

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

Plaintiff,

14 Cr. 68 (KBF)

DECLARATION OF PAUL
GRANT IN SUPPORT OF
REQUEST FOR PARTIAL
UNSEALING OF MAGISTRATE'S
FILES

-v-

ROSS WILLIAM ULBRICHT,

Defendant.

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I, Paul Grant, pursuant to 28 U.S.C. § 1746, hereby affirm under penalty of perjury:

I am an attorney licensed in the State of Colorado and admitted *pro hac vice* in this case for purposes of my representation of Ross Ulbricht in this matter. I state the following to be true:

1. I have examined all of the discovery received from trial counsel and from the defendant in this case, and I believe that to be all of the discovery produced by the government in this case.
2. The government has declined my request to provide me with a list of all of the discovery they produced to the defense in this case.
3. I have reviewed the discovery available to me from trial counsel and the defendant, to the best of my ability.
4. I have located in the discovery five pen-trap applications and orders, each order having been executed by a magistrate in the SDNY.
5. I have located in the discovery, one folder which contains pen-trap data ("PRTT data")

apparently collected pursuant to the 9/17/2013 Pen Trap Order, in Case No. 13 MAG 2236. That is the only PRTT data I have located in the discovery.

6. I have examined the data in the folder identified in par. 5, and to the best of my ability to decipher that data, using the open source software tool Wireshark, that data appears to be data that would have been collected pursuant to the 9/17/2013 Order, an order requiring Comcast to collect the data and assist the Secret Service with that collection.

7. Based on my review of the limited PRTT data that was produced in discovery, that data did not appear to capture MAC addresses of devices on the local network, nor did it appear to capture communications to and from the device on the local network that was associated with a particular MAC address, thus this data does not appear to have been collected pursuant to authorization from any of the three FBI pen-trap orders.

8. I have requested from the government the data collected from all five pen-trap orders, but I also informed them that I think I already have the data collected pursuant to the 9/17/2013 Order.

9. The government responded to my request for the missing pen register and trap and trace data (“PRTT data”) by stating they had no obligation to provide the data requested but that they would see if they could locate additional PRTT data in FBI files and they would disclose it to the defense if they could find it. Their promise to look for the missing PRTT data in FBI files implies that the AUSA did not have the PRTT data in their files, either.

10. On February 2, 2018, AUSA Eun Young Choi advised me that the government has now located some pen register and trap and trace data (“PRTT data”) (collected in the investigation in this case), and they will be sending it to me. I do not know the sources of that data, nor what the data will contain.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 5th day of February, 2018.

/s/ Paul Grant
Paul Grant