no justice in saddling
14 Mr. Ulbricht with all of that, with all of the general
15 deterrence, with all of the victim impact that occurs in every
16 case that no one else gets as part of their sentence that he
17 bears the burden of all of that.

18 I think, ultimately, we submitted 100 letters to Court
19 on his behalf. The number is not important, the quality is.
20 These are letters with detail, with specifics, people who
21 really know this defendant, who know Mr. Ulbricht, have known
22 him for a long time with a lot of different connotations. And
23 I said it in the papers, that is true. You can't reconcile
24 some of this. We acknowledge that. But that goes towards what
25 the purpose of sentencing is and how to achieve it with a

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1 reasonable, rational, appropriate sentence for Mr. Ulbricht.

2 I think those letters and I think all of the
3 information that the Court has including his own letter
4 demonstrate what Mr. Ulbricht is capable of in the future, that
5 the solution for pain is not more pain. The solution for
6 suffering is not more suffering. It is what is sufficient but
7 not greater than necessary to achieve the purposes of
8 sentencing.

9 So, I submit that down the road, even at 20 years,
10 that would be sufficient but not greater than necessary. No
11 one is going to look back and say that is too short. This is a
12 complex situation with a defendant who has a lot to offer in a
13 positive way, already has in his life to others in many ways,
14 and obviously this case represents a departure from that. The
15 question is are you going to shut it off completely? Shut it
16 off for how long? Or are we going to have an opportunity for
17 positive outcome somewhere down the road for this case because
18 we can't correct the other parts now. That's beyond our power.

19 Thank you, your Honor.

20 THE COURT: Thank you, Mr. Dratel.

21 Mr. Ulbricht, would you like to address the Court
22 before sentence is imposed?

23 THE DEFENDANT: Yes. Thank you.

24 Before you sentence me, your Honor, I want to tell you
25 about myself from my perspective. I recognize that it is hard

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1 to be objective when looking at one's self, but I do have a
2 unique point of view because only I know my thoughts and my
3 feelings and my motivations. And one thing I want you to know
4 is that I have changed. I'm not the man that I was when I
5 created Silk Road. I'm not the man I was when I was arrested.
6 I'm a little bit wiser and a little bit more mature and much
7 more humble.

8 I have spent 20 months in prison. For six weeks I was
9 in solitary confinement and, you know, there is very few
10 distractions in prison and I have spent a lot of time just
11 being with myself and grappling with the possibility that I
12 will never be free again and trying to come to grips with just
13 how I wound up in this situation, in this position, asking
14 myself where did I go wrong at various points along the way and
15 what should I have done differently. I wish I could go back
16 and convince myself to take a different path but I can't do
17 that. And I can learn from my past.

18 The testimony of these parents was incredibly moving.
19 I never wanted that to happen. I've essentially ruined my life
20 and broken the hearts of every member of my family and my
21 closest friends. I would never risk causing that kind of
22 heartache and loss ever again. If given another chance, I
23 would never break the law again.

24 One of the things I have realized about the law is
25 that the laws of nature are much like the laws of man. Gravity

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1 doesn't care if you agree with it -- if you jump off a cliff
2 you are still going to get hurt. And even though I didn't
3 agree with the law, I still have been convicted of a crime and
4 must be punished. I understand that now and I respect the law
5 and the authority now.

6 I also want to talk to you a little bit about my
7 character and my motivations. Since coming into the public eye
8 a lot of people have tried to characterize me and guess at what
9 my motivations were for creating Silk Road. As Mr. Turner
10 said, he believes it was for greed and vanity. I want you to
11 know that that is not true. I am just not a very greedy or
12 vain person by nature. I wasn't raised that way. I was taught
13 to share my blessings, to live, like, a humble, modest
14 lifestyle. I am not into status symbols or luxury, but more
15 than that, I remember clearly why I created the Silk Road. I
16 had a desire to -- I wanted to empower people to be able to
17 make choices in their lives for themselves and to have privacy
18 and anonymity. I am not saying that because I want to justify
19 anything that has happened because it doesn't. I just want to
20 try to set the record straight because from my point of view I
21 am not a self-centered sociopathic person that was trying to
22 express some, like, inner badness. I just made some very
23 serious mistakes.

24 Lastly, I would like to share with you what a second
25 chance would mean for me personally. I do love freedom. It's

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1 been devastating to lose it. If I had one more chance before I
2 pass on there are just little things, little joys that -- like
3 throwing a Frisbee to a dog in a park, you know? Or
4 Thanksgiving dinner with my family. That would mean a lot to
5 me. More than that, just being in the lives of my family
6 members and friends again. Decades from now many of them will
7 still be alive and if I take care of myself and stay strong and
8 sharp, if I do get out eventually I could possibly be a benefit
9 to their lives and not a burden on them. If there are any
10 children in my family at that time, nieces, nephews, what have
11 you, I could try to share the wisdom that I have gained with
12 them and try to help them out and not make the same mistakes
13 that I have. And, I also want you to know that it is just in
14 me to want to have a positive impact on our broader community
15 and my attempt at that with Silk Road ended in ruin, but if I
16 ever get the chance again I will be incredibly cautious and I
17 will make sure that anything I do, large or small, will only
18 have positive effects on those around me and will absolutely be
19 within the confines of the law.

20 I am so sorry to the families of the deceased.

21 Your Honor, I don't envy your position, it can't be
22 easy, but I want you to know that I am here and paying
23 attention and I am ready for whatever sentence you think is
24 wise.

25 THE COURT: Thank you, Mr. Ulbricht.

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1 What I would like to do is to take a break and to come
2 back in 10 to 15 minutes. I say that because while I don't
3 think I will need a break for 10 to 15 minutes, anybody who
4 leaves is going to have to come back in through security. So,
5 just be aware that you will have to go through again. So, I
6 want to give people time to get back in and get seated again.

7 I do think it is appropriate at this point to take a
8 break, so let's take a break for those few minutes.

9 Thank you.

10 (Recess)

11 THE COURT: In our system of law one Judge is tasked
12 with the very difficult and very serious responsibility of
13 passing judgment on another human being and it is a task which,
14 in my life, there is no more serious task. It is one I have
15 taken very, very seriously. I have spent well over 100 hours
16 on this sentence contemplating it, walking and being silent and
17 thinking about it, and running over and over and over it in my
18 mind from every angle I could think of.

19 I have tried very hard to come up with what is a just
20 sentence and in doing that I have tried to come up with what
21 does that even mean. And I have thought a lot about that.
22 What is justice? What is justice here? What does it mean
23 here? What does it mean here for you, Mr. Ulbricht, for this
24 defendant here now in our society at this time in this context
25 in which we find ourselves.

