

United States of America, Plaintiff
v.
Thomas Mario Costanzo, Defendant

Trial Notes of Terry I. Major

PREFACE:

These notes are rather rough. It is a lot to follow and I did the best I could. The volume, at times, made it a bit difficult to hear. At least the notes will give the reader and opportunity to get an overview of what went on in the court.

I was not able to attend on Thursday, March 22nd. The notes, so far, are for Tuesday and Wednesday (March 20th and 21st). This was the first two days of trial. I will attempt to not miss any other days.

Stay Tuned!

March 20, 2018: Day 1

The first day of trial was devoted primarily to Jury selection. The jury pool began with sixty-seven (67) potential jurors. It was a very interesting process. The judge began first by asking a series of questions and after receiving responses from the various potential jurors, the attorneys also were given the opportunity to ask questions as well. When this process was complete, the court and attorneys came up with the final list.

After a break while the selection process was finalized, the court resumed and the selected jurors were identified and seated. The others were dismissed. Fifteen (15) jurors were selected. Three (3) of the jurors are alternates, but they will not be identified until just before deliberations. In this way, it is believed, all of the jurors will pay close attention to the presentations.

The makeup of the jury:

1. (4) Has a bad back.
 - a. Mesa, 18 mo, MS in Business, 3 children, Sr. Accountant, Wife – communications office school, no previous jury duty.
2. (6) Mesa, 3.5 years, Associated Culinary ..., 4 children, Truck Driver, restaurant Business, Wife is an RN, wood working, Jury -> guilty
3. (9) Sons own Bitcoin.
 - a. Controller of an engineering firm.

- b. Scottsdale, 25 years, BS Chemistry, 2 children, Sold company, Controller of the new company, Prof Geo Business, Jury -> never served.
- 4. (15) housewife.
- 5. (16) North Phoenix, 18 years, Global Business, divorced, no children
- 6. (27) Ahwatukee, 10 years , HS grad, 2 children, Macy's, DHL husband, never jury
- 7. (31) Phoenix, B hum..., Single, 2 children, wife is RN, never served
- 8. (32) manager of a small office out of town.
 - a. Gilbert, 43 years, Biology, 3 children, ..., Wife is a surgeon, no jury
- 9. (33) Employed as an accountant.
 - a. Phoenix, 30 years, BS Chemistry, 2 children, Accountant small business, Business consultant, 2 juries: Burglary, Car Theft.
- 10. (35) Expert in Medical Malpractice.
 - a. (35) Son owns Bitcoin.
 - b. South Tempe, 30 years, RN, 2 children, Health care company, husband is a retired school teacher, member of RN Association, never jury
- 11. (40) Cousin is a Gilbert Police Officer and his uncle works for the U.S. Border Patrol.
 - a. Coolidge, Single, ranch & farm, Elks member, Jury=never.
- 12. (42) Chandler, English Teacher, Science Teacher, Teacher, No Jury.
- 13. (43) East Phoenix, Graphic Artist, RN, 2 child, VA, never served.
- 14. (45) Son-in-law was convicted of drug trafficking.
- 15. (47) Has used encrypted message software.
 - a. Tempe, 33yr, Chemistry, no children, DEQ 35 years, wife is retired, Sierra Club, 2 juries: criminal.

Opening Statement: Prosecutor

1. This is a case of Money Laundering.
2. Wallet Address used to transfer Bitcoin.
3. Two ways to buy Virtual Currency: Commercial and Peer-to-Peer.
4. Defendant used P2P exchange to convert "dirty money" to Bitcoin.
5. Three customers were undercover agents: Sergei, Tom and Jake.
6. In late 2014, the IRS began an undercover operation.
7. Localbitcoins.com – advertise: Morpheus Titania.
8. Ad stated he would take up to a \$50,000.00 amount.
9. Mycelium App – sender to receiver encrypt.

10. Mycelium sends in broken parts for security.
11. Listed info: Who's Morpheus
12. Advertise Anonymity.
13. 2016/2017 – 30K = sale of 1K Cocaine
14. Telegram app for communications
15. 107K transaction amount
16. Sting – Nolan 18 yr old started trading drugs.
17. Buy Bitcoin on Coinbase
18. Morpheus sold 40K BC to Nolan
19. Why not report – case of money laundering.

