

# AGNIFILO INTRATER

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September 18, 2024

VIA ECF

The Honorable Andrew L. Carter  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: United States v. Sean Combs, 24 Cr. 542 (ALC)

Dear Judge Carter:

Mr. Sean Combs, through his counsel, submits this letter in lieu of a formal motion for Mr. Combs' release from custody on the proposed bail package below. As set forth below, the defendant's updated bail package (updated even from yesterday's filing (ECF 8))<sup>1</sup> addresses both risk of flight and danger to the community, and reasonably ensures the defendant's return to Court.

This letter will walk the Court through a series of actions taken by Mr. Combs over the past six months that we view as unprecedented and that prove that he is not a risk of flight or a danger to anyone in the community. These actions show that Mr. Combs is eminently trustworthy, that he is demonstrably committed to showing his innocence in Court in the context of this case, and that he should be released, on the conditions proposed, in order to do so.

### **Mr. Combs flew to New York on September 5, 2024 to Surrender**

The first thing the Court should know is that when it became apparent to his counsel that Mr. Combs would at some point soon be formally charged, he did something extraordinary: He left his home in Miami and travelled *to* New York to surrender. We told the prosecutors he was in New York to surrender. We asked them for a time for the surrender. They never got back to us. The Government withheld this information solely so they could arrest Mr. Combs and not allow him to surrender, which he flew to New York to do. Instead, the Government effected an arrest two nights ago solely so it could argue for detention. Nonetheless, that Mr. Combs travelled to New York to self-surrender is a major factor that the Court should consider.

However, surrendering himself to the prosecutors was not the first action Mr. Combs took to show his trustworthiness and lack of flight risk. Indeed, it is part of a pattern since even before the March 25, 2024, searches on Mr. Combs' residences. Mr. Combs and his counsel have been fully aware that the United States Attorney for the Southern District of New York has been conducting an investigation involving allegations concerning Racketeering and Sex Trafficking,

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<sup>1</sup>We are mindful that we are giving the court a substantial letter on the same day as the hearing and have endeavored to do so as early in the day as possible. We thank the Court for its willingness to hear our application on short notice.

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and other offenses. Knowing for these many months that he would be indicted, Mr. Combs has done everything (as will be set out below) to work with the prosecutors in ways that are unusual, if not unprecedented.

The law is clear that a district court reviews de novo a magistrate judge's decision to release or detain a defendant pending trial. See United States v. Esposito, 309 F. Supp. 3d 24, 30 (S.D.N.Y. 2018) (Marrero, J.) (citing United States v. Leon, 766 F.2d 77, 80 (2d Cir. 1985)). We respectfully submit that Mr. Combs can rebut the presumption of detention here due to his extraordinary actions in this investigation. Mr. Combs should be released on the conditions proposed so that he can fight this case in Court effectively.

## **The Proposed Package**

The defense proposes the following bail package, not all of which were proposed as part of our package to the Magistrate Judge. These proposed conditions will assuage any fears of danger to the community and will ensure his return to court:

- a. A \$50,000,000 bond;
- b. Co-signed by Sean Combs, his mother, his sister, the mother of his oldest daughter, the mother of his youngest daughter, and his three adult sons;<sup>2</sup>
- c. Secured by the equity in Mr. Combs' residence located at 2 West Star Island in Miami, Florida:
  - a. The appraised value of the home is about \$48,000,000.<sup>3</sup>
  - b. The home is unencumbered. In anticipation of this bail hearing, on August 20, 2024, Mr. Combs paid off the remaining mortgage of about \$18,000,000 so that the home could be used to secure a bond and be free of a mortgage.<sup>4</sup>
- d. Secured by the equity of Mr. Combs' mother's home in Miami, Florida;
- e. Mr. Combs' travel will be restricted to the Southern District of Florida and the Southern District of New York (to attend Court, meet with his counsel, and attend medical appointments as well as the Eastern District of New York or the District of New Jersey (only to the extent that his travel to and from New York involves an airport in those Districts));

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<sup>2</sup> The mother of four of his children is deceased. His three adult sons and his sister will be present at today's hearing.

<sup>3</sup> The written appraisal is attached as Exhibit 1.

<sup>4</sup> The satisfaction of the mortgage is attached as Exhibit 2.

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- f. Mr. Combs' passport was surrendered to his counsel on April 1, 2024; his counsel advised the prosecutors of this fact in an email dated the same day;<sup>5</sup> counsel will provide this passport to Pretrial Services;
- g. The passports of the following family members, who have already surrendered their passports to counsel after the raids on Mr. Combs' homes:
  - a. Janice Combs;
  - b. Chance Combs;
  - c. Jessie Combs;
  - d. D'Lila Combs; and
  - e. Love Combs.
- h. Since at least April 2024, Mr. Combs has been making efforts to sell his airplane. We informed the Government of these efforts in May 2024, as explained further below. Just last weekend, Mr. Combs entered into a Letter of Intent with a party to sell it. Mr. Combs understands he is not to travel to Los Angeles, where the plane had been located this week, and further that the plane is not to be brought to any District in which he is located until it is sold;<sup>6</sup>
- i. Home detention with GPS monitoring; and
- j. Restrict all visitors to Mr. Combs' residences at 2 West Star Island *and* 1 West Star Island (the adjoining property that Mr. Combs owns) except for family, property caretakers, and friends who are not considered to be co-conspirators;
- k. Restrict female visitors to Mr. Combs' residence except for family, or mothers of his children;
- l. The security company that secures Mr. Combs' person and properties will require any person who enters the property to sign a visitor log, and then the company will produce those logs to Pretrial Services nightly;<sup>7</sup>
- m. No contact with known grand jury witnesses;
- n. Weekly drug testing by Pretrial Services;
- o. All other standard conditions of pretrial supervision.

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<sup>5</sup> The letter to the prosecutors is attached as Exhibit 3.

<sup>6</sup> As of yesterday, the plane flew to Teterboro, NJ, for a charter flight.

<sup>7</sup> If the Government and the Court prefer that Mr. Combs employ a different security company than the one he has used for the past decade or so, we request a week to engage a new security company to comply with this condition.

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This combination of conditions will reasonably assure Mr. Combs' appearance in Court and protect the Government's and the Magistrate Judge's stated concerns with respect to the safety of the community. Taken in combination, these conditions present a very substantial, comprehensive bail package for any defendant, much less one who flew to New York to surrender, as this defendant has.

## **The History of This Investigation Shows a Great Degree of Collaboration Between the Government, Mr. Combs and His Counsel Which Should Weigh Heavily in This Court Releasing Him on the Conditions Proposed**

On March 13, 2024, counsel for Mr. Combs emailed the assigned Assistant United States Attorneys. In this introductory email, counsel identified himself as counsel for Mr. Combs and stated that he wished to speak with the prosecutors and share information about Mr. Combs and the matters under investigation. See Ex. 4. After not hearing back from the AUSAs, counsel again emailed the prosecutors on March 18, 2024. Counsel did not get a response to this second email either.

On March 25, 2024, search warrants were executed at Mr. Combs' places of residence in Miami and Los Angeles. In addition, he was removed from his airplane and searched. The searches of the residences were unusually public and particularly heavy-handed. The agents had assault rifles trained on the heads and the chests of his children, who were then handcuffed and brought before news cameras and a press helicopter. On the day of the searches, counsel called the prosecutors, and they spoke for the first time. Counsel indicated that he would accept service of two grand jury subpoenas to Mr. Combs' businesses.

### 1. Counsel Took Possession of Mr. Combs' Passport on April 1, 2024

About a week following the searches, on April 1, 2024, counsel took possession of Mr. Combs' passport. As noted, on this same day, counsel advised the AUSAs of the fact that counsel had Mr. Combs' passport, that we would not return it to him, and that he would not leave the country during the pendency of the investigation. See Ex. 1. We have, in fact, maintained the passports, and Mr. Combs has not, in fact, left the country – despite knowing the investigation was ongoing, despite having a plane at his disposal, despite not being charged with any crime.

### 2. Counsel Agreed to Advise the Government of All Domestic Travel

Moreover, counsel advised the Government that if Mr. Combs intended to travel domestically, counsel would so inform the AUSAs. See Ex. 1. These two promises have also been kept. For example, on June 9, 2024, counsel advised the AUSAs that Mr. Combs was traveling from Miami to Los Angeles to go on a road trip with his children. See Ex. 5. In addition, we provided the AUSAs with information about when his flight departed and it would land. Id. On June 29, 2024, counsel emailed the prosecutors that Mr. Combs was flying to Wyoming via a chartered aircraft. See Ex. 6 at 3. On July 5, 2024, counsel emailed the prosecutors that he was traveling back to Los Angeles. Id. Two days later, on July 7, 2024, when he travelled back to

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Miami via a chartered aircraft, we again emailed the AUSAs. Id. at 2. In addition, when Mr. Combs planned travel but not take those trips, we notified the prosecutors of that as well. See id. at 1.

### 3. Counsel Advised the Government of Mr. Combs' Efforts to Sell His Airplane

On May 21, 2024, counsel advised the AUSAs during a phone call that Mr. Combs had commenced efforts to sell his airplane. We followed up on that conversation the next day, on May 22, 2024, with a letter to the AUSAs that efforts were underway to sell the aircraft and reminding the AUSAs that counsel continued to be in possession of his passport. See Ex. 7.

Over the past several months, there have been several potential buyers for the airplane and at least two buyers have signed a Letter of Intent to purchase the aircraft. Just this weekend, a buyer for the aircraft and representatives for Mr. Combs executed a Letter of Intent. Due to the nature of this asset, and the amount of inspection and due diligence that is required for a purchase, it is not a simple asset to offload.

In advance of the plane being sold – which it eventually will be – we have agreed to keep the airplane in Los Angeles while Mr. Combs resides in his home in Florida, if it is not being chartered. Coincidentally, and not at Mr. Combs' request, yesterday the airplane was chartered on a Part 135 flight<sup>8</sup> from Los Angeles to Teterboro, NJ. Mr. Combs had no advance knowledge of the flight, nor did he possess any control over its movement last night. Obviously, Mr. Combs agrees to not go to any state – in this case, New Jersey – in which his airplane is located pending its sale, which is actively being pursued.

### 4. Mr. Combs Voluntarily Relocated to New York in Advance of His Arrest

Once it became apparent to counsel that Mr. Combs' arrest was imminent, he promptly relocated to New York City. On September 5, 2024, Mr. Combs arrived in New York, and counsel immediately informed the Government of Mr. Combs' whereabouts. Counsel offered to continually share Mr. Combs' location with the Government. Since arriving in New York on September 6, Mr. Combs has been staying at the Park Hyatt New York. Due to bookings made at the Park Hyatt prior to Mr. Combs' reservation, after September 17, 2024, he would no longer be able to stay at the Park Hyatt. Accordingly, Mr. Combs had a reservation to stay at the Carlyle Hotel starting yesterday. Mr. Combs and counsel have also been looking for a short term rental for Mr. Combs in New York City so that he could reside here until the Government made the determination as to whether they would charge him.

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<sup>8</sup> Pursuant to the Code of Federal Regulations Part 135 ("Part 135"), a private jet may be available to the general public for use. Part 135 pertains to Mr. Combs' airplane, and, therefore, can be chartered by the general public.

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5. Counsel Advised the Government That It Was in Possession of the Passports of Members of Mr. Combs' Family

On June 13, 2024, counsel informed the Government that we possessed Mr. Combs' mother's passport. See Ex. 8. We also informed the Government that we possessed the passports of his four daughters (all of whom were minors at the time we took possession of the passports). We will have all passports with us in court at today's hearing.

6. Counsel's Assistance to the Government Concerning the Subpoenas

As stated above, counsel accepted service of two subpoenas directed at several of Combs' businesses in March of 2024. Separate counsel for the entities filed a motion to quash those subpoenas in April of 2024. In May of 2024, upon becoming sole counsel in connection with the criminal investigation of Mr. Combs, we advised the Court that it would withdraw the motion to quash the Grand Jury subpoenas and instead that the parties would meet and confer with the Government to minimize the number of requests on which the parties disagreed. Counsel agreed to begin gathering documents responsive to the subpoena.

For the past several months, counsel for Mr. Combs and the AUSAs have had regular discussions about what documents we had, what we did not have and, in regard to the documents we did not have, where the Government may be able to find such documents. We did this for two reasons. First, there was nothing, in counsel's estimation, that would constitute evidence of Mr. Combs being involved in any federal crime. Second, we wanted to be appropriately helpful to the Government in its investigation. To that end, the Combs entities have produced over 144,000 pages of documents to the SDNY in compliance with the subpoena.

6. Paying Off the Mortgage at 2 West Star Island in Miami

As noted in the discussion about the bail package, on August 20, 2024, Mr. Combs caused the outstanding mortgage to be paid on his primary residence in Miami. This payment of about \$18,000,000 was for one reason alone: so that he would have this \$48,000,000 residence free and clear of any encumbrances so that it can be used to secure a bond. We submit this is a truly extraordinary measure that shows resoundingly that Mr. Combs is appropriately focused on defending this case on the merits in this Court.

### Legal Standard

Because Mr. Combs is presumed to be innocent, the Supreme Court has observed that "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." United States v. Salerno, 481 U.S. 739, 755 (1987). As the Supreme Court recognizes, "the function of bail is limited." Stack v. Boyle, 342 U.S. 1, 4 (1954). The underlying goal is securing the presence of the defendant rather than "the sum of bail." United States v. Nebbia, 357 F.2d 303, 304 (2d Cir. 1966). When deciding an issue of pretrial release, the Second Circuit has noted that "the court should bear in mind that it is only a limited group of offenders who should be denied

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bail pending trial.” United States v. Shakur, 817 F.2d 189, 195 (2d Cir. 1987). Indeed, the Bail Reform Act requires that the Court impose “the least restrictive . . . condition, or combination of conditions, that will . . . reasonably assure the appearance of the person as required and the safety of the community.” 18 U.S.C. § 3142(c)(1)(B).

While there is a presumption of detention in sex trafficking cases, **this presumption is rebuttable**. The presumption imposes on the defendant a “burden of production,” while the “burden of persuasion” remains with the Government. United States v. Mercedes, 254 F.3d 433, 436 (2d Cir. 2001). Although this burden “is not heavy,” the defendant must introduce some evidence contrary to the presumed fact. United States v. Rodriguez, 950 F.2d 85, 88 (2d Cir. 1991). A defendant can satisfy this burden by coming forward “with evidence that he does not pose a danger to the community or a risk of flight.” Mercedes, 254 F.3d at 436. Even if the defendant presents some evidence satisfying his or her burden, “the presumption favoring detention does not disappear entirely, but remains a factor to be considered among those weighed by the district court.” Id. In Jessup, the benchmark case defining this burden shift, the court explained:

Since the presumption is but one factor among many, its continued consideration by the magistrate does not impose a burden of persuasion upon the defendant. And, since Congress seeks only consideration of the general drug offender/flight problem, the magistrate or judge may still conclude that what is true in general is not true in the particular case before him. He is free to do so, and to release the defendant, as long as the defendant has presented some evidence and the magistrate or some judge has evaluated all of the evidence with Congress’s view of the general problem in mind.

United States v. Jessup, 757 F.2d 378, 384 (1st Cir. 1985).

## **Section 3142(g) Factors**

Acknowledging that sex trafficking has a rebuttable presumption of detention, Mr. Combs can rebut such a presumption with evidence that he does not pose a danger to the community and is not a risk of flight. (18 U.S.C. § 3142(c)(1)(B).) An analysis of the Section 3142(g) factors weigh in favor of releasing Mr. Combs on these conditions.

### 1. The Nature and Circumstances of the Offense

Mr. Combs is charged with a three-count indictment. The first count charges Mr. Combs with a Racketeering Conspiracy in violation of 18 U.S.C. § 1962(d) (“Count One”). Count One alleges that Mr. Combs “relied on the employees, resources, and influence of the multi-faceted business empire that he led and controlled—creating a criminal enterprise whose members and associates engaged in, and attempted to engage in, among other crimes, sex trafficking, forced labor, kidnapping, arson, bribery, and obstruction of justice,” and that the conspiracy lasted “[f]rom at least in or about 2008, through on or about the filing of this Indictment.” Indictment ¶¶ 1, 13. As alleged, the “pattern of racketeering” consisted of: (a) “multiple acts involving

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kidnapping” in violation of California law; (b) “multiple acts of arson” in violation of California law; (c) “multiple acts involving bribery” in violation of California law; (d) “multiple acts indictable under” 18 U.S.C. § 1512, “relating to tampering with a witness, victim, or an informant”; (e) “multiple acts indictable under” 18 U.S.C. §§ 1589 and 2, “relating to forced labor”; (f) “multiple acts indictable under” 18 U.S.C. §§ 1591 and 2, “relating to sex trafficking”; (g) “multiple acts indictable under” 18 U.S.C. §§ 2421, 2422, and 2, “relating to transportation and inducement to travel for purposes of prostitution and other illegal sexual activities”; and (f) “multiple offenses involving the possession with intent to distribute, or distribution of narcotics and controlled substances, including cocaine, oxycodone, alprazolam, 3,4-Methylenedioxymethamphetamine, 4-Brono-2, 5-dimethoxyphenethylamine, gamma hydroxybutyric acid, and ketamine,” in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), (b)(1)(E), (b)(2), and 846, “distribution and possession with intent to distribute and conspiracy to commit the same” and 18 U.S.C. § 2, “aiding, abetting, and willfully causing.” Indictment ¶ 13. Count One also includes a “Notice of Special Sentencing Factor” in connection with Mr. Combs’ alleged agreement that “means of force, threats of force, fraud, and coercion . . . would be used to cause the person to engage in a commercial sex act.” *Id.* at ¶ 15.

The second count charges Mr. Combs with Sex Trafficking by Force in violation of 18 U.S.C. §§ 1591(a)(1), (b)(1), 1954(a), and 2 (“Count Two”). Count Two alleges that, “[f]rom at least in or about 2009, up to an including in or about 2018,” Mr. Combs “recruited, enticed, harbored, transported, and maintained a person (‘Victim-1’), and attempted, aided and abetted, and willfully caused Victim-1, to engage in commercial sex acts, knowing and in reckless disregard of the fact that Victim-1 was engaging in commercial sex acts as a result of force, fraud, and coercion.” Indictment ¶ 16.

The third count charges Mr. Combs with Transportation to Engage in Prostitution in violation of 18 U.S.C. §§ 2421(a) and 2 (“Count Three”). Count Three alleges that “[f]rom in or about 2009, up to an including in or about 2024,” Mr. Combs “transported, aided and abetted, and willfully caused the transportation of female victims and commercial sex workers in interstate and foreign commerce on multiple occasions with the intent that they engage in prostitution.” Indictment ¶ 17.

## 2. Defendant’s History and Characteristics

Mr. Combs’ history and characteristics are best demonstrated by the way he has responded to this investigation from the very inception to his most recent decision to travel to New York when his lawyers told him that the case could soon be starting. He has never run from a challenge, and he will not run from this one. Instead, he takes these challenges head on, he moves toward them confidently and with the assurance that right is on his side. These are not merely the words of his lawyer. Rather, the actions of Mr. Combs over the last several months conclusively prove this.

Aside from his actions since the inception of the investigation, Mr. Combs’ character is shown through his demonstrated contributions to society in several important areas. First, he has



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given generously over his entire life to charitable causes. To name only a few examples, since founding Bad Boy Entertainment in 1993, Mr. Combs has actively supported and donated millions to after school programs and organizations like the Boys & Girls Clubs of America. His commitment stems from the positive influence such programs had on his own childhood, inspiring him to give back to similar initiatives. He has also supported organizations including the National Foundation for Teaching Entrepreneurship (“NFTE”), further emphasizing his dedication to creating opportunities for young entrepreneurs.

A cornerstone of his philanthropy is education, and he fulfilled a lifelong dream when he, with a partner, opened Capital Preparatory Harlem Capital Charter School in 2016, to provide high-quality education to inner-city youth in New York City. The success of this initiative led to the launch of Capital Preparatory Bronx Charter School in 2020, with Combs donating \$1 million to support its development. These schools are part of his broader commitment to education, which includes significant contributions to Historically Black Colleges & Universities, such as \$2 million to Howard University and \$1 million to Jackson State University in 2023.

Mr. Combs has also been proactive in health and disaster relief efforts—having raised over \$2 million for New York City public schools and hosting a virtual dance-a-thon that raised more than \$4 million to provide personal protective equipment to healthcare workers on the front line of the COVID-19 pandemic. Particularly important in an election year is Mr. Combs’ contribution to mobilizing young voters with the “Vote or Die” slogan through Citizen Change, which he founded to significantly increase political awareness and youth voter turnout.

Second, few people have done more to advance the cause of black people in the music, entertainment and fashion industries than has Sean Combs. While he has always been controversial, he has also always championed minorities and underrepresented communities. As Chairman of Combs Global, Mr. Combs has used his platform to create “The Excellence Program,” an internship initiative with Endeavor in July 2021, a major initiative designed to provide development opportunities for aspiring executives in entertainment, marketing, music, and fashion from underrepresented communities. Mr. Combs’ philanthropic work has earned him numerous accolades throughout his career, including the Triumph Award from the National Action Network in 2016, the Superhero Award from Room to Read in 2017, the Child of America Award from the Carver Foundation in 2018 and in 2023 the Icon Award from the Apollo.

Through his multifaceted career, Mr. Combs has not only created thousands of jobs, including valuable internships for young professionals, but has also supported minority and women-owned businesses, leveraging them as key suppliers and vendors for his enterprises.

### 3. Danger to the Community

The Government has argued that Mr. Combs is a danger to the community and that “what makes this defendant even more dangerous is his extensive and exhaustive history of obstruction of justice.” (See Ex. 9: 9/17/24 Tr. at 12.) They laid out several allegations that do not in fact amount to obstruction at all. The truth is that Mr. Combs has done nothing to obstruct this

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investigation, and the Government does not persuasively argue otherwise. Moreover, while over the past six months the defense has been conducting a defense investigation every bit as rigorous as that being conducted by the Government, we have studiously avoided interviewing grand jury witnesses (even though we have the right to interview anyone) and have done everything in our power to be both effective and mindful of the fact that the Government has been conducting an investigation parallel to our own.

a. March 5, 2016

The Government proffered “one example” for the Court of Mr. Combs’ “exhaustive history of obstruction of justice.” (See Ex. 9, 9/17/24 Tr. at 12.) This “obstruction” related to an incident caught on video *eight* years ago and attached to the Government’s letter as Exhibit A. However, the circumstances surrounding this incident, even in the light most favorable to the Government, does not amount to obstruction. Obstruction of justice requires that a person act corruptly and in regard to an official proceeding. Even under the facts proffered by the Government, there was no official proceeding in fact or in the contemplation of Mr. Combs or anyone else. This event from 8 years ago simply is not obstruction of justice under Title 18, U.S.C., Sec. 1512.

Second, the Government argued that when the female depicted in the video filed a 35-page civil lawsuit in November 2023 against Mr. Combs, and Mr. Combs publicly responded by saying “I did not do any of the awful things alleged,” that these denials were “further attempts by him to obstruct justice and prevent the truth of this event from being known.” (*Id.* at 14.) To be clear, preventing the truth of an embarrassing event in which Mr. Combs is caught on videotape in an alleged assault is not obstruction of justice.

The gravamen of the civil lawsuit was not misdemeanor assault, which is, at most, what is depicted in the recording, but sex trafficking. He denied it then. He denies it now. He will deny it forever.

b. Contacting “Potential Victims and Witnesses”

The Government argues that Mr. Combs himself has contacted witnesses, including one who received a grand jury subpoena, and at least one victim. (*Id.* at 16-17.) Again, this is not obstruction of justice, and the Government does not point to any obstructive conduct. Mr. Combs is entitled to gather witnesses to defend himself against the Government’s allegations of sex trafficking and racketeering. As part of that defense, he, with counsel’s blessing, has called potential defense witnesses to let them know that counsel would reach out to speak with them. Tellingly, the Government does not point to—nor can they—any conversation Mr. Combs has had with a potential witness since he had knowledge of the criminal investigation where he pressured any witness to change their story.

Instead, the Government points to Mr. Combs’ contact with a female member of a band called *Diddy – Dirty Money* after the filing of a lawsuit against Mr. Combs by *another* female

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member of that band. (Id. at 17.) As counsel stated at yesterday’s bail hearing, “this is the furthest thing from witness obstruction I can think of”:

And so someone with the exact point of view of the civil plaintiff comes forward and says, in essence -- and this is -- I thought it was a soft, respectful statement. And the statement was, I am not taking away her experience. That wasn't mine. That wasn't my experience. She is entitled to her experience. I was there. That's not what I saw. That's not what I saw. That's two witnesses having divergent recollections of similar events. And I expect this trial is going to feature exactly that. So there is nothing wrong with that. That's why we have criminal trials and civil trials.

(Id. at 41.)

c. The Proposed Package Will Address the Government’s Stated Concerns for Witnesses

The Government has further argued that “detailed evidence of [] Freak Offs in the form of travel records, communications, hotel records, witnesses, and videos.” (Id. at 15.) To be clear, the defendant’s companies, through this very counsel, has produced many of these travel records to the Government. To punish the defendant for complying with process (specifically producing travel records) because such travel records have corroborated witnesses stories, is mind boggling.