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1 I want to tell you how I arrive at my sentencing
2 decision but that will sound like some of the procedures, but I
3 want you to know the biggest part of the sentencing is just
4 thinking about each and every fact and consideration and
5 provision of law that I am required to look at again and again
6 and again from every possible angle.

7 Now, you have heard us talk about the guidelines. We
8 have to talk about the guidelines. We are required to come up
9 with what the appropriate offense level calculation is. We are
10 told that it is the first thing that we have to do and we have
11 to consider them. We have to consult them and I have done so.
12 But the guidelines, as your lawyer has said, which here are
13 life for you, the guidelines are not presumed reasonable. The
14 Court has to step back from what is otherwise a book of numbers
15 and look at the facts and the circumstances that are before it,
16 the human side of what is going on before the Court at that
17 time. The Court does that guided by the factors under the
18 statute, the federal statute that we call 3553(a) which is
19 where you find it in a book back when people actually looked in
20 a book, otherwise you enter it as a search time term and find
21 it online. 3553(a) requires that the Court look at certain
22 things. It requires that the Court look at the nature and
23 circumstances of the offense. I have to. It requires that I
24 look at the history and characteristics of the defendant; the
25 good and the bad, and to look hard and to make judgments that I

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1 can't possibly know if they're entirely right. They're my best
2 judgment with everything that I have applied to it. I can't
3 know you like you know you. I can't know you like your parents
4 know you. I can't know you like the people who gave birth to
5 you know you. But I have to try very hard to make a judgment
6 and I have to look at what I know about what you did that was
7 bad. And I have to, in all of this, ask for myself what is a
8 sentence that reflects the seriousness of the offense.

9 Now, the seriousness of the offense occurs in the
10 context of our society. It is not a seriousness of an offense
11 devoid of social context, it is what did you do here in our
12 community and I have to ask what is just punishment, as I said,
13 for that offense. What kind of punishment provides -- and I
14 have to look at it, the statute requires me to look at the
15 question of personal deterrence, general deterrence. These are
16 not things I can ignore. I have to ask whether there is any
17 educational, medical, vocational or correctional treatment that
18 suggests a particular sentence.

19 So, I have analyzed each and every one of these
20 factors here and I have analyzed them from every angle I can
21 possibly think of for you and it has been very, very difficult.

22 What sentence serves the ends of justice? I start
23 with the nature and circumstances of the crime and we have
24 talked about some of it already. The nature and circumstances
25 of the crime can be summed up as a planned, comprehensive, and

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1 deliberate scheme to do that which was unlawful and something
2 which posed serious danger to public health and to our
3 communities.

4 I, and you all know, that Silk Road was a worldwide
5 criminal drug enterprise with a massive geographic scope. And,
6 Mr. Ulbricht, you don't fit the typical criminal profile. And,
7 you know, it is not television or the movies here, right?
8 Where criminals look a little shady, their eyes are a little
9 shifty, they wear outfits that make them look like, you know,
10 criminals. You are educated. You have got two degrees; you
11 have a physics degree, you have a masters degree in applied
12 materials. You have an intact family. You have 98 people
13 plus yourself who are willing to write letters on your behalf,
14 maybe a hundred when the other ones had come in.

15 So, you are a complicated person and you are not the
16 typical criminal profile but this is real life and life is a
17 lot more collected than what we see in the movies or the kind
18 of people we might imagine as the typical criminals. We have
19 you and you're a criminal. And that word I know probably even
20 today may sound harsh to you but you stand convicted of seven
21 counts, we have now dismissed a couple of them, and you are now
22 to be sentenced on the rest.

23 Criminals are real life people. You are a real life
24 person. They're born to parents who love them, one hopes, if
25 they're lucky enough, as you were. And they're people who have

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1 relationships with other people in their lives who do not want
2 them to be incarcerated for any period let alone a very, very
3 long period. Those relationships are true, those are not fake.
4 You are not a criminal and then nobody loves you. That's not
5 the way the world works. Okay? So, not all criminals are bad
6 people in every way. People are much more complicated, they
7 are a fabric of different characteristics. But, how do I think
8 about you?

9 I think about the fact that you knew you were running
10 a criminal enterprise. And in the trial exhibit that is
11 Government Exhibit 229D you stated at one point in a
12 communication, Gosh -- and I will quote it in a moment later --
13 When my friends ask me why don't you do this? Why don't you do
14 that? I don't have enough time. I'm running a multi-million
15 dollar criminal enterprise. It wasn't game and you knew that.
16 It was an enterprise the stated purpose of which -- the stated
17 purpose of which -- was to flout the law, to be outside of the
18 law, to be beyond the law.

19 In the world that you created over time, democracy
20 that we had set up with our founding fathers that provide for
21 the passage of laws and the enforcement of those laws through
22 our democratic process did not exist. It wasn't about
23 democracy.

24 You were captain of the ship, as the Dread Pirate
25 Roberts, and you made your own laws and you enforced those laws

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1 in the manner that you saw fit. So, it wasn't a world without
2 restriction. It wasn't a world of ultimate freedom. It was a
3 world of laws that you created, they were your laws. It is
4 fictional to think of Silk Road as some place of freedom. It
5 was a place with a lot of rules and if you didn't comply with
6 the rules you would be bumped out of Silk Road, you would have
7 various kinds of things done to you that are all set forth in
8 the seller's guide, and here and there, and ultimately there
9 were, of course, some commissioned murders for hire when people
10 were making threats against the enterprise.

11 So, I don't find supportable the argument that the
12 website was started by an impulsive or naive young man. I give
13 you a lot more credit than that. I don't think you did
14 something thoughtless, I think you did something very, very
15 thoughtful with which I disagree entirely. I disagree with the
16 choice that you made but I don't think it was a choice that you
17 made without giving it deep thought.

18 I don't find supportable the argument that Silk Road
19 was an economic experiment. It was, in fact, a carefully
20 planned life's work. It was your opus. It may have been based
21 on some theory or some philosophy that you held, but it was no
22 experiment of philosophy and provides no excuse. You wanted it
23 to be your legacy -- you said that in some of the
24 communications introduced at trial -- and it is. It was a
25 project that you had an idea for, you carefully nurtured it,

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1 you took deliberate acts to set it up over years to put your
2 plan into motion and to perfect it and to continue to perfect
3 it and to improve it. That was not anything impulsive. That
4 is not the definition of impulsive. There was no experimental
5 quality to it, it was slick, it was professional, it was built
6 to last. And, but for the very hard and creative work of law
7 enforcement, it would still be going right now.

8 You spent several years very carefully planning the
9 site and designing carefully considered methods of avoiding
10 legal detection both for yourself, for your vendors, and for
11 your customers, and you sought in all of these ways to put
12 yourself above the law. There are so many documents which
13 demonstrate that that were introduced at trial.

