

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**INDEX OF EXHIBITS**

United States v. Thomas Mario Costanzo

CR-17-0585-PHX-GMS

- Exhibit A .....Email Dated Feb. 26, 2018, 1:06 PM (Redacted)
- Exhibit B ..... Supplemental Discovery Letter, Feb. 26, 2018
- Exhibit C ..... Supplemental Discovery Letter (I), Feb. 27, 2018
- Exhibit D .....Supplemental Discovery Letter (II), Feb. 27,2018
- Exhibit E .....Email Dated Feb. 27,2018, 4:40 PM (Redacted)

# **EXHIBIT**

**A**



U.S. v. Costanzo; CR-17-00585-PHX-DJH - Supplemental

02/26/2018 01:06 PM

[REDACTED]

1 Attachment



Supplemental Discovery Letter - Feb 26 2018.pdf

Counsel,

You will be receiving an encrypted DVD containing the government's supplemental discovery with the exception of the USPS digital evidence, which is too voluminous to disclose on a CD or DVD. Per the attached letter, please provide us with a hard drive and we will download the digital evidence for you.

The DVD will be sent over in the court run today. The passcode to access the DVD is [REDACTED]

[REDACTED] me know if you have any questions.

[REDACTED]



(i) This e-mail and any files transmitted with it are confidential and intended solely for the use of the intended recipient(s). If you have received this e-mail in error, please notify the sender immediately and delete this e-mail and any associated files from your system. (ii) Views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of CoreCivic. (iii) The recipient should check this e-mail and any attachments for the presence of viruses. The company accepts no liability for errors or omissions caused by e-mail transmission or any damage caused by any virus transmitted by or with this e-mail. This email has been scanned for content and viruses by the Barracuda Email Security System.

# **EXHIBIT**

## **B**



**U.S. Department of Justice**

United States Attorney