March 21, 2018: Day 2

The second day of trial began with the Defense making their opening statement:

The following points were made:

1. There was a plan to entrap Thomas by the IRS.
2. The IRS did not have a specific knowledge that Thomas was doing anything illegal.
3. You will hear that the undercover agents met with him and traded for Bitcoin.
4. They began with \$2,000.00, then \$3,000.00 and worked their way to higher amounts.
5. Drugs were not mentioned at the first meeting.
6. A witness for the Prosecution will be Nolan Sperling.
 - a. Mr. Sperling was an importer of drugs from Mexico.
 - b. He did not tell Thomas of his business.
 - c. He has been offered a special “deal” for his testimony.
 - d. You, as the jury, must evaluate the importance of such testimony.
7. How did the agents deal with Thomas?
8. The Government relies on Mr. Sperling.
9. What did Thomas intend?
10. Avoidance of the Reporting Requirement? Motivated by Bitcoin!
11. Thomas simply charged a fee to do the exchange.

First Witness: Michael Fleischmann

1. Michael is a Special Agent for the IRS Criminal Investigation Division.
2. His experience is in the investigation of Financial Crimes.
3. He was initially an IRS Agent.
4. College: University of Arizona – Accounting and Finance.
5. In 2001, he was a revenue agent.
6. In 2005, he became a Special Agent.
7. He was a CPA with 2 years of experience.
8. He attended a 26 week course in Georgia.
9. In 2015, assigned to the Washington, D.C. office – worked out of Mesa, AZ.
10. Worked in the Cyber unit (virtual currency).
11. Studied the unregulated currency: Bitcoin.
12. It is harder to seize unregulated currency, such as Bitcoin.

13. Two ways to buy virtual currency: Commercial Exchange or Peer-to-Peer.
 - a. Coinbase: must provide personal identification.
 - b. Pay through bank transfer or credit card.
 - c. Exchange Rates: 1 to 1.5%.

Exhibit 77: Cartoon Video shows how it works: <http://weusecoins.com/>. This video was played in the courtroom.

14. A search warrant was served on April 20, 2017 to search Thomas' apartment.

Exhibit 123: Video was played – IRS training video. Agents: Klepper and Ellsworth.

15. Peer-to-Peer transfers:
 - a. Wallet to wallet transfers - no identification required.
 - b. Transaction fees: 7 to 10%.
 - c. Agents received training on P2P – example of two agents doing a transfer.
 - d. A new wallet can be used for each transfer (more security).
16. Blockchain is a public ledger: commission of transfer and miner fees.
17. Notes on Peer-to-Peer transactions:
 - a. It is easy to sell illegal products using virtual currency.
 - b. How does one get money from these sales into Bitcoin?
 - c. Ads on <http://localbitcoins.com/>.
18. The localbitcoins.com website was used to identify Thomas'.
19. The one individual with the most positive feedback was Morpheus.

Exhibit 75: (October 27, 2014)

20. This exhibit profiles Morpheus on the web.
21. From this document, with a little research and investigation, the name of Thomas Costanzo was determined.
22. Page 1 of the document stated the trade limits for Morpheus: \$15,000.00 up to \$50,000.00.
23. A federal form must be filed for any transaction of \$10,000.00 or more.
24. Based on Thomas' profile, the number of trades he had done, the high volume, the positive feedback, it was decided to focus on Thomas.
25. Page 2 of the document stated the preferred meeting places were Starbucks' of McDonalds.
26. The Ad states that Morpheus would travel all over the Valley and gave a phone number.
27. It also stated that he loved to meet with "newbies".

28. Morpheus loves to talk.
29. He uses Mycelium for security.

Exhibit 76: Biography of Morpheus

30. Page 3 of document:
 - a. The Bio states that he is willing to conduct 3rd party exchanges.
 - b. It also provides background information and named his x-wife.
 - c. This gave needed information to identify Morpheus.
31. This provided the material needed to allow the written limited undercover request.
32. The first test trade took place on March 15, 2015:
 - a. Sergei met with Morpheus and conducted a trade of \$2,000.00 for Bitcoin.
 - b. This meeting was recorded.
33. The second test trade took place on May 20, 2015:
 - a. This trade was for \$3,000.00 in exchange for Bitcoin.
 - b. This meeting was recorded.
34. The third test trade took place on October 7, 2015:
35. The fourth test trade took place on November 21, 2015:
36. The final trade took place on April 20, 2017:

CROSS EXAMINE:

1. To reiterate: 17 years' experience with the IRS.
2. Became Special Agent in 2014.
3. Studied Virtual Currency in 2014
4. Worked in Cyber Crime Investigations 2015.
5. Study Blockchain – open and transparent but difficult to analyze.
6. The Blockchain is not anonymous, but is pseudo-anonymous.
7. There is high volume on the commercial exchanges.
8. Examples: Bitstamp, Mt. Gox, Bitfloor – had data breaches.
9. Similar to Equifax.
10. Thus, some people prefer the Peer-to-Peer for the security of the Bitcoin purchases and holding rather than a commercial exchange.
11. <http://www.yelp.com/> is a website where you can review various services, including those businesses that accept Bitcoin.
12. In December of 2014 wondered if Morpheus would accept trading Bitcoin for large amounts.

Exhibit 75: revisit this exhibit.

13. Morpheus advertisement stated he would do exchanges of \$15,000.00.
14. He was also willing to do small exchanges of \$20.00 to \$1,500.00 and \$7,000.00 to \$15,000.00.

Exhibit 76: Explains the moniker – “Morpheus”

15. Agent has never seen the movie “The Matrix”.
16. Requirements and goals for investing:
 - a. Identify the Customer.
 - b. Determine if the amount is over \$10,000.00.
 - c. Determine source of funds if unlawful activity: drugs?
 - d. There is a LONG list of SUA’s (suspicious activities).
 - e. Meetings were scheduled with Morpheus to determine if he would do business even if the amount and source were problematic.
 - f. Rapport was established with Morpheus – a trust relationship was formed.
 - g. Actual Cash was used for the transactions.
 - h. The ruse was that the funds did not come from drug sales.
 - i. Audio recordings were made at the various meetings with Morpheus.

After the jury left the room, a conference was held between attorneys and the judge:

17. Prosecution was prohibited from bringing up the “Dark Web” and people using Bitcoin for the purchase of drugs.
18. Defense expects to produce information on Bitcoin, Commercial activity and Peer-to-Peer.

After break: Prosecution Redirect:

19. Agent states he has never seen “The Matrix”.
20. Agent began with IRS in 2001.
21. Cases worked:
 - a. Virtual Currency Cases – 4 years.
 - b. Money Laundering – 13 years.
22. To avoid problems with a “hacked” exchange one may keep their virtual currency on a “paper wallet”.
23. There are two keys: Public and Private.
24. How was Morpheus determined to be Thomas explained.
25. Who chose drugs for the SUA (Suspicious activity) and why explained.

Second Witness: Sergai Kushner

26. Has been an agent with the IRS for 20 years.
27. Began as a Revenue Agent in the civil division.
28. Was eventually moved as a Revenue Officer to Collections.
29. IN 1998 was trained in Georgia as a Special Agent.
30. Specialize in Computer internet ... unit.
31. Went undercover in 2007.
32. He is a natural born Russian, thus his accent.
33. Worked out of Washington, D.C. office – assigned to New York – then Arizona.
34. In 2015 he contacted Morpheus to set up a transaction for Bitcoin.
35. Research showed Morpheus to be Thomas Costanzo.
36. Since Sergai is Russian, he fir the role as an import/export business owner.
37. He met with Morpheus to set up rapport.
38. He met with Moprheus to see if he would do a trade after being told the funds came from heroin sales.
39. They based their selection of Morpheus from his “local bitcoins” we advertisement.

Reference Exhibit 75: Page from the localbitcoins.com website.

40. Used the information from the Ad to contact Morpheus by Phone.
41. Text messages were preserved and downloaded.

Exhibit 70: Forensic Report of Text Messages

- a. 5 pages of messages listed in reverse order.
 - b. Included is a summary of technical information.
-
42. Sergai contacted Morpheus on January 27, 2015 from New York and asked if he would be willing to sell \$3,000.00 of Bitcoin by wire transfer of funds.
 43. Morpheus declined.
 44. On March 15, 2015 a meeting was held with Morpheus:
 - a. Held at Starbuck’s in Chandler
 - b. Meeting was recorded.
 - c. The meeting was transcribed
 - d. Recording was played in the courtroom (The recording is of very poor quality).

- e. During the meeting Sergai told Morpheus he was in the Import/Export Business (which was his cover for this project).
- f. \$2,000.00 in Bitcoin was purchased that day by Sergai from Morpheus.