The Government further argues that their “investigation has yielded evidence of numerous assaults against female victims and other individuals.” (Id. at 14.) The proposed package will address the Government’s concern here as Mr. Combs will agree to not have any female non-family visitors to his house, and his security company will keep a record of all incoming and outgoing visitors.

d. To the Extent the Court Is Concerned With Obstruction and Danger, the Proposed Conditions Address These Concerns Completely

Before addressing the proposed conditions that relate to danger and obstruction, it is critical to note that every allegation in the Indictment and every argument in the Government’s detention letter is being factually contested in detail. We are not merely making general denials of guilt. Rather, we are advancing detailed, specific facts that undermine the Government’s theory at its core. We will provide examples of this.

First, there is one alleged sex trafficking victim in the Indictment. **One.** The Government can say what it wants, but what is actually charged is one victim. Count Two, charging sex trafficking mentions Victim 1. There is no Victim 2. That one person was in a ten-year romantic relationship with Sean Combs. That one person was an adult woman who lived alone, who never lived with Sean Combs. She had her own friends, she had her own life, as adults tend to do. Mr. Combs and this person were very much in love for a long time, as the many written

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communications between them show. This one person often expressed anger and jealousy because Mr. Combs had another girlfriend, as will be testified to by many witnesses and as the written communications show. At the end of Mr. Combs and this person's relationship, she started a relationship with her trainer, which prompted Mr. Combs and the woman to break up. He did not force her stay, but instead, released her from any obligation to his record label. A month later, when the mother of four of Mr. Combs' children passed away, this person was present at multiple memorial services around the country to support him. This is not sex trafficking.

Five years later, this woman hired a lawyer to contact Mr. Combs' lawyer. Mr. Combs' lawyer recorded the conversation., which lasted 8 minutes and 12 seconds. The woman's lawyer said the woman wrote a book, it would be a "tell-all" book that would be embarrassing to Mr. Combs. Her lawyer said that she would be meeting with book publishers to publish the book. However, if Mr. Combs wanted to buy the exclusive rights to the book, then he would own the rights and could prevent the book from ever being published. Her lawyer then said that in order to stop the book from being published, Mr. Combs would have to pay \$30,000,000.

When that clear extortion proved unavailing, the woman took another tack. She hired a lawyer to bring a civil complaint, taking advantage of an expanded statute of limitations for sex cases. Mr. Combs settled the case. This was not because he raped or sex trafficked anyone, but because of the disastrous consequences a lawsuit of this nature would have on him and his business interests.

We are now in a position where the only person alleged to be a victim in Count Two extorted Combs (on audio tape) and profited millions of dollars (the precise settlement of the civil suit remains confidential). We have countless written communications that tend to negate any lack of consent and any coercion. The evidence shows a long-term loving relationship that became strained by mutual infidelity and jealousy. The evidence of this, and this alone, is overwhelming. There was no sex trafficking, there was no sex crime of any sort, and we will conclusively prove that at a trial. If the presumption of innocence means anything, it means that when a proffered, detailed, factual defense is readily apparent, the Court should reserve judgment, and should wait for the facts and the trial.

That all being said, we are willing to agree to significant conditions outlined as though Mr. Combs is a danger, which he is plainly not. As indicated above, we are willing to restrict visitors to his home, we are willing to ensure that he not contact known witnesses and we are willing to have him undergo weekly drug testing, in addition to the other conditions outlined on pages 2 and 3 of this letter.

### **A Review of Other Sex Trafficking Cases in the Southern and Eastern Districts Are Not Similar to This Case**

At yesterday's bail hearing, the Government argued that this case is in the "heartland of detention cases of this magnitude and this similar [] charged conduct." (Ex. 9 at 19.) This is not accurate:

# AGNIFILO INTRATER

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First, the Government cited to United States v. Jeffrey Epstein, 19 Cr. 490 (RMB), where the defendant was detained pending trial. In Epstein, the defendant was arrested after landing on his private jet at Teterboro airport, having just travelled internationally to France. In contrast, Mr. Combs has not flown internationally since November of 2023, and made a commitment to the prosecutors after the raids on his homes, that he would not travel out of the country during the pendency of the investigation. Additionally, unlike here, where there are *no* allegations that Mr. Combs trafficked minors, Epstein was alleged “to be a serial sexual predator who preyed on dozens of minor girls over a period of years.” (United States v. Epstein, 19 Cr. 490 (RMB) (S.D.N.Y. July 12, 2019) (ECF 11-1).

Second, the Government cited to United States v. Keith Raniere, 18 Cr. 204 (NGG), a sex trafficking case in the Eastern District in New York, in which the undersigned were counsel. Mr. Raniere was arrested in a town in Mexico, to which the Government alleged he fled when he learned of the Eastern District of New York’s investigation into his alleged conduct. Here, unlike in Raniere, Mr. Combs travelled *to* the District that was investigating him. Moreover, at the time of the bail hearing in Raniere, the Government alleged that he had multiple relationships with minors. Here, there is no such allegation.

The Government turned to United States v. Robert Kelly a/k/a R. Kelly, 19 Cr. 286 (AMD) from the Eastern District of New York, which, like the others above, centered around abuse of minors over a prolonged period of time. We do not have those allegations here.

Additionally, there are significant distinctions between Mr. Combs’ compliance with the Government’s investigation and defendant Ghislaine Maxwell in United States v. Maxwell, 20 Cr. 330 (AJN), a recent sex trafficking case from this district, where the defendant was not granted bail. There, Judge Nathan denied Maxwell bail where attempted to evade detection by the media and by law enforcement (“the Defendant has demonstrated an extraordinary capacity to evade detection, “[e]ven in the face of what the Defense has acknowledged to be extreme and unusual efforts to locate her.” Tr. at 87:4–87:19. Indeed, regardless of whether the Defendant sought to evade the press, rather than law enforcement, in the months leading up to her arrest, her sophistication in evading detection reveals the futility of relying on any conditions, including GPS monitoring, restrictive home confinement, and private security guards, to secure her appearance.” United States v. Maxwell, 510 F. Supp. 3d 165, 177 (S.D.N.Y. 2020)). Judge Nathan put significant weight on this factor to support detention. Here, Mr. Combs did the complete opposite. He flew *to* the district investigating him a week ago. He has been publicly in New York City, captured on social media and blogs. Indeed, given his notoriety, he would be unable to evade law enforcement.

## **The Proposed Bail Package Addresses Any Issues with Flight and Danger to the Community**

In light of the proposed conditions, the actions Mr. Combs had already taken regarding the investigation, and Mr. Combs’ lifetime commitment to live up to his obligations concerning every

## AGNIFILO INTRATER

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challenge he has ever faced, he should be released to fight this case in court and prove his innocence. It is significant that Mr. Combs' adult sons, his mother, his sister, and two mothers of his children are willing to sign onto such a significant bond. Those closest to him wholeheartedly believe he will return to Court, and this moral suasion is sufficient to ensure compliance with the proposed conditions of release.

Sean Combs has never evaded, avoided, eluded or run from a challenge in his life. He will not start now. As he has handled every hardship, he will meet this case head-on, he will work hard to defend himself, and he will prevail.

Recognizing that a bail hearing is not the time to defend the merits of a criminal case, it is relevant to bail that the defendant has made a clear commitment to defend an eminently defensible case. This is such a case.

Finally, several courts in this District have recognized that the conditions at Metropolitan Detention Center in Brooklyn are not fit for pre-trial detention. Just earlier this summer, an inmate was murdered.<sup>9</sup> At least four inmates have died by suicide there in the past three years.<sup>10</sup> Numerous Courts in this district have raised concerns with the horrific conditions of detention there. See United States v. Chavez, No. 22 Cr. 303 (JMF) (S.D.N.Y. Jan. 4, 2024), Dkt. 31 (describing the conditions at MDC as “dreadful” and “longstanding” and noting that the issues with food contamination and hazardous physical conditions were an “ongoing tragedy”); United States v. Morgan, No. 19 Cr. 209 (RMB) (S.D.N.Y. May 5, 2020), Dkt. 90, Tr. 12-15 (describing the MDC as “dirty,” “infested with drugs,” and plagued by violence); see also United States v. Boyd, No. 21 Cr. 486 (SHS) (S.D.N.Y. Feb. 3, 2022), Dkt. 74 (describing overcrowding, staffing issues, and lockdowns at the MDC); United States v. Days, No. 19 Cr. 619 (CM) (S.D.N.Y. Apr. 29, 2021), Dkt. 35, Tr. 19 (describing MDC conditions as “disgusting [and] inhuman as anything I’ve heard about any Colombian prison, but more so because we’re supposed to be better than that”).

Courts in the Eastern District of New York have shared the same concerns. See United States v. Forbes, No. 22 Cr. 97 (RK) (E.D.N.Y.) (the court noted it was worried about MDC’s conditions as one of the reasons for sentencing the defendant to a non-custodial sentence); United States v. Colucci, 23 Cr. 417 (GRB) (E.D.N.Y. Aug 5, 2024) (sentencing a defendant to nine months in prison, but ordering that if BOP designated the defendant to the MDC, the Court would vacate the sentence and resentence to home incarceration.)

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<sup>9</sup> See John Annese, Inmate at Brooklyn’s Troubled Metropolitan Detention Center Is Stabbed To Death, NY Daily News (Jun. 20, 2024) available at <https://www.nydailynews.com/2024/06/20/inmate-at-brooklyns-troubled-metropolitan-detention-center-is-stabbed-to-death-sources/>

<sup>10</sup> See Fola Akinnibi & Marie-Rose Sheinerman, Beleaguered Brooklyn Jail Blasted by Candidates in Crowded N.Y. Congressional Race, Bloomberg (Aug. 16, 2022), available at <https://www.bloomberg.com/news/articles/2022-08-16/ny-10-democratic-candidates-call-on-feds-to-fix-brooklyn-jail>.

# AGNIFILO INTRATER

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## Conclusion

For the reasons set forth above, we move this Court to release Combs under the conditions set forth above. Thank you for your consideration.

Respectfully submitted,



Marc Agnifilo  
Teny R. Geragos

cc: Counsel for the Government (via ECF)

# **EXHIBIT 1**



**APPRAISAL OF**



**LOCATED AT:**

2 Star Island Dr  
Miami Beach, FL 33139

**CLIENT:**

Tri Star Sports and Entertainment Group  
9255 Sunset Blvd., 2nd Floor  
West Hollywood, CA, 90069

**AS OF:**

June 28, 2022

**BY:**

Orna Sarley  
Cert Res RD1541

Advanced Research & Appraisal

File No. 22072602

08/08/2022

Tri Star Sports and Entertainment Group  
9255 Sunset Blvd., 2nd Floor  
West Hollywood, CA, 90069

File Number: 22072602

In accordance with your request, I have appraised the real property at:

2 Star Island Dr  
Miami Beach, FL 33139

The purpose of this appraisal is to develop an opinion of the defined value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the defined value of the property as of June 28, 2022 is:

\$48,500,000  
Forty-Eight Million Five Hundred Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, assignment conditions and appropriate certifications.

Respectfully submitted,



Orna Sarley  
Cert Res RD1541

Donald J Sarley, ASA, IFA, SRA, Cert Res RD259 - Review Appraiser Did Inspect.

Advanced Research & Appraisal  
Residential Appraisal Report

File No. 22072602

**PURPOSE**

The purpose of this appraisal report is to provide the client with a credible opinion of the defined value of the subject property, given the intended use of the appraisal.

Client Name/Intended User **Tri Star Sports and Entertainment Group** E-mail **jwoo@team-tristar.com**

Client Address **9255 Sunset Blvd., 2nd Floor** City **West Hollywood** State **CA** Zip **90069**

Additional Intended User(s) **2 West Star Island LLC**

Intended Use **Net Worth Valuation**

**SUBJECT**

Property Address **2 Star Island Dr** City **Miami Beach** State **FL** Zip **33139**

Owner of Public Record **2 West Star Island LLC** County **Miami-Dade**

Legal Description **4 54 42 PB 31-60 CORRECTED PL OF STAR ISLAND LOT 2 & 10FT STRIP LOT SIZE 58232 SQ FT OR 18586-4936 04 1999 1 OR 18586-4936 04 1999 1**

Assessor's Parcel # **02-4204-001-0020** Tax Year **2021** R.E. Taxes \$ **432,180.59**

Neighborhood Name **Star Island** Map Reference **54-42-04** Census Tract **981000**

Property Rights Appraised  Fee Simple  Leasehold  Other (describe)

**SALES HISTORY**

My research  did  did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Prior Sale/Transfer: Date **11/01/2003** Price **\$14,500,000** Source(s) **DCPA OR Book 21872-3313**

Analysis of prior sale or transfer history of the subject property (and comparable sales, if applicable) **Most recent sale reported above. No other transfers within the past twenty years.**

Offerings, options and contracts as of the effective date of the appraisal **MatrixMLS reported no listing activity for the property that is the subject of this report. No known offerings, options or contracts as of the effective date of the appraisal.**

**NEIGHBORHOOD**

| Neighborhood Characteristics |   | One-Unit Housing Trends |   |                     | One-Unit Housing |              | Present Land Use % |  |
|------------------------------|---|-------------------------|---|---------------------|------------------|--------------|--------------------|--|
| Location                     | <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural      | Property Values         | <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining       | PRICE               | AGE              | One-Unit     | <b>95 %</b>        |  |
| Built-Up                     | <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25% | Demand/Supply           | <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply   | \$(000)             | (yrs)            | 2-4 Unit     | %                  |  |
| Growth                       | <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow         | Marketing Time          | <input type="checkbox"/> Under 3 mths <input checked="" type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths | <b>1,995</b> Low    | <b>0</b>         | Multi-Family | %                  |  |
| Neighborhood Boundaries      | <b>See Attached Addendum</b>  |                         |   | <b>75,000</b> High  | <b>100</b>       | Commercial   | %                  |  |
|                              |   |                         |   | <b>30,000</b> Pred. | <b>72</b>        | Other Vacant | <b>5 %</b>         |  |
| Neighborhood Description     | <b>See Attached Addendum</b>  |                         |   |                     |                  |              |                    |  |

Market Conditions (including support for the above conclusions) **See Attached Addendum**

**SITE**

Dimensions **37.21'x248.30'x411'x254.48'x410'** Area **58,232 Sq.Ft.** Shape **Pie shaped** View **Biscayne Bay**

Specific Zoning Classification **RS-1** Zoning Description **Single Family Low Density (up to 2 du/per acre)**

Zoning Compliance  Legal  Legal Nonconforming (Grandfathered Use)  No Zoning  Illegal (describe)

Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use?  Yes  No If No, describe.

| Utilities   | Public                              | Other (describe) | Public         | Other (describe)                    | Off-site Improvements—Type  | Public                   | Private                             |
|-------------|-------------------------------------|------------------|----------------|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| Electricity | <input checked="" type="checkbox"/> |                  | Water          | <input checked="" type="checkbox"/> | Street <b>Asphalt paved</b> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Gas         | <input checked="" type="checkbox"/> |                  | Sanitary Sewer | <input checked="" type="checkbox"/> | Alley <b>None</b>           | <input type="checkbox"/> | <input type="checkbox"/>            |

Site Comments **Site is level and pie shaped with 254.48 linear feet on Biscayne Bay with seawall, dock and deck. Site sides the entry road to the development with no measurable negative impact on the site. The subject is located on a private island community with a guard stationed at entry restricting access to residents and announced guests. The community has private streets and improvements. Streets and improvements leading to the development are public. Typical utility and maintenance easements exist with no negative impact on site.**

**IMPROVEMENTS**

| GENERAL DESCRIPTION                            |   | FOUNDATION   |  | EXTERIOR DESCRIPTION materials                              |  | INTERIOR materials                                     |  |
|--|---|--|--|---|--|--|--|
| Units  | <input type="checkbox"/> One <input checked="" type="checkbox"/> One w/Acc. unit <input type="checkbox"/>   | <input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space | Foundation Walls   | <b>Concrete Piling</b>                                      |  | Floors   | <b>Hardwood; Tiles</b>                                     |
| # of Stories                                   | <b>2</b>  | <input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement       | Exterior Walls   | <b>CBS</b>  |  | Walls  | <b>Plaster</b>   |
| Type   | <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit   | Basement Area  | Roof Surface   | <b>Tiles</b>  |  | Trim/Finish  | <b>Wood</b>  |
|  | <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.  | Basement Finish  | Gutters & Downspouts   | <b>Overhang</b>   |  | Bath Floor   | <b>Quary Tiles</b>   |
| Design (Style)                                 | <b>Traditional</b>  | <input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump         | Window Type  | <b>Impact Glass</b>   |  | Bath Wainscot  | <b>Quary Tiles</b>   |
| Year Built                                     | <b>2002</b>   | NA   | Storm Sash/Insulated   | <b>Yes; Yes</b>   |  | Car Storage  | <input type="checkbox"/> None                              |
| Effective Age (Yrs)                            | <b>10</b>   |  | Screens  | <b>Yes</b>  |  | <input checked="" type="checkbox"/> Driveway # of Cars | <b>10</b>  |
| Attic  | <input type="checkbox"/> None   | Heating  | <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HW <input type="checkbox"/> Radiant | Amenities   | <input type="checkbox"/> Wood Stove(s) #0  | Driveway Surface                                       | <b>Brick paved</b>   |
| <input checked="" type="checkbox"/> Drop Stair | <input type="checkbox"/> Stairs   | <input type="checkbox"/> Other   | Fuel <b>Electric</b>   | <input checked="" type="checkbox"/> Fireplace(s) # <b>2</b> | <input checked="" type="checkbox"/> Fence <b>Wall; Iron</b>  | <input checked="" type="checkbox"/> Garage # of Cars   | <b>2</b>   |
| <input type="checkbox"/> Floor                 | <input type="checkbox"/> Scuttle  | Cooling  | <input checked="" type="checkbox"/> Central Air Conditioning   | <input checked="" type="checkbox"/> Patio/Deck <b>Brick</b> | <input checked="" type="checkbox"/> Porch <b>Roofed</b>  | <input type="checkbox"/> Carport # of Cars             | <b>0</b>   |
| <input type="checkbox"/> Finished              | <input type="checkbox"/> Heated   | <input type="checkbox"/> Individual <input type="checkbox"/> Other <b>None</b>         | <input checked="" type="checkbox"/> Pool w/Jacuzzi   | <input checked="" type="checkbox"/> Other <b>Balcony</b>    | <input checked="" type="checkbox"/> Att. <input type="checkbox"/> Det. <input type="checkbox"/> Built-in |  |  |
| Appliances                                     | <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input checked="" type="checkbox"/> Microwave <input checked="" type="checkbox"/> Washer/Dryer <input checked="" type="checkbox"/> Other (describe) <b>Numerous appliances</b>            |  |  |   |  |  |  |
| Finished area above grade contains:            | <b>17 Rooms</b>   |  | <b>7 Bedrooms</b>  |   | <b>7.2 Bath(s)</b>   |  | <b>14,783 Square Feet of Gross Living Area Above Grade</b> |
| Additional Features                            | <b>Water front site with 254.48± linear feet on water on Biscayne Bay offering excellent views and boating amenities. Property is fenced and has an electric gate. Beyond the gate is a courtyard with ample parking. There is a swimming pool and jacuzzi, dock and deck, cabana structure with a bar and cooking facilities and cabana full bathroom and multiple open showers.</b> |  |  |   |  |  |  |
| Comments on the Improvements                   | <b>See Attached Addendum</b>  |  |  |   |  |  |  |

Advanced Research & Appraisal  
Residential Appraisal Report

File No. 22072602

| FEATURE   | SUBJECT                                    | COMPARABLE SALE NO. 1  |                    | COMPARABLE SALE NO. 2  |                    | COMPARABLE SALE NO. 3  |                    |
|---|--|--|--------------------|--|--------------------|--|--------------------|
| 2 Star Island Dr<br>Address Miami Beach, Fl 33139 | 34 Star Island Dr<br>Miami Beach, Fl 33139 | 8 Star Island Dr<br>Miami Beach, Fl 33139                        |                    | 46 Star Island Dr<br>Miami Beach, Fl 33139                       |                    |  |                    |
| Proximity to Subject                              |  | 0.18 miles NE  |                    | 0.13 miles NW  |                    | 0.40 miles NE  |                    |
| Sale Price  | \$   | \$ 30,000,000  |                    | \$ 75,000,000  |                    | \$ 38,000,000  |                    |
| Sale Price/Gross Liv. Area                        | \$ 0.00 sq. ft.                            | \$ 4,062.84 sq. ft.  |                    | \$ 5,072.71 sq. ft.  |                    | \$ 2,458.43 sq. ft.  |                    |
| Data Source(s)                                    |  | MatrixMLS #A11039509;DOM 230                                     |                    | MatrixMLS #A11081499;DOM 122                                     |                    | MatrixMLS #A10597515;DOM 764                                     |                    |
| Verification Source(s)                            |  | Tax Rolls/IMAPP  |                    | Tax Rolls/IMAPP  |                    | Tax Rolls/IMAPP  |                    |
| VALUE ADJUSTMENTS                                 | DESCRIPTION                                | DESCRIPTION  | +(-) \$ Adjustment | DESCRIPTION  | +(-) \$ Adjustment | DESCRIPTION  | +(-) \$ Adjustment |
| Sale or Financing Concessions                     |  | ArmLth Cash;0  |                    | ArmLth Cash;0  |                    | ArmLth Cash;0  |                    |
| Date of Sale/Time                                 |  | s01/22;c01/22  | 1,200,000          | s12/21;c12/21  | 3,750,000          | s03/21;c02/21  | 5,700,000          |
| Location  | Suburban                                   | Suburban   |                    | Suburban   |                    | Suburban   |                    |
| Leasehold/Fee Simple                              | Fee Simple                                 | Fee Simple   |                    | Fee Simple   |                    | Fee Simple   |                    |
| Site  | 58,232 Sq.Ft.                              | 40,000 Sq.Ft.  | 5,469,600          | 80,000 Sq.Ft.  | -6,530,400         | 61,301 Sq.Ft.  | -920,700           |
| View  | Biscayne Bay                               | Biscayne Bay   |                    | Biscayne Bay   |                    | Biscayne Bay   |                    |
| Design (Style)                                    | Modern 2 Sty                               | Traditional 2 Sty  | 0                  | Traditional 2 Sty  | 0                  | Traditional 2 Sty  | 0                  |
| Quality of Construction                           | Very Good                                  | Very Good  |                    | Excellent  | -1,200,000         | Very Good  |                    |
| Actual Age  | 20± Yrs 10 eff                             | 61+/- Yrs 40 eff   | 3,000,000          | 29+/- Yrs 10 eff   |                    | 99+/- Yrs 60 eff   | 5,000,000          |
| Condition   | Very Good                                  | Average Good   | 1,000,000          | Excellent  | -500,000           | Average Good   | 1,000,000          |
| Above Grade                                       | Total Bdrms Baths                          | Total Bdrms Baths  |                    | Total Bdrms Baths  |                    | Total Bdrms Baths  |                    |
| Room Count  | 17 7 7.2                                   | 18 9 9.1   | -37,500            | 17 9 8.3   | -37,500            | 20 10 10.2   | -75,000            |
| Gross Living Area 300.00                          | 14,783 sq. ft.                             | 7,384 sq. ft.  | 2,219,700          | 14,785 sq. ft.   | 0                  | 15,457 sq. ft.   | -202,200           |
| Basement & Finished Rooms Below Grade             | 254.5' FF Water                            | 100' FF Water  | 7,725,000          | 202' FF Water  | 2,625,000          | 252' FF Water  | 125,000            |
| Functional Utility                                | Good                                       | Good   |                    | Good   |                    | Good   |                    |
| Heating/Cooling                                   | Central                                    | Central  |                    | Central  |                    | Central  |                    |
| Energy Efficient Items                            | Appliances                                 | Appliances   |                    | Appliances   |                    | Appliances   |                    |
| Garage/Carport                                    | 2 Car Garage                               | 3 Car Garage   | -50,000            | 4 Car Garage   | -100,000           | 6 Car Garage   | -200,000           |
| Porch/Patio/Deck                                  | Patio/Deck,Porch                           | Patio,Porch,Dock   |                    | Patio,Porches,Dock   |                    | Patio,Porches,Dock   |                    |
|   | F/P; Elevator                              | F/P; Elevator  |                    | F/P; Elevator  |                    | F/P; Elevator  |                    |
|   | Fence,Pool,Balcony                         | Fence,Pool,Balcony   |                    | Fence,Pool/Spa,Balcony   |                    | Fence,Pool/Spa,Balcony   |                    |
|   |  |  |                    | Fully furnished  | -1,000,000         | Detached G.L.A.  | Size ???           |
| Net Adjustment (Total)                            |  | <input checked="" type="checkbox"/> + <input type="checkbox"/> - | \$ 20,526,800      | <input type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ 2,992,900       | <input checked="" type="checkbox"/> + <input type="checkbox"/> - | \$ 10,427,100      |
| Adjusted Sale Price of Comparables                |  | Net Adj. 68.4%   |                    | Net Adj. -4.0%   |                    | Net Adj. 27.4%   |                    |
|   |  | Gross Adj. 69.0%   | \$ 50,526,800      | Gross Adj. 21.0%   | \$ 72,007,100      | Gross Adj. 34.8%   | \$ 48,427,100      |

Summary of Sales Comparison Approach Six closed sales, an active listing and a recently expired listing are included in the appraisal analysis. See additional comparables attached. See Attached Addendum For Comments.