14 You wrote the code and worked with others to perfect
15 it and others helped you with code and wrote some code for you.
16 You designed the terms of service, the seller's guide at
17 Government Exhibit 120, which advised the Silk Road clients on
18 anonymity, on how to sell things in stealth mode, how to use
19 stealth listing; that when vendors sell drugs they should do so
20 through the U.S. Postal Service which needs a warrant to open
21 packages, that to avoid detection in terms of smell how to do
22 that or who to talk to about it and how to "creatively disguise
23 the packages."

24 All the evidence shows that you viewed Silk Road both
25 as above the law and the laws didn't apply, and in this context

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1 the fact that the laws are what distinguished us from what is
2 uncivilized that they are the embodiment -- laws are the
3 embodiment -- and they are the manifestation of our democratic
4 process. When that gets lost, it becomes meaningless.

5 Silk Road's birth and its presence asserted that its
6 creator -- you -- and its operator -- were better than the laws
7 of this country and there are posts which discuss the laws as
8 the oppressor and that each transaction is a victory over the
9 oppressor. This is deeply troubling and terribly misguided and
10 also very dangerous.

11 Your own words I have looked at very carefully and I
12 have reread certainly more than once in this whole process.
13 They reveal a kind of an arrogance and they display an intent
14 that is very important to the Court's determination, and the
15 Court will go through some of the chronology of putting some of
16 your words into chronological order here now and I will give
17 you the Government's Exhibits but they're exhibits that were
18 all introduced at trial and which were all very, very familiar.

19 In GX 240A you wrote in 2010 that you began -- or
20 about 2010 that you began working on a project that had been in
21 your mind for over a year indicating, of course, the lack of a
22 last minute lightbulb going off, this was a well-planned
23 project, and you say: "The idea was to create a website where
24 people could buy and sell anything anonymously with no trail
25 whatsoever that could lead back to them." And that is not so

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1 much about the economics of it, of an economic experiment, that
2 is about a method of law evasion.

3 Then you state that, "I finally decided I would
4 produce mushrooms so that I could list them on the site for
5 cheap to get people interested." Then you describe the process
6 of making several kilos of mushrooms and selling them.

7 Then in 2011 you wrote: "I am creating a year of
8 prosperity and power beyond what I have ever experienced
9 before. Silk Road is going to become a phenomenon at least one
10 person will tell me about it, unknowing that I was its
11 creator."

12 Government Exhibit 240B; in 2011 you described the
13 technical build of the site and said that, "before long,
14 traffic started to build."

15 Also in 2011, you wrote proudly that Silk Road was
16 getting its first press from Gawker but you also wrote that two
17 senators came out against the site. And then you said: "I was
18 mentally taxed and now I felt extremely vulnerable and scared.
19 The U.S. government, my main enemy, was aware of me and some of
20 its members were calling for my destruction." And then you
21 changed your name to Dread Pirate Roberts; you devised a cover
22 story.

23 You say in Government Exhibit 240C in December of
24 2011, "Everybody knows too much. Dammit."

25 Government Exhibit 240D, January 1, 2012 you write,

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1 "Well, I am choosing to write a journal for 2012." And
2 footnote, it is still unclear to me why you ever wrote a
3 journal. But putting that aside, "I imagine that some day I
4 may have a story written about my life. It would be good to
5 have a detailed account of it."

6 In Government Exhibit 226A in March of 2012 you and
7 some employees run a promotional campaign with a prize for a
8 participant. In messages introduced at trial you point out to
9 your colleagues that it is a worthwhile thing to do and state:
10 "We will be doing a mil in sales" -- which I read as a million
11 but it says -- "a mil in sales every week at full commission
12 before long. I think it's leading by example for the vendors.
13 They will be more generous if we are. And we are selling drugs
14 here. First one's free, little Johnny. Damn, that sounds
15 awful." Followed by your colleagues saying, "Ha." And then
16 you say: "Sponge Bob canoe and life-size my little pony with
17 every hash purchase of 50 bitcoins or more."

18 And in Government Exhibit 226E in March of 2012, so we
19 are in the same time frame, you were discussing with an
20 individual called VJ -- Valerie Jones -- Variety Jones --
21 getting alternative citizenship because you were planning your
22 exit, and you stated that you already had your banking plan
23 worked out and your living plan worked out.

24 You also wrote additional messages in May of 2012 that
25 reveal that the winner of the Silk Road promotional contest had

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1 actually been trying to, unfortunately, dry out from heroin.
2 And you were told that the influx of cash as a result of that
3 promotional My Little Pony campaign didn't help and it is clear
4 that he has relapsed and that Silk Road had made it too
5 difficult. And you stated, "shoulda thought more carefully
6 about dropping 4K on an addict so maybe our next prize will be
7 three months in rehab."

8 And then, Government Exhibit 226E in May 2012, this
9 fellow VJ advises you to carefully create and nurture a public
10 persona and you respond "I'm not complaining about any of this,
11 great fucking problem to have."

12 Then, in 229C, still in May 2012, you were informed
13 that a vendor is selling cyanide. You were told, "it's only
14 the most well known assassination suicide poison out there."
15 And you consider whether to allow it to be sold because you are
16 the decision maker. In prior statements you had said that
17 things would not be sold that would harm another but within six
18 minutes from the start of this chain of this communication you
19 had made the decision that it is okay to sell cyanide.

20 In Government Exhibit 229D, that fall in October of
21 2012, you tell VJ that you have a little alibi for friends and
22 family and that "I'm clever so I can BS when I need to." And
23 that, "friends will tell me shit like, why don't you do this or
24 that, like I have all this free time. I just want to scream at
25 them 'because I'm running a goddammed multi-million dollar

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1 criminal enterprise.'" "

2 Then, in January 2013, you discuss with an employee
3 the risks of working for Silk Road. And when you are
4 discussing getting caught which the individual is concerned
5 about you state, "put yourself in the shoes a prosecutor trying
6 to build a guess case against you. What evidence could they
7 pin on you?"

8 Then, in Government Exhibit 241, March 2014, you wrote
9 a journal of short snippets of your day and you write -- and
10 each of these snippets is going to be one after another,
11 they're just tiny snippets with a period in between:

12 March 28: "Being blackmailed with user info. Talking
13 with large distributor, (hell's angels)."

14 Then, March 29th: "Commissioned hit on blackmailer
15 with angels."

16 April 1: "Got word that blackmailer was executed.
17 Created file upload script." So, you went back to the
18 technical work right after getting word that the blackmailer
19 had been executed. "Started to fix problem with bond refunds."

20 Government Exhibit 936 details communications relating
21 to that hit further. Apparently you were sent a photo of the
22 hit. The photo was no longer in existence, you acknowledge
23 receiving the photo and deleting it.

