UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ANDREW MICHAEL JONES,
a/k/a "Inigo,"
GARY DAVIS,
a/k/a "Libertas,"
PETER PHILLIP NASH,
a/k/a "Samesamebutdifferent,"
a/k/a "Batman73,"
a/k/a "Symmetry,"
a/k/a "Anonymousasshit,"

Defendants.

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JUDGE GRIESA

SEALED
SUPERSEDING INDICTMENT

S1 13 Cr. 950

USDC SDNY
DOCUMENT
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COUNT ONE
(Narcotics Trafficking Conspiracy)

The Grand Jury charges:

BACKGROUND

1. From in or about January 2011, up to and including on or about October 2, 2013, an underground website known as "Silk Road" hosted a sprawling black-market bazaar on the Internet, where illegal drugs and other illicit goods and services were regularly bought and sold by the site's users.

2. During its more than two-and-a-half years in operation, Silk Road was used by several thousand drug dealers and other unlawful vendors to distribute hundreds of kilograms of illegal drugs and other illicit goods and services to well

over a hundred thousand buyers, and to launder hundreds of millions of dollars deriving from these unlawful transactions.

3. The owner and operator of Silk Road, Ross William Ulbricht, a/k/a "Dread Pirate Roberts," a/k/a "DPR," a/k/a "Silk Road," ran the website with the assistance of a small support staff, including both site administrators and forum moderators. The site administrators were responsible for, among other things, monitoring user activity on Silk Road for problems, responding to customer service inquiries, and resolving disputes between buyers and vendors. The forum moderators were responsible for, among other things, monitoring user activity on discussion forums associated with the site, providing guidance to forum users concerning how to conduct business on Silk Road, and reporting any significant problems discussed on the forums to the site administrators and to Ulbricht. Ulbricht paid the site administrators and forum moderators salaries ranging from approximately $50,000 to approximately $75,000 per year for their services.

4. From at least in or about October 2012, up to and including on or about October 2, 2013, ANDREW MICHAEL JONES, a/k/a "Inigo," the defendant, worked as a site administrator on Silk Road.

5. From in or about June 2013, up to and including on or about October 2, 2013, GARY DAVIS, a/k/a "Libertas," the defendant, also worked as a site administrator on Silk Road.

6. From in or about January 2013, up to and including on or about October 2, 2013, PETER PHILIP NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendant, worked as the primary moderator on the Silk Road discussion forums.

STATUTORY ALLEGATIONS

7. From in or about January 2011, up to and including on or about October 2, 2013, in the Southern District of New York and elsewhere, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

8. It was a part and an object of the conspiracy that ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled

substances, in violation of Title 21, United States Code, Section 841(a)(1).

9. It was further a part and an object of the conspiracy that ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, would and did deliver, distribute, and dispense controlled substances by means of the Internet, in a manner not authorized by law, and aid and abet such activity, in violation of Title 21, United States Code, Section 841(h).

10. The controlled substances involved in the offense included, among others, 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, 10 grams and more of mixtures and substances containing a detectable amount of lysergic acid diethylamide (LSD), and 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

Overt Acts

11. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about June 17, 2013, ANDREW MICHAEL JONES, a/k/a "Inigo," sent a message through the Silk Road website to Ross William Ulbricht, a/k/a "Dread Pirate Roberts," a/k/a "DPR," a/k/a "Silk Road," with the subject "Weekly Report," summarizing actions JONES had taken during the previous week in his capacity as a Silk Road site administrator.

b. On or about July 11, 2013, GARY DAVIS, a/k/a "Libertas," sent a message through the Silk Road website to ANDREW MICHAEL JONES, a/k/a "Inigo," with the subject "Daily Notes," summarizing actions DAVIS had taken during the previous day in his capacity as a Silk Road site administrator.

c. On or about August 2, 2013, PETER PHILIP NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendant, sent a message through the Silk Road website to Ross William Ulbricht, a/k/a "Dread Pirate Roberts," a/k/a "DPR," a/k/a "Silk Road," with the subject "Weekly Report," summarizing actions NASH had taken during the previous week in his capacity as the primary forum moderator on the Silk Road discussion forums.