Eshibit 101b: playing of audio from meeting:

45.X

- a. Morpheus: "This is what I do, Trade Bitcoin".
- b. Morpheus depicted as "anti-government".
- c. Morpheus called government agents as "Criminals".
- d. Morpheus said he would tell them to, "Go f... yourself".
- e. Morpheus said, "Bitcoin is hard to trace."
- f. His ad stated he'd sell up to \$50,000.00 and he said even more.
- g. He said he had a friend as a "personal banker" who could provide Bitcoin.
- h. The QR Code is used for scanning to make the transfers.
- i. Morpheus' webpage stated he had a multi-million dollar business.
- j. A transaction with Bitcoin is a single step and become complete after verification.
- k. Bitcoin is property.
- l. You can buy and sell all day.
- m. The Russian business also South of the Border.
- n. Bitcoin is untraceable and Morpheus keeps no records at all.
- o. F' that, F the IRS, etc.
- p. Morpheus never asked for Sergai's last name or for other info.
- q. He charged 10%.
- r. All he needed was the destination Bitcoin address for the wallet to transfer the Bitcoin into.
- s. Morpheus used Mycelium to send and receive on the cell phone.
- t. This set the stage for the drugs to be introduced.
- u. These trades were low visibility and more discrete.
- v. Morpheus counted out the \$2,000.00 cash.
- w. He said he would do lower amounts.
- x. He was receptive to discretion.
- y. WYER – triangulate deposits (use different receiving addresses, more difficult to trace, transaction on localbitcoins.com)
- z. Said he did not want to know where the cash came from. Never asked for name or information.
- aa. Told Morpheus the heroin was being smuggled inside of car parts (engine blocks).

Lunch Break

Exhibit 70: (Page 4)

- a. This meeting took place on May 13, 2015.
- b. The transaction was to be for \$3,000.00.
- c. Messages from the exhibit are set to Universal Time (UTC) – thus, we have to subtract 7 hours for Arizona.
- d. Meeting was at Starbucks.
- e. Used Mycelium to set up meeting.
- f. Sergai work flashy items: Rolex, Ring, Jewelry.
- g. Meeting was audio recorded.
- h. Morpheus told of an event he attended: Joshua Tree Yoga Event.
- i. Showed pictures on his smart phone.
- j. Selling products in trade for Bitcoin was being done.
- k. Coinbase – Morpheus said, “I know nothing” when drugs mentioned.
- l. Wanted to keep transactions “Super-Duper Confidential” – no records, no paper-work.
- m. Sergai told Morpheus the NY guy would not do the deal because the funds were from heroin sales.
- n. (The reason for the choice of heroin is that is it clearly illegal)
- o. Morpheus was told heroin brought in from Mexico is \$27,000.00 per Kilo and it can be sold in New York for \$50,000.00 per Kilo.
- p. Here Morpheus was given an opportunity to walk away.
- q. Morpheus is told that the heroin is shipped in with car parts.
- r. Demeanor – keep a low profile.
- s. All Morpheus cared about was the cash. (Amount us to ½ million).
- t. \$3,000.00 was transferred (\$254.00 exchange rate).
- u. Morpheus wanted the cash first before he would do the transfer.
- v. Asked if used drugs, answer “no”.
- w. Product drugs – Bitcoin transferred through a Mycelium wallet.
- x. Asked about doing 1 Million Dollars.
- y. Morpheus said, “As safe as I can, don’t tell me what I don’t need to know.”
- z. Needed to ramp it up – need to find the “Banker”.
- aa. \$3,000.00 given – 10% charge – no name or identification requested.

Exhibit 94: Listing of Mycelium

46. Text messages through Mycelium (screen shots of phone).

Exhibit 70 and 94: side by side

47. Another meeting attempt was set for October 5, 2015.
- a. Morpheus was told Sergai could not meet with him, but his business partner would handle the meeting.
 - b. The agent's name was "Tom".
 - c. Reference Exhibit 70.

48. The next meeting was set for November 21, 2015:
- a. This was a "meet-up" held at the Oasis Café.
 - b. It was audio recorded.
 - c. There were others present to obtain information about Bitcoin.
 - d. Peter Steinmetz name came up at the Meeting.

49. A meeting was set with Peter Steinmetz to purchase \$20,000.00 in Bitcoin.
- a. The meeting was to take place at Peter's home in Tempe.
 - b. He was told at the meeting that the funds were from the sale of drugs.
 - c. Peter refused to enter into the transaction.