24 A short time later you wrote, on April 6: "Make sure
25 backup crons are working. Gave angels go ahead to find

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1 tony76." Who was the subject of the next hit. "Cleaned up
2 unused libraries on server."

3 Two days later on April 8 you write: "Sent payments
4 to angel for hit on Tony76 and his three associates. Began
5 setting up hecho as standby" -- I have no idea what that is --
6 "refactored main and category pages to be more efficient."

7 These are the words of a man who knows precisely what
8 he is doing and they're the words of a man who is callous as to
9 the consequences or the harm and suffering that it may cause
10 others.

11 You joke about an addict unable to contain his
12 addiction because of Silk Road and you seek to kill people that
13 you don't even know -- these are the words of a criminal and
14 that is truth.

15 The crimes as to which you stand convicted,
16 Mr. Ulbricht, are crimes which are intentional, they occurred
17 over a lengthy period of time, you knew exactly what you were
18 doing. This was not some sort of experiment, it wasn't some
19 sort of game. This is the general nature of Silk Road.

20 We have talked a lot about the drugs. There were a
21 vast array of narcotics. Silk Road is about fulfilling demand
22 and creating demands. It was market-expanding. It was market
23 fulfilling and market expanding and there are numerous facts in
24 the record that support this.

25 The facts brought out in connection with the victims'

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1 death provide evidence of first-time and expanded usage.
2 Mr. Duch, at trial, talked about becoming a new drug dealer for
3 the very first time. There are numerous messages with Dr. X in
4 which people discuss using a drug for the very first time.

5 There is no reason to believe and certainly we cannot
6 know whether, in the absence of the ease of use of privacy and
7 the other features of Silk Road, that these first-time users or
8 those trying different drugs for the first time would have done
9 so in the absence of Silk Road. It is just wishful thinking to
10 believe that Silk Road was a zero sum game.

11 Silk Road also distributed drugs anywhere that the delivery
12 service would take it worldwide -- DHL, Fed Ex, USPS --
13 bringing drugs to communities that previously may have had no
14 access to such drugs or in such quantities. That was an
15 assault on the public health of our communities.

16 In short, there is supportive evidence from which
17 reasonable inferences may be drawn that Silk Road grew the
18 market for certain drugs and certain suppliers, no doubt
19 leaving a trail of drug users and drug dealers in its wake.
20 You could buy heroin, crack, cocaine, meth, MDMA, steroids,
21 prescription pills. If it wasn't available that wasn't because
22 it was excluded from the site. You could have it shipped
23 anywhere. A vendor could have shipped it anywhere.

24 The quantities are staggering, we talked about those,
25 and there are materials by the defense that suggest that the

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1 drug laws -- and these are particularly why the articles are
2 misguided in many respects and also the harm-reduction
3 arguments are implicitly based upon much of that, and it is
4 rare in a sentencing to have the restrictions on drug
5 distribution to safeguard public health as something that we
6 need to argue about. And, in fact, we don't need to argue
7 about it but I think it is worth addressing given the attention
8 that it has gotten here.

9 There appears to be, in some of these articles that
10 were presented to the Court, some view that there is a moral
11 ambiguity about some of the drug distribution. There is no
12 moral ambiguity about it. It was just wrong. And that is what
13 our democratic process had said and there is a way to change
14 the law but it is not by doing what occurred.

15 No drug dealer from the Bronx selling meth or heroin
16 or crack has ever made these kinds of arguments to the Court.
17 It is a privileged argument, it is an argument from one of
18 privilege.

19 Let me start with the basic proposition: The impact
20 of heroin, crack, and meth sold in the Bronx, the impact of
21 those drugs sold in the Bronx are no better for our society
22 than those drugs that were sold through Silk Road. When those
23 drugs arrive it is the same drugs. You are no better a person
24 than any other drug dealer and your education does not give you
25 a special place of privilege in our criminal justice system.

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1 It makes it less explicable why you did what you did.

2 The social costs of drugs are manifest. The user is
3 only one part of the equation, that is where much of this harm
4 reduction argument comes from and it is focused on the user.
5 The user is one part of a massive, massive worldwide scheme of
6 drug trafficking and if you sat where I sat you would see that
7 the user is not -- it is not -- it is the tail wagging the dog,
8 it is the end. So, harm reduction focused on the user is
9 missing the point.

10 It is a fantasy, it is magical thinking to believe
11 that drug use can occur widely only in private places in some
12 sort of cocoon involving no one other than the user and never
13 involving what is surely predictable collateral damage, so
14 let's just talk about what some of the well known social costs
15 are that are necessary to talk about because of the articles
16 that were submitted.

17 Some drug users may lead functional lives day to day
18 or they may not. But, you don't know. Or, they may for a time
19 and they may not be able to sustain it.

20 Many drugs on Silk Road were highly addictive. Many
21 have harmful side effects. Many people have unpredictable
22 reaction. Repeated use of highly addictive drugs leads to a
23 host of clear social costs, costs that we all pay: People lose
24 the ability to function, they lose their jobs, they lose their
25 income, they lose their ability to have meaningful

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1 relationships and sustain those relationships. They lose their
2 ability to care for children and then those children get
3 neglected and then those children grow up and those children
4 grow up with models of parents who have been drug users and
5 addicts and may have had to engage in crime to sustain their
6 habits.

7 Another cost of addiction is an out-of-control life
8 and a life that is out of control can lead to assaults on loved
9 ones, to assaults on random strangers, to assaults on one's
10 self.

11 You can lose your home and then society picks up the
12 cost of the homeless families, the homeless kids, of the
13 parents who were drug addicts. There may be a social cost to
14 food stamps or welfare when people can't afford their food and
15 their kids can't afford the food because they can't have jobs
16 anymore because their drug addiction has driven them to such a
17 state.

18 The social costs associated with arrests for crime
19 committed to support the habit. Not the hand-to-hand drug deal
20 but when those people are addicted and when those people are
21 desperate, they're often stealing. They're stealing to support
22 the habit. That's robbery, it is burglary, or it is worse and
23 that violence was not taken into account in the articles that I
24 read. And, there is the cost of lawyers for the indigent
25 defendants who are then arrested for these crimes and then who

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1 are brought in to court not for drug crimes but for the violent
2 crimes that are the collateral effect of some of those drugs.

3 There are certainly costs in terms of medical expenses
4 that we, as a society, have to pay for the medical care
5 resulting from worsened use of drugs, from the individuals who
6 have medical conditions worsened by drugs.

7 The social impact of violence. Let there be no
8 mistake, there is no way in the world that Silk Road could
9 actually reasonably be expected to reduce violence. I have
10 reviewed each and every one of the articles that were submitted
11 and those articles have a very narrow focus and they fail to
12 deal with many of the very obvious facts.

