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October 2, 2015

BY ELECTRONIC MAIL
FILED UNDER SEAL

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 sealed letter is submitted on behalf of defendant Ross Ulbricht in regard to a September 27, 2015, internet post¹ (hereinafter “the post”) on “myPlanetGanja.com,” by username “Plural of Mongoose,” an individual who identifies himself in his post as Thomas Clark and who is also commonly believed to be former Silk Road administrator “Variety Jones”/ “Cimon” – a belief defense counsel finds credible based on review of hundreds of chats between “Variety Jones”/ “Cimon” and Dread Pirate Roberts that were produced in discovery. This letter is filed under seal because it discusses sensitive information contained in the post, including threats by a third-party to kidnap Mr. Ulbricht’s mother, Lyn, and sister, Calla, and potentially to harm Mr. Ulbricht as well.

In particular, this letter addresses “Plural of Mongoose”’s claim, in his post (which is the source of the subsequent summary provided herein), that beginning in April 2014, “Plural of Mongoose” was contacted by, and chatted with, a user with a random alphanumeric Torchat

¹ The full text of the post is attached hereto as Exhibit 1. The post itself is accessible at <http://www.myplanetganja.com/viewtopic.php?f=13&p=144158#p144158>.

“ID” – later changed by the user to “ZenChrysippus47e” – who told “Plural of Mongoose” that he (“ZenChrysippus47e”) had “[a] btc [Bitcoin] wallet with well over 300,000 btc in it, worth about \$75,000,000 at current pricing . . . that [] came from ‘Silk Road.’” *See* text of post, at 2-4. “ZenChrysippus47e” also informed “Plural of Mongoose” that his “long term” plan to gain access to the contents of the encrypted wallet involved “wait[ing] for Ross to be convicted, and . . . transferred to a permanent home in a federal facility” and then “work[ing] on getting people inside the facility, convicts and employees alike, to arrange it so he could communicate with Ross.” *Id.*, at 4. According to “Plural of Mongoose,” “ZenChrysippus47e” “figured . . . that [“Plural of Mongoose”] could convince Ross to cough up the pass- phrase he needed” or “that Ross only had ½ the pass-phrase, and [“Plural of Mongoose”] had the other ½.” *Id.*, at 4.

Thus, “Plural of Mongoose” claimed that between approximately September 2014 and March 2015, “ZenChrysippus47e” repeatedly and unsuccessfully attempted to convince “Plural of Mongoose” to assist in his plan to gain access to the Bitcoins in the encrypted wallet, and also tried to entice “Plural of Mongoose” to travel to a secure location, chosen by “ZenChrysippus47e,” for the alleged purpose of keeping “Plural of Mongoose” “safe” and out of United States government custody until the plan had reached fruition. *Id.*, at 4, 7-8.

Ultimately, in March 2014, when “Plural of Mongoose,” who had been residing primarily in Thailand for the duration of these communications, “started hearing about four men moving around the island, asking about [him,]” he concluded that “ZenChrysippus47e” – who by that point referred to himself as “Diamond” – was behind it, and was “getting serious” and “informed Diamond that . . . I [“Plural of Mongoose”] was gone . . . outta the country.” *Id.*, at 7-8.

“Plural of Mongoose” continues in his post that when he told “Diamond” (a.k.a. “ZenChrysippus47e”) that he (“Plural of Mongoose”) had left Thailand, “Diamond” revealed his “backup plan” to “kidnap Ross Ulbricht’s sister, or mother, ideally both[,] [g]et a video capable phone in front of Ross Ulbricht, and he’d give up that fucking pass phrase, and Diamond would have them tortured until he did.” *Id.* at 8. As per “Plural of Mongoose”’s post, “ZenChrysippus47e”’s “plan was, and still is [“Plural of Mongoose”] believe[s] . . . to make his move to contact Ross between Christmas [2015] and New Years.” *Id.*, at 7.

In light of the foregoing, and “Plural of Mongoose”’s impression that “ZenChrysippus47e”, a.k.a., “Diamond,” had “bonafides” and was “serious” about his intentions, “Plural of Mongoose” claimed that he -- under his real name, Thomas Clark -- contacted Assistant United States Attorney Serrin Turner by email, May 11, 2015, and, when he did not receive a response, emailed AUSA Turner again on May 27, 2015. *Id.*, at 9-14. The emails, which are reproduced in the post, *id.*, at 10, 13-14, did not refer to the threats to the Ulbricht family, but rather set forth Mr. Clark’s belief that “ZenChrysippus47e”, a.k.a., “Diamond,” was a high level FBI agent, based on information that “Diamond” had shared with “Plural of

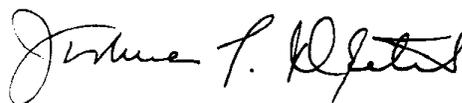
Mongoose,” including “secret grand jury information and the existence of a sealed Indictment” against Thomas Clark. *Id.*, at 9-14.

In addition, in the May 11, 2015, email to AUSA Turner, Mr. Clark “offered to cooperate with the service of the indictment on him, to wit, turn [him]self in.” At 17 of his post, “Plural of Mongoose” reiterated his desire to surrender to the United States Department of Justice and also provided an email address that he could be reached at: zbose@safe-mail.net. In his subsequent May 27, 2015, email to AUSA Turner, “Plural of Mongoose” also alleged that “Diamond” had carried out multi-million dollar extortion schemes, targeting various “major dark web markets,” such as “Evolution,” and had made “in excess of US \$10 million” from extorting these sites. *Id.*, at 13.

The strong similarities between the writing in the “Plural of Mongoose” post and in Torchat entries attributed to “Cimon”/ “Variety Jones” suggest an authentic connection between the poster and the Silk Road website, and the genuine (and therefore serious) nature of threats to Mr. Ulbricht’s family, as well as the potentially serious nature of the other allegations, raise issues that are somewhat awkward in the context of the current status of the case – with Mr. Ulbricht appealing his conviction and still in adversarial legal position with respect to the U.S. government – but which nevertheless require attention because the security of Mr. Ulbricht’s mother and sister is of paramount importance, and the U.S. government (with its law enforcement capabilities) is in the best position to investigate and evaluate these threats against them.

Accordingly, we bring this matter to the government’s attention through the auspices of the Court and this sealed letter. Again, the sealing is requested because of the sensitive nature of the information herein, *i.e.*, the threats of harm to Lyn and Calla Ulbricht, and the desire to avoid any additional publicity relating to that information.

Respectfully submitted,



Joshua L. Dratel

JLD/lal

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