Indicated Value by Sales Comparison Approach \$ 48,500,000

| COST APPROACH TO VALUE  |   |
|---|---|
| Site Value Comments   | See Attached Addendum                                       |
| ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input checked="" type="checkbox"/> REPLACEMENT COST NEW   | OPINION OF SITE VALUE ..... = \$ 36,000,000                 |
| Source of cost data Marshall Swift & Boeckh Cost Estimator  | Dwelling 14,783 Sq. Ft. @ \$ 650.00 ..... = \$ 9,608,950    |
| Quality rating from cost service 5.0 Effective date of cost data Current  | Sq. Ft. @ \$ ..... = \$                                     |
| Comments on Cost Approach (gross living area calculations, depreciation, etc.)  | pools, spa, porches, cabana, bars 2,000,000                 |
| Cost approach has been developed and improvements with effective age estimated and depreciation with renovations and updates over the years. No measurable external obsolescence is noted due to location next to entry road. | Garage/Carport 1,793 Sq. Ft. @ \$ 200.00 ..... = \$ 358,600 |
|   | Total Estimate of Cost-New ..... = \$ 11,967,550            |
|   | Less 80 Physical Functional External                        |
|   | Depreciation \$1,495,943 \$0 \$0 = \$ ( 1,495,943)          |
|   | Depreciated Cost of Improvements ..... = \$ 10,471,607      |
|   | "As-is" Value of Site Improvements ..... = \$ 2,000,000     |
|   | INDICATED VALUE BY COST APPROACH ..... = \$ 48,471,600      |

| INCOME APPROACH TO VALUE   |   |
|--|---|
| Estimated Monthly Market Rent \$                                       | X Gross Rent Multiplier = \$ Indicated Value by Income Approach |
| Summary of Income Approach (including support for market rent and GRM) | Not developed   |

Methods and techniques employed:  Sales Comparison Approach  Cost Approach  Income Approach  Other:

Discussion of methods and techniques employed, including reason for excluding an approach to value: The sales comparison approach is developed best reflects the motives of knowledgeable buyers and sellers in an active market. The cost approach has been developed and is given limited reliance as subject is an existing property with physical depreciation. The income approach is not developed as high end properties are not typically used as rentals.

Reconciliation comments: Reliance is placed on the sales comparison approach as it best reflects the motives of buyers and sellers in this market. The cost approach has been developed and is a supportive indicator. The income approach has not been developed due to the limited rental data in this mostly owner occupied neighborhood and this approach is not needed for credible valuation results.

Based on the scope of work, assumptions, limiting conditions and appraiser's certification, my (our) opinion of the defined value of the real property that is the subject of this report as of 06/28/2022, which is the effective date of this appraisal, is:

Single point \$ 48,500,000  Range \$ \_\_\_\_\_ to \$ \_\_\_\_\_  Greater than  Less than \$ \_\_\_\_\_

This appraisal is made  "as is,"  subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed,  subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed  subject to the following:





Advanced Research & Appraisal  
Residential Appraisal Report

File No. 22072602

**Scope of Work, Assumptions and Limiting Conditions**

Scope of work is defined in the Uniform Standards of Professional Appraisal Practice as "the type and extent of research and analyses in an assignment." In short, scope of work is simply what the appraiser did and did not do during the course of the assignment. It includes, but is not limited to: the extent to which the property is identified and inspected, the type and extent of data researched, the type and extent of analyses applied to arrive at opinions or conclusions.

The scope of this appraisal and ensuing discussion in this report are specific to the needs of the client, other identified intended users and to the intended use of the report. This report was prepared for the sole and exclusive use of the client and other identified intended users for the identified intended use and its use by any other parties is prohibited. The appraiser is not responsible for unauthorized use of the report.

The appraiser's certification appearing in this appraisal report is subject to the following conditions and to such other specific conditions as are set forth by the appraiser in the report. All extraordinary assumptions and hypothetical conditions are stated in the report and might have affected the assignment results.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.

2. Any sketch in this report may show approximate dimensions and is included only to assist the reader in visualizing the property. The appraiser has made no survey of the property.

3. The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made thereto.

4. Neither all, nor any part of the content of this report, copy or other media thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client and other intended users as identified in this report, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent of the appraiser.

5. The appraiser will not disclose the contents of this appraisal report unless required by applicable law or as specified in the Uniform Standards of Professional Appraisal Practice.

6. Information, estimates, and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser is assumed by the appraiser.

7. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering or testing, which might be required to discover such factors. This appraisal is not an environmental assessment of the property and should not be considered as such.

8. The appraiser specializes in the valuation of real property and is not a home inspector, building contractor, structural engineer, or similar "expert", unless otherwise noted. The appraiser did not conduct the intensive type of field observations of the kind intended to seek and discover property defects. The viewing of the property and any improvements is for purposes of developing an opinion of the defined value of the property, given the intended use of this assignment. Statements regarding condition are based on surface observations only. The appraiser claims no special expertise regarding issues including, but not limited to: foundation settlement, basement moisture problems, wood destroying (or other) insects, pest infestation, radon gas, lead based paint, mold or environmental issues. Unless otherwise indicated, mechanical systems were not activated or tested.

This appraisal report should not be used to disclose the condition of the property as it relates to the presence/absence of defects. The client is invited and encouraged to employ qualified experts to inspect and address areas of concern. If negative conditions are discovered, the opinion of value may be affected.

**Unless otherwise noted, the appraiser assumes the components that constitute the subject property improvement(s) are fundamentally sound and in working order.**

Any viewing of the property by the appraiser was limited to readily observable areas. Unless otherwise noted, attics and crawl space areas were not accessed. The appraiser did not move furniture, floor coverings or other items that may restrict the viewing of the property.

9. Appraisals involving hypothetical conditions related to completion of new construction, repairs or alteration are based on the assumption that such completion, alteration or repairs will be competently performed.

10. Unless the intended use of this appraisal specifically includes issues of property insurance coverage, this appraisal should not be used for such purposes. Reproduction or Replacement cost figures used in the cost approach are for valuation purposes only, given the intended use of the assignment. The Definition of Value used in this assignment is unlikely to be consistent with the definition of Insurable Value for property insurance coverage/use.

11. The ACI General Purpose Appraisal Report (GPAR™) is not intended for use in transactions that require a Fannie Mae 1004/Freddie Mac 70 form, also known as the Uniform Residential Appraisal Report (URAR).

**Additional Comments Related To Scope Of Work, Assumptions and Limiting Conditions**

A limited inspection of the interior was made by the appraisers and no interior photos were permitted. The appraisers viewed some of the common rooms and were restricted from private and other interior and exterior areas. Assumptions are made pertaining to the floor plan and room layout as the appraisers relied on information provided by the staff members and is assumed to be accurate.

Advanced Research & Appraisal  
Residential Appraisal Report

File No. 22072602

**Appraiser's Certification**

The appraiser(s) certifies that, to the best of the appraiser's knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are the appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise stated, the appraiser has no present or prospective interest in the property that is the subject of this report and has no personal interest with respect to the parties involved.
4. The appraiser has no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. The appraiser's engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. The appraiser's compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The appraiser's analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
8. Unless otherwise noted, the appraiser has made a personal inspection of the property that is the subject of this report.
9. Unless noted below, no one provided significant real property appraisal assistance to the appraiser signing this certification. Significant real property appraisal assistance provided by:

**Additional Certifications:**

Definition of Value:  Market Value  Other Value: \_\_\_\_\_

Source of Definition: Source of the Market Value Definition is FNMA and or FHLMC.

Market value is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

ADDRESS OF THE PROPERTY APPRAISED:

2 Star Island Dr

Miami Beach, FL 33139

EFFECTIVE DATE OF THE APPRAISAL: 06/28/2022

APPRAISED VALUE OF THE SUBJECT PROPERTY \$ 48,500,000

**APPRAISER**

Signature:   
Name: Orna Sarley

Company Name: Advanced Research & Appraisal

Company Address: 9240 S Cypress Circle

Miramar, FL 33025

Telephone Number: 954-465-4432

Email Address: osarley@gmail.com

State Certification # Cert Res RD1541

or License # \_\_\_\_\_

or Other (describe): \_\_\_\_\_ State #: \_\_\_\_\_

State: FL

Expiration Date of Certification or License: 11/30/2022

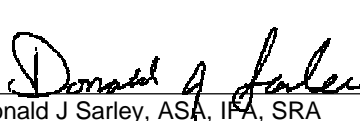
Date of Signature and Report: 08/09/2022

Date of Property Viewing: June 28, 2022

Degree of property viewing:

Interior and Exterior  Exterior Only  Did not personally view

**SUPERVISORY APPRAISER**

Signature:   
Name: Donald J Sarley, ASA, IFA, SRA

Company Name: Advanced Research & Appraisal

Company Address: 9240 S Cypress Circle

Miramar, FL 33025

Telephone Number: 954-557-3300

Email Address: dsarley@bellsouth.net

State Certification # Cert Res RD259

or License # \_\_\_\_\_

State: FL

Expiration Date of Certification or License: 11/30/2022

Date of Signature: 08/09/2022

Date of Property Viewing: June 28, 2022

Degree of property viewing:

Interior and Exterior  Exterior Only  Did not personally view



Client: Tri Star Sports and Entertainment Group

File No.: 22072602

Property Address: 2 Star Island Dr

Case No.:

City: Miami Beach

State: FL

Zip: 33139

**Neighborhood Boundaries**

The subject is accessible via the Macarthur Causeway to the South and is an island community that is surrounded by Biscayne Bay. The island of Miami Beach is located to the East and mainland Miami-Dade County is to the West. The Port of Miami is to the South. Area boundaries are considered to be Macarthur Causeway an E/W artery; the Venetian Causeway to the North an E/W artery. Biscayne Bay provides additional access with water crafts.

**Neighborhood Description**

The subject is a neighborhood in the city of Miami Beach on a man-made island in Biscayne Bay, Florida. Star Island is famous for the residents it attracts including, celebrities, movie stars, sports stars, artists, entertainers and other wealthy individuals seeking luxury and privacy. This is a private community with 33 private residential site off the southern coast of Miami Beach. The subject is convenient to all desired amenities. The location offers convenient access to Downtown Miami, South Beach and the Atlantic Beaches. Downtown Miami Business and Banking district is accessible via the Macarthur Causeway. South Beach is located to the east offering access to recreational amenities, hotels, spas, restaurants and night life. Schools, shops, banks, medical facilities and recreational amenities are within easy access. Star Island is also a part of the Biscayne Bay Aquatic Preserve with estates situated directly on Biscayne Bay with boating amenities for water sports.

**Neighborhood Market Conditions**

Market was affected by COVID-19 and experienced increased demand affecting both pricing and marketing time. Due to the economic conditions interest rates recently increased in an effort to slow down inflation. This affected marketing time as inventory increased. Market is currently considered stable with supply and demand in balance with marketing time of 90 to 180 days. Based on the Federal Housing Finance Agency area values increased 22% between the first quarter of 2021 and the first quarter of 2022. Market values increased up through May 2022 and are currently considered stable.

**Quality and Condition of Property**

The main house is a two story Modern design estate with 5 Bedrooms, 4 full bathrooms and 2 half baths, a piano room, large kitchen with excellent quality appliances including a 10 burner gas stove top with industrial fan hood, multiple ovens including a pizza oven and multiple refrigeration units; informal dining, formal living and dining rooms and family area. Exterior features include balconies, porches, patios, multiple swimming pools and spa, pool house with cabanas. The guest house has 2 Bedrooms and 3 full bathrooms, kitchen, living and dining area. The main house was built 1940 and the guest house with additions to the main house were made in 1995. The estate is fenced with electric gates and has 254.5± linear feet on water with ability to store water crafts and easily navigate to open waters. The overall condition of the improvements is considered good with adequate maintenance over the years. Physical depreciation is due to age with normal wear and tear and the elements due to proximity to salt water. The appraisers made a limited inspection of the exterior and interior; the common areas were available for viewing and no interior photos were permitted. Assumptions are made as to the room count, finishes and condition of the areas that were not available for viewing. The floor plan that has been generated with interior room layout is partly based on the staff description and assumptions are made that the layout on the sketch is accurate.

**Comments on Sales Comparison**

Six closed sales, one active listing and one recently expired listing were included in the appraisal analysis.

Sale 1 is the most recent sale on Star Island that is a smaller estate home with a smaller site and less water front; home is older and in inferior condition. High individual, net and gross adjustments are due to the smaller site with inferior water front.

Sale 2 is a recent sale on Star Island of a slightly older estate home that is similar in size and situated on a larger site with less water front. This property is superior in quality and condition and was sold fully furnished turnkey including personal property.

Sale 3 is a slightly more dated sale of an estate home that is similar in size and quality; property is older and inferior in condition and is situated on a similar site with similar water front. High individual and gross adjustments to sale 3 are due to the time of sale and age difference.

Sale 4 is a dated sale on Star Island that is similar in size and age; situated on a smaller site with less water front. Sale has high individual, net and gross adjustments due to time of sale and smaller site with less water front.

Sale 5 is a dated sale situated next to the subject and is older, smaller and inferior in condition with similar site size and slightly less water frontage. The high individual and net adjustments are due to the time of sale, age and GLA size differences.

Sale 6 is a recent sale from a greater than desired distance on Bal Harbour Island a gated secured community of water front estate homes that is smaller and has slightly smaller site with less water front. This sale is located at a greater distance and is included as it offers many amenities that are similar to Star Island and is equally desirable.

Listing 7 is located on a secured island and is a larger newer home on smaller site with less water front. This sale is included due to the lack of active offerings on Star Island.

Listing 8 is an expired listing on Star Island that was listed for sale as improved and as a vacant site. Property is situated on a smaller site with less water front. This expired listing is included as it was active on the effective date of the appraisal and has since expired. This property was originally listed 06/13/2021 priced \$34,000; relisted 08/19/2021 priced \$33,900,000; listing expired 08/07/2022.

Most reliance is placed on Sale 3 as it has the most similar site size and 4 being the most similar in size and age. Sale 2 is a recent sale that was sold with personal property and sales 1, 5 are smaller homes and sale 6 is smaller and more distant. Sales 1, 2 and 5 are given secondary reliance and considered supportive indicators. Sale 6 is included due to being a recent sale and considered a supportive indicator. Listing comparables 7 and 8 are included to show current offerings and given reliance as they are not closed transactions. Expired listing 8 is considered supportive of subject site value.

Sales are adjusted for time of sale at 1% per month up thru May 2022 as the market stabilized there after.

Client: Tri Star Sports and Entertainment Group

File No.: 22072602

Property Address: 2 Star Island Dr

Case No.:

City: Miami Beach

State: FL

Zip: 33139

Sales are adjusted for site size differences at \$300 per square foot.  
 Sales are adjusted for water front feet at \$50,000 per linear foot.  
 Sales are adjusted for age based on estimated effective age at \$100,000 per year.  
 Sales are adjusted for condition at \$500,000 and \$1,000,000 increments.  
 Sales are adjusted for bathrooms at \$25,000 per full bath and \$12,500 per half bath.  
 Sales are adjusted for GLA size at \$300 per sf.  
 Sales are adjusted for garage space at \$50,000.  
 Sales are adjusted for having an Elevator \$15,000.  
 Sales that were sold furnished, turnkey with personal property adjusted \$1,000,000.  
 Quality difference adjusted at \$1,200,000.  
 No adjustments made for bedroom utility as the size differences of the comparables account for the room count differences.  
 The applied adjustments are for contributory value not actual cost that may be greater. Condition differences and effective age are supported by MLS comments and photos.

The use of dated sales, sales with higher than desired adjustments and sales that are more distant than desired is unavoidable. The comparables selected are the best and most similar sales to have transpired within the past two years. No other more similar, more current or more proximate sales were found for comparison.

### Support for the Opinion of Site Value

Vacant Site Sales:

28 Star Island Drive - 40,000 sf site with 100 linear feet - sold 12/15/2020 \$13,300,000 - x 1.17 Time = \$15,561,000  
 Plus \$5,469,600 (size) + \$7,725,000 (waterfront) = \$28,755,600

11 Star Island Drive - 80,000 sf site with 200 linear feet - sold 08/19/2020 \$37,000,000 - x 1.21 Time = \$44,770,000  
 Minus \$6,530,400 (size) + Plus \$2,725,000 (waterfront) = \$40,964,600

10 Star Island Drive - 40,000 sf site with 100 linear feet - sold 11/20/2020 \$25,000,000 - x 1.18 Time = \$29,500,000  
 Plus \$5,469,600 (size) + \$7,725,000 (waterfront) = \$42,599,600

2 Indian Creek Island Rd - 80,000 sf site with 200 linear feet sold 04/09/2021 \$37,000,000 - x 1.13 Time = \$41,810,000  
 Minus \$6,530,400 (size) + Plus \$2,100,000 (waterfront) = \$37,379,600

37 Indian Creek Island Rd - 53,696 sf site with 134 linear feet - sold 07/02/2021 \$23,750,000 - x 1.10 Time = \$26,125,000  
 Plus \$1,360,800 (size) + Plus \$6,250,000 (waterfront) = \$33,735,800

7 Indian Creek Island Rd - 80,000 sf site with 200 linear feet - sold 11/20/2020 \$30,000,000 - 1.18 Time = \$35,400,000  
 Minus \$6,530,400 (size) + Plus \$2,100,000 (waterfront) = \$30,969,600

4 Indian Creek Island Rd - 80,000 sf site with 200 linear feet - sold 12/27/2020 \$32,179,413 - x 1.17 Time = \$37,649,000  
 Minus \$6,530,400 (size) + Plus \$2,100,000 (waterfront) = \$33,219,913

All of the site sales are similar in location and amenities on secured islands with security for residents looking for privacy with water front sites offering boating facilities for large yachts.

Time of sale difference applied at 1% per month up through May 2022 when market stabilized.  
 Site size differences adjusted at \$300 per sf.  
 Linear feet on water adjusted at \$50,000.

The above site sales provide an adjusted indicated value range from a low end of \$28,755,600 to high end of \$42,599,600.

The most recent sales support an indicated value of \$36,000,000 for the vacant site.

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



**FRONT VIEW OF  
SUBJECT PROPERTY**

Appraised Date: June 28, 2022  
Appraised Value: \$ 48,500,000



**REAR VIEW OF  
SUBJECT PROPERTY**



**STREET SCENE**

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



Main residence front view



Main residence rear view



Main residence side view



Front guest house



Front guest house side view with stairs



Front guest house first floor entry

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



Covered areas



Natural roofs on exterior buildings



Natural roofs on exterior buildings



Side view guest house and lush landscaping



Wading pool



Large pool

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



Site and amenities



Natural roofs on exterior buildings



Rear of main house with pools and amenities



Dock, deck, seawall



View



Dock, deck, seawall

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



**COMPARABLE SALE #1**

34 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: s01/22;c01/22  
Sale Price: \$ 30,000,000



**COMPARABLE SALE #2**

8 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: s12/21;c12/21  
Sale Price: \$ 75,000,000



**COMPARABLE SALE #3**

46 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: s03/21;c02/21  
Sale Price: \$ 38,000,000

|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



**COMPARABLE SALE #4**

13 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: s08/20;c07/20  
Sale Price: \$ 32,500,000



**COMPARABLE SALE #5**

1 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: s07/21;c03/21  
Sale Price: \$ 35,000,000



**COMPARABLE SALE #6**

276 Bal Bay Dr  
Bal Harbour, FL 33154  
Sale Date: s06/22;c03/22  
Sale Price: \$ 41,500,000



|   |                      |
|---|----------------------|
| Client: Tri Star Sports and Entertainment Group | File No.: 22072602   |
| Property Address: 2 Star Island Dr              | Case No.:            |
| City: Miami Beach                               | State: FL Zip: 33139 |



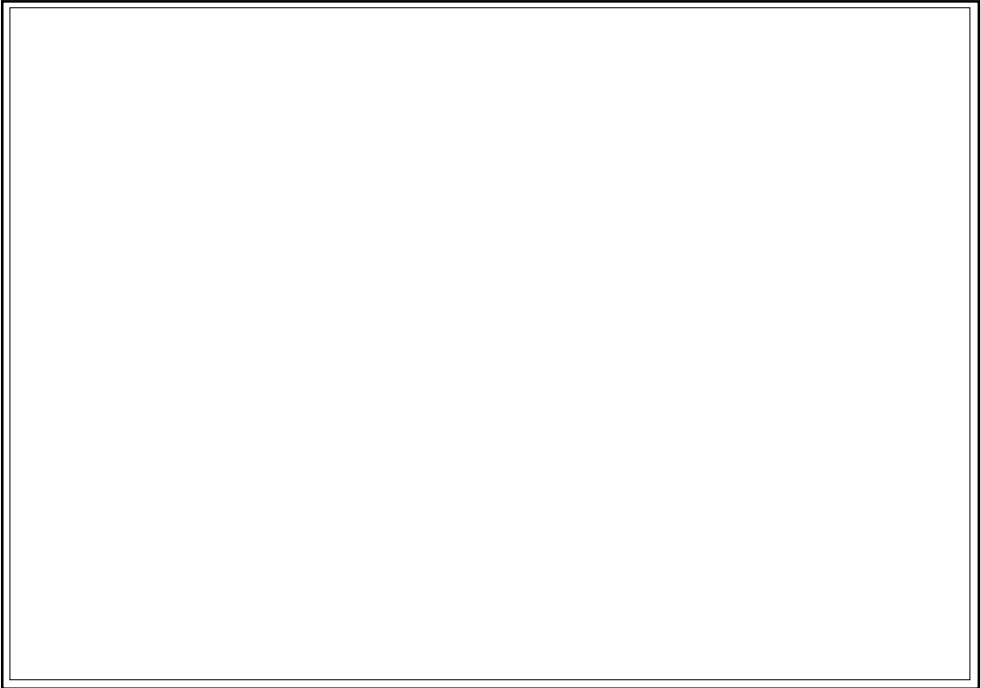
**COMPARABLE SALE #7**

30 Palm Ave  
Miami Beach, FL 33139  
Sale Date: Active  
Sale Price: \$ 43,000,000



**COMPARABLE SALE #8**

45 Star Island Dr  
Miami Beach, FL 33139  
Sale Date: Active  
Sale Price: \$ 28,900,000



**COMPARABLE SALE #9**

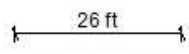
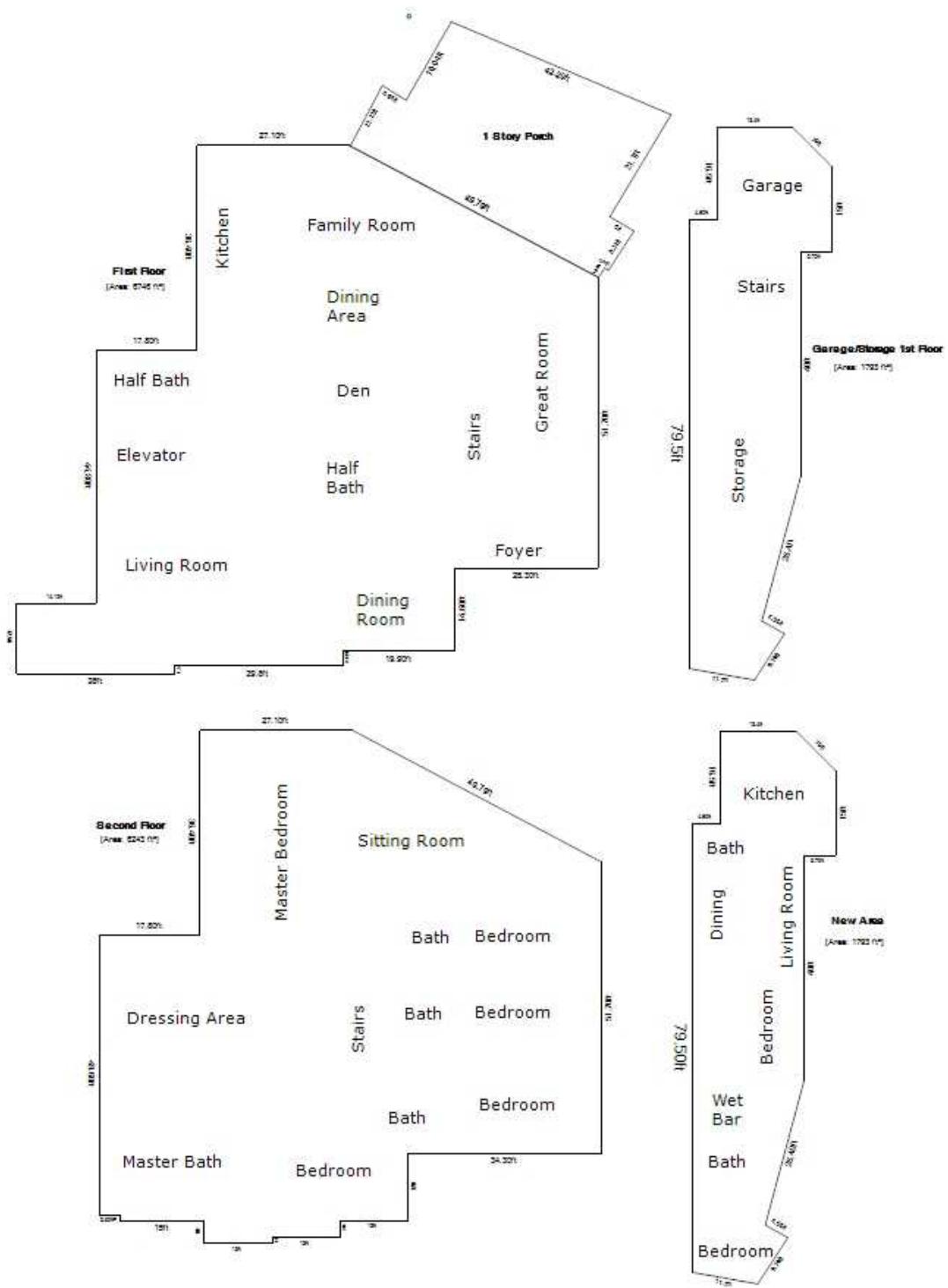
Sale Date:  
Sale Price: \$

