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17 *Attorneys for Plaintiff*

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT OF ARIZONA

20 United States of America,
21
22 Plaintiff,

23 v.

24 Thomas Mario Costanzo,
25
26 Defendant.

27 CR-17-00585-PHX-GMS

28 **JOINT STATEMENT OF THE CASE**

The parties submit the following joint statement of the case:

This is a criminal case brought by the United States government.

The government charges the defendant with five counts of money laundering. Specifically, the government alleges that on five occasions Mr. Costanzo accepted money represented by undercover agents to be proceeds of drug transactions and exchanged that money for bitcoin. The government further alleges that Mr. Costanzo intended to avoid federal currency transaction reporting requirements and to conceal and disguise the nature of the money¹ when he exchanged the money for bitcoin.

¹ The defendant objects to this clause. The government includes it because it is part of the disjunctive manner in which a jury may find a “sting” violation: based on the intent

1 This is a “sting” case, which means that the money provided to Mr. Costanzo was
2 not actually drug proceeds and the undercover agents involved were not actually drug
3 dealers.

4 The charges against Mr. Costanzo are contained in the indictment. The indictment
5 simply describes the charges made by the government against the defendant, and does not
6 constitute evidence.

7 Mr. Costanzo denies the charges.²

8 Mr. Costanzo denies that he intended to evade federal currency transaction reporting
9 requirements when he exchanged the bitcoins for money.

10 Mr. Costanzo asserts that he did not rely on representations made by the undercover
11 agents that the money involved was drug trafficking proceeds.³

12 Respectfully submitted this 1st day of March, 2018.

13
14 ELIZABETH A. STRANGE
15 First Assistant United States Attorney
16 District of Arizona

17 *s/ Gary Restaino*
18 _____
19 MATTHEW BINFORD
20 CAROLINA ESCALANTE
21 GARY RESTAINO
22 Assistant U.S. Attorneys

23 *s/ Maria Weidner with permission*
24 _____
25 MARIA WEIDNER
26 ZACHARY CAIN
27 Assistant Federal Public Defenders
28 Attorneys for defendant

to evade reporting requirements; or the intent to conceal and disguise the nature of the dirty money.

² The government recommends this final sentence in lieu of the defendant’s proposed final two sentences.

³ The defendant recommends these final two sentences in lieu of the government’s proposed final sentence.

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March 2018, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel of record.

s/Cristina Abramo
U.S. Attorney’s Office