13 Major violence on the streets during the hand-to-hand
14 transaction. That's been the focus of so much so-called harm
15 reduction argument. It is really, I think, quite misguided.

16 The facts are clear and there are just cases
17 everywhere about the way the drug world works, that drugs are
18 made available, first of all on the website itself, it shows
19 drugs made available in wholesale quantities; kilos of this,
20 kilos of that. So, it is not just hand-to-hand. All right?
21 So, those drug dealers, when they go out, where is the
22 hand-to-hand harm reduction for them? And drug dealers are
23 targets of violence. So, when they get their express mail
24 package in the mail and it is sitting in their apartment, are
25 they not the targets of somebody coming in? Does the mailman

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1 not show that he is delivering a package to John Doe?

2 But, there are also other places where the violence
3 comes in and so the violence isn't going to go away with one
4 Silk Road or with a thousand Silk Roads. Drug usage creates
5 demand. Silk Road, in part, based on the evidence we have
6 already seen, created people who hadn't tried drugs before that
7 was increasing the demand for certain drugs and Silk Road
8 wasn't making the drugs so the drugs are going to be made
9 elsewhere.

10 Let's take Afghanistan or Mexico as the place for
11 poppies for heroin. As we know, there is all kinds of violence
12 in terms of the production of drugs and Silk Road can't reduce
13 that violence because it is not involved in that part of the
14 chain. But, when it expands the market it is expanding the
15 demand on that part of the chain and it is a step in the chain.
16 So then, what happens next? Then there is a valuable cargo.

17 That valuable cargo comes from place A to place B.
18 The valuable cargo comes into this country or goes into
19 Colombia or somewhere else and there is violence down there.
20 When you have a demand-expanding operation such as Silk Road
21 there is more demand for cargo and there is going to be
22 whatever violence that results. So, Silk Road is not involved
23 in these initial stages.

24 The drugs arrive here, they arrive in large
25 quantities. So, maybe the next step is further distribution.

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1 Maybe there is going to be some ease of distribution at that
2 time and Silk Road can claim credit for that or not, but the
3 idea that it is harm-reducing is so very narrow and it is
4 talking about such a privileged group able to sit in the
5 privacy of their own home with their high-speed Internet
6 connection.

7 So, this is our real world. Our real world, if we
8 make it easy and possible to buy and use drugs, are we helping
9 society? Or are we hurting society? And these are the
10 questions I have to ask. These are the values of our country.
11 Our country has made determinations through our democratic
12 process. So, I don't want to defend the drug laws. I don't
13 think it is necessary to. But, the facts that I have described
14 are clear every day in the newspapers. So, there is broad and
15 unrelenting violence known and easily observed from the facts
16 before the Court.

17 So, let's talk about your own violence.

18 So, we also have your own violence and there is no
19 doubt -- really none -- that you wanted to and paid for the
20 murders of five people to protect your drug enterprise. That
21 is not the conduct of conviction but it is relevant conduct, so
22 how is that consistent with harm reduction?

23 The submissions by the defense experts that you folks
24 put in say that we should ignore that because it wasn't
25 charged. But, that doesn't mean it didn't happen. How do you

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1 ignore that? I just really don't understand that argument at
2 all. It happened, it is there in black and white. Now, did
3 the murders happen? Well, they can't find any bodies.

4 Did you commission a murder? Five? Yes.

5 Did you pay for it? Yes.

6 Did you get photographs relating to what you thought
7 was the result of that murder? Yes.

8 So, I have read many articles about the harm reduction
9 and it is just fantasy.

10 What Silk Road really was was a social market expander
11 of a socially harmful drug that we have deemed in our
12 democratic process to be unacceptable and it was an enabler of
13 those trying so very hard to get away from it.

14 The Court notes that there is the presence of Dr. X
15 who deserves special mention in his particularly despicable --
16 that he has been pointed to as a big part of the harm
17 reduction. I have read each and every post of Dr. X and I was
18 blown away and infuriated by it. A doctor who wants to sell
19 Fentanyl patches? Expired Fentanyl patches?

20 So, it is absolutely clear that Dr. X is part of the
21 problem, he is not part of the solution and, again, it is
22 magical thinking to think so. So, let's talk about Dr. X
23 because he is an absolute enabler. He is a positive marketing
24 event to get people to use drugs. Does that mean that he never
25 ever helped people discuss how to titrate down on certain

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1 drugs? No. I'm not suggesting he didn't do that. I'm
2 suggesting that having somebody there who can also say, Hey,
3 yeah, ecstasy is not a bad thing, here is how you do it.
4 That's fine. That's enabling.

5 The first post of Dr. X on Exhibit 4 in Ms. Lewis'
6 affidavit is an example of the problem. He is told that an
7 individual has never done MDMA -- ecstasy -- but is interested
8 in exploring it. -- market expanding -- The individual
9 discloses that he has Type 1 Diabetes. Dr. X states that MDMA
10 would be okay nonetheless, that "dramatic changes in glucose
11 are not expected." He states that a danger is that MDMA could
12 make the user forgetful, that he might forget to test his
13 sugar, so he recommends the individual set an alarm clock. He
14 states: "I think with that, it should be enough."

15 This doctor has got a guy with Type 1 Diabetes, knows
16 nothing else about him, about to try MDMA. This is
17 breathtakingly irresponsible. It does not take a physician to
18 see this as plain common sense.

19 So, he was here and elsewhere encouraging
20 experimentation in very dangerous circumstances to another who
21 has disclosed using Lexapro, an anti-depressant, who wants to
22 use MDMA. Dr. X encourages him that he will not feel the full
23 extent of the effects of ecstasy until he has "abandoned"
24 Lexapro.

25 The irresponsibility of this statement given that this

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1 is a person who may have depression already -- he doesn't know
2 if Lexapro is prescribed for depression or something else --
3 and given the possible known effects of MDMA which include
4 further depression possibly afterwards, is breathtaking.

5 In another post he glibly advises that "all drugs are
6 absolutely harmless. They won't, in his words, assault you or
7 rape you.

8 To an 18-year-old who states he is concerned that he
9 has a developing brain Dr. X advises: "but given how you're on
10 Silk Road and your mannerism of speaking, be careful, and I
11 feel you'll be fine. Stick to psychedelics."

12 Another asked about combining MDMA with an SSRI and
13 Dr. X advises that there is a theoretical risk but, in his
14 opinion, it is overestimated.

15 And in a private message between Dr. X and an
16 individual he states to the individual he will sell him 75
17 milligrams of Fentanyl patches. He shipped them from Spain.

18 So, he puts in a declaration in this matter and says
19 he is unaware of a single overdose associated with Silk Road.
20 I asked the question about the woman curled up in the fetal
21 position he had been told about and then he then did respond.
22 But, what he is doing is enabling and what he is doing is
23 breathtakingly irresponsible.