FLOORPLAN SKETCH

Client: Tri Star Sports and Entertainment Group  
 Property Address: 2 Star Island Dr  
 City: Miami Beach

File No.: 22072602  
 Case No.:  
 State: FL Zip: 33139

Sketch



| Living Area                         |                             | Area Calculation   |        |                                  |  |
|-------------------------------------|-----------------------------|--------------------|--------|----------------------------------|--|
| Second Floor                        | 6242.61 ft <sup>2</sup>     | Second Floor       |        | x 1.00 = 6242.61 ft <sup>2</sup> |  |
| First Floor                         | 6746.25 ft <sup>2</sup>     | 1ft x 12ft         | 1.00 = | 12 ft <sup>2</sup>               |  |
| New Area                            | 1793.49 ft <sup>2</sup>     | 3ft x 24ft         | 1.00 = | 72 ft <sup>2</sup>               |  |
| <b>Nonliving Area</b>               |                             | 1ft x 51ft         | 1.00 = | 51 ft <sup>2</sup>               |  |
| 1 Story Porch                       | 1341.11 ft <sup>2</sup>     | 17.80ft x 49.60ft  | 1.00 = | 882.89 ft <sup>2</sup>           |  |
| Garage/Storage 1st Floor            | 1793.49 ft <sup>2</sup>     | 27.10ft x 86ft     | 1.00 = | 2330.61 ft <sup>2</sup>          |  |
|                                     |                             | 11ft x 9.70ft      | 1.00 = | 106.70 ft <sup>2</sup>           |  |
|                                     |                             | 49.79ft x 23.30ft  | 0.44 = | 512.60 ft <sup>2</sup>           |  |
|                                     |                             | 51.70ft x 44ft     | 1.00 = | 2274.81 ft <sup>2</sup>          |  |
|                                     |                             | <b>First Floor</b> |        | x 1.00 = 6746.25 ft <sup>2</sup> |  |
|                                     |                             | 14.10ft x 12.5ft   | 1.00 = | 176.25 ft <sup>2</sup>           |  |
|                                     |                             | 1.5ft x 13.90ft    | 1.00 = | 20.85 ft <sup>2</sup>            |  |
|                                     |                             | 17.80ft x 55.80ft  | 1.00 = | 993.24 ft <sup>2</sup>           |  |
|                                     |                             | 2.60ft x 25.90ft   | 1.00 = | 67.34 ft <sup>2</sup>            |  |
|                                     |                             | 27.10ft x 89.60ft  | 1.00 = | 2428.16 ft <sup>2</sup>          |  |
|                                     |                             | 14.60ft x 18.70ft  | 1.00 = | 273.02 ft <sup>2</sup>           |  |
|                                     |                             | 49.79ft x 23.30ft  | 0.44 = | 512.60 ft <sup>2</sup>           |  |
|                                     |                             | 51.70ft x 44ft     | 1.00 = | 2274.80 ft <sup>2</sup>          |  |
|                                     |                             | <b>New Area</b>    |        | x 1.00 = 1793.49 ft <sup>2</sup> |  |
|                                     |                             | 9.76ft x 4.58ft    | 0.50 = | 22.32 ft <sup>2</sup>            |  |
|                                     |                             | 11.7ft x 10.54ft   | 0.50 = | 61.60 ft <sup>2</sup>            |  |
|                                     |                             | 15.36ft x 26.40ft  | 0.33 = | 134.90 ft <sup>2</sup>           |  |
|                                     |                             | 4.90ft x 5.57ft    | 1.00 = | 27.30 ft <sup>2</sup>            |  |
|                                     |                             | 20.47ft x 15ft     | 1.00 = | 307.07 ft <sup>2</sup>           |  |
|                                     |                             | 33.93ft x 39.22ft  | 0.25 = | 333.71 ft <sup>2</sup>           |  |
|                                     |                             | 40ft x 19.67ft     | 1.00 = | 786.84 ft <sup>2</sup>           |  |
|                                     |                             | 7.07ft x 10ft      | 0.35 = | 25.00 ft <sup>2</sup>            |  |
| <b>Total Living Area (rounded):</b> | <b>14782 ft<sup>2</sup></b> | 13.4ft x 7.07ft    | 1.00 = | 94.75 ft <sup>2</sup>            |  |

Client: Tri Star Sports and Entertainment Group File No.: 22072602  
 Property Address: 2 Star Island Dr Case No.:  
 City: Miami Beach State: FL Zip: 33139

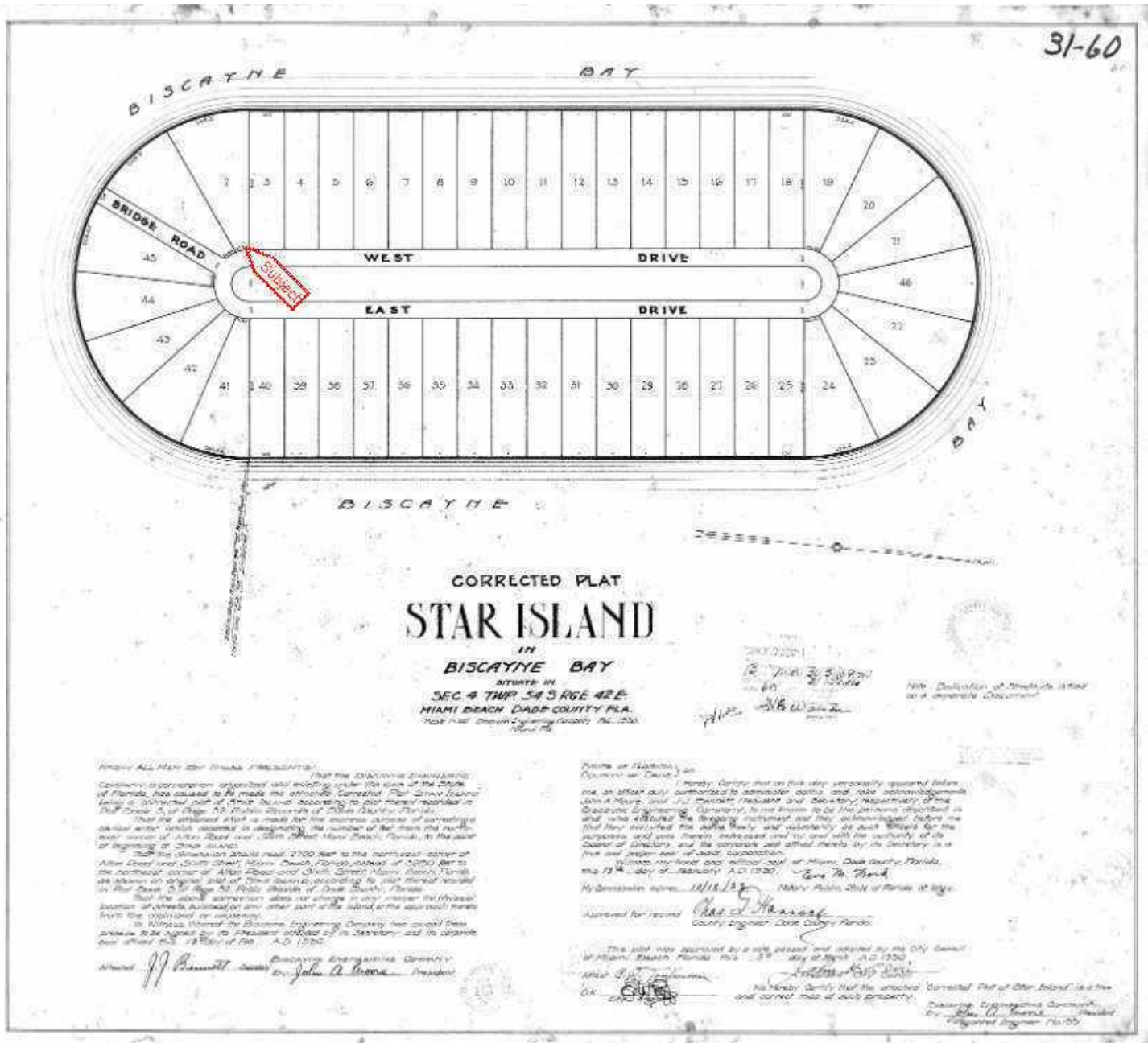
| <b>GROSS BUILDING AREA (GBA)</b> |                          | 14,783   |          |
|----------------------------------|--------------------------|----------|----------|
| <b>GROSS LIVING AREA (GLA)</b>   |                          | 14,783   |          |
| Area(s)                          | Area                     | % of GLA | % of GBA |
| Living                           | 14,783                   |          | 100.00   |
| Level 1                          | 8,540                    | 57.77    | 57.77    |
| Level 2                          | 6,243                    | 42.23    | 42.23    |
| Level 3                          | 0                        | 0.00     | 0.00     |
| Other                            | 0                        | 0.00     | 0.00     |
| Basement                         | <input type="checkbox"/> |          |          |
| Garage                           | <input type="checkbox"/> |          |          |
| Other                            | <input type="checkbox"/> |          |          |

| Area Measurements       |          |       |  | Area Type                           |                                     |                          |                          |                          |                                     |
|-------------------------|----------|-------|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Measurements            | Factor   | Total |  | Level 1                             | Level 2                             | Level 3                  | Other                    | Bsmt.                    | Garage                              |
| 1.00 x 12.00 x 1.00 =   | 12.00    |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 3.00 x 24.00 x 1.00 =   | 72.00    |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 1.00 x 51.00 x 1.00 =   | 51.00    |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 17.80 x 49.60 x 1.00 =  | 882.89   |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 27.10 x 86.00 x 1.00 =  | 2,330.61 |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 11.00 x 9.70 x 1.00 =   | 106.70   |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 51.70 x 44.00 x 1.00 =  | 2,274.81 |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 49.80 x 23.30 x 0.44 =  | 512.60   |       |  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 14.10 x 12.50 x 1.00 =  | 176.25   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 1.50 x 13.90 x 1.00 =   | 20.85    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 17.80 x 55.80 x 1.00 =  | 993.24   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 2.60 x 25.90 x 1.00 =   | 67.34    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 27.10 x 89.60 x 1.00 =  | 2,428.16 |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 14.60 x 18.70 x 1.00 =  | 273.02   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 51.70 x 44.00 x 1.00 =  | 2,274.80 |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 49.80 x 23.30 x 0.44 =  | 512.60   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 4.90 x 5.60 x 1.00 =    | 27.30    |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 20.50 x 15.00 x 1.00 =  | 307.07   |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 40.00 x 19.70 x 1.00 =  | 786.84   |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13.40 x 7.10 x 1.00 =   | 94.75    |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9.80 x 4.60 x 0.50 =    | 22.32    |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11.70 x 10.50 x 0.50 =  | 61.60    |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15.40 x 26.40 x 0.33 =  | 134.90   |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 33.90 x 39.20 x 0.25 =  | 333.71   |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7.10 x 10.00 x 0.35 =   | 25.00    |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4.90 x 5.60 x 1.00 =    | 27.30    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 20.50 x 15.00 x 1.00 =  | 307.07   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 40.00 x 19.70 x 1.00 =  | 786.84   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 13.40 x 7.10 x 1.00 =   | 94.75    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 9.80 x 4.60 x 0.50 =    | 22.32    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 11.70 x 10.50 x 0.50 =  | 61.60    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 15.40 x 26.40 x 0.33 =  | 134.90   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 33.90 x 39.20 x 0.25 =  | 333.71   |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 7.10 x 10.00 x 0.35 =   | 25.00    |       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| _____ x _____ x _____ = |          |       |  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

PLAT MAP

Client: Tri Star Sports and Entertainment Group  
Property Address: 2 Star Island Dr  
City: Miami Beach

File No.: 22072602  
Case No.:  
State: FL Zip: 33139



BISCAYNE BAY

**MAP OF BOUNDARY & TOPOGRAPHIC SURVEY**

2 Star Island Drive, Miami Beach,  
Miami-Dade County, FL 33139  
Folio # 02-4204-001-0020

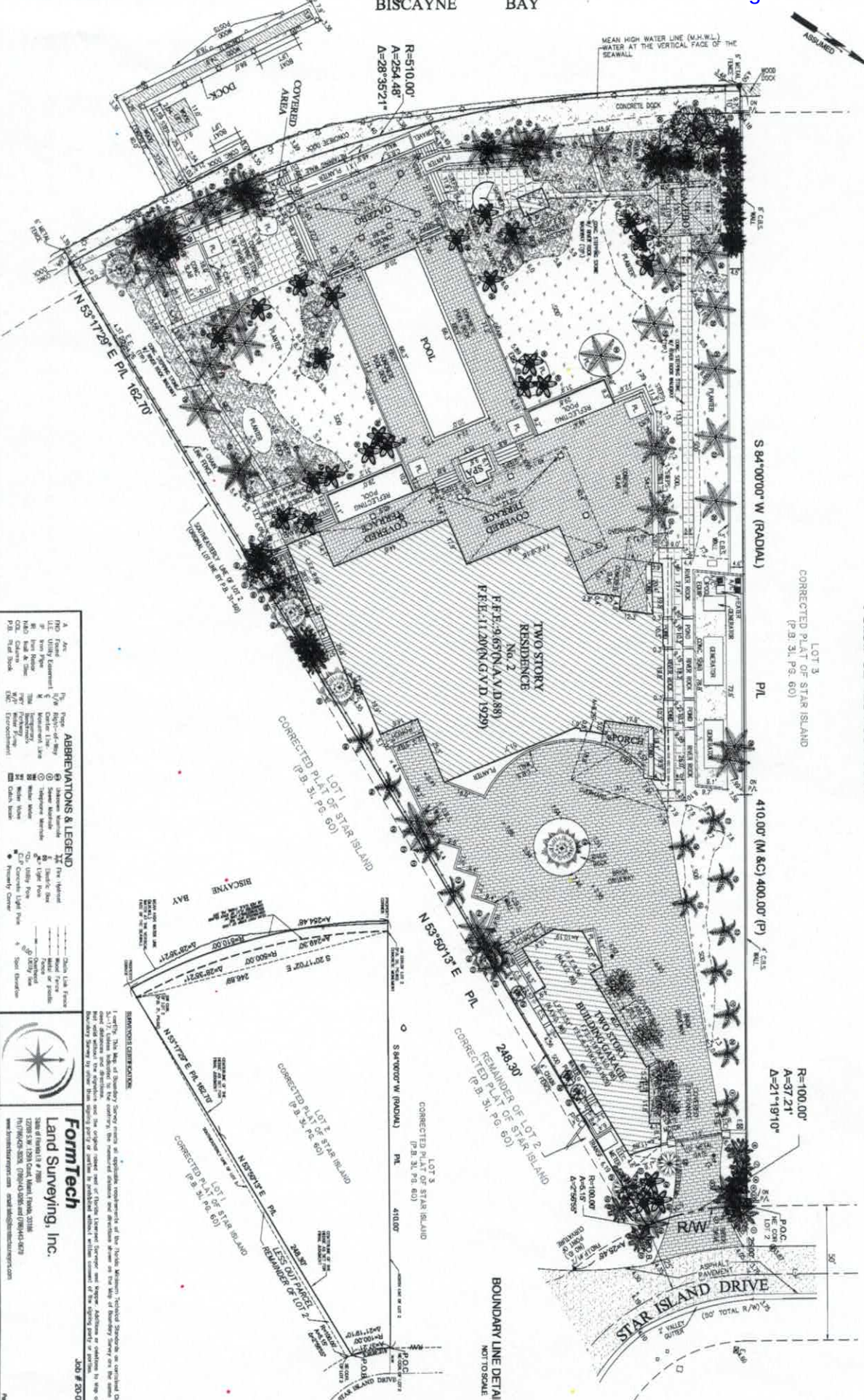
LOT 3  
CORRECTED PLAT OF STAR ISLAND  
(P.B. 31, P.S. 60)

S 84°00'00" W (RADIAL)

PL

410.00' (M 8C) 400.00' (P)

R=100.00'  
A=37.21°  
A=21°19'10"



**ABBREVIATIONS & LEGEND**

| Symbol | Abbreviation | Description |
|--------|--------------|-------------|
| (A)    | Area         | Area        |
| (B)    | Boundary     | Boundary    |
| (C)    | Center       | Center      |
| (D)    | Ditch        | Ditch       |
| (E)    | Electric     | Electric    |
| (F)    | Fence        | Fence       |
| (G)    | Gas          | Gas         |
| (H)    | Highway      | Highway     |
| (I)    | Iron         | Iron        |
| (J)    | Iron Pipe    | Iron Pipe   |
| (K)    | Iron Stake   | Iron Stake  |
| (L)    | Light        | Light       |
| (M)    | Light Pole   | Light Pole  |
| (N)    | Light Pole   | Light Pole  |
| (O)    | Light Pole   | Light Pole  |
| (P)    | Light Pole   | Light Pole  |
| (Q)    | Light Pole   | Light Pole  |
| (R)    | Light Pole   | Light Pole  |
| (S)    | Light Pole   | Light Pole  |
| (T)    | Light Pole   | Light Pole  |
| (U)    | Light Pole   | Light Pole  |
| (V)    | Light Pole   | Light Pole  |
| (W)    | Light Pole   | Light Pole  |
| (X)    | Light Pole   | Light Pole  |
| (Y)    | Light Pole   | Light Pole  |
| (Z)    | Light Pole   | Light Pole  |



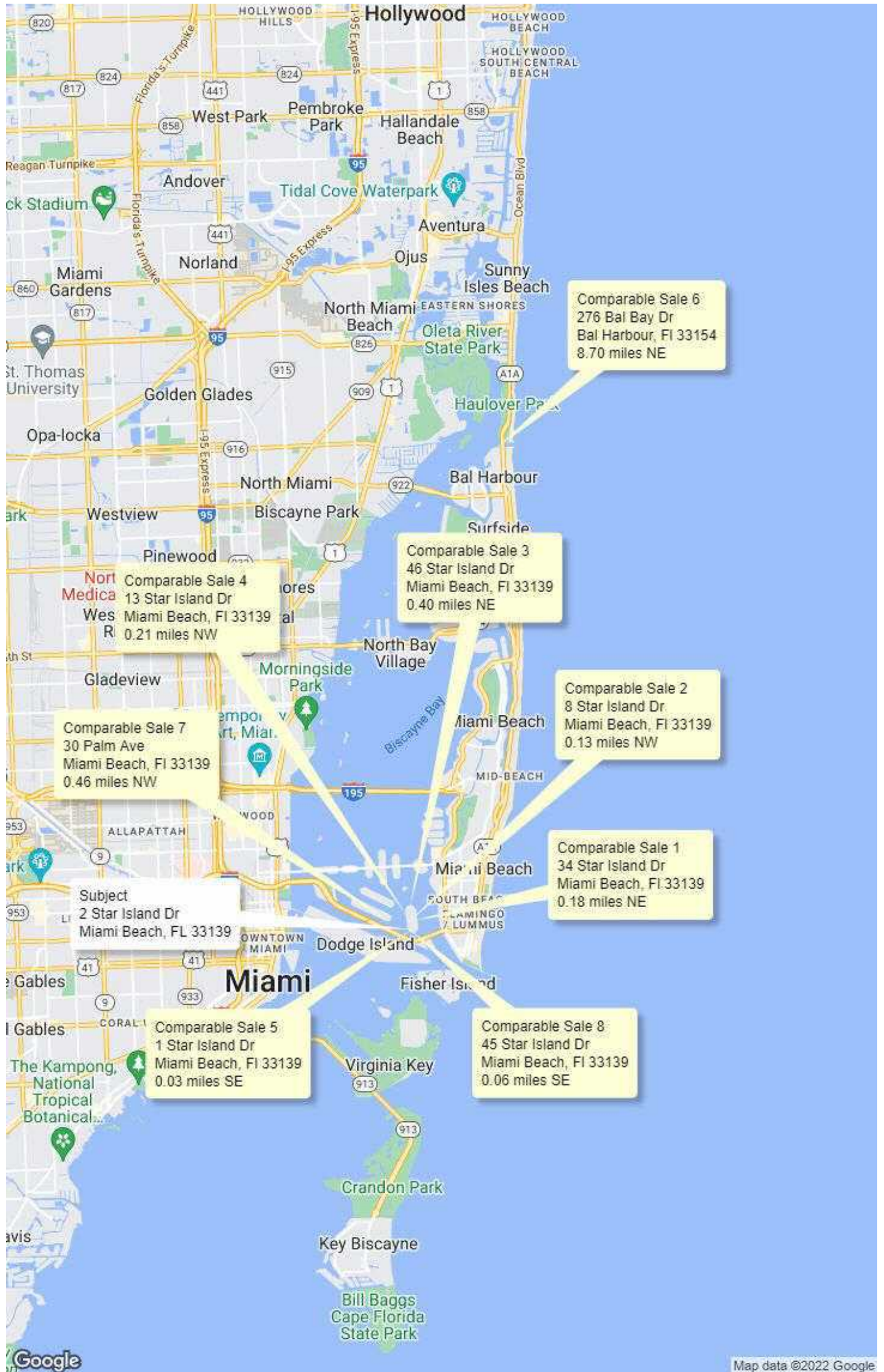
**FormTech**  
Land Surveying, Inc.  
3281 NE 13th St, Suite 100  
Miami, FL 33138  
Tel: 305.555.1234  
www.formtech.com

JOB # 20-07057  
Page 1 of 1

LOCATION MAP

Client: Tri Star Sports and Entertainment Group  
 Property Address: 2 Star Island Dr  
 City: Miami Beach

File No.: 22072602  
 Case No.:  
 State: FL Zip: 33139



AERIAL MAP

Client: Tri Star Sports and Entertainment Group  
Property Address: 2 Star Island Dr  
City: Miami Beach

File No.: 22072602  
Case No.:  
State: FL Zip: 33139



Market Conditions Addendum to the Appraisal Report File No. 22072602

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **2 Star Island Dr** City **Miami Beach** State **FL** Zip Code **33139**

Borrower **2 West Star Island LLC**

**Instructions:** The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

| Inventory Analysis  | Prior 7-12 Months   | Prior 4-6 Months | Current - 3 Months | Overall Trend                                  |  |  |
|---|---|------------------|--------------------|--|--|--|
| Total # of Comparable Sales (Settled)                                 | 43  | 16               | 13                 | <input type="checkbox"/> Increasing            | <input type="checkbox"/> Stable            | <input checked="" type="checkbox"/> Declining  |
| Absorption Rate (Total Sales/Months)                                  | 7.17  | 5.33             | 4.33               | <input type="checkbox"/> Increasing            | <input type="checkbox"/> Stable            | <input checked="" type="checkbox"/> Declining  |
| Total # of Comparable Active Listings                                 | 39  | 41               | 45                 | <input type="checkbox"/> Declining             | <input type="checkbox"/> Stable            | <input checked="" type="checkbox"/> Increasing |
| Months of Housing Supply (Total Listings/Ab.Rate)                     | 5.44  | 7.69             | 10.39              | <input type="checkbox"/> Declining             | <input type="checkbox"/> Stable            | <input checked="" type="checkbox"/> Increasing |
| Median Sale & List Price, DOM, Sale/List %                            | Prior 7-12 Months   | Prior 4-6 Months | Current - 3 Months | Overall Trend                                  |  |  |
| Median Comparable Sale Price  | 12,250,000  | 10,425,000       | 13,600,000         | <input type="checkbox"/> Increasing            | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Declining             |
| Median Comparable Sales Days on Market                                | 71  | 67               | 68                 | <input type="checkbox"/> Declining             | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Increasing            |
| Median Comparable List Price  | 21,500,000  | 16,999,000       | 16,500,000         | <input type="checkbox"/> Increasing            | <input type="checkbox"/> Stable            | <input checked="" type="checkbox"/> Declining  |
| Median Comparable Listings Days on Market                             | 203   | 155              | 116                | <input checked="" type="checkbox"/> Declining  | <input type="checkbox"/> Stable            | <input type="checkbox"/> Increasing            |
| Median Sale Price as % of List Price                                  | 91.42%  | 93.71%           | 97.14%             | <input checked="" type="checkbox"/> Increasing | <input type="checkbox"/> Stable            | <input type="checkbox"/> Declining             |
| Seller-(developer, builder, etc.)paid financial assistance prevalent? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                  |                    | <input type="checkbox"/> Declining             | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Increasing            |

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). **MatrixMLS reported 3 sales had closed in the past year from the defined market with seller contributions that were last than 1%. Based on data seller contributions are not common or needed in this market.**

Are foreclosure sales (REO sales) a factor in the market?  Yes  No If yes, explain (including the trends in listings and sales of foreclosed properties). **MatrixMLS reported NO REO or SHORT SALES had closed in the past year from the defined market and NO ACTIVE REO or SHORT SALE LISTINGS reported as of the effective date of the appraisal report.**

Cite data sources for above information. **MatrixMLS was used for current and historic sales and listings data of residential properties located in Miami-Beach on Bay Front Sites.**

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions. **For the purpose of this report analysis a trend is defined as two or more consecutive quarters of statistical movement in the same direction. Area values were increasing up thru May 2022 as interest rates increased. Market is currently stabilizing. The total number of settled sales and the absorption rate declined. The total number of active listings and months of housing supply increased. The median sales price fluctuated and is reported as stable. The median listing price declined slightly. The days on market for well priced listings has been within 90 days or less but can take longer for the higher priced properties. The list to sale ratio increased. Overall this market appears to be stabilizing and current supply is considered to be in balance with current demand.**

If the subject is a unit in a condominium or cooperative project, complete the following: Project Name:

| Subject Project Data                            | Prior 7-12 Months | Prior 4-6 Months | Current - 3 Months | Overall Trend                       |                                 |                                     |
|---|-------------------|------------------|--------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Total # of Comparable Sales (Settled)           |                   |                  |                    | <input type="checkbox"/> Increasing | <input type="checkbox"/> Stable | <input type="checkbox"/> Declining  |
| Absorption Rate (Total Sales/Months)            |                   |                  |                    | <input type="checkbox"/> Increasing | <input type="checkbox"/> Stable | <input type="checkbox"/> Declining  |
| Total # of Active Comparable Listings           |                   |                  |                    | <input type="checkbox"/> Declining  | <input type="checkbox"/> Stable | <input type="checkbox"/> Increasing |
| Months of Unit Supply (Total Listings/Ab. Rate) |                   |                  |                    | <input type="checkbox"/> Declining  | <input type="checkbox"/> Stable | <input type="checkbox"/> Increasing |

Are foreclosure sales (REO sales) a factor in the project?  Yes  No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.