(Title 21, United States Code, Section 846.)

COUNT TWO
(Computer Hacking Conspiracy)

The Grand Jury further charges:

12. The allegations contained in paragraphs 1 through 6 of this Indictment are repeated and realleged as if fully set forth herein.

13. In addition to providing a platform for the purchase and sale of illegal narcotics, the Silk Road website also provided a platform for the purchase and sale of malicious software designed for computer hacking, such as password stealers, keyloggers, and remote access tools. While in operation, the Silk Road website regularly offered hundreds of listings for such products.

STATUTORY ALLEGATIONS

14. From in or about January 2011, up to and including on or about October 2, 2013, in the Southern District of New York and elsewhere, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to commit computer hacking in violation of Title 18, United States Code, Section 1030(a)(2).

15. It was a part and an object of the conspiracy that ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, would and did intentionally access computers without authorization, and thereby would and did obtain information from protected computers, for purposes of commercial advantage and private financial gain, and in furtherance of criminal and tortious acts in violation of the Constitution and the laws of the United States, in violation of Title 18, United States Code, Section 1030(a)(2).

(Title 18, United States Code, Section 1030(b).)

COUNT THREE
(Money Laundering Conspiracy)

The Grand Jury further charges:

16. The allegations contained in paragraphs 1 through 6 and paragraph 13 of this Indictment are repeated and realleged as if fully set forth herein.

17. The only form of payment accepted on Silk Road was Bitcoins - an anonymous, decentralized form of electronic currency. Bitcoins were specifically used as the exclusive means of payment on Silk Road because of the ease with which they can be used to move money anonymously.

STATUTORY ALLEGATIONS

18. From in or about January 2011, up to and including on or about October 2, 2013, in the Southern District of New York and elsewhere, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to commit money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

19. It was a part and an object of the conspiracy that ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, in offenses involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, to wit, narcotics trafficking and computer hacking, in violation of Title 21, United States Code, Section 841, and Title 18, United States Code, Section 1030, respectively, with

the intent to promote the carrying on of such specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

20. It was further a part and an object of the conspiracy that ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, and others known and unknown, in offenses involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions represented proceeds of some form of unlawful activity, would and did conduct and attempt to conduct such financial transactions, which in fact involved the proceeds of specified unlawful activity, to wit, narcotics trafficking and computer hacking, in violation of Title 21, United States Code, Section 841, and Title 18, United States Code, Section 1030, respectively, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Section 1956(h).)

FORFEITURE ALLEGATIONS

21. As a result of committing the controlled substance offense alleged in Count One of this Indictment, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of the offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

22. As a result of committing the computer hacking offense alleged in Count Two of this Indictment, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of the offense.

23. As a result of committing the money laundering offense alleged in Count Three of this Indictment, ANDREW MICHAEL JONES, a/k/a "Inigo," GARY DAVIS, a/k/a "Libertas," and PHILIP PETER

NASH, a/k/a "Samesamebutdifferent," a/k/a "Batman73," a/k/a "Symmetry," a/k/a "Anonymousasshit," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in the offense, or any property traceable to such property.

Substitute Asset Provision

24. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property

of the defendants up to the value of the above-described forfeitable property.

(Title 18, United States Code, Sections 981 and 982,
Title 21, United States Code, Section 853;
Title 28, United States Code, Section 2461.)

FOREPERSON

Preet Bharara

PREET BHARARA AT
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendants.

INDICTMENT

S1 13 Cr. 950

(21 U.S.C. § 846,
18 U.S.C. §§ 1030(b) & 1956(h))

Foreperson.

PREET BHARARA
United States Attorney.

12/19/13 FILED INDICTMENT

SCOTT, USMJ