24 The other declarants also described why Silk Road is
25 harm reducing and none consider the upstream or the collateral

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1 violence and the social costs that I have described. There has
2 been much focus on the drug trafficking but there, of course,
3 that is only one aspect of the site. There is also a wide
4 array of computer hacking tools available and fake
5 identification documents. What kind of harm reduction can be
6 found there? What kind of harm reduction can be found in the
7 sale of computer hacking tools? What kind of harm reduction
8 can be found in fake identification documents? Did anybody
9 expect them to be posted on the wall and just looked at? No.
10 The expectation, the reasonable expectation would be use. So,
11 that's fraud. How is that harm reduction in our society? Is
12 it harm reduction to the fraudster user? Maybe. Is it harm
13 reduction to the recipient? Oh, most certainly not.

14 So, general deterrence.

15 So, defense counsel has argued that general
16 deterrence, through sentencing, is illusory. And I have
17 listened very closely. I have read very, very closely the
18 articles and interestingly, in a study cited by defense
19 counsel -- which is Kleck as the lead author -- the author
20 acknowledges, right towards the back of the article, "It is
21 also possible that unusually highly publicized punishment
22 events may generate deterrent effects that the routine, largely
23 unpublicized punitive activities of the criminal justice system
24 ordinarily do not."

25 This is a case in which general deterrence plays a

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1 particularly important role. This is one of those cases. It
2 is a case without serious precedent. What you did was
3 unprecedented and in breaking that ground as the first person
4 you sit here as the defendant now today having to pay the
5 consequences for that.

6 There is significant public interest in this case in
7 terms of the social utility analysis or any kind of risk reward
8 analysis. For those considering stepping into your shoes,
9 carrying some flag, some misguided flag, or doing something
10 similar, they need to understand very clearly and without
11 equivocation that if you break the law this way there will be
12 very, very severe consequences.

13 You don't bear only the general deterrence you also
14 bear the responsibility for the other factors as well. That is
15 just one element in the analysis.

16 For personal deterrence it is also an issue here. It
17 is clear you did lead a double life. Frankly, I can't make a
18 judgment about which of you to know, which of you to rely on,
19 and which of you to believe. You were able to create an
20 identity for friends and family that was entirely different
21 from that which was separate from the sweeping criminal
22 enterprise that you ran. In the quotes that I have already
23 read you stated you changed your name, developed an alibi, you
24 were able to BS when necessary. And I take you at your word in
25 that, that you were able to do all of those things.

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1 It is notable that you were prepared to flee; that
2 having acquired new identification because you acquired your
3 own array of fake identification -- nine of them -- that you
4 were in the process of obtaining alternative citizenship. You
5 had flown down to Dominica, had an interview and filled out the
6 form and were doing that. You just didn't pull the trigger
7 fast enough.

8 It is also notable that the reasons that you started
9 Silk Road were philosophical and I don't know that it is a
10 philosophy left behind. And except for your family and friends
11 and the statement you made today, I don't know that you feel a
12 lot of remorse for the people who were hurt. I don't know that
13 you believe you hurt a lot of people. I don't think you know
14 that you hurt many.

15 Let me comment now on the many letters of support you
16 received discussing your character. I read each and every one
17 of them with care. I have read them more than once. They are
18 beautiful letters. These are letters written by a vast, broad
19 array of people which are a statement that is extraordinary for
20 you because they are, as I said earlier, from every phase of
21 your life and they tell different stories and they tell
22 different anecdotes about you. They reveal a man who was
23 loved, who has built enduring and significant relationships
24 over a lifetime and maintained them. The letters reveal you as
25 intelligent, that you displayed great kindness to many people,

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1 that people believed in you when you were younger and believe
2 in you still. The letters that your supporters wrote express
3 experiencing great pain at your incarceration and concern for
4 your future. Most letters ask this Court to impose the lowest
5 possible sentence and those that do not, they don't see it one
6 way or another. Nobody is asking for anything else. The
7 letters are profoundly moving.

8 I have thought about them and read them over and tried
9 to reconcile them with the facts I know about this case. There
10 is no reason to make a choice between these two people that I
11 see that are on display -- the Ulbricht who is the leader of
12 the criminal enterprise and the Ulbricht who is known and
13 loved. What is clear is that people are very, very complex and
14 you are one of them. They are made up of many different
15 qualities and many characteristics with no one quality defining
16 them. And there is good in Mr. Ulbricht, I have no doubt, but
17 there is also bad, and what you did in connection with Silk
18 Road was terribly destructive to our social fabric.

19 Now, there have been the issues of sentencing
20 disparities raised. Defense counsel raised that in his letter
21 of May 28th and also today with respect to Mr. Nash. Mr. Nash,
22 who was sentenced before Judge Griesa to time-served, that was
23 17 months. That individual was a moderator for a period of
24 time on Silk Road. He was a very, very different person than
25 you. It's a person way up on top of the hierarchy and a person

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1 way down in the hierarchy. In any event, he was given a
2 downward role adjustment for having a non-leadership role, a
3 minor role. He was also safety-valve eligible and he made
4 proffers to the government. Also, his sentencing transcript
5 was 8 pages long. It must have lasted -- I don't know -- 10
6 minutes? And, there is no rationale. So, you are not
7 similarly situated but nor can anybody draw any kind of
8 comparison based upon any rationale that was put forward.

9 Now I want to talk about forfeiture because I am going
10 to go into the imposition of sentence but I am going to do
11 forfeiture first.

12 The government seeks forfeiture here in the amount of
13 \$183,961,921. The superseding indictment contains a forfeiture
14 allegation as to all seven counts but of course we have
15 dismissed certain counts.

16 The Court finds that \$183,961,921 is subject to
17 forfeiture pursuant to the applicable statutes and that is
18 21 U.S.C., Section 853(a) (1) as to Counts Two and Four, and
19 14 U.S.C. 982(a) (2) (B) as to Counts Five and Six, and 18 U.S.C.
20 982(a) (1) as to Count Seven.

21 Rule 32.2(b) (1) of the Federal Rules of Criminal
22 Procedure outlines the procedures for criminal forfeiture.
23 After a guilty verdict is returned on a count with respect to
24 which the government has sought criminal forfeiture, the Court
25 must determine what property is subject to forfeiture under the

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1 applicable statute. If the government seeks that personal
2 money judgment, the Court must determine the amount of money
3 that the defendant will be ordered to pay. The government must
4 establish the nexus between the offense and the forfeiture
5 requests by a preponderance of the evidence. *Capoccia*, (2d
6 Cir. 2007).