Summarize the above trends and address the impact on the subject unit and project.

MARKET RESEARCH & ANALYSIS

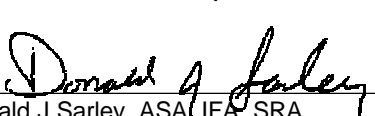
CONDO/CO-OP PROJECTS

APPRAISER

**APPRAISER**

Signature   
 Name Orna Sarley  
 Company Name Advanced Research & Appraisal  
 Company Address 9240 S Cypress Circle  
Miramar, FL 33025  
 State License/Certification # Cert Res RD1541 State FL  
 Email Address osarley@gmail.com

**SUPERVISORY APPRAISER (ONLY IF REQUIRED)**

Signature   
 Name Donald J Sarley, ASA IFA, SRA  
 Company Name Advanced Research & Appraisal  
 Company Address 9240 S Cypress Circle  
Miramar, FL 33025  
 State License/Certification # Cert Res RD259 State FL  
 Email Address dsarley@bellsouth.net



Client: Tri Star Sports and Entertainment Group

File No.: 22072602

Property Address: 2 Star Island Dr

Case No.:

City: Miami Beach

State: FL

Zip: 33139

**Market Analysis Comments**

The number of sales considered to be "comparable" to the subject that are located within the subject's market area may be too small to be statistically significant and no reliable trends may be identified from limited data. To profess to identify trends based on small data pool can lead to misleading interpretation, analysis and conclusions a violation of the Conduct Section of the Ethics Rule of USPAP. At times the defined area has to be expanded to provide an adequate number of area sales and may exceed the defined neighborhood area boundaries. Based on Fannie Mae's FAQ's when there is limited data that is statistically meaningful no weight should be attributed to the Overall Trend boxes checked on the 1004MC or to the conclusion of the market trends reported on page 1 of the URAR. Additionally, the number of "comparable sales and listings" reported on page 2 of the URAR may not always be the same as the numbers reported on the 1004MC and is most likely due to the different criteria used in generating the statistical reports. The reported number of competing listings reported on page 2 may not always equal the total number of listings reported on the 1004MC as this data also includes sales that have closed, expired, were cancelled, etc., while the number of listings reported on page 2 of the URAR includes only properties that are "comparable" and available as of the effective date of the appraisal.

Local area values experienced a decline in towards the end of 2006 and early 2007; the decline continued thru 2010. Between 2011 thru the current date market conditions stabilized and various periods of stability with some small increased were observed; currently market conditions appear stable and are projected to remain stable. Currently there is a 10.4+- month's supply of housing inventory. Sellers are receiving approximately 97% of list price as of the most recent quarterly data. Seller concessions although not prevalent or needed in this market. Sales of these type properties are usually all cash transactions and current increase in interest rates will not have an affect on the high end market.

The World Health Organization declared the Novel Coronavirus (COVID-19) a global pandemic March 11, 2020. The influence COVID-19 has, and will have, on capital markets, real estate in general, and the asset / subject property being analyzed is currently unknown and will largely depend on the scale and duration of the outbreak. Under these current conditions, it is particularly difficult to quantify and assess the influence on market value(s). Importantly, the appraisal is based on the information available as of the current effective date of valuation. Changes in the physical status of the subject property, income and expenses, investment criteria, availability of financing, and overall market conditions may change rapidly and materially for the foreseeable future, and perhaps much longer.

\* The uncertainties around the effects of the COVID-19 pandemic on Real Estate created very dynamic and changeable market conditions that may vary between markets. Market uncertainty may well have an effect on property values and property use, utility, occupancy, marketability, income-producing capacity and marketing times going forward. The client may consider having the property re-appraised once market conditions have stabilized and the current levels of uncertainty have abated.

Federal Housing Finance Agency reports area values increased 22% between the first quarter of 2021 and the first quarter of 2022. With the recent interest rate increase the market appears to stabilize after May 2022.

USPAP ADDENDUM

File No. 22072602

Borrower: 2 West Star Island LLC  
 Property Address: 2 Star Island Dr  
 City: Miami Beach County: Miami-Dade State: FL Zip Code: 33139  
 Lender/Client: Tri Star Sports and Entertainment Group

**APPRAISAL AND REPORT IDENTIFICATION**

This appraisal report is one of the following types:

- Appraisal Report This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
- Restricted Appraisal Report This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

**ADDITIONAL CERTIFICATIONS**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The report analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report and no (or specified) personal interest with respect to the parties involved.
- I have no bias with respect to the property or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- This appraisal report was prepared in accordance with the requirements of Title XI of FIRREA and any implementing regulations.

**PRIOR SERVICES**

- I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I HAVE performed services, as an appraiser or in another capacity, regarding the property that is subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

**PROPERTY INSPECTION**

- I have NOT made a personal inspection of the property that is the subject of this report.
- I HAVE made a personal inspection of the property that is the subject of this report.

**APPRAISAL ASSISTANCE**

Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.

None

**ADDITIONAL COMMENTS**


Additional USPAP related issues requiring disclosure and/or any state mandated requirements:

See Attached Addendum

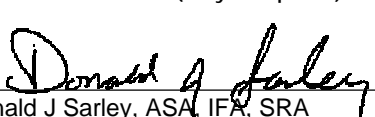
**MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY**

- A reasonable marketing time for the subject property is 180-365+ day(s) utilizing market conditions pertinent to the appraisal assignment.
- A reasonable exposure time for the subject property is 180-365+ day(s).

**APPRAISER:**

Signature:   
 Name: Orna Sarley  
 Date Signed: 08/09/2022  
 State Certification #: Cert Res RD1541  
 or State License #: \_\_\_\_\_  
 or Other (describe): \_\_\_\_\_ State #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2022  
 Effective Date of Appraisal: June 28, 2022

**SUPERVISORY APPRAISER (only if required):**

Signature:   
 Name: Donald J Sarley, ASA, IFA, SRA  
 Date Signed: 08/09/2022  
 State Certification #: Cert Res RD259  
 or State License #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2022  
 Supervisory Appraiser inspection of Subject Property:  
 Did Not  Exterior-only from street  Interior and Exterior

---

Client: Tri Star Sports and Entertainment Group

File No.: 22072602

Property Address: 2 Star Island Dr

Case No.:

City: Miami Beach

State: FL

Zip: 33139

---

#### **Additional Comments**

Clarification of Intended Use and Intended User:

The Intended User of this appraisal report is the Named Clients 'Tri Star Sports and Entertainment Group and 2 West Star Island LLC'. The Intended Use is to evaluate the property that is the subject of this appraisal for Net Worth Valuation, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

Source of the Market Value Definition is FNMA and or FHLMC.

Highest and Best Use is determined based on the legal use per zoning and referenced to surrounding uses on similar sites.

Highest and best use is based on area surrounding like uses in this zoning classification in this neighborhood.

Highest and best use is defined as "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value."\*

\*The Dictionary of Real Estate Appraisal, 4th Edition, pg. 93

A limited inspection of the interior was made by the appraisers and no interior photos were permitted. The appraisers viewed some of the common rooms and were restricted from private and other interior and exterior areas. Assumptions are made pertaining to the floor plan and room layout as the appraisers relied on information provided by the staff members and is assumed to be accurate.

## Appraiser Independence Certification

File No.: 22072602

|                   |  |         |                   |   |
|-------------------|--|---------|-------------------|---|
| Borrower:         | <u>2 West Star Island LLC</u>                  |         |                   |   |
| Property Address: | <u>2 Star Island Dr</u>                        |         |                   |   |
| City:             | <u>Miami Beach</u>                             | County: | <u>Miami-Dade</u> | State: <u>FL</u> Zip Code: <u>33139</u> |
| Lender/Client:    | <u>Tri Star Sports and Entertainment Group</u> |         |                   |   |

I do hereby certify, I have followed the appraiser independence safeguards in compliance with Appraisal Independence and any applicable state laws I may be required to comply with. This includes but is not limited to the following:

- I am currently licensed and/or certified by the state in which the property to be appraised is located. My license is the appropriate license for the appraisal assignment(s) and is reflected on the appraisal report.
- I certify that there have been no sanctions against me for any reason that would impair my ability to perform appraisals pursuant to the required guidelines.


I assert that no employee, director, officer, or agent of the Lender/Client, or any other third party acting as joint venture partner, independent contractor, appraisal company, appraisal management company, or partner on behalf of the Lender/Client, influenced or attempted to influence the development, reporting, result, or review of the appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or in any other manner.

I further assert that the Lender/Client has never participated in any of the following prohibited behavior in our business relationship:

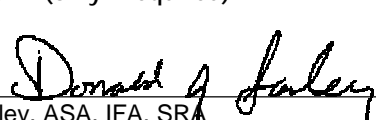
1. Withholding or threatening to withhold timely payment or partial payment for the appraisal report;
2. Withholding or threatening to withhold future business, or demoting or terminating, or threatening to demote or terminate my services;
3. Expressly or implicitly promising future business, promotions, or increased compensation for my services;
4. Conditioning the ordering of the appraisal report or the payment of the appraisal fee or salary or bonus on my opinion, conclusion or valuation reached, or on a preliminary value estimate requested;
5. Requesting an estimated, predetermined, or desired valuation in the appraisal report, prior to the completion of the appraisal report, or requesting estimated values or comparable sales at any time prior to the completion of the appraisal report;
6. Providing an anticipated, estimated, encouraged or desired value for the subject property, or a proposed or target amount to be loaned to the Borrower, except that a copy of the sales contract may have been provided if the assignment was for a purchase transaction;
7. Providing stock or other financial or non-financial benefits to me or any entity or person related to me, my appraisal or appraisal management company, if applicable;
8. Any other act or practice that impairs or attempts to impair my independence, objectivity or impartiality, or violates law or regulation, including but not limited to, the Truth in Lending Act (TILA) and Regulation Z, or the Uniform Standards of Professional Appraisal Practice (USPAP).

Additional Comments:

**APPRAISER:**

Signature:   
 Name: Orna Sarley  
 Date Signed: 08/09/2022  
 State Certification #: Cert Res RD1541  
 or State License #: \_\_\_\_\_  
 or Other (describe): \_\_\_\_\_ State #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2022

**SUPERVISORY APPRAISER (only if required):**

Signature:   
 Name: Donald J Sarley, ASA, IFA, SRA  
 Date Signed: 08/09/2022  
 State Certification #: Cert Res RD259  
 or State License #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2022

Appraiser License

Client: Tri Star Sports and Entertainment Group  
Property Address: 2 Star Island Dr  
City: Miami Beach

File No.: 22072602  
Case No.:  
State: FL Zip: 33139



Ron DeSantis, Governor

Halsey Beshears, Secretary



DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA REAL ESTATE APPRAISAL BD

THE CERTIFIED RESIDENTIAL APPRAISER HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

**SARLEY, ORNA**

7979 MIRAMAR PARKWAY SUITE B  
MIRAMAR FL 33023

LICENSE NUMBER: RD1541

EXPIRATION DATE: NOVEMBER 30, 2022

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



Appraiser License

Client: Tri Star Sports and Entertainment Group  
Property Address: 2 Star Island Dr  
City: Miami Beach

File No.: 22072602  
Case No.:  
State: FL Zip: 33139



Ron DeSantis, Governor

Halsey Behears, Secretary

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FLORIDA REAL ESTATE APPRAISAL BD

THE CERTIFIED RESIDENTIAL APPRAISER HEREIN IS CERTIFIED UNDER THE  
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES



**SARLEY, DONALD J**

7979 MIRAMAR PARKWAY SUITE B  
MIRAMAR FL 33023

LICENSE NUMBER: RD259

EXPIRATION DATE: NOVEMBER 30, 2022

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



## **EXHIBIT 2**

Prepared by and after recording  
please return to:

Nathan M. Eisler, Esq.  
Greenberg Traurig, LLP  
1 North Lexington Avenue, Suite 800  
White Plains, NY 10601

---

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(Space Above for Recorder’s Use)

SATISFACTION OF MORTGAGE

THIS SATISFACTION OF MORTGAGE is executed as of the 20<sup>TH</sup> of August, 2024, by BANK OF AMERICA, N.A., national banking association (the “Lender”).

WHEREAS, the Lender is the owner and holder of that certain Mortgage dated May 7, 2021 (the “Mortgage”), made by 2 West Star Island LLC, a Florida limited liability company (the “Borrower”), in favor of the Lender, securing that certain Adjustable Rate Note dated May 7, 2021 (the “Note”), made by the Borrower in favor of the Lender in the original principal amount of \$18,850,000.00, which Mortgage was recorded on June 1, 2021 at File No. 20210387335 in Official Records Book 32538, Page 4782 of the Public Records of the Clerk of Court for Miami-Dade County, Florida, encumbering certain property situated in Miami-Dade County Florida as more particularly described on Exhibit A attached hereto and made a part hereof (the “Property”).

NOW THEREFORE, in consideration of the foregoing premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lender hereby agrees as follows:

1. Truth of Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference, as though recited in full herein.
2. Satisfaction of Note and Termination of Mortgage. The indebtedness under the Note in the principal amount of \$18,850,000.00 secured by the Mortgage has been fully satisfied as of the date hereof, and the Note and the Mortgage shall hereafter be of no further force or effect. The Lender hereby directs the Clerk of the Circuit Court in and for Miami-Dade County, Florida to cancel the Mortgage of record.

[THIS SPACE IS INTENTIONALLY LEFT BLANK]





EXHIBIT A

Legal Description

The Land referred to herein below is situated in the City of Miami Beach, County of MIAMI-DADE, State of Florida, and is described as follows:

Lot 2, CORRECTED PLAT STAR ISLAND, according to the plat thereof, as recorded in Plat Book 31, at Page 60, of the Public Records of Miami-Dade County, Florida, as altered in the Circuit Court of the Eleventh Judicial Circuit, in and for Dade County, Florida, at Law No. 60L1986, Final Judgment, Renwick vs. Fransella, more particularly described as follows:

Commence at a concrete monument being the Northeast corner of said Lot 2; thence run Southeastwardly along the Westerly right-of-way line of West Drive as shown on said CORRECTED PLAT STAR ISLAND and along the arc of a curve to the left, having for its elements a radius of 100 feet, a central angle of  $21^{\circ}39'10''$  and a chord bearing of  $S 16^{\circ}39'35'' E$ , an arc distance of 37.21 feet to a concrete monument, being the Point of Beginning of the following described parcel of land; thence run Northwestwardly along the aforementioned curve to the right an arc distance of 37.21 feet, through a central angle of  $21^{\circ}19'10''$  and a chord bearing of  $N 16^{\circ}32'35'' W$  to a concrete monument, said concrete monument being the Northeast corner of said Lot 2; thence run  $S 84^{\circ}00'00'' W$  along the North boundary of said Lot 2 and along a line radial to the last mentioned curve a distance of 400 feet to a concrete monument lying on a curve having a radius of 500 feet and being concentric to the last mentioned curve, said concrete monument being the Northwest corner of said Lot 2; thence run Southeastwardly along the arc of said curve to the left, having for its elements a radius of 500 feet, a central angle of  $28^{\circ}34'04''$  and a chord bearing of  $S 20^{\circ}17'02'' E$ , an arc distance of 249.3 feet to a concrete monument, said concrete monument being 249.3 feet Southeastwardly from the Northwest corner of said Lot 2, as measured along the arc of the last mentioned curve having a radius of 500 feet and along the Southwesterly boundary of said CORRECTED PLAT STAR ISLAND, said arc having a central angle of  $28^{\circ}34'04''$  and a chord bearing of  $S 20^{\circ}17'02'' E$ ; thence run  $N 53^{\circ}17'29'' E$  along the center line of badge as set forth in said Final Judgment a distance of 152.70 feet to a concrete monument, thence run  $N 53^{\circ}50'13'' E$  along the center line of badge as set forth in said Final Judgment a distance of 248.30 feet to the Point of Beginning.

Together with the exclusive right to occupy and appropriate a 10.00 foot strip of land contiguous with the Southwesterly line of the CORRECTED PLAT STAR ISLAND, lying Southwesterly thereof, the dedication of said strip of land recorded in Deed Book 1858, at Page 377, of the Public Records of Miami-Dade County, Florida.

# **EXHIBIT 3**

# AGNIFILO INTRATER

April 1, 2024

VIA EMAIL

AUSA Emily Johnson  
AUSA Mitzi Steiner  
AUSA Madison Smyser  
United States Attorney's Office  
Southern District of New York  
1 St. Andrews Plaza  
New York, NY 10007

Re: Investigation of Sean Combs

Dear AUSAs Johnson, Steiner and Smyser:

As you know, we represent Mr. Sean Combs with respect to the ongoing investigation by your Office into violations of Title 18, United States Code, Sections 1962(d), 1589, 1591, 1594, 2421 through 2422, 1512, and 2, and Title 21, United States Code, Section 846. We write to inform you that Teny Geragos, partner at this law firm, has taken physical custody of Mr. Combs' passport and will retain the passport. Mr. Combs will not secure any other travel documents and will remain in the United States during the pendency of this investigation.

In terms of domestic travel, we will advise you in advance of any travel within the continental United States. Thank you.

Very Truly Yours,



---

Marc Agnifilo

**MARC AGNIFILO**  
marc@agilawgroup.com

**ZACH INTRATER**  
zach@agilawgroup.com

**TENY GERAGOS**  
teny@agilawgroup.com

# **EXHIBIT 4**

Tuesday, September 17, 2024 at 00:36:56 Eastern Daylight Time

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**Subject:** Re: Sean Combs  
**Date:** Monday, March 18, 2024 at 1:35:36 PM Eastern Daylight Time  
**From:** Marc Agnifilo  
**To:** emily.johnson@usdoj.gov, mitzi.steiner@usdoj.gov  
**CC:** Zach Intrater, Teny Geragos

Hello AUSAs Johnson and Steiner –

Just following up on the email from last Wednesday. If you have a few minutes to touch base, I would really appreciate it. There is a situation that I would like to bring to your attention. Thank you. Marc

Marc Agnifilo  
Agnifilo Intrater LLP  
445 Park Avenue, 7<sup>th</sup> Fl.  
New York, NY 10022  
[marc@agilawgroup.com](mailto:marc@agilawgroup.com)  
[www.agilawgroup.com](http://www.agilawgroup.com)

---

**From:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Date:** Wednesday, March 13, 2024 at 4:33 PM  
**To:** [emily.johnson@usdoj.gov](mailto:emily.johnson@usdoj.gov) <[emily.johnson@usdoj.gov](mailto:emily.johnson@usdoj.gov)>, [mitzi.steiner@usdoj.gov](mailto:mitzi.steiner@usdoj.gov) <[mitzi.steiner@usdoj.gov](mailto:mitzi.steiner@usdoj.gov)>  
**Subject:** Sean Combs

Good afternoon AUSAs Johnson, Steiner and Smyser (I apologize AUSA Smyser, I could not find your email address)

My name is Marc Agnifilo and I represent Sean Combs in connection with your investigation. I know we have never met, but I would like to speak with you and provide you with information that has come to my attention over the last couple of weeks. My cell phone is 917.399.9742. Thank you. I look forward to meeting you.

Marc

# **EXHIBIT 5**

Tuesday, September 17, 2024 at 00:43:32 Eastern Daylight Time

**Subject:** RE: Combs Travel  
**Date:** Monday, June 10, 2024 at 10:48:20 PM Eastern Daylight Time  
**From:** Steiner, Mitzi (USANYS)  
**To:** Teny Geragos, Johnson, Emily (USANYS) 2, Smyser, Madison (USANYS), Foster, Meredith (USANYS)  
**CC:** Marc Agnifilo

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Received, thanks Teny.

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Monday, June 10, 2024 10:35 PM  
**To:** Johnson, Emily (USANYS) 2 <[EJohnson2@usa.doj.gov](mailto:EJohnson2@usa.doj.gov)>; Steiner, Mitzi (USANYS) <[MSteiner@usa.doj.gov](mailto:MSteiner@usa.doj.gov)>; Smyser, Madison (USANYS) <[MSmyser@usa.doj.gov](mailto:MSmyser@usa.doj.gov)>; Foster, Meredith (USANYS) <[MFoster@usa.doj.gov](mailto:MFoster@usa.doj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** [EXTERNAL] Re: Combs Travel

Good evening – Mr. Combs departed OPF at 10:24pm EDT and is expected to land at VNY at 12:17am PDT.

Teny R. Geragos  
Agnifilo Intrater LLP  
445 Park Avenue, 7<sup>th</sup> Fl.  
New York, NY 10022  
o: (646) 205 - 4350  
c: (213) 440 - 4401  
[teny@agilawgroup.com](mailto:teny@agilawgroup.com)  
[www.agilawgroup.com](http://www.agilawgroup.com)

\*admitted in NY & CA

**From:** Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>  
**Date:** Sunday, June 9, 2024 at 8:15 PM  
**To:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>, Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>, Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>, Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** Re: Combs Travel

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Thanks for letting us know.



Emily A. Johnson  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of New York  
One Saint Andrew's Plaza  
New York, NY 10007  
212.637.2409  
[emily.johnson@usdoj.gov](mailto:emily.johnson@usdoj.gov)

---

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Sunday, June 9, 2024 7:54:30 PM  
**To:** Johnson, Emily (USANYS) 2 <[EJohnson2@usa.doj.gov](mailto:EJohnson2@usa.doj.gov)>; Steiner, Mitzi (USANYS) <[MSteiner@usa.doj.gov](mailto:MSteiner@usa.doj.gov)>; Smyser, Madison (USANYS) <[MSmyser@usa.doj.gov](mailto:MSmyser@usa.doj.gov)>; Foster, Meredith (USANYS) <[MFoster@usa.doj.gov](mailto:MFoster@usa.doj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** [EXTERNAL] Combs Travel

Dear all –

Mr. Combs will be departing from Miami at 6pm tomorrow on his plane for Los Angeles. Tuesday, he and his family will depart on their road trip. They will go to Sedona, the Grand Canyon, Lake Powell, Zion, and Death Valley. We will be in touch with his flight information back to Miami. We hope you all had a nice weekend.

Best,  
Teny

Teny R. Geragos  
Agnifilo Intrater LLP  
445 Park Avenue, 7<sup>th</sup> Fl.  
New York, NY 10022  
o: (646) 205 - 4350  
c: (213) 440 - 4401  
[teny@agilawgroup.com](mailto:teny@agilawgroup.com)  
[www.agilawgroup.com](http://www.agilawgroup.com)

\*admitted in NY & CA

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# **EXHIBIT 6**

Tuesday, September 17, 2024 at 00:44:55 Eastern Daylight Time

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**Subject:** Re: Mr. Combs Travel  
**Date:** Wednesday, August 21, 2024 at 10:51:45 AM Eastern Daylight Time  
**From:** Teny Geragos  
**To:** Steiner, Mitzi (USANYS), Smyser, Madison (USANYS), Johnson, Emily (USANYS) 2, Foster, Meredith (USANYS)  
**CC:** Marc Agnifilo

Good morning, Mr. Combs is no longer traveling to New York this week.

Teny R. Geragos  
Agnifilo Intrater LLP  
www.agilawgroup.com

sent from my iPhone

---

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Friday, August 16, 2024 11:18:55 AM  
**To:** Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>; Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>; Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>; Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** Re: Mr. Combs Travel

Good morning, all:

Mr. Combs will not be flying this week, instead, he will be flying to New York on August 21<sup>st</sup> and leaving on August 25<sup>th</sup>.

Thanks,  
Teny

---

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Date:** Thursday, August 8, 2024 at 3:04 PM  
**To:** Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>, Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>, Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>, Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** Re: Mr. Combs Travel

Good evening, all – Mr. Combs will be traveling to New York next week. I will let you know the exact date when I have it.

Teny

---

**From:** Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>  
**Date:** Monday, July 8, 2024 at 3:50 AM  
**To:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>, Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>, Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>, Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** RE: Mr. Combs Travel

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Received, thanks.

