

THE LEAK WARS: REVISITING THE PRE- INDICTMENT LEAKS

Since we're talking about leaks in the Foggo-Wilkes trial, I wanted to return to the leaks leading up to the Foggo-Wilkes indictments. As a review, Wilkes lawyer Mark Geragos asked the court to dismiss the indictments, arguing that leaks just prior to the time Wilkes was indicted made it impossible for Wilkes to get a fair trial. I talk about the timeline in this post and this one. But we've got new details tied to Kontogiannis' plea deal and recent document dumps, as well as the "results" of DOJ's self-investigation of the leak.

My updated timeline (below) shows:

- The disputed leak over Lam's resignation appeared *just days* before the first leaks about the indictments. In other words, there was already a case of a disputed leak before the leaks specifically pertaining to indictments started.
- The possibility of an imminent Kontogiannis indictment figured in several of the leaks; this was just a week before he signed a plea deal.
- FBI Special Agent in Charge Dan Dzwilewski appears to have stayed just long enough to see the superseding indictments filed

(he retired on April 30, the superseding indictments were filed May 11). Kontogiannis appears to have been cooperating throughout this period.

- There was a significant delay before the USA for Eastern California started investigating the indictment-related leaks, though that investigation only took two weeks. The results of that investigation almost perfectly coincided with the unsealing of Kontogiannis' plea deal (though there may be no connection between the two events). Most curious, the DOJ investigation into the leak didn't **start** until Geragos inquired about its status; altogether, there was a roughly 2.5 month delay between the time SD's USA office submitted Geragos' complaint and the time when the investigation started.

In other words, the Kontogiannis involvement seems to be an underlying tension behind the leaks, in addition to the indictments themselves.