7 Under 21 U.S.C. 853(a)(1) and 982(a)(2)(B), the
8 government is entitled to forfeiture of proceeds obtained
9 directly or indirectly as a result of the offenses in Counts
10 Two, Four, Five and Six.

11 Under the Second Circuit's decision in *Contorinis* (2d
12 Cir. 2012), the Court may order the defendant to forfeit
13 proceeds received not by him but "by others who participated
14 jointly in the crime, provided the actions generating those
15 proceeds were reasonably foreseeable to the defendant." I
16 find, by a preponderance of the evidence, that they were.

17 Here, the government has established by a
18 preponderance of the evidence that the sales of Silk Road of
19 illegal drugs total at least \$182,962,583 and that the sales of
20 false identification documents totaled at least \$1,001,636.
21 And that is Government Exhibit 940A and Government Exhibit
22 940B.

23 At trial, Brian Shaw testified that these figures
24 reflects Silk Road sales specifically categorized in
25 transactional records (Transcript 1929:1 through 1934:13) and

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1 that these sales were foreseeable to the defendant in his role
2 as the Dread Pirate Roberts.

3 In addition, under 982(a)(1) the government is
4 entitled to forfeiture of property, real or personal, involved
5 in the money laundering offense in Count Seven.

6 The Circuit has held even where a defendant does not
7 retain money laundered property he will be subject to
8 substitution of assets, i.e., a money judgment, so long as he
9 conducted at least three separate transactions in any 12-month
10 period involving at least a total of \$100,000 or more. I
11 should mention that money laundering allowed people on the
12 website to exchange money that, circumstantially the inference
13 is clear, was obtained for one purpose to exchange it into
14 currency and cash out and launder that money.

15 So, in this case, all funds passing through Silk
16 Road's Bitcoin-based payment system were involved in the money
17 laundering offense in Count Seven. The Bitcoin-based system
18 promoted and facilitated illegal transactions on Silk Road and
19 concealed the proceeds of those transactions. It also
20 concealed the identities of and locations of users. Government
21 Exhibit 119; it is Mr. Der-Yeghiayan's testimony.

22 The defendant was involved in laundering well beyond
23 \$100,000 through many more than three transactions over a
24 12-month period. That evidence is clear and I find it by far
25 more than a preponderance of the evidence. He is liable for

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1 all the funds that passed through Silk Road regardless of
2 whether he personally retained them.

3 I also note that the forfeiture amount is not an
4 "excessive fine" under the Eighth Amendment but I say it sua
5 sponte given that is over \$180 million. While the amount is
6 significant, it is no more significant than the revenue that
7 was generated through the sales of illegal drugs and fraudulent
8 identification documents on Silk Road and money laundering, a
9 criminal enterprise which the defendant designed and operated.

10 Accordingly, the Court does find that \$183,961,921 is
11 subject to forfeiture and hereby enters an order of forfeiture
12 pursuant to 32.2(b) (2) and I will sign the order following this
13 proceeding.

14 The Court is not going to impose restitution. While
15 there are victims that are harmed, it is not quantifiable in
16 terms of money damage.

17 Let me go back now to the other aspects of sentencing.

18 The guidelines here as we know are life, but the Court
19 has made an independent inquiry under 3553(a) and my sentence
20 is not a Sentencing Guideline sentence. I have given the
21 sentence a great deal of thought, as I have said, and I have
22 considered each potential increment of time and I have
23 considered that in terms of what it means to you, what it means
24 to other people in your family, and also what it means to
25 others in our society who are appropriately considered under

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1 3553(a) and to the extent that they are.

2 I have examined each potential year of incarceration
3 carefully and I am humbled by this responsibility that requires
4 one person to judge another and that one judge can sit in our
5 society and determine what society deems an appropriate and
6 just sentence. But, I was appointed to do this task and I sit
7 here as a representative of our society and I sit here with a
8 flag of the United States of America representing our
9 democratic process and it is to me to mete out a just sentence
10 and preserve the safety of our community so I take this very
11 seriously. I must impose a just sentence taking into account
12 all applicable factors.

13 It is with all of that in mind that I now pronounce
14 the remainder of the sentence. So, Mr. Ulbricht, would you
15 please stand, sir?

16 Mr. Ulbricht, it is my judgment delivered here, now,
17 on behalf of our country, that on Counts Two and Four you are
18 sentenced to a period of life imprisonment to run concurrently;
19 on Count Five you are sentenced to five years' imprisonment to
20 run concurrently; on Count Six, you are sentenced to 15 years'
21 imprisonment also concurrent; and for money laundering in Count
22 Seven, you are sentenced to 20 years, also concurrent.

23 In the federal system there is no parole and you shall
24 serve your life in prison.

25 I make this judgment mindful of the tremendous pain

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1 that I am causing you and all of those who you love. I make
2 this judgment mindful of the crimes that you have committed and
3 the needs for the severest possible penalty to be imposed.

4 There must be no doubt that lawlessness will not be
5 tolerated. There must be no doubt that no one is above the
6 law, no matter the education or the privileges. All stand
7 equal before the law. There must be no doubt that you cannot
8 run a massive criminal enterprise and, because it occurred over
9 the Internet, minimize the crime committed on that basis.

10 After deep contemplation and much searching, I believe
11 that this sentence and no other is sufficient but not greater
12 than necessary to meet the factors under 3553(a).

13 In the unlikely event that you are ever released, I
14 also impose a period of lifetime supervised release on Counts
15 Two and Four to run concurrently; three years on Counts Five,
16 Six and Seven to run concurrently; and the usual conditions
17 shall be imposed. There will be a special condition that you
18 will have to submit your person, computer, and place of
19 residence to reasonable searches by the probation office.

20 There is a required special assessment of \$100 for
21 each count on which you are sentenced which is \$500 because
22 there are only five remaining counts.

23 I do not impose a fine because the Court has imposed a
24 very large forfeiture order.

25 Counsel, is there any legal or other reason why

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1 sentence cannot be imposed, as stated?

2 MR. TURNER: No, your Honor.

3 MR. DRATEL: No, your Honor; other than what we have
4 already stated on the record.

5 THE COURT: The Court does impose the sentence, as
6 stated.

7 Mr. Ulbricht, you have a right to appeal. Any notice
8 of appeal must be filed within 14 days of the filing of the
9 judgment of conviction in this matter. If you cannot afford
10 the costs of appeal, those costs shall be waived and you can
11 apply to proceed in forma pauperis to have those costs waived.

12 Now, the defendant made an application to the Court to
13 recommend that he be housed in a facility that may be at a
14 lower security level than he would otherwise score. I decline
15 to do so. The BOP is best positioned to determine where the
16 defendant is housed. I will, however, make a recommendation he
17 be housed in New York, Arizona, or Florida, if possible.

