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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, et al.,
17 Defendant

No. CR-17-0585-01-PHX-JJT
**MOTION TO CONTINUE TRIAL
and
MOTION TO EXTEND PRETRIAL
MOTION DEADLINE**
(Second Request)

18 Defendant, through undersigned counsel, respectfully requests that this
19 Court extend the time for filing of pretrial motions for a period of at least sixty (60)
20 days from the current date of July 7, 2017. In addition, defendant requests that the
21 Court continue the trial date for a period of at least sixty (60) days from the current
22 date of August 1, 2017. Additional time will be necessary for defense counsel to
23 review the discovery, investigate the case, engage in plea negotiations, prepare for
24 trial, and render the effective assistance of counsel to the defendant.

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

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1 Defense counsel has contacted Assistant United States Attorney
2 Matthew Binford regarding this motion and the government has no objection to the
3 requested continuances. Undersigned counsel has also contacted co-counsel, Lee
4 David Stein, who represents the co-defendant, Peter Nathan Steinmetz, in this case,
5 and has indicated that he has no objection to the requested continuances, and would
6 join in this motion.

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

9 Respectfully submitted: June 30, 2017.

10 JON M. SANDS
11 Federal Public Defender

12 s/Maria Teresa Weidner
13 MARIA TERESA WEIDNER
14 Asst. Federal Public Defender

15 Copy of the foregoing transmitted
16 by ECF for filing May 18, 2017, to:

17 CLERK'S OFFICE
18 United States District Court
19 Sandra Day O'Connor Courthouse
20 401 W. Washington
Phoenix, Arizona 85003

21 FERNANDA CAROLINA ESCALANTE KONTI
22 MATTHEW H. BINFORD
23 Assistant U.S. Attorneys
24 United States Attorney's Office
25 Two Renaissance Square
26 40 N. Central Avenue, Suite 1200
27 Phoenix, Arizona 85004-4408
28

1 LEE DAVID STEIN
Counsel for Co-Defendant
2 Peter Nathan Steinmetz
3 1 Renaissance Sq.
2 N Central Ave., Ste. 1900
4 Phoenix, AZ 85004

5 Copy mailed to:

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7 THOMAS MARIO COSTANZO
Defendant

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9 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-17-0585-01-PHX-JJT
ORDER
(Second 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 August 1, 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 _____.