---

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Sunday, July 7, 2024 9:22 PM  
**To:** Steiner, Mitzi (USANYS) <[MSteiner@usa.doj.gov](mailto:MSteiner@usa.doj.gov)>; Smyser, Madison (USANYS) <[MSmyser@usa.doj.gov](mailto:MSmyser@usa.doj.gov)>; Johnson, Emily (USANYS) 2 <[EJohnson2@usa.doj.gov](mailto:EJohnson2@usa.doj.gov)>; Foster, Meredith (USANYS) <[MFoster@usa.doj.gov](mailto:MFoster@usa.doj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** [EXTERNAL] Re: Mr. Combs Travel

Good evening all – Mr. Combs will be traveling back to Miami tomorrow via a charter plane.

Teny R. Geragos  
Agnifilo Intrater LLP  
445 Park Avenue, 7<sup>th</sup> Fl.  
New York, NY 10022  
o: (646) 205 - 4350  
c: (213) 440 - 4401  
[teny@agilawgroup.com](mailto:teny@agilawgroup.com)  
[www.agilawgroup.com](http://www.agilawgroup.com)

\*admitted in NY & CA

---

**From:** Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>  
**Date:** Friday, July 5, 2024 at 6:15 PM  
**To:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>, Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>, Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>, Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** Re: Mr. Combs Travel

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Thanks Teny.

---

**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Friday, July 5, 2024 4:55:08 PM  
**To:** Steiner, Mitzi (USANYS) <[MSteiner@usa.doj.gov](mailto:MSteiner@usa.doj.gov)>; Smyser, Madison (USANYS) <[MSmyser@usa.doj.gov](mailto:MSmyser@usa.doj.gov)>; Johnson, Emily (USANYS) 2 <[EJohnson2@usa.doj.gov](mailto:EJohnson2@usa.doj.gov)>; Foster, Meredith (USANYS) <[MFoster@usa.doj.gov](mailto:MFoster@usa.doj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** [EXTERNAL] Re: Mr. Combs Travel

Good evening - Mr. Combs will be traveling back to LA today.

Teny R. Geragos  
Agnifilo Intrater LLP  
[www.agilawgroup.com](http://www.agilawgroup.com)

sent from my iPhone

---

**From:** Steiner, Mitzi (USANYS) <[Mitzi.Steiner@usdoj.gov](mailto:Mitzi.Steiner@usdoj.gov)>  
**Sent:** Monday, July 1, 2024 1:08:05 AM  
**To:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>; Smyser, Madison (USANYS) <[Madison.Smyser@usdoj.gov](mailto:Madison.Smyser@usdoj.gov)>; Johnson, Emily (USANYS) 2 <[Emily.Johnson@usdoj.gov](mailto:Emily.Johnson@usdoj.gov)>; Foster, Meredith (USANYS) <[Meredith.Foster@usdoj.gov](mailto:Meredith.Foster@usdoj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** RE: Mr. Combs Travel

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Received, thanks Teny.

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**From:** Teny Geragos <[teny@agilawgroup.com](mailto:teny@agilawgroup.com)>  
**Sent:** Saturday, June 29, 2024 2:10 PM  
**To:** Steiner, Mitzi (USANYS) <[MSteiner@usa.doj.gov](mailto:MSteiner@usa.doj.gov)>; Smyser, Madison (USANYS) <[MSmyser@usa.doj.gov](mailto:MSmyser@usa.doj.gov)>; Johnson, Emily (USANYS) 2 <[EJohnson2@usa.doj.gov](mailto:EJohnson2@usa.doj.gov)>; Foster, Meredith (USANYS) <[MFoster@usa.doj.gov](mailto:MFoster@usa.doj.gov)>  
**Cc:** Marc Agnifilo <[marc@agilawgroup.com](mailto:marc@agilawgroup.com)>  
**Subject:** [EXTERNAL] Mr. Combs Travel

Good afternoon all,

Mr. Combs is flying via a charter plane to Jackson Hole, Wyoming today until Wednesday. We'll let you know when he flies back.

Thanks,  
Teny

Teny R. Geragos

Agnifilo Intrater LLP  
445 Park Avenue, 7<sup>th</sup> Fl.  
New York, NY 10022  
o: (646) 205 - 4350  
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\*admitted in NY & CA

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# **EXHIBIT 7**



# AGNIFILO INTRATER

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May 22, 2024

VIA EMAIL

AUSA Emily Johnson  
AUSA Mitzi Steiner  
AUSA Madison Smyser  
AUSA Meredith Foster  
United States Attorney's Office  
Southern District of New York  
26 Federal Plaza, 37<sup>th</sup> Floor  
New York, NY 10278

Re: Investigation of Sean Combs

Dear AUSAs Johnson, Steiner, Smyser and Foster:

As we discussed last week, Mr. Combs will be traveling from Miami to Los Angeles on May 27, 2024, to attend his daughter's high school graduation. He will be traveling to Los Angeles in his private airplane. On this point, we write to follow up on our phone call yesterday, where we advised you that efforts have begun to sell this airplane, which is owned by a single member LLC called Love Air. Because selling a plane takes some time, we will keep you updated as to the progress of this sale. As we advised you in early April 2024, this firm took possession of, and continues to have possession of, Mr. Combs's passport.

Please let us know if you have any further questions.

Respectfully,



Marc Agnifilo  
Teny Geragos

**MARC AGNIFILO**  
marc@agilawgroup.com

**ZACH INTRATER**  
zach@agilawgroup.com

**TENY GERAGOS**  
teny@agilawgroup.com

# **EXHIBIT 8**

# AGNIFILO INTRATER

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June 13, 2024

VIA EMAIL

AUSA Emily Johnson  
AUSA Mitzi Steiner  
AUSA Madison Smyser  
AUSA Meredith Foster  
United States Attorney's Office  
Southern District of New York  
26 Federal Plaza, 37<sup>th</sup> Floor  
New York, NY 10278

Re: Investigation of Sean Combs

Dear AUSAs Johnson, Steiner, Smyser and Foster:

This letter is to follow up on our letters advising you of Mr. Combs' travel and our possession of his passport. We write to inform you that we have also taken possession of several of his family members' passports. These include his mother Janice Combs, his daughter Chance Combs, and his daughter Love Combs. His twin daughters, Jessie and D'Lila's passports have been sent into the Department of State for renewal. When they are renewed, we will take possession of those passports and let you know when we have them. We will update you as we receive more.

Please let us know if you have any questions.

Respectfully,



Marc Agnifilo  
Teny Geragos

**MARC AGNIFILO**  
marc@agilawgroup.com

**ZACH INTRATER**  
zach@agilawgroup.com

**TENY GERAGOS**  
teny@agilawgroup.com

# **EXHIBIT 9**

O9HLComC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

24 Cr. 542 (RFT)

5 SEAN COMBS,

6 a/k/a "Puff Daddy,"  
7 a/k/a "P. Diddy,"  
8 a/k/a "Diddy,"  
9 a/k/a "PD,"  
10 a/k/a "Love,"

11 Defendant.

Presentment

12 New York, N.Y.  
13 September 17, 2024  
14 2:30 p.m.

15 Before:

16 HON. ROBYN F. TARNOFSKY,

U.S. Magistrate Judge

17 APPEARANCES

18 DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

19 BY: EMILY JOHNSON,  
20 CHRISTINE SLAVIK,  
21 MADISON SMYSER,  
22 MITZI STEINER  
23 MEREDITH FOSTER  
24 Assistant United States Attorneys

25 AGNIFILO INTRATER LLP

Attorneys for Defendant

BY: MARC AGNIFILO  
TENY GERAGOS

Also Present: Sean Quinn, Homeland Security Investigations

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1 (Case called)

2 MS. JOHNSON: Good afternoon, your Honor. Emily  
3 Johnson, Christine Slavik, Madison Smyser, Mitzi Steiner, and  
4 Meredith Foster for the government. We are joined at counsel  
5 table by Special Agent Sean Quinn of Homeland Security  
6 Investigations.

7 THE COURT: Good afternoon, everyone.

8 MR. AGNIFILO: Good afternoon, your Honor. My name is  
9 Marc Agnifilo. I am with Teny Geragos, and we represent Sean  
10 Love Combs, the defendant who is before the Court today. Good  
11 afternoon, your Honor.

12 THE COURT: Good afternoon, everyone. Thank you for  
13 being here today.

14 My name is Magistrate Judge Tarnofsky, and Mr. Combs,  
15 you are here because you have been charged with certain crimes  
16 in an indictment. The purpose of today's proceeding is to  
17 advise you of certain rights that you have, to inform you of  
18 the charges against you, and to decide under what conditions,  
19 if any, you should be released pending trial.

20 I am going to explain certain constitutional rights  
21 that you have. You have the right to remain silent. You are  
22 not required to make any statements. Even if you have already  
23 made statements to the authorities, you don't need to make any  
24 more statements. Any statements you make can be used against  
25 you.

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1           You have the right to be released, either  
2           conditionally or unconditionally, pending trial, unless I find  
3           there are no conditions that would reasonably assure your  
4           presence at future court appearances, and the safety of the  
5           community.

6           If you are not a U.S. citizen, you have a right to  
7           request that a consular officer from your country of origin be  
8           notified of your arrest. In some cases a treaty or other  
9           agreement may require the U.S. Government to give that notice,  
10          whether you request it or not. And I am required by law to  
11          tell you this even if you are a U.S. citizen and it doesn't  
12          apply to you.

13          You have the right to be presented by a lawyer during  
14          all court proceedings, including this one, and during all  
15          questioning by the authorities. You have the right to hire  
16          your own attorney, but if you can't afford one, I would appoint  
17          one to represent you.

18          I have in front of me an indictment containing the  
19          charges against you, and it has three counts. You are charged  
20          with racketeering conspiracy, conspiring to create a criminal  
21          enterprise whose members and associates engaged in and  
22          attempted to engage in, among other crimes, sex trafficking,  
23          forced labor, kidnapping, arson, bribery, and obstruction of  
24          justice.

25          In addition, you are charged with sex trafficking by

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1 force, fraud, or coercion. And the charge is that from at  
2 least in or about 2009 through in or about 2018, in this  
3 district and elsewhere, of recruiting, enticing, harboring,  
4 transporting, and maintaining a person, Victim 1, and  
5 attempting, aiding and abetting, and willfully causing Victim 1  
6 to engage in commercial sex acts, knowing and in reckless  
7 disregard of the fact that Victim 1 was engaging in commercial  
8 sex acts as a result of force, fraud, and coercion.

9 And Count Three: From at least 2009 through and  
10 including around 2024, in this district and elsewhere, of  
11 knowingly transporting an individual in interstate and foreign  
12 commerce with the intent that the individual engage in  
13 prostitution, and attempting, aiding and abetting, and  
14 willfully causing the same, that is, transporting, aiding and  
15 abetting, willfully causing the transportation of female  
16 victims and commercial sex workers in interstate and foreign  
17 commerce on multiple occasions with the intent that they engage  
18 in prostitution.

19 Counsel, have you received a copy of the indictment?

20 MR. AGNIFILO: I have, your Honor.

21 THE COURT: Okay. And have you reviewed it with your  
22 client?

23 MR. AGNIFILO: I have, your Honor.

24 THE COURT: Okay. So do you waive the public reading  
25 of the charges?



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1 MR. AGNIFILO: I do, your Honor.

2 THE COURT: Okay. And Mr. Combs, are you prepared to  
3 enter into a plea to the indictment at this time?

4 THE DEFENDANT: Not guilty.

5 THE COURT: Okay. A plea of not guilty will be  
6 entered, and the record should reflect that the defendant is  
7 now arraigned.

8 For the government, in accordance with Federal Rule of  
9 Criminal Procedure 5(f), I remind the prosecution of your  
10 obligation under *Brady v. Maryland* and its progeny to disclose  
11 to the defense all information, whether you believe it or not,  
12 whether it's admissible or not, that's favorable to the  
13 defendant, material either to guilt or to punishment, and known  
14 to the prosecution. Possible consequences for noncompliance  
15 may include dismissal of individual charges or of the entire  
16 case, exclusion of evidence, and professional discipline or  
17 court sanctions on the responsible attorneys.

18 I will be entering a written order that more fully  
19 describes the obligation and the possible consequences of  
20 failing to meet it, and I direct the prosecution to review and  
21 comply with that order.

22 Does the prosecution confirm that it understands its  
23 obligations and will fulfill them?

24 MS. JOHNSON: Yes, your Honor. The government  
25 confirms that it understands our obligations in this vein and

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1 will abide by them.

2 THE COURT: Okay. Has Judge Carter set a conference  
3 date?

4 MS. JOHNSON: Yes, he has, your Honor. It is next  
5 Tuesday, September 24, at 11:00 a.m. 10:00 a.m. I'm sorry,  
6 your Honor.

7 THE COURT: At 10:00 a.m. Okay.

8 Is there a request to exclude time?

9 MS. JOHNSON: Yes, your Honor. The government would  
10 move to exclude time between today and the conference date of  
11 next Tuesday. Such an exclusion of time would be in the  
12 interest of justice because it would allow the parties to begin  
13 discussing initial discovery steps like entering a protective  
14 order, and the like, before we see the district court that day.

15 THE COURT: Okay. And does the defendant consent?

16 MR. AGNIFILO: We do, your Honor.

17 THE COURT: Okay. So with the agreement of the  
18 parties, I will exclude time through and including  
19 September 24, 2024. I find that the ends of justice served by  
20 taking this action outweigh the interest of the public and the  
21 defendant in a speedy trial.

22 I take it there is no agreement regarding release  
23 pending trial. Is that correct?

24 MS. JOHNSON: That's correct, your Honor.

25 THE COURT: Okay. Then we will have a detention

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1 hearing.

2 On what basis is the government seeking detention?

3 MS. JOHNSON: The government is seeking detention on  
4 multiple bases. The indictment alleges a violation of 18,  
5 United States Code, Section 1591, and that's a basis under 18,  
6 United States Code 3142(f)(1)(A). The indictment also charges  
7 a crime for which the maximum sentence is life imprisonment or  
8 death. That is 18, United States Code 3142(f)(1)(B). The  
9 government is also moving under 18, United States Code  
10 3142(f)(2)(A), that is, the serious risk of flight; and 18,  
11 United States Code 3142(f)(2)(B), which is a serious risk that  
12 the person will obstruct or attempt to obstruct justice, or  
13 threaten, injure, or intimidate or attempt to threaten, injure,  
14 or intimidate a prospective witness or juror.

15 THE COURT: Okay. And is this a presumption case?

16 MS. JOHNSON: It is, your Honor.

17 THE COURT: Okay. And why is that?

18 MS. JOHNSON: Detention is presumed under the Bail  
19 Reform Act because the defendant is charged with sex  
20 trafficking, which is an offense under Chapter 77 of Title 18,  
21 and the cite for that is 18, United States Code 3142(e)(3)(D).

22 THE COURT: Okay. Thank you, counsel.

23 So I am required under the law to release you, either  
24 with or without conditions imposed, unless I determine that  
25 there are no conditions that will reasonably assure your

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1 appearance in court as required, and the safety of the  
2 community. In this case, the government has asked that you be  
3 detained without bail, and they are entitled to make that  
4 request because the government contends that you present a  
5 serious risk of flight and obstruction of justice, and because  
6 of the nature of the charges against you, which include sex  
7 trafficking, and a crime for which the maximum sentence is life  
8 imprisonment or death.

9           So we are having a bail hearing, and I have to  
10 determine whether there are any conditions, any combination of  
11 conditions of release that will protect the safety of the  
12 community and reasonably assure your appearance at trial. In  
13 making this determination, I am required to consider several  
14 factors, including the nature and circumstances of the charged  
15 offense, including whether there are crimes of violence  
16 charged, crimes involving firearms, controlled substances, the  
17 weight of the evidence, and your history and characteristics,  
18 which include character, physical and mental condition, family  
19 ties, employment, financial resources, length of residence in  
20 the community, community ties, past conduct, history of  
21 substance abuse, criminal history, and record concerning  
22 appearances at prior court proceedings. I have also have to  
23 consider the nature and seriousness of any danger to any person  
24 in the community that would be posed by release.

25           Because this is a presumption case, because you are

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1 accused of one of several specified crimes, there is a  
2 presumption that no conditions of release will reasonably  
3 ensure the safety of the community, but -- and because if there  
4 is probable cause to believe that you have committed certain  
5 enumerated offenses, including sex offenses, there is a  
6 presumption that no conditions of release will reasonably  
7 ensure your appearance and the safety of the community. But  
8 the presumption is rebuttable, and the government bears the  
9 burden of establishing by clear and convincing evidence that  
10 you are a danger to the community or establishing by a  
11 preponderance of the evidence that you are a risk of flight.

12 I will now hear from counsel. First I would like to  
13 hear from the government as to why it believes that detention  
14 is warranted.

15 MS. JOHNSON: Your Honor, the defendant, Sean Combs,  
16 physically and sexually abused victims for decades. He used  
17 the vast resources of his company to facilitate his abuse and  
18 to cover up his crimes. Simply put, he is a serial abuser and  
19 a serial obstructor.

20 As I just mentioned to your Honor, the government is  
21 seeking detention, which I note is also the conclusion that  
22 pretrial services has reached in its report after interviewing  
23 the defendant. The government submits that the defendant  
24 should be detained pending trial because he is an extreme  
25 danger to the community. He poses a serious risk of

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1 obstruction of justice, which also makes him a danger to the  
2 community, and he poses a serious risk of flight because now  
3 he's facing significant charges, some with mandatory prison  
4 time.

5 As your Honor mentioned, detention is presumed here  
6 under the Bail Reform Act. It's the starting point, and it's  
7 the defendant's burden to rebut that presumption, which the  
8 government, respectfully, submits that the defendant cannot do  
9 here. The government is going to respectfully request that the  
10 Court enter an order of detention.

11 As the Court knows, the government submitted a  
12 detailed letter to your Honor this morning outlining the facts  
13 and bases for detention, so I will highlight some of those  
14 here. The facts are set forth in detail in the letter, but in  
15 short, the defendant used force, threats of force, and coercion  
16 to cause female victims to engage in sexual activity with male  
17 commercial sex workers that he termed Freak Offs. These were  
18 elaborate sex performances that the defendant arranged,  
19 directed, masturbated during, and often electronically  
20 recorded. They began at least in and around 2009, lasted  
21 through at least this year, 2024, and often took place over  
22 multiple days, and involved more than one commercial sex  
23 worker.

24 These Freak Offs were enabled and arranged with  
25 members and associates of his enterprise who set up the hotel

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1 rooms, stocked them with supplies, arranged travel for victims  
2 and sex workers, and delivered bulk cash and narcotics to the  
3 hotel rooms, among other tasks. And those narcotics that were  
4 delivered or stocked in the room were used at least in part so  
5 that female victims could continue to participate in Freak Offs  
6 despite exhaustion and fatigue from these events happening for  
7 sometimes multiple days. The defendant was violent with women  
8 both inside Freak Offs and outside Freak Offs. At least a  
9 dozen witnesses who we have spoken to will confirm that they  
10 personally observed the defendant's violence towards women or  
11 injuries sustained by female victims as a result of his  
12 violence.

13 In addition to this violence directed toward women,  
14 the defendant committed a host of other violent acts. He  
15 committed other physical assaults against other individuals,  
16 and with the assistance of members and associates of his  
17 enterprise, he committed kidnapping and he committed arson.

18 The defendant also surrounded himself with and used  
19 firearms. Those include the three defaced AR-15s that the  
20 government seized from his residences in March of 2024. One of  
21 those was found in his residence in Los Angeles, and two were  
22 found in his bedroom closet, disassembled, in Miami. In Miami,  
23 the magazines were loaded with ammunition. And in Los Angeles,  
24 we also seized a high-capacity drum magazine what was loaded  
25 with 60 rounds of ammunition. And all of those AR-15s I just

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1 mentioned had the serial number bored through, so they were  
2 defaced.

3           And as if that were not enough, your Honor, what sets  
4 this case apart from so many others and what makes this  
5 defendant even more dangerous is the defendant's extensive and  
6 exhaustive history of obstruction of justice. The indictment  
7 charges acts of bribery and witness tampering as predicate  
8 offenses for the charged racketeering conspiracy. And just  
9 like the violence I just outlined, the defendant and his  
10 coconspirators have engaged in years-long efforts to cover up  
11 the defendant's crimes and to tamper with witnesses.

12           So to get a sense of what I am talking about, I want  
13 to use one example to the Court, and that example is March 5,  
14 2016 at the InterContinental Hotel in Los Angeles. The  
15 government attached to its submission this morning a video clip  
16 that had previously been publicly disclosed by the media in or  
17 about May of this year. This incident is critical to  
18 understanding both the physical danger of the defendant and the  
19 obstruction efforts that he goes to. It is a recorded example  
20 of his use of force in connection with a Freak Off. And when  
21 we get to the end of this example, the defendant was eventually  
22 forced to acknowledge that he, in fact, is the individual  
23 featured in that video, despite multiple previous denials that  
24 this incident occurred.

25           So, in short, the evidence would show this: Following



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1 a Freak Off at the InterContinental Hotel, the defendant  
2 violently assaulted the victim who was trying to leave the  
3 hotel room and was walking down the hall to the elevators. He  
4 punched her, he threw her to the ground, he kicked her. He  
5 attempted to drag her back to the hotel room, and then later he  
6 threw a vase at her. And it's after this assault that the  
7 coverup started.

8 After the victim managed to leave the hotel, or --  
9 pardon me. When hotel security was helping the victim leave  
10 the hotel, the defendant attempted to bribe a hotel security  
11 officer with a handful of cash in exchange for that officer's  
12 silence. That security guard, however, refused to be bought.

13 Next, the defendant directed his staff to contact the  
14 hotel security staff in an apparent effort to obtain the  
15 surveillance video that recorded every moment of that assault  
16 that I just described, and as your Honor can see on Exhibit A  
17 to our letter from this morning. These same employees of the  
18 defendant were in contact with the victim at the same time to  
19 ensure that she would stay quiet and she wouldn't say anything.  
20 And within days of that March 5, 2016 violent attack that was  
21 caught on video, the surveillance video disappeared from the  
22 hotel server. That's just not a coincidence. That is a result  
23 of the defendant's effort to obtain it through his staff  
24 members. And the coverup of that incident continued for nearly  
25 another eight years -- seven years. I apologize, your Honor.

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1           A civil suit was filed in mid November 2023 that,  
2 among other allegations, detailed this assault at the  
3 InterContinental. The defendant issued a public response to  
4 that lawsuit, which I will quote. Quote, "I did not do any of  
5 the awful things alleged." Through counsel, the defendant  
6 released an even more strident response where he denied, quote,  
7 "offensive and outrageous allegations" and described the  
8 lawsuit as, quote, "riddled with baseless and outrageous lies."

9           These are unequivocal denials of the defendant's  
10 participation in this incident. This happened in November of  
11 2023. And these denials are also further attempts by him to  
12 obstruct justice and prevent the truth of this event from being  
13 known.

14           So we fast forward to May of 2024 when this  
15 surveillance video is obtained by the media and publicized. It  
16 is only then, only when there is indisputable proof caught on  
17 video and published to the world that the defendant admitted  
18 that he was involved in this assault. The sequence of events  
19 makes crystal clear that you cannot take the defendant at his  
20 word. You cannot believe him when he denies his criminal  
21 conduct. He lies to cover things up.

22           And make no mistake, March 5, 2016, is just one  
23 incident of violence and obstruction that we have investigated  
24 and would prove. This investigation has yielded evidence of  
25 numerous assaults against female victims and other individuals.

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1 These assaults include choking, hitting, kicking, and dragging  
2 victims, often by their hair. The investigation has yielded,  
3 which I will talk in a little bit more detail later, detailed  
4 evidence of these Freak Offs in the form of travel records,  
5 communications, hotel records, witnesses, and videos.

6 So this is the kind of conduct I am talking about when  
7 I argue that the defendant is a danger to the community. This  
8 Freak Off activity is core to this case. It's a way of  
9 controlling female victims' lives, method of using physical  
10 force against them, all to compel them to engage in sex acts  
11 that the defendant wants. And this decades-long history of  
12 violent conduct makes clear that even the most stringent bail  
13 conditions will not suffice to ensure the safety of this  
14 community.

15 The danger inquiry is focused on danger to any real  
16 person, and the evidence shows that the risk of danger in this  
17 case is acute. The risk of danger is acute towards victims,  
18 towards some of the defendant's staff, towards other -- and  
19 towards other witnesses. His past assaults have caused  
20 significant injuries and required periods of physical recovery  
21 for individuals who have been injured. And what's more, this  
22 conduct takes place behind closed doors typically. It  
23 typically takes place in settings that are not easily monitored  
24 by even stringent conditions of release. And the investigation  
25 has further showed that this defendant's violence was both

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1 premeditated, but often spontaneous, and the spontaneity  
2 exacerbates the difficulty of crafting conditions of release.  
3 It's very difficult to ensure the safety of any person when the  
4 defendant has the propensity to become violent at the slightest  
5 provocation. No bail conditions can address that.

6 It's this longstanding pattern of abuse that is really  
7 critical here, your Honor. This pattern has been entirely  
8 undeterred by over a decade, by threats of public exposure, and  
9 by law enforcement intervention, and it's incredibly probative  
10 of whether the defendant will continue to act the way he has  
11 done for the past few decades.

12 And the risk of obstruction is also incredibly  
13 significant. The defendant's power gives him a unique ability  
14 to influence and intimidate witnesses and victims. Witnesses  
15 we have interviewed have universally expressed their fear of  
16 the defendant. His influence makes it extremely difficult to  
17 convince people that they will be safe from his actions. And  
18 evidence like the March 5, 2016 incident that I just outlined  
19 makes it clear that the defendant is willing to deflect, to  
20 minimize, and to lie about his conduct.

