

LEGAL DEFENSE FOR *U.S. v. STORM* JURY TRIAL (Begins December 2, 2024)

The US Government arrested Roman Storm on August 23, 2023 in an early morning raid on his home in Seattle and charged him with conspiracy to commit unlicensed money transmitting, money laundering, and sanctions evasion, all of which arise from Roman's role in developing the privacy tool Tornado Cash. Roman is committed to fighting this unprecedented government overreach and recently released a video on X (<https://x.com/rstormsf/status/1815464551686828155>) confirming his resolve. Roman's jury trial is set to begin on December 2 in New York federal court.

CHARGES

Each of the charges against Roman threatens to be highly consequential for cryptocurrency and DeFi technologies. There is a general chilling effect on developers if the government is successful in prosecuting Roman. And there are additional industry-wide implications from each of the three charges against him:

- **Unlicensed Money Transmitting:** Longstanding FinCEN guidance recognizes that control over crypto is what makes a party a money transmitting business. This charge now seeks to dispense with the control requirement, which would mean that any developer or wallet provider could be required to register as a money services business and follow onerous US government regulations (or face criminal penalties).
- **Money Laundering:** US law requires knowing participation in a money laundering scheme. This charge argues that this requirement is satisfied if a developer is unable to stop a criminal actor from misusing immutable, open-source software on the blockchain. If successful, this will considerably increase the legal risk of building DeFi applications, which inherently depend on immutability and openness.
- **Sanctions Evasion:** This charge is only intended for cases where a defendant deliberately chooses to do business with a sanctioned person or entity. The government admits Roman did not do this but it still seeks to penalize him because Lazarus Group allegedly used Tornado Cash without any help from Roman. This would effectively create strict liability under sanctions regulations for anyone in the DeFi industry.

The usual expense of a jury trial is increased when an individual faces a coordinated attack by multiple US government agencies (DOJ, FBI, OFAC, IRS) with unlimited

resources. In such a high profile case with an individual’s life and liberty at stake, the defense costs can easily rise to the eight-figure range, which is simply not affordable for most defendants.

Normally, in cases like this one, the defendant is indemnified by his company or an insurance company, which pays for his legal bills. But the decentralized and open-source nature of crypto makes these resources unavailable here.

**DEFENSE BUDGET
(August – December 2024)**

Roman’s team is doing their best to be both effective and efficient. They anticipate a need of \$2-3 million—approximately \$500,000 / month—to continue to fund the daily work of the legal team and defense experts through the December trial. This covers more than a dozen professionals and support staff working full-time on Roman’s defense—and overtime during trial—as well as the litigation costs required to prepare and present Roman’s case to the jury in a convincing fashion.

Here is a breakdown of the anticipated expenses:

Legal team of two partners (both former prosecutors), associates, paralegals, and support staff	\$1,500,000
TornadoCash expert witness	\$200,000
Blockchain analytics consulting firm and testifying expert	\$400,000
Sanctions expert witness	\$250,000
Jury consultant	\$100,000
Appellate specialist to monitor trial for errors	\$100,000

Roman is out of funds and needs financial support to continue his fight. Without additional support, he may not be able to proceed to trial, which would be a huge win for the government and would establish a harmful precedent likely to hinder crypto and DeFi technologies for years to come.

Any interested donor can contact the fundraiser council, Jared Butcher (jbutcher@bcrlaw.com), or Roman Storm directly (@rstormsf via X or TG) with

questions or to make a donation; both fiat and crypto are accepted. All donated funds will go directly to pay the fees and costs of Roman's defense team.

ROMAN'S LEGAL TEAM

Brian Klein



An accomplished and renowned trial attorney, Brian Klein is known for fierce and successful advocacy for clients in a wide variety of federal and state forums across the country. He is a former federal prosecutor who handles high-stakes civil litigation and criminal and regulatory defense matters, including those involving the DOJ, SEC, CFTC, FTC, CFPB, and state authorities. This year, Brian was ranked as one of the top crypto lawyers in the country by Chambers USA.

Keri Curtis Axel



A trial and appellate lawyer who practices white-collar criminal and government enforcement defense, as well as complex civil litigation. A former Assistant U.S. Attorney and former SEC enforcement staff attorney, Keri draws on her considerable government experience to help her clients navigate investigations and fight criminal charges around the country. Keri represents individuals and companies in investigations

by state and federal agencies, including the DOJ, SEC, CFPB, FTC, and the California Attorney General.

Waymaker Law Firm



Tornado Cash's Roman Storm, second from left, and his legal team – Brian Klein (left), Keri Axel and Kevin Casey – outside court in New York. (Nikhilesh De/CoinDesk)

Brian and Keri are supported by a team of associates, paralegals, and other staff at the Waymaker law firm. Waymaker is a trial and appellate boutique with a proven track record of helping innovators navigate complex and evolving legal frameworks. Waymaker represents clients across industries in dispute resolution forums around the world. They have a track record of winning cases by presenting arguments in a clear, persuasive and elegant manner.

The Chambers FinTech Guide 2024 reports that the Waymaker team “is held in high esteem for FinTech and crypto-asset disputes.” One client wrote “Waymaker is absolutely tier one.” Another client said, “The Waymaker team is small but mighty” and “highly responsive.” Chambers says Klein is “one of the pre-eminent cryptocurrency litigators in the USA” and one impressed source said, “he really is the crypto lawyer in the country in the white-collar space. He is brilliant, the person that everybody turns to.”