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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

No. CR-17-0585-01-PHX-GMS

**MOTION FOR  
STATUS CONFERENCE  
TO SET A FIRM TRIAL DATE  
(First Request)**

18 The above-captioned matter is currently set for trial on December 5,  
19 2017. The government's motion to dismiss Counts 1 & 2 of the present indictment  
20 has been granted by this court. (Dkt. #74). Notwithstanding pretrial motions mooted  
21 by dismissal of Counts 1 & 2, there are still a number of motions that will require  
22 responsive pleadings and evidentiary hearings. *See* Dkt. # 75. Additionally, the  
23 government has requested an extension of time to respond to some of these surviving  
24 motions (Dkt. # 72).

25 Based on these developments, undersigned counsel requests on behalf  
26 of defendant that this Court set a status hearing so that a firm date can be selected for  
27 trial that works with the schedules of the parties and the Court and provides  
28 sufficient time to conduct the litigation of pretrial motions.

1 Assistant United States Attorney Gary Restaino does not object to this  
2 motion.

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

5 Respectfully submitted: November 22, 2017.

6 JON M. SANDS  
7 Federal Public Defender

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

11 Copy of the foregoing transmitted by ECF for filing November 22, 2017, to:

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

17 GARY RESTAINO  
18 FERNANDA CAROLINA ESCALANTE KONTI  
19 MATTHEW H. BINFORD  
20 Assistant U.S. Attorneys  
21 United States Attorney's Office  
22 Phoenix, Arizona 85004-4408

23 Copy mailed to:

24 THOMAS MARIO COSTANZO  
25 Defendant

26 s/yc  
27  
28