21 And March 5 is not the only incident of obstruction in  
22 this case. Following the November civil suit that I mentioned,  
23 the defendant and his coconspirators continued their efforts by  
24 reaching out to potential victims and witnesses. This outreach  
25 has included several different types of contact. The defendant

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1 himself has contacted witnesses, including those who received  
2 grand jury subpoenas from the government in this case, and that  
3 contact has occurred prior to dates of testimony or meetings  
4 with the government, and in one case with an individual who  
5 hadn't spoken to the defendant in years prior to this reachout.  
6 The defendant also directly contacted at least one victim,  
7 which I will circle back to momentarily.

8           This constant contact with witnesses is important to  
9 understand, and so just one example from this past week is  
10 illustrative. On September 10, which is one week ago, Dawn  
11 Richard filed a civil complaint detailing abuse she experienced  
12 and observed from the defendant. And the allegations in  
13 Ms. Richard's complaint overlap in time period with the events  
14 charged in this criminal case. Several days later, on  
15 September 13, another member of a band that Ms. Richard had  
16 been in with the defendant, an individual named Kalenna Harper,  
17 released a statement that, in sum and substance, denied that  
18 she saw some of the same things that Richard's complaint  
19 alleges. And so where does the defendant's contact come in?

20           Well, in between September 10, the date of the filing  
21 of the lawsuit, and September 14, the day after the public  
22 statement by Ms. Harper, the defendant and Ms. Harper had 128  
23 total phone contacts. The defendant called or texted  
24 Ms. Harper 58 times in four days. There hasn't been any  
25 contact since September 14. This incident is just one way of

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1 making clear that this defendant has the ongoing ability to  
2 keep witnesses, even witnesses who might have been around for  
3 very distant-in-time abuse, in his pocket and at his disposal.

4 Some of the ways in which the defendant contacts  
5 victims and witnesses are also chosen deliberately to avoid  
6 detection. Occasionally intermediaries are used to reach out  
7 to individuals. And in one case, the call, the reach-out to  
8 the victim I mentioned earlier, that communication was recorded  
9 on another individual's cell phone. It's ways like this that  
10 make this obstruction incredibly difficult to detect. And from  
11 our investigation, we know what's happened on some of these  
12 calls. We know that at least one purpose is to spread false  
13 narratives and to get witnesses on his side, and by telling  
14 them -- sometimes gaslighting them into making them think that  
15 something happened that didn't happen.

16 So in the calls with the victim that I mentioned,  
17 there are two calls. This victim is financially supported by  
18 the defendant, and two calls are recorded. The defendant asked  
19 for the victim's support and friendship, and attempts to  
20 convince the victim that she had willingly engaged in sex acts  
21 with him. In this call, the defendant ensures the victim that  
22 if she continues to be on his side and provide support and  
23 friendship, that she doesn't have to worry about anything else,  
24 which is just a thinly-veiled reference to continuing that  
25 financial support. And that call happened, I believe, three

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1 days -- sorry, those two calls happened three days after the  
2 filing of that November lawsuit.

3 So in sum, this long history of obstruction and  
4 violence demonstrates that the defendant simply cannot overcome  
5 the presumption that no condition or combination of conditions  
6 can ensure the safety of the community.

7 And I will note that, at least with respect to  
8 obstruction specifically, courts have denied or revoked bail in  
9 similar situations in this circuit. For example, *United States*  
10 *v. Lafontaine*, 210 F. 3d 125 (2nd Cir. 2000) at page 134,  
11 that's where bail was revoked when the defendant contacted a  
12 potential witness and attempted to feed that witness a false  
13 narrative with the hope that that witness would adopt it as her  
14 own testimony.

15 And this case is truly in the heartland of detention  
16 cases of this magnitude and this similar -- similar charged  
17 conduct. I will just briefly review some similar cases. R.  
18 Kelly in the Eastern District of New York was also charged with  
19 racketeering and sex trafficking. He was detained on all three  
20 grounds: Danger, obstruction, and risk of flight. Like this  
21 case, there was a pattern of obstruction that had occurred, and  
22 like this case, the sexual abuse that was alleged was violent  
23 and repeated.

24 Jeffrey Epstein from this district was charged with  
25 sex trafficking, and detained on dangerousness, obstruction,

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1 and risk of flight grounds. In that case, the charged conduct  
2 was much less recent, and so was the obstruction, yet,  
3 nevertheless, Jeffrey Epstein was detained on those grounds as  
4 well.

5 Keith Raniere in the Eastern District as well, also  
6 charged with racketeering and trafficking, again, detained on  
7 all three grounds. While the violence in that case was  
8 serious, it was not personally committed by Raniere, but the  
9 Court still found that the defendant was a danger to the  
10 community.

11 And finally I will turn to risk of flight. The  
12 defendant's incentives to flee changed substantially when he  
13 was arrested last night. Those incentives are markedly  
14 different today than they were yesterday, and his risk of  
15 flight is much more significant and much more pronounced. He  
16 is now charged with serious offenses carrying significant, in  
17 some cases mandatory terms of imprisonment. And as I will get  
18 to next, the evidence is strong and the possibility of a  
19 substantial sentence is one factor to be weighed in assessing  
20 risk of flight.

21 He's also charged with crimes that are highly  
22 sensitive and that risk serious reputational harm to him, and  
23 it's the same things that he has spent the last decade trying  
24 to sweep under the rug and trying to cover up. The defendant  
25 is a wealthy man. You can see that in the pretrial services



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1 report. It's also widely known. That wealth allows him the  
2 ability to flee quickly and without detection should he so  
3 choose. His counsel have taken steps during this investigation  
4 to minimize flight risk. They have taken his passport,  
5 attempted to sell his jet, and reported his locations and  
6 travel to the government. All of those things have been to set  
7 them up for the argument here today, to be able to say today  
8 that he is not a risk of flight. Those things were done when  
9 his incentives were entirely different.

10 And as I expect you will hear from defense counsel,  
11 the defendant did fly to New York two weeks ago at his  
12 counsel's advice, and has been living in a hotel in the city  
13 for the past two weeks, waiting, potentially, for his arrest.  
14 So instead of fleeing from the district, he came to the  
15 district. But while he is sitting in a hotel, waiting to be  
16 arrested on federal charges, at a time when he should be on his  
17 very, very best behavior, he had what appears to be narcotics  
18 at his hotel room that was found after his arrest last night.  
19 The test results have not yet -- are not yet conclusive, so I  
20 don't want to suggest that we have conclusive test results, but  
21 they are bags of pink powder that are visually similar to bags  
22 of pink powder that we have seized before from the defendant  
23 that have tested positive for ecstasy and other drugs.

24 So just one quick note on the defendant's proposed  
25 bail package. My focus in the argument now is on detention

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1 because, as I mentioned, this really is a heartland detention  
2 case. I am happy if the Court has questions to address my  
3 concerns in more detail, but from the government's perspective,  
4 the defendant's bail package is woefully inadequate. Its focus  
5 is on risk of flight alone, and there is not a proposed  
6 condition that addresses many of the concerns of danger and  
7 obstruction. And, in fact, the government submits that there  
8 is no way to successfully curtail the type of obstruction that  
9 the defendant has been engaging in here.

10 So finally, just a note on the strength of the  
11 government's evidence, which is another factor that the Court  
12 may consider in its decision. The government has spoken to  
13 over 50 witnesses, many of whom have personally witnessed the  
14 defendant's abuse or seen signs of it. The government has  
15 sworn out multiple search warrants for cloud accounts, for  
16 electronic devices, and for the defendant's person and  
17 premises. The government has received voluntary productions of  
18 electronic evidence from coconspirators, victims, and  
19 witnesses. Some of these searches have yielded an incredible  
20 amount of electronic evidence, over 90 cell phones, laptops,  
21 and cloud storage accounts, as well as 30 other electronic and  
22 storage devices, such as hard drives, thumb drives, cameras,  
23 and a surveillance system. We seized physical evidence from  
24 the defendant's residences, the guns, the ammunition, and the  
25 extended magazine I mentioned, and other evidence that

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1 corroborates the victim's account of the Freak Offs. We also  
2 obtained documentary evidence from over 300 grand jury  
3 subpoenas that have been issued, and other voluntary  
4 productions.

5 Altogether, this evidence, the electronic evidence,  
6 the documentary evidence, and the witness testimony, it is  
7 going to be used to prove exactly what we charged in our  
8 indictment. And for Freak Offs specifically, we have  
9 communications about setting up the room, communications with  
10 male escorts about getting to the rooms, about traveling to the  
11 rooms. We have the supplies that were used in the Freak Offs.  
12 We have hotel records, often showing extensive damages, and  
13 frequently showing reservations made in the names of his  
14 employees, and we have videos sometimes of the acts themselves.  
15 This is the evidence we will use to prove this case, and it  
16 confirms that the defendant is a danger to the community and  
17 poses a serious risk to the integrity of these proceedings  
18 through his continued efforts at obstruction.

19 Your Honor, for the reasons I have stated here and in  
20 our letter, the government respectfully submits that the  
21 defendant should be detained pending trial.

22 THE COURT: Thank you, counsel.

23 Mr. Agnifilo.

24 MR. AGNIFILO: Yes. May I use the podium, your Honor?

25 THE COURT: Of course.

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1 MR. AGNIFILO: Thank you, your Honor. I am going to  
2 address the government's letter and some of the arguments they  
3 made in a second, but I want to go through first some things  
4 that I think are very important. And the first is this:  
5 Something very significant in this case, and for the purposes  
6 of what we are all here today to decide, happened on  
7 September 5 of this year, about 12 days ago. And as my  
8 colleague with the United States alluded to, that's the day  
9 that Mr. Combs flew from where he was living in Miami to  
10 New York.

11 We had told the government before he left Miami that  
12 we -- let me back up for a second. It became apparent to us,  
13 because this isn't our first rodeo, that we were getting close  
14 to an indictment. We met with the prosecutors and their  
15 chiefs, and we left that meeting realizing that an indictment  
16 was probably coming down soon. We didn't know if it was a week  
17 away, two months away, but it was going to be in the fall.  
18 That's what it seemed to us.

19 I spoke to my client. I said, My recommendation is  
20 that you come New York. I think less than 20 hours later, he  
21 flew to New York. He landed in New York. I told my colleagues  
22 with the government, Just so you know, Mr. Combs is in  
23 New York, and I would like the opportunity for him to turn  
24 himself in. He has come to New York to turn himself in.  
25 That's why he is here, and if he doesn't turn himself in, just

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1 let me know if you want to know where he is -- he wasn't  
2 hiding; he was in a hotel -- and I will tell you, and the case  
3 will start. Twelve days later, the case has now started.

4 So we were here because he did the exact opposite of  
5 what we see defendants do when they are presenting problems to  
6 the Court by any means, whether it be risk of flight or danger.  
7 He actually came to the district voluntarily. At the time, I  
8 don't know if there was an indictment returned or not. It's  
9 none of our business, but we didn't know whether there was. He  
10 came here to sit it out, to wait. If he had to wait six  
11 months, he would have waited six months. He only had to wait  
12 12 days, as it turns out. But that is a very significant step,  
13 and it's only the last of many, many steps.

14 We got involved in this case -- Ms. Geragos and I got  
15 involved in this case in March of 2024. And I want to go  
16 through -- the government, I thought, did a very full job going  
17 through parts of their investigation. We have been doing an  
18 investigation also. And on March 13, I reached out to my  
19 colleagues at the U.S. Attorney's Office. I never met any of  
20 them. I don't think they met me. I introduced myself, and I  
21 said I wanted to talk to them about certain aspects of the case  
22 because I had an idea even then where this was going. And I  
23 had an idea. And we will take a step back even further. And  
24 this is all in the public record by now.

25 A lawsuit was unsealed in November of 2023. It was

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1 unsealed for a very short period of time before it was settled,  
2 but it involves one -- it involves -- I don't want to get into  
3 it because no one is being named -- but someone who seems to  
4 play a prominent role in the indictment. And so what seemed to  
5 me -- and I think I was absolutely right -- is that this -- the  
6 unsealing of this lawsuit and the settling of that case  
7 garnered a tremendous amount of public attention. And I  
8 concluded that my colleagues with the government read the same  
9 newspapers I did, saw that there was talk of sex trafficking in  
10 this civil complaint, which was settled, and started an  
11 investigation. And by the time we really got wind of it a few  
12 months later, the investigation seemed to be in high gear.

13           So I contacted my colleagues with the U.S. Attorney's  
14 Office before the searches. The searches were on March 25 of  
15 2024, and the searches consisted of searches of the residence  
16 in Florida, the residence in California. And Mr. Combs was  
17 flying with certain members of his family in his plane. They  
18 searched him. They got cell phones. They got a lot of phones  
19 from the different houses. They got a lot of different items  
20 from the different houses, and I will talk about some of that  
21 in a second. And that was the day that I first spoke to the  
22 prosecutors in that case. And it was apparent to me -- because  
23 I got the search warrants on that day, and the search warrants  
24 had the identical charges, most of the serious ones, that we  
25 have in the indictment today.

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1           So when my colleague says that the world changed  
2 yesterday, the world really didn't change yesterday very much  
3 because we knew on March 25 where all this was headed, because  
4 what was apparent to us, based on our conversations with the  
5 prosecutors, on our review of the search warrant, is this was  
6 an investigation into racketeering conspiracy, into sex  
7 trafficking, and into violations the Mann Act, among other  
8 things. Three of those things are now in the indictment. So  
9 there's been no dramatic change in circumstances.

10           About a week after the search, Ms. Geragos and I flew  
11 down to Florida. We met with Mr. Combs for a period of time,  
12 and Ms. Geragos and I took his passport. We took physical  
13 possession of his passport on April 1, 2024. I called my  
14 colleagues with the United States Attorney's Office. I said, I  
15 want you to know Ms. Geragos and I have Mr. Combs' passport.  
16 We sent them an e-mail, and we said, We are going to have his  
17 passport for the duration of this investigation. He is not  
18 going to fly internationally. You won't have to worry about  
19 that. You are going to know that he is in the United States  
20 because we have his passport. And not only that; if he travels  
21 domestically during the course of this investigation, we will  
22 tell you. And we did, without fail.

23           He went to a graduation of some of his children in  
24 California. We said, He is traveling from Florida to  
25 California. We sent them an e-mail. He went on a whitewater

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1 rafting trip at one point, and we sent them an e-mail. Anytime  
2 he traveled domestically in the United States during the entire  
3 course of this investigation, we told the government where he  
4 was going. I have been doing this 35 years. I don't know that  
5 I know the last time that that happened, much less us taking  
6 his passport.

7 We then took the passports of several of his family  
8 members. I have in my hands Mr. Combs' passport plus five, and  
9 we have had these for months, and we told them that we have had  
10 these for months. And this isn't a show. This isn't, Oh, they  
11 are just doing this so they can do better at a detention  
12 hearing one day. This is because we took this investigation  
13 absolutely seriously, as serious as one can take an  
14 investigation, from the earliest stages. And we made what we  
15 think to be prudent decisions with Mr. Combs. We don't do  
16 these things without him. We are a team here. And we made  
17 these decisions together to show the government, to try to earn  
18 the government's trust, truthfully; to try to earn the  
19 government's trust, to say, Hey, you know what, we know it's  
20 coming -- back in March we knew it was coming -- we know it's  
21 coming, and when that day comes, we are going to want you to do  
22 two things. They haven't done either of them, but we wanted  
23 them to do two things: We want you to let him surrender -- and  
24 let me just back up for one second.

25 And I am not here to find fault with anything or to



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1 say anything controversial. The searches that were done on  
2 March 25 were very scary for people who had no involvement in  
3 this investigation whatsoever. Semiautomatic rifles were  
4 pulled on completely innocent people. You can see videos of  
5 the orange lasers on the chest of one of his children. You  
6 could see what seems to be an AR-15 at the head of another one  
7 of his children. And the kids were marched out, and other  
8 people were marched out, not through the back of the house  
9 where there wasn't dozens of reporters and a news helicopter,  
10 but the front of the house so that these young, completely  
11 innocent people could be seen on the international news with --  
12 handcuffed for two hours. Handcuffed for two hours.  
13 Completely innocent, not involved in the investigation at all.  
14 And we did not want that to happen again. We took great pains  
15 so that that would not happen again.

16 And that is one of the reasons he flew to New York.  
17 You want me. I know you want me. Here I am. Here I am. And  
18 he came to New York and we told them so that nobody else would  
19 be afraid, so that, God forbid, God forbid, there be no tragedy  
20 by accident. The agents in this case are fine people. I have  
21 gotten to know many of them. They took good care of Mr. Combs  
22 last night. I want to say that. Things happen when people are  
23 afraid, and I didn't want anyone to be afraid. He didn't want  
24 anyone to be afraid. The case is about him, and here he is  
25 because he came here to face it.

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1           We were worried that he had an airplane because, of  
2 course, we are. I can't remember when it started, but  
3 Ms. Geragos and I said, You know what, we have to sell that  
4 plane. We have to sell that plane. And we started efforts --  
5 there is essentially a financial management company that deals  
6 with a lot of these sorts of issues. I barely own a car. I  
7 certainly don't own a plane. But it's hard to sell a plane,  
8 apparently. And we have been trying to sell the plane for  
9 about four or five months. We currently have a letter of  
10 intent, which I am told is a good thing when you are trying to  
11 sell a plane, so maybe we will actually sell it this time. But  
12 we are trying to sell the plane. Why are we trying to sell the  
13 plane? Because it's not our first rodeo, and we know it's  
14 better if he doesn't have access to a plane.

15           So what's the deal with the plane at the moment? Luck  
16 would have it, it's being chartered. So I guess what happens  
17 with these planes is if you are not going to fly on the plane a  
18 lot yourself, a plane needs to be active or else it falls into  
19 disrepair, so folks charter it, and that's what's happening  
20 here. So some unrelated party is flying in the plane from  
21 Los Angeles to Teterboro Airport, I think landing in Teterboro  
22 Airport tonight. That's really a headache I need. The plane  
23 that I am trying to keep on the West Coast is flying to  
24 Teterboro, but we have nothing to do with it.

25           And the government, to their credit, hasn't made a big

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1 deal out of the plane because they see we are trying to sell  
2 the plane. But that's a significant act, I think, of goodwill  
3 and trustworthiness that we are trying to sell the plane. I  
4 wouldn't have the -- I don't know if temerity is the right  
5 word. I wouldn't be foolish enough, I think, to come before  
6 your Honor one day -- I didn't know it would be your Honor; I  
7 didn't know when this day would come -- with us having this  
8 airplane, with us not collecting all these passports, without  
9 Mr. Combs coming to New York and saying, Hey, Judge let him go.  
10 Well, why would I do that, Mr. Agnifilo? What have you shown  
11 me? What trust, what trust have you earned in the eyes of the  
12 Court? And the answer would be, None. But we have. And trust  
13 is earned, and we have earned it.

14 And my colleagues with the government, we couldn't win  
15 them over. We tried, and we couldn't win them over. We  
16 couldn't agree on a very substantial bail package. We couldn't  
17 get them to turn himself in, and I get it. That's their right.  
18 But, you know, we have your Honor. So we have been trying to  
19 sell the plane.

20 But coming back to the New York situation just for a  
21 second. One of the things that I notice from the indictment  
22 is, there is one victim in Count Two, in the sex trafficking  
23 charge. There is one victim. One of the things that's  
24 happened -- and I will take my third step back. When the  
25 complaint of the civil case was unsealed around Thanksgiving

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1 last year, November of last year, there was a flurry of other  
2 civil cases, many, many of them. I think 12, 15. We don't do  
3 the civil stuff, Ms. Geragos and I, but there is another lawyer  
4 who does. We were getting a new civil case every week,  
5 sometimes two a week. And what it seemed to us -- and I am not  
6 disparaging anything -- is people were jumping on a bandwagon  
7 of sorts. I think someone noticed, Wow, Mr. Combs wrote a --  
8 the settlement is confidential, so I am not going to say what  
9 it was, but it was large. Mr. Combs wrote a very large check  
10 to someone who he was in a relationship with for ten years, who  
11 is the person in Count Two. And I will get to that in a  
12 second. Ten-year relationship. If he is writing checks, I  
13 want my check, and everyone lined up to get their checks. And  
14 we were getting an endless supply of civil lawsuits.

15 So I had no idea when this indictment came down, I had  
16 no idea, are we going to have one victim or are we going to  
17 have 12 victims. I didn't know. I was ready for 12 victims.  
18 I was happy to see there was only one. So it is not as though  
19 this indictment is somehow worse than we imagined. It's, if  
20 anything, better than we imagined, and eminently manageable,  
21 from our perspective.

22 I won't belabor the point. I notice in the pretrial  
23 services report, I think they say that Mr. Combs should be  
24 detained because he has a criminal history. I don't know that  
25 that's right. He went to trial in a New York state court in

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1 2001 and was acquitted, fully acquitted. And one thing that I  
2 think is noteworthy, and I would be derelict in my duties if I  
3 didn't bring it up, is that was quite a serious case, and he  
4 went to every court appearance. He went to every court  
5 appearance for the year or so that that case was pending, and  
6 he went to every court appearance. And then a jury of 12  
7 New Yorkers, just like a jury of 12 New Yorkers one day will  
8 hear this case, acquitted him. So he knows what that's like.  
9 He knows what that involves. And it looks like he is going to  
10 have to do that again. And he is ready to do it again, and he  
11 came here to do it again. So I don't think he does have a  
12 criminal history in terms of felony convictions. I don't think  
13 he has any felony convictions. I think there might be a  
14 misdemeanor that goes back some period of time, but I think  
15 that's it.

16 One of the other things that's in the pretrial  
17 services report that I just want to mention briefly -- and this  
18 is mostly a confidential matter, so I don't want to get too  
19 much into it. One of the things that Mr. Combs is doing in  
20 New York is getting treatment and therapy for things that, most  
21 respectfully, he needs treatment and therapy for. And I say  
22 that as his lawyer. And he is getting that. And I notice that  
23 in the pretrial services report they had that as a reason to  
24 detain him. I don't see the world that way at all. I think  
25 everybody has flaws. I think that some of what the

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1 government's presentation this afternoon relates to is that  
2 Mr. Combs is not a perfect person. There's been drug use.  
3 There's been toxic relationships that I think were mutual in  
4 their toxicity, as these things tend to be. And if he has seen  
5 fit at the ripe old age of 54 to really take things into his  
6 own hands and try to be better for the rest of his days, I  
7 think that is only a positive, only a good thing. I don't see  
8 anything negative in that. And I think if there is one thing  
9 that we have seen as a country and as a justice system, is if  
10 someone wants to stand up for themselves to try to get the help  
11 that they need, we stand with them. We stand with them. We  
12 don't say, Wow, you are trying to get the help that you need;  
13 we think you should be in jail now because you are trying to  
14 get the help you need. So I appreciate the efforts of pretrial  
15 services and their observations and the hard work that they do  
16 and always do, but I very much disagree with that aspect of the  
17 report.

18 I want to talk a little bit about the government's  
19 sentencing letter. I think many of the things that my  
20 colleague talked about in terms of obstructing justice is not  
21 actually obstructing justice. And let me name a few. They  
22 talk about -- my colleague talks about March of 2016. And this  
23 is an unfortunately fairly well-known event because somehow --  
24 we will never know how exactly -- this hotel footage found its  
25 way to CNN and found its way to the rest of the world. I

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1 wonder how that happened. We didn't have it. The government  
2 had it. It got to CNN on a day that Donald Trump wasn't having  
3 any court proceedings, on a day that was sort of a slow news  
4 day. The news picked it up because CNN got this videotape.  
5 And we all saw it and I saw it. Mr. Combs saw it. Mr. Combs  
6 issued an apology. Is that a wise thing? Was that not a wise  
7 thing? I don't know. He wanted to do it. It meant something  
8 to him, and he apologized. And that's what he did.

9 Now, one thing that's important about the video -- and  
10 since the government talked about some of the evidence, we have  
11 to talk about some of the evidence. What I think the evidence  
12 is going to show about the events leading up to this video  
13 being made is that two people are in a hotel room, Mr. Combs  
14 and Victim Number 1 from Count Number Two. Having looked  
15 through more text messages and e-mails than I care to, and I  
16 think the government would agree, one of the major issues in  
17 that couple's relationship at that point, and at many other  
18 points, is that Mr. Combs had more than one girlfriend, okay.  
19 And Victim Number 1 was looking through Mr. Combs' telephone  
20 when Mr. Combs was asleep, found evidence that Mr. Combs had  
21 more than one girlfriend. She was not the only one. She hit  
22 him in the head, while he was sleeping, with his own cell phone  
23 and then took his clothes. She has two bags as she runs into  
24 the hallway. In one of those bags is Mr. Combs' clothing. All  
25 of it. She has left him in a hotel with no clothes, having hit

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1 him in the head in his sleep with a cell phone, which is why he  
2 comes out into the hallway in a towel.

3 Now, I am not going to comment on the video because my  
4 client commented on the video, and we all know what we saw, but  
5 to the extent that the government says that this is somehow  
6 evidence of sex trafficking, it's evidence of Mr. Combs having  
7 more than one girlfriend and getting caught. And that will be  
8 shown resoundingly not just by my words, but by the written  
9 communications between those two people. And let me talk about  
10 that for a second.

