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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF ARIZONA

12	United States of America,)	CR-17-0585-02-PHX-GMS
)	
13	Plaintiff,)	UNOPPOSED MOTION TO EXTEND
)	DEADLINE FOR FILING PRETRIAL
14	v.)	MOTIONS
)	
15	Peter Nathan Steinmetz, et al.,)	(Second Request)
16)	
17	Defendant.)	
)	

19 Defendant Peter Nathan Steinmetz (hereafter “Dr. Steinmetz”) respectfully
20 requests, pursuant to Fed. R. Crim. P. 12(c)(2), that this extend the time for filing pretrial
21 motions, from the current date of November 6, 2017, until 30 days after the Court has
22 ruled on the pending motions, or if a second superseding indictment is returned, that a
23 new motion deadline be established at the time of arraignment on the second superseding
24 indictment. [Doc. 45]

25 Defendant Steinmetz has filed a number of pre-trial motions, as has Defendant
26 Costanzo, and additional motions are contemplated. Further, it is anticipated that
27 Defendant Steinmetz will file additional motions based upon the Court’s rulings and the
28 actions of the Government in response to the pending motions. In particular, Dr.



1 Steinmetz has moved: (i) to dismiss counts 1 (charging a violation of 18 U.S.C. § 371)
2 and 2 (charging a violation of 18 U.S.C. § 1960) because the superseding indictment
3 violates Rule 7(c) by failing to provide a “plain, concise, and definite written statement of
4 the essential facts constituting the offense charged.” [Doc. 51]; (ii) to dismiss count 1
5 (charging a violation of 18 U.S.C. § 371), because the Government failed to allege any
6 overt acts of the conspiracy [Doc. 50]; (iii) for disclosure of the instructions to the Grand
7 Jury and the testimony before the Grand Jury of the agents, based upon the concern that
8 the Grand Jury was improperly instructed that peer-to-peer trades of bitcoin, without it
9 being on behalf of the public and without transfer to another person or location, violated
10 18 U.S.C. § 1960 [Doc. 54]; and (iv) to sever, based upon the money laundering and
11 felon-in-possession counts (counts 3 through 8) charged against Defendant Costanzo
12 being misjoined with the unlicensed money transmission and conspiracy counts (counts 1
13 and 2) charged against both Dr. Steinmetz and Costanzo. [Doc. 57]

14 If the Court grants some or all of these motions, or if the Government chooses to
15 address the issues raised in the motions by returning to the Grand Jury and seeking a
16 second superseding indictment, Dr. Steinmetz would want the opportunity to file motions
17 addressed to the new indictment. In addition, if the Court were to deny the pending
18 motions, Dr. Steinmetz would want the opportunity to address issues resulting from those
19 rulings as well.

20 Counsel for the Government and counsel for Defendant Costanzo have advised
21 undersigned counsel that neither opposes the relief requested.

22 It is not expected that excludable delay under Title 18 U.S.C. § 3161(h)(7)(B)(i)
23 and (iv) may occur as a result of this motion or from an order based thereon.

24 RESPECTFULLY SUBMITTED on November 2, 2017.

25 MITCHELL | STEIN | CAREY | CHAPMAN, PC

26 By: /s/ Lee Stein

27 Lee Stein

28 Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on November 2, 2017, I electronically transmitted a PDF version of this document to the Clerk of Court, using the CM/ECF System, for filing and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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