<NOTE: My notes a bit confusing here – but general picture may be determined>

Exhibit 104 a-f: Exchange rate of 10% / \$8,200.00 in cash.

50. Continued meeting of November 21, 2015:
- a. Very detailed meeting.
 - b. Preparation to transfer \$20,000.00 to Bitcoin.
 - c. HHTEM (?)
 - d. Morpheus: "This is between You and Me"
 - e. Thomas, "I don't want to hear what you do."
 - f. Agent, "I don't want any issues",
 - g. Thomas, "Don't tell anybody else. Keep a low profile."

Exhibit 104b:

- h. More than one account used for the transfer.
- i. Morpheus was eager to do more business.
- j. Asked about license, Morpheus said, "cock.... / mf...ers"
- k. Morpheus referred Sergai to his podcast from KTHX.
- l. Morpheus said Bitcoin can be used for online gambling.
- m. There is no tracking with Bitcoin.

- n. Morpheus never asked for full name, Social Security Number, TIN, etc.
- o. Total Transacted that day: \$11,700.00 (with 10% fee) in three transactions (\$8,200.00, \$2,000.00 and \$1,500.00).

CROSS EXAMINE:

During this cross examination the following information was provided:

51.X

- a. The first meeting was March 20, 2015 at Starbucks.
- b. Due Diligence was used prior to the first meeting in review of the localbitcoins.com website.
- c. Admitted that there was nothing in the local webpage that invited drug dealers to do business with Morpheus.
- d. When meeting with Morpheus it was noted that he did not dress in a “flashy” manner nor drive a “flashy” vehicle, etc.
- e. The website boasted things that appearances did not support.
- f. There had been text communications before the first meetings.
- g. No indication was given to indicate illegal activity was involved.
- h. The March meeting was only held to complete a simple transaction.
- i. The next meeting of May 20, 2015 was for \$3,000.00.
- j. This is where heroin was introduced as the source of the funds, but this information was provided after the trade had been set to take place.
- k. Next meeting was with Tom in October of 2015.
- l. This was to be for \$10,000.00, but a larger amount was suggested.
- m. Morpheus could not come up with it, but \$11,700.00 was traded.
- n. Morpheus stated that he had never done over \$20,000.00.
- o. Morpheus was enthusiastic about Bitcoin.
- p. He offered to show his Podcast to friends.
- q. He attended meet-ups to tout Bitcoin.
- r. He wanted to have a booth at the Home and Garden Show to explain Bitcoin.
- s. With many years as an agent – the objective was a “money laundering investigation”.
- t. Objective to see if Thomas would respond in a certain way.
- u. The case was built upon what Thomas said.
- v. Information of “customers” – no names, TIN, other information gathered.

REDIRECT:

The redirect consisted of reiterating that Morpheus' ads did not invite drug dealers per-se, but did reference discretion, alias use and large amounts for transactions. The agent would have provided identification information, if asked. He was also told that the "Banker" could "do" larger amounts.

BREAK:

Third Witness: David Alvarado

52. Mr. Alvarado is assigned with the DEA Task Force for the Scottsdale Police Department.
53. He was a U.S. Army MP.
54. Two years of college studying Criminal Justice.
55. Patrolman for two years – Canine Units.
56. Assigned to the Street Crime Unit.
57. Ultimately assigned to work with DEA for the past 2 years.
58. Was required to pass an examination and background check.
59. On April 20, 2017 he was assigned to provide surveillance during a meeting between Thomas and an agent Martin.
60. He provided the surveillance and then executed a search warrant for the apartment where Thomas lived.
61. He photographed items in the apartment which included:
 - a. The Living Room
 - b. Kitchen
 - c. Laundry Area
 - d. Hall
 - e. Closet
 - f. Master Bedroom
 - g. Guest Room
 - h. Bathroom
62. No one was present in the apartment when he arrived.
63. Exhibits: 17,16,34,35,7,11,9,12,36,18,20,19 and 80.
64. Exhibit 9 was objected to because it was outside of the scope of the indictment and the judge agreed. The remainder were admitted and displayed on the monitors for the court and jury to see.
65. The exhibits consisted of:
 - a. 17-Living Room photo
 - b. 16-Dry Erase Board with notes: avoid banks, encrypt calls, hand to hand.
 - c. 34-Bitcoin Pamphlet
 - d. 35-Bitcoin Pamphlet

- e. 07-Bitcoin Flyer with Phone Number: 602-434-1725
 - f. 11-Drawer next to Master Bedroom Bed.
 - g. 36-Various Coins and Metals.
 - h. 18-Business Cards – with Phone Number: 602-434-1725.
 - i. 20-Dining Room Table – U.S. Currency wrappers on table.
 - j. 19-Cell Phone – plugged in and charging.
 - k. 31-Samsung Cell Phone.
66. Did you conduct your walk-through with anyone? No.

