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3 District of Arizona  
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9 Attorney for Defendant  
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11 IN THE UNITED STATES DISTRICT COURT  
12 DISTRICT OF ARIZONA

13 United States of America,  
14 Plaintiff,  
15 vs.  
16 Thomas Mario Costanzo,  
17 Defendant

18 No. CR-17-0585-PHX-DjH  
19 **MOTION TO CONTINUE TRIAL**  
20 **and**  
21 **MOTION TO EXTEND PRETRIAL**  
22 **MOTION DEADLINE**  
23 **(First Request)**

24 Defendant, through undersigned counsel, respectfully requests that  
25 this Court extend the time for filing of pretrial motions for a period of at least  
26 sixty (60) days from the current date of May 18, 2017. In addition, defendant  
27 requests that the Court continue the trial date for a period of at least sixty (60)  
28 days from the current date of June 6, 2017. Additional time will be necessary for  
defense counsel to review the discovery, investigate the case, engage in plea  
negotiations, prepare for trial, and render the effective assistance of counsel to the  
defendant.

Defendant further requests that any subpoenas previously issued and  
served in this matter remain in effect and the party who served the subpoena  
should advise the witnesses of the new trial date.

1 Defense counsel has contacted Assistant United States Attorney  
2 Matthew Binford regarding this motion and the government has no objection to  
3 the requested continuances.

4 Excludable delay under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv) may  
5 result from this motion or from an order based thereon.

6 Respectfully submitted: May 18, 2017.

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8 JON M. SANDS  
Federal Public Defender

9  
10 s/Maria Teresa Weidner  
11 MARIA TERESA WEIDNER  
Asst. Federal Public Defender

12 Copy of the foregoing transmitted  
13 by ECF for filing May 18, 2017, to:

14 CLERK'S OFFICE  
15 United States District Court  
16 Sandra Day O'Connor Courthouse  
17 401 W. Washington  
18 Phoenix, Arizona 85003

19 MATTHEW H. BINFORD  
20 Assistant U.S. Attorney  
21 United States Attorney's Office  
22 Two Renaissance Square  
40 N. Central Avenue, Suite 1200  
23 Phoenix, Arizona 85004-4408

24 Copy mailed to:

25 THOMAS MARIO COSTANZO  
26 Defendant

27 s/yc  
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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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

No. CR-17-0585-PHX-DJH  
**ORDER**  
**(First Request)**

Upon motion of the defendant and no objection from the Government and good cause appearing,

IT IS ORDERED granting the defendant's Motion to Continue Trial and Pretrial Deadlines for the reasons stated in defendant's motion, including that defense counsel needs additional time to prepare for trial.

This court specifically finds that the ends of justice served by taking this action outweigh the best interest of the public and the defendant in a speedy trial. This finding is based on the court's conclusion that the failure to grant such a continuance would unreasonably deny the defendant continuity of counsel and would deny the attorney for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

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IT IS FURTHER ORDERED continuing the trial of this case from June 6, 2017, to \_\_\_\_\_, 2017, at \_\_\_\_\_ in Phoenix, Arizona, and continuing the pretrial motions deadline until \_\_\_\_\_, 2017.

IT IS FURTHER ORDERED that any subpoenas previously issued and served in this matter remain in effect and are answerable at the new trial date and the party who served the subpoena should advise the witnesses of the new trial date.

The Court finds excludable delay under 18 U.S.C. § 3161(h) \_\_\_\_\_ to \_\_\_\_\_.