18 There is also a Rule 38 application that the Court
19 recommend that he not be designated to another facility pending
20 appeal in order to assist with that appeal. I do grant that
21 motion and the Court will make that recommendation. So,
22 Mr. Ulbricht, to the extent that the Court's recommendation is
23 followed, you would be housed in the New York area until your
24 appeal has been completed or whatever appropriate time is
25 determined by the BOP.

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1 Anything further?

2 MS. LEWIS: Yes, your Honor. We would like to ask for
3 specific language regarding the designation request after
4 further consultation with the family.

5 First, while we understand that you don't -- we will
6 be asking for the waiver of the public safety factor in light
7 of the fact that the BOP still has the authority to do so. If
8 they determine so, we would ask if they do waive that, that he
9 be designated to FCI Petersburg 1 which is a medium, and that
10 you would recommend that they do so in light of the fact that
11 Mr. Ulbricht's family is in the Richmond area. And, in the
12 alternative, if they don't waive the public safety factor,
13 designation USP Tucson or as a second choice USP Coleman 2 on
14 the basis that both of those facilities have special needs
15 yards which are more appropriate.

16 (Defendant and counsel conferring)

17 THE DEFENDANT: Second choice Allenwood.

18 MS. LEWIS: Second choice Allenwood, then.

19 That's all, your Honor.

20 THE COURT: So, the Court will make a recommendation
21 that while the BOP should determine the appropriate security
22 level, if its determination is such that designation at one of
23 those facilities is possible, that the Court recommends that
24 the housing occur in that facility in that order. All right.

25 Anything further?

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1 MR. TURNER: The original indictment should be
2 dismissed, your Honor.

3 THE COURT: Thank you. The original indictment is
4 dismissed.

5 Anything further?

6 MR. TURNER: No, thank you.

7 MR. DRATEL: No.

8 THE COURT: Thank you. We are adjourned.

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UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

Ross William Ulbricht

JUDGMENT IN A CRIMINAL CASE

Case Number: S1 14-cr-00068-KBF-1

USM Number: 18870-111

Joshua Dratel

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 2,4,5,6,7
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21:841A=CD.F	AIDING AND ABETTING DISTRIBUTION OF DRUGS OVE	10/31/2013	2
21:848.F	CONTINUING CRIMINAL ENTERPRISE	10/31/2013	4
18:1030A.F	COMPUTER HACKING CONSPIRACY	10/31/2013	5

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

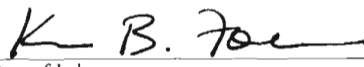
☐ The defendant has been found not guilty on count(s) _____☒ Count(s) UNDERLYING ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Counts One (1) and Three (3) are vacated by the Court.

5/29/2015

Date of Imposition of Judgment



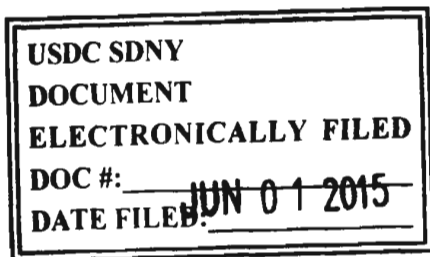
Signature of Judge

Katherine B. Forrest, USDJ

Name and Title of Judge

6/1/15

Date



DEFENDANT: Ross William Ulbricht

CASE NUMBER: S1 14-cr-00068-KBF-1

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1028A.F	FRAUD WITH IDENTIFICATION DOCUMENTS	10/31/2013	6
18:1956-4999.F	MONEY LAUNDERING CONSPIRACY	10/31/2013	7

A1547

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Counts Two (2) and Four (4): Life to run concurrently; Count (5): Five (5) Years to run concurrently; Count Six (6): Fifteen (15) Years to run concurrently; Count Seven (7): Twenty (20) Years to run concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

PLEASE SEE ADDITIONAL IMPRISONMENT TERMS PAGE FOR RECOMMENDATIONS.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

A1548

DEFENDANT: Ross William Ulbricht

CASE NUMBER: S1 14-cr-00068-KBF-1

ADDITIONAL IMPRISONMENT TERMS

It is respectfully recommended that the defendant be designated to FCI Petersburg I in Virginia in the event that the Bureau of Prisons waive the public safety factor with regard to sentence length. However, if the Bureau of Prisons is not inclined to waive the public safety factor, it is respectfully recommended that the defendant be designated to USP Tuscon, in Arizona, or, as a second choice, USP Coleman II, in Florida.

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Life on Counts Two (2) and Four (4) to run concurrently; Three (3) Years on Counts Five (5), Six (6) and Seven (7) to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall submit his computer, person and place of residence to searched as deemed appropriate by the Probation Department.

A1551

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

A1552

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

Forfeiture in the amount of \$183,961,921.00 is Ordered.

A1553

DEFENDANT: Ross William Ulbricht
CASE NUMBER: S1 14-cr-00068-KBF-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 500.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

A1554

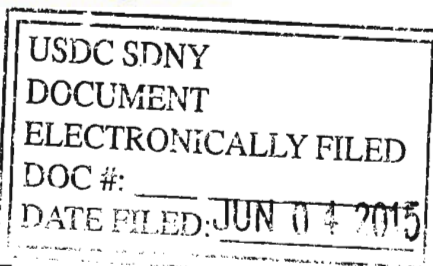
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Criminal Notice of Appeal - Form A

NOTICE OF APPEAL

United States District Court

Southern District of New York



Caption:

United States v.

Ross William Ulbricht

Docket No.: 14 Cr. 68 (KBF)

Honorable Katherine B. Forrest

(District Court Judge)

Notice is hereby given that Ross William Ulbricht appeals to the United States Court of Appeals for the Second Circuit from the judgment ☒ other ☒ and Preliminary Order of Forfeiture/Money Judgment entered in this action on June 1, 2015 (date) (specify)

This appeal concerns: Conviction only ☐ Sentence only ☐ Conviction & Sentence ☒ Other ☐

Defendant found guilty by plea ☐ trial ☒ N/A ☐

Offense occurred after November 1, 1987? Yes ☒ No ☐ N/A ☐

Date of sentence: May 29, 2015 N/A ☐

Bail/Jail Disposition: Committed ☒ Not committed ☐ N/A ☐

Appellant is represented by counsel? Yes ☒ No ☐ If yes, provide the following information:

Defendant's Counsel: Law Offices of Joshua L. Dratel, P.C.

Counsel's Address: 29 Broadway, Suite 1412

New York, New York 10006

Counsel's Phone: (212)732-0707

Assistant U.S. Attorney: Serrin Turner

AUSA's Address: United States Attorney's Office, Southern District of New York

One Saint Andrews Plaza, New York, New York 10007

AUSA's Phone: 212-637-1946

Signature

6/4/15

ROSS-405401197034