CROSS EXAMINATION:

67. No Questions.

Fifth Witness: Jason Shadle

Exhibit 31:

- 68. Jason is with the United States Postal Inspector's Service.
- 69. He is a Senior Computer Analyst.
- 70. He has worked with the DEA as a Senior Computer Project Examiner.
- 71. Worked with a Police Department on Computer Forensic Exams.
- 72. Has assisted with Past Inspections in Computer Work pulling data, etc.
- 73. Has been involved in four training programs on evidence recovery.
- 74. Has DOD certificates.
- 75. Is a Digital Forensic Manager.
- 76. Member of AAFS.
- 77. Software used to extract data.

Exhibit 19: Samsung Cell Phone – Galaxy S2

- a. Placed Phone in a Faraday Box.
- b. Charged Phone – tried to boot – failed.
- c. Used Cell Bright Software – used touch.
- d. Physically analyzed the categories of Data recovered.
- e. Contained a Phone List of Numbers.
- f. SIM for 602-434-1725
- g. Contained Telegram Gmail: morpheus2150@gmail.com

Exhibit 168:

- h. This exhibit was the report Jason submitted.
- i. It is the forensic image report.

Exhibit 32: Extract of Text Messages.

Exhibit 67: Extract of Text Messages.

Exhibit 120: Extract of Text Messages.

Exhibit 122: Extract of Text Messages.

78. These extractions follow a logical, filesystem type extraction that is repeated.

Exhibit 97: Partial report from the Cell Phone.:

79. X

- a. Telegram chat message – contains database message app sent/received information with user names.
- b. Message sent to Amideo – time/date.

CROSS EXAMINATION:

80. Did you recover data from all of the electronic devices?

81. Yes – Exhibit 35 – Dell Laptop – Exhibit 168 Forensic Report.

82. Various exhibits discussed Bitcoin Images, Documents, etc.

Sixth Witness: Thomas Klapper

83. IRS Criminal Investigation Division.

84. He has an accounting degree – is a CPA.

85. Has worked with IRS CID since 1995.

86. He has been undercover since 2013.

87. He has been a Case Agent.

88. Training: three weeks scenario training.

89. Training on Virtual Currency.

90. Has done research on Virtual Currency and was one of the individuals in the short video the court was shown explaining how to do a Bitcoin transaction.

91. Regarding this case:

- a. Contacted Thomas Costanzo by text to set up a meeting on October 7, 2015.
- b. The cover story was the money derived from the sale of heroin.

Exhibit 124: Text Message

- c. He saved the text messages.

- d. Texting of October 5, 2015 – Thomas Costanzo, known as Morpheus, communication via Telegram App – encrypted text.

Exhibit 125: Word version of encrypted Text – hand typed.

- e. Objection – Not best Evidence – Overruled.
- f. Discussion to pick a date.
- g. October 6, 2015 at I17 and Happy Valley Rd Mr. Klepper sent a message Morpheus by mistake: “Gonna meet your boy today”...
- h. Realized what he had done and sent a short: “Meant for someone else”.

92. The meeting on October 7, 2015:

- a. Discussed logistics.
- b. How much could Morpheus handle.
- c. Started with \$10,000.00 tried \$15,000.00.
- d. Morpheus was able to accommodate \$13,000.00.
- e. The agents then surveilled Morpheus to see where he went for more Bitcoin.
- f. The trade took place at about 1:00 PM. The exchange cost \$265.84.

93. Jury left the room.

94. Discussion regarding Exhibit 12 – will be used in redacted form.

95. Discussion regarding Exhibit 122 – will remove “snark” comments.

96. Discussion regarding Exhibit 97 – Concern – potential to confuse when the statements are made in a “vacuum”. Judge agreed. Will consider.

END OF DAY