11 This is a ten-year relationship. This sex trafficking  
12 is a ten-year relationship. These two people were in love.  
13 That will be made abundantly clear by the way they speak to  
14 each other, by the way other witnesses described their time  
15 together, and by the circumstances of how they broke up. They  
16 were in love, but Mr. Combs wasn't always faithful. There was  
17 someone else. One person, maybe more than one person. This  
18 was a source of great hurt to Victim Number 1. At the end of  
19 the day, there was mutual philandering, and Victim Number 1  
20 ended up marrying the trainer that Mr. Combs got for her, and  
21 had two children. That signaled the end of the relationship.  
22 They had been cheating on each other for years, but now she had  
23 two kids with the trainer, and that was the bridge too far that  
24 led to their relationship coming apart.

25 Years and years and years later, when I submit Victim



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1 Number 1 realizes she had a pretty good thing for ten years  
2 with Mr. Combs -- they were in love, it was exciting, she was a  
3 recording artist, he had a recording studio, things -- I don't  
4 want to comment on her present life. I have no idea what it's  
5 like. Maybe things with the trainer weren't quite the same as  
6 they were with Mr. Combs, and she does something that is very  
7 significant, if we are going to talk about the evidence in this  
8 case. She has her lawyer call Mr. Combs' lawyer, and in a  
9 recorded conversation for eight minutes and 12 seconds, where  
10 her lawyer says, My client has written a book. It's about your  
11 relationship. She is not talking about sex trafficking and she  
12 is not talking about sex crimes. My client has written a book,  
13 and she is going to publish it, but if you want to buy the  
14 rights, then you will have the exclusive rights, and she won't  
15 be able to publish it. And you know what, you can buy the  
16 rights for \$30 million. A recorded conversation. The  
17 government has it. We have it.

18 That conversation, I guess, didn't go so well for her  
19 and the lawyer. So the next thing we know, it's now November  
20 of 2023, and she has a different lawyer. This lawyer is not so  
21 interested in intellectual property for \$30 million. This  
22 lawyer is saying, I am going to bring a civil sex case because  
23 the statute of limitations allow me to do that, because there's  
24 been a change in the statute of limitations that allows me to  
25 do that, and that's what I am going to do. So I am not really

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1 here to embarrass you anymore to the tune of \$30 million; I am  
2 going to bring this civil sex claim against you.

3 It's negotiated. Ms. Geragos and I are not involved  
4 in the case yet because there is no criminal component to it,  
5 and that's significant to what I am about to get to in a  
6 second. The case settles for an undisclosed and large amount  
7 of money, and then we have the torrent of other civil claims.

8 Now, one of the things the government talked about,  
9 and they talked about obstruction of justice, is things that  
10 seem to have happened around the time that this lawsuit settled  
11 and other lawsuits were coming in. Certainly, Mr. Combs did  
12 not know about any Southern District investigation at this time  
13 period. I mean, absolutely nothing.

14 And one of the important -- my colleagues mentioned  
15 this case called Lafontaine, and they cited it to you. And I  
16 read Lafontaine just before we came today, and the difference  
17 in Lafontaine is Lafontaine was charged. Lafontaine was in  
18 jail. Lafontaine was released, and he was told, Don't contact  
19 any of the witnesses in this case. So what does Lafontaine do?  
20 He gets released and he starts calling witnesses. So that is a  
21 drastically different situation than we have here, where  
22 Mr. Combs doesn't even know that there is a criminal case. No  
23 one knew there was a criminal case afoot. So I called the  
24 prosecutors in March. My colleagues were saying these things  
25 happened in November of 2023. There is no criminal lawyer

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1 involved. I am not involved. Mr. Combs has no idea that there  
2 is a criminal case going on. So I don't see any of these  
3 things as obstruction of justice.

4 What I do see, looking at things in the light most  
5 favorable to the government, is there is a tremendously  
6 embarrassing event for Mr. Combs; not something he thinks is  
7 criminal, not something that's under investigation. What  
8 happened on March 5, 2016, I know of no DA investigation, no  
9 police investigation, no federal investigation surrounding this  
10 video that we all saw from March of 2016. The problem isn't  
11 that. The problem is, it's embarrassing. And this is a man  
12 that's involved in very significant business deals and in very  
13 significant business transactions, and he can't afford, quite  
14 frankly, to be seen in a towel hitting a girlfriend. He is not  
15 trying to stop a criminal investigation. There is no criminal  
16 investigation. He and this person had a mutually toxic  
17 relationship for quite awhile.

18 Shortly after the events that are depicted on the  
19 videotape that we all saw, Mr. Combs checks himself into a  
20 rehab facility because he is doing too many drugs, and he has  
21 an unhealthy relationship, and he knew it, and he had the  
22 wherewithal to try to go get help. And this person -- other  
23 person, I believe, got help around the same time. So this is  
24 not a one-sided thing. Now, why would it be depicted as a  
25 one-sided thing? There's 30 million reasons. There's

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1 30 million reasons for this to be depicted as a one-sided  
2 thing; one for each dollar that he was being sued for. These  
3 people didn't go to the cops. These people didn't go to law  
4 enforcement. This woman didn't say, My goodness, I am the  
5 victim of sex trafficking; I am going to go tell law  
6 enforcement. The first thing she did is say, I am going to  
7 write a book, but for \$30 million, you can buy the rights.  
8 That's the first thing she did. And the second thing she did  
9 is she brought a civil suit.

10 So when they talk about the evidence in this case  
11 being strong, I respectfully descent. The evidence in this  
12 case is deeply problematic. Now, this is not the time to  
13 litigate a very complicated criminal case, but the strength of  
14 the evidence is one of the factors that we are told we have to  
15 think about, so that's why I am talking about it.

16 In terms of what happened recently with this Dawn  
17 Richard lawsuit and someone named Kalenna Harper coming out and  
18 saying what her experience was, this is the furthest thing from  
19 witness obstruction I can think of. A person brings a civil  
20 lawsuit. Another person from the same band that the person who  
21 brought the civil lawsuit was in -- and the civil lawsuit is  
22 all about, Combs was hard on us, he drove us, he made us work  
23 all the time, you know, he did a couple of inappropriate  
24 things. And so someone with the exact point of view of the  
25 civil plaintiff comes forward and says, in essence -- and this

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1 is -- I thought it was a soft, respectful statement. And the  
2 statement was, I am not taking away her experience. That  
3 wasn't mine. That wasn't my experience. She is entitled to  
4 her experience. I was there. That's not what I saw. That's  
5 not what I saw. That's two witnesses having divergent  
6 recollections of similar events. And I expect this trial is  
7 going to feature exactly that. So there is nothing wrong with  
8 that. That's why we have criminal trials and civil trials.

9 I take the obstruction of justice seriously,  
10 obviously. And one thing I note -- and my colleague said that  
11 there is nothing your Honor can do to stop Mr. Combs from  
12 obstructing justice. One thing that I think is noteworthy --  
13 and my colleagues have investigated this case exhaustively for  
14 several months, and I give them credit for that -- is that the  
15 only thing they can say since the time Ms. Geragos and I have  
16 been involved in this case is that another witness said  
17 something different than a first witness. And I am not even  
18 sure Dawn Richard is a witness in this case. I am not asking,  
19 but I don't really see how she would play a role. So I have to  
20 say, quite frankly, your Honor doesn't have to do anything to  
21 make sure that he doesn't obstruct justice because he hasn't  
22 done a darn thing since we have been involved in this case.  
23 And even taking everything that the government says as true,  
24 that's true.

25 Okay. There is a section in the government's letter

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1 called Sex Trafficking and Abuse, and I want to talk about that  
2 because sex trafficking is a very serious crime and I want to  
3 address it head on. One victim, ten-year relationship. It  
4 seems like what their theory is, is that as part of the way  
5 that these two adults wanted to be intimate together is that on  
6 occasion, a third person, a male, would come into their  
7 situation and have sexual contact with the woman. And from  
8 what I heard the government say -- and Mr. Combs would not have  
9 sexual contact with the male. But, you know, this male would  
10 come and have sex with the woman. All right.

11 So Ms. Geragos and I have interviewed a half a dozen  
12 of these males. We have been as busy as the government has  
13 over the last six months. And I can represent to your Honor, I  
14 have asked all the questions I could think of, of, Did anything  
15 ever, ever seem remotely nonconsensual? Was anybody too drunk?  
16 Was anybody too high? Did anyone express any hesitation? Was  
17 there the slightest inkling that possibly, possibly the woman  
18 wasn't consenting? No. No. No. No. I think my colleagues  
19 spoke to some of the same people, and I expect that they heard  
20 the same thing.

21 One thing that I didn't see in the government's very  
22 carefully written detention letter, they never say anybody  
23 didn't consent. They don't say it. They suggest a lot of  
24 things. They suggest that because Mr. Combs is rich, because  
25 Mr. Combs took care of his girlfriend financially -- they never

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1 lived together, and that's important for a reason that I will  
2 talk about in a second. But because Mr. Combs provided for  
3 this woman, because they were in love, he was in love with her  
4 and she with him, that somehow this exerted some sort of  
5 control that overwhelmed her free will. And they certainly  
6 suggest that, but they are very good writers, and if someone  
7 didn't consent, they would have written that in a sentence, and  
8 they didn't. And it's because I think they are speaking to the  
9 same people we are, and no one is talking about lack of  
10 consent.

11 Is it, maybe, unusual -- I shouldn't say that. That's  
12 a judgment word. Does everybody have experience with being  
13 intimate this way? No. Is it sex trafficking? No, not if  
14 everybody wants to be there. If everybody wants to be there --  
15 the federal government -- we are not all better off if the  
16 federal government comes into our bedrooms. They don't do  
17 great there, and that's what's happening there. They are  
18 coming into this man's bedroom, and they are making not just  
19 judgments; they are charging him with statutes that, as they  
20 said, could put him in jail for life. I don't think these  
21 things are going to pan out. I just don't think they are going  
22 to pan out.

23 They talk about other violence in their bail letter,  
24 and they are talking about a kidnapping from 2011, and I know  
25 exactly what they are talking about because we interviewed -- I

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1 know who the person was who was allegedly kidnapped.  
2 Ms. Geragos and I interviewed her in Los Angeles. We took a  
3 statement from her. She certainly didn't use the word  
4 "kidnapping" with us. I won't get into what she did say, but  
5 let's suffice it to say there is another side to that story,  
6 and one day that other side might be told.

7 Okay. Firearms. Mr. Combs employs a professional  
8 security company that provides his security. He is at a point  
9 in his life where he has that ability, and he has the ability  
10 to employ a security company to keep him and anybody who might  
11 be in his home safe. Now, why would he do that? I don't think  
12 you have to necessarily be Sean Combs to need personal safety  
13 anymore. I mean, what we see is that, you know, people --  
14 homes especially, you know, in Los Angeles and all the areas of  
15 Los Angeles, including where Mr. Combs keeps his house, and in  
16 Miami, responsible personal security is important, and that's  
17 what we are talking about. That's what we are talking about.

18 These aren't his guns, you know. He has nothing to do  
19 with how guns are kept in his house. And my suggestion to the  
20 Court is, if the government really thought that these were his  
21 guns, they would have charged him with them, and they didn't.  
22 He is not charged with firearms. There's a part in the Methods  
23 and Means section of the racketeering count where they say  
24 there were firearms in the house. We know there are firearms  
25 in the house. We know there are firearms in the house because



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1 he has a professional security company that keeps firearms in  
2 the house. How they do it, whether they did it right, whether  
3 they did it wrong, whether they should have an AR-15 with no  
4 serial number, you know what, not for us to say. Not his gun.  
5 And if it was his gun and they can prove it was his gun, I  
6 think they would have charged him with a defaced AR-15, and  
7 they didn't because it is not his gun, because he has a  
8 professional security company that does all of this work.

9 A couple of other observations. My colleague  
10 mentioned the R. Kelly case. R. Kelly involved children, flat  
11 out. Different. Night and day different. And the reason it's  
12 night and day different is because children, thank goodness,  
13 cannot consent. There is no issue. There is no issue of  
14 consent when you are talking about a kid. A kid is a kid, and  
15 kids can't consent. End of story. Epstein, children. Keith  
16 Ranieri, children. Very, very, very different. Very  
17 different. Children to adult, very different. Children to  
18 ten-year adult relationship, not even in the same ball park.

19 So where are we? Where we are is we have a  
20 substantial, substantial bail package. Some members of  
21 Mr. Combs' family are here. If you can just -- there you go.  
22 They have come here on short notice. They are here. They love  
23 him. They support him. I won't go through it because it's in  
24 our bail letter, your Honor. We are talking about a  
25 \$50 million bond secured by a \$50 million -- \$48 million piece

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1 of property.

2 One thing that I think is very significant is, knowing  
3 this day would come, on August 20, just less than a month ago,  
4 we saw that there was, I think, \$18 million of mortgage left on  
5 that house in Florida. It's called Two Star. It was a  
6 terrible business decision for Mr. Combs and his people. We  
7 paid off the mortgage. Why? Because we knew this day was  
8 coming, and I wanted him to say one day -- one day I want to be  
9 able to tell the judge in the Southern District of New York  
10 that we have a \$50 million bond secured by a \$48 million house  
11 with no mortgage. So we paid off the mortgage because that is  
12 what it means to build trust. And we have done these things to  
13 build trust in a real and substantial sense. There is nothing  
14 about this as a show. No one makes bad financial decisions  
15 just for a show. It was important. And I told him this is an  
16 important thing to do. You want to show the Court that you are  
17 taking it seriously? If we weren't taking this investigation  
18 seriously back on August 20, we wouldn't have done it, and we  
19 did do it. If we didn't take this investigation seriously on  
20 April 1, we wouldn't have taken his passport, and we took his  
21 passport.

22 We have been taking this investigation seriously each  
23 and every day since I have been involved in this case in March,  
24 and yet, and yet, he flew here, and yet, he came here. And so  
25 we can trust him and we can trust him because he earned his

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1 trust through actions. This isn't just the words of his  
2 lawyer; this is him undertaking action to show your Honor that  
3 he is trustworthy, that he is a man of his word. He is not  
4 going to obstruct justice. He is not going to run away.

5 One day I expect we are going to have a trial, and my  
6 colleagues from Southern District of New York, I know them  
7 well. They know me well. We will have a fair trial, and this  
8 will be adjudicated in the only way it possibly can; in a  
9 courtroom, with evidence. And I expect -- we have substantial  
10 defenses, substantial defenses to these charges, to every  
11 single one of them, every single one of them, and that is how  
12 Mr. Combs is handling this case. He is handling it head on,  
13 the way he's done everything else in his life.

14 He's become a controversial figure. He's become sort  
15 of a punching bag for these civil suits, but he has also built  
16 these tremendous businesses from scratch, doing things that  
17 it's difficult for anyone to do. I mean, Mr. Combs has  
18 overcome tremendous odds. His father was killed when he was  
19 two years old, grew up in Harlem, and through hard work he has  
20 earned everything that he has gotten. He earned it. And one  
21 of the things that I submit wholeheartedly to your Honor is  
22 that one of the things he's earned, and maybe the most  
23 important thing that he has earned in his life -- and that's a  
24 lot -- is he has earned this Court's trust. He has earned this  
25 Court's trust through his actions, the way he has always earned

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1 everything. There's no difference. And so I am asking your  
2 Honor to release him on the very, very stringent and very  
3 demanding bail proposal that we have on our letter on page 2  
4 and page 3.

5 And I am here for your Honor's questions, but I have  
6 nothing else to say at this point.

7 THE COURT: Okay. Thank you, counsel.

8 Ms. Johnson, do you have any rebuttal?

9 MS. JOHNSON: Your Honor, I will be brief. Just four  
10 brief points. Defense counsel has spoken extensively just now  
11 about his view of the evidence, his thoughts on the defendant's  
12 relationship, and his critique of law enforcement's operations  
13 in this investigation, but I submit to the Court what he has  
14 not done is rebutted the presumption that the defendant should  
15 be detained.

16 In terms of the obstruction points that Mr. Agnifilo  
17 raised, there does not need to be an existing investigation,  
18 and the defendant does not need to know about it, but we have  
19 evidence that he does know, or he does suspect. Three days  
20 after the settlement of that November civil suit, he is  
21 recorded speaking about how he is fearful of talking on the  
22 phone because it might be tapped. And he is using someone  
23 else's phone in that regard. He -- we know, as of at least  
24 February -- knew about the existence of this very  
25 investigation, and has continued since February to contact

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1 witnesses. He has contacted Ms. Harper last week, as I  
2 mentioned, multiple times. There are at least two other  
3 witnesses who received grand jury subpoenas this summer who  
4 were reached out to multiple times by the defendant.

5 THE COURT: I think what he was saying is those  
6 witnesses wouldn't necessarily have any insight into the  
7 behavior that's actually charged in the indictment.

8 MS. JOHNSON: The witnesses who received grand jury  
9 subpoenas have firsthand knowledge of the behavior that's  
10 charged in the indictment. I think that -- I obviously haven't  
11 spoken to Ms. Harper, but the allegations in Ms. Richard's  
12 complaint certainly are of the same time period and relate to  
13 some of the same violent acts that the government intends to  
14 prove at trial.

15 And just a brief note on weapons. I don't dispute  
16 that Mr. Combs has used armed security, but it is incredulous  
17 that armed security in a professional security company would  
18 use defaced AR-15s and store them in pieces in the defendant's  
19 personal closet. That is absurd.

20 And finally, defense counsel spent a lot of time  
21 talking about the individual identified as Victim 1 in this  
22 case, and spent some time alleging that the government is not  
23 proceeding on a theory that there was no consent. And I want  
24 to clarify the record that to the extent it was not clear,  
25 based on the fact that Count Two is charged as sex trafficking

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1 by force, fraud, and coercion, we are most certainly proceeding  
2 on the theory of lack of consent. We are proceeding on a  
3 theory that Victim 1 was forced, and that she was coerced to  
4 participate in these sex acts.

5 And the relevant question here today is not that  
6 consent question. The relevant question here today is the  
7 defendant's danger, and is he dangerous to the community.

8 THE COURT: Would he not -- he wouldn't be a danger,  
9 would he, if he only engaged in these kind of behaviors with  
10 consenting adult partners?

11 MS. JOHNSON: Well, we do have the video which shows  
12 him assaulting a partner on video. That video speaks for  
13 itself. And abuse and long-term relationships are not mutually  
14 exclusive. And a single instance, even where a defendant has  
15 no criminal history, a history of domestic violence has been  
16 found sufficient to detain a defendant, and that's the *Mercedes*  
17 case which is cited in our letter.

18 And my last point, your Honor, is that despite  
19 Mr. Agnifilo laboring over Victim 1, this is not a case about  
20 one victim; this is a case about multiple victims and dozens of  
21 witnesses who saw Mr. Combs' violence, who saw it during and in  
22 connection with Freak Offs. Multiple victims have been abused  
23 in Freak Offs. There's been violence, drugging, and coercion  
24 through the date of the indictment in 2024.

25 THE COURT: Thank you, counsel.

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1 MR. AGNIFILO: Just very briefly. One of the things  
2 that we have been very transparent about -- and we have been  
3 transparent in our conversations with the prosecutors, and I  
4 think I have even been transparent with your Honor. Mr. Combs  
5 and this woman -- I am not picking on anybody; it is the  
6 centerpiece of the indictment -- had a mutually difficult --  
7 the whole relationship was actually quite good. There was a  
8 dark period for both of them, and it was mutual, and it was not  
9 something that Mr. Combs imposed on anybody. She was a  
10 successful recording artist in her own right. She was very  
11 much an adult. She had her own house. Mr. Combs paid for the  
12 house, but they didn't live together. So to the extent that  
13 there's this sort of veneer of control, Mr. Combs is a busy,  
14 busy man, and one of the things he is busy doing, frankly, is  
15 having more than one girlfriend. So if this person wasn't  
16 controlled, this person was a willing participant in a loving,  
17 though toxic, relationship. And we will never say anything  
18 different. But that doesn't -- that's our defense. That  
19 doesn't make it sex trafficking.

20 And what we are doing here, we are really, sort of, on  
21 a slippery slope because the government is going to say, Well,  
22 you know, she didn't consent because she was coerced. She  
23 didn't say that. She didn't say that until she stood to get  
24 \$30 million from saying that, because that's what she needed to  
25 say to get it in under the statute of limitations. So where we

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1 are is, it's a very serious case, and we don't say anything  
2 different than that, which is why we have a very serious bail  
3 package, but it's a case that he is going to defend, and he has  
4 shown that from the very first minute that he realized this was  
5 a case when I told him that in March. This has been a case.  
6 We have done things a certain way since then. Are we going to  
7 continue to interview witnesses? Of course, we are. We take  
8 pains to stay out of the governments way. We don't know who  
9 the grand jury witnesses are, you know. And honestly -- I  
10 won't get into the details. If I think they are talking to  
11 someone, I will pull up short. I don't want any problems. You  
12 know, do I want to speak -- we both know pretty much  
13 everything, you know.

14 They want to talk to 50 people; we want to talk to the  
15 same 50 people. If I find out they are a grand jury witness, I  
16 make a strategic decision to not interview that person, you  
17 know. And we have done that consistently for the last six  
18 months, you know. So this is -- we are trying. We really are.  
19 We are trying to walk the fine line of doing a responsible  
20 defense investigation in a very serious case, and not running  
21 afoul of my colleagues with the U.S. Attorney's Office. And I  
22 think we have done it, for the most part, and we will continue  
23 to do it.

24 And the one thing that I hope your Honor can see,  
25 because this is really the heart of our presentation, is



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1 Mr. Combs has done a lot of things to show that he is  
2 trustworthy. Lots of lawyers get up and say lots of stuff.  
3 He's done things to show that he is trustworthy. All he needs  
4 to know is what he can't do, and he won't do it. He will not  
5 do it. We will do it. This will be a hard fought case, very  
6 hard fought from both sides. Obviously means a lot to the  
7 prosecutors. It means an awful lot to us. It will be handled  
8 well. It will be handled with lawyers with a lot of experience  
9 who know the difference. And I think you should absolutely  
10 trust Mr. Combs. And I will go one step further. I am going  
11 to ask you to trust me. I am with him. I mean, I am with him.  
12 I have my eye on him. I know where he is. We speak five times  
13 a day, and I will make sure that everything goes the right way.  
14 And so I really want to thank your Honor for all the time you  
15 have given us.

16 THE COURT: Thank you, counsel. Is there anything  
17 further?

18 MS. JOHNSON: Nothing from the government.

19 THE COURT: Okay. Thank you both for your argument.  
20 It was very helpful. I am going to take a short recess, and I  
21 am going to invite the representative from pretrial services to  
22 join me in the robing room.

23 (Recess)

24 THE COURT: I want to thank counsel again for their  
25 helpful argument.

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1           In this case, I find that the presumption has not been  
2 rebutted and there are no conditions I can impose that would  
3 reasonably assure the appearance in court and the safety of the  
4 community. I make this decision based on all the information  
5 presented to me, which includes the arguments and information  
6 provided by counsel, which includes the letters submitted in  
7 the pretrial services report.

8           You are charged with a crime of sex trafficking, so  
9 there is a rebuttable presumption in favor of detention, and my  
10 concern is that this is a crime that happens behind closed  
11 doors, even where pretrial services is monitoring. The alleged  
12 victims are people with whom there is a power imbalance, who  
13 are susceptible to coercion, not necessarily threats, but  
14 concern about losing benefits that they have been provided in  
15 the past.

16           There are also indications in your history and  
17 characteristics that I think are a reason why the presumption  
18 in favor of detention has not been rebutted; prior substance  
19 abuse and the fact that the alleged violence seems to occur  
20 hand in hand with times when you are not necessarily in control  
21 of your actions because of that substance abuse. Your lawyer  
22 asked me to trust you and to trust him, and I don't know that I  
23 think you can trust yourself, and I don't believe that counsel  
24 has the ability to control you, given the very significant  
25 concerns I have, particularly because of substance abuse and

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1 what seem like anger issues.

2 I think the weight of the evidence is significant,  
3 given that the government has proffered that there are multiple  
4 witnesses who are saying that they have witnessed significant  
5 serious violence, and the danger, I think, is quite serious.  
6 There have been weapons around. There has been significant  
7 violence, and I also think it's significant that there has, I  
8 think, been a proffer of significant evidence of coercion of  
9 witnesses; maybe not brutal coercion, but gentle coercion can  
10 be just as effective.

11 I have considered alternatives, such as monitoring,  
12 home detention, a significant bond as your counsel proposed,  
13 and I just don't think it's sufficient because so much of what  
14 would happen, the types of behavior we are talking about,  
15 happens behind closed doors.

16 I appreciate the willingness of your family and  
17 friends to support Mr. Combs, including by a willingness to  
18 cosign a bond. I thank you for coming to court today, for  
19 offering to be part of the process, but in this case, due to  
20 Mr. Combs' own characteristics and own history, I find even  
21 with a cosigned bond, I can't reasonably assure his return to  
22 court or the safety of the community, or a lack of witness  
23 tampering.

24 A preliminary hearing isn't necessary, and I know  
25 there is a first conference. I believe that that covers it.

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1 Is there anything else for the government?

2 MS. JOHNSON: Your Honor, just one thing. I don't  
3 recall the Court asking for the date and time of arrest, so I  
4 just wanted to put that on the record.

5 THE COURT: Yes. Thank you.

6 MS. JOHNSON: Mr. Combs was arrested yesterday,  
7 September 16, at 8:25 p.m.

8 THE COURT: Okay. Counsel?

9 MR. AGNIFILO: No, nothing from us. Thank you.

10 THE COURT: Okay. Thank you very much. I will put  
11 out the bail disposition sheet. And we are adjourned.

12 (Adjourned)

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