



U.S. Department of Justice

United States Attorney
Southern District of New York

26 Federal Plaza, 37th Floor
New York, New York 10278

October 9, 2024

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Combs*, 24 Cr. 542 (AS)

Dear Judge Subramanian:

The Government respectfully submits this letter in response to Combs' motion filed earlier this evening requesting a hearing, exclusion of evidence, and other relief based on purported leaks in connection with the Government's investigation. (Dkt. Nos. 30-32). The Government requests an opportunity to respond in full to the defendant's motion on or before October 30, 2024, three weeks from the date of its filing, or on a schedule convenient to the Court. In the interim, the Government writes briefly to address certain false and misleading allegations.

Much of Combs' motion centers on CNN's May 17, 2024 publication of a video depicting Combs' graphic assault of a victim at the InterContinental Hotel in March 2016. (*See* Dkt. 31 at 2, 8-10). Combs alleges that agents from the Department of Homeland Security ("DHS") leaked the video "in violation of grand jury secrecy." (*Id.* at 10). But as the Government made clear to the defense both orally and in writing before it filed the motion,¹ the Government was not in possession of the video before its publication by CNN. Indeed, at the time of CNN's publication, the Government did not possess *any* video of the March 2016 incident. Moreover, the Government also informed the defense that the Government *never* obtained the CNN video—at any point, then or now—through Grand Jury process, and DHS is without power to unilaterally obtain the video via Grand Jury process. The Government likewise does not understand DHS to have been in possession of the video prior to CNN's publication of it.² There is thus no colorable factual basis for the defendant's claim that the Government leaked the video to CNN, let alone that it was leaked "in violation of grand jury secrecy." For these reasons, the Government informed the defense earlier today that any assertion of a grand jury leak with respect to the CNN video would lack a good faith basis. (*See* Exh. A).

¹ A copy of the Government's correspondence with the defense is attached hereto as Exhibit A.

² Combs' motion, on the other hand, seems to absurdly speculate that DHS, the agency investigating this matter, covertly possessed the video before CNN published it, and then "leaked" it to CNN but never gave it to the prosecutors assigned to the matter.

The Government requests an opportunity to fully address the defendant's failure to meet any relevant legal standard for the relief he seeks on a briefing schedule set by the Court and remains available to answer any further questions of the Court.

Respectfully submitted,

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