

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

SEAN COMBS,

Defendant.

24-CR-542 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The parties have asked the Court what issues they should focus on during Thursday's hearing on Combs's post-trial motions. In addition to any other issues the parties wish to bring up, the Court would like the parties to address the following questions:

- (1) In response to *Musacchio*, *Blaszczak*, and *Dennis*, does the Government have any Supreme Court or Second Circuit case that has deemed a defendant's Rule 29 argument waived or forfeited in circumstances such as those presented in this case?
- (2) If Combs were to prevail on his construction of "prostitution," then would his conviction nevertheless stand on an "aiding-and-abetting" or "willfully-causing" theory? Why or why not?
- (3) Addressing the *O'Brien* factors, why is the Government's interest "important" and the Mann Act's prohibitions "no more than essential?" What are the 1-2 best Supreme Court or Second Circuit cases supporting each side's position on these factors?
- (4) Combs argues that the record shows that every time an escort traveled across state lines and had sex, he filmed it. Is that true? If it is, does it change the First Amendment analysis?

The parties will be given up to twenty minutes each to address any other issues.

SO ORDERED.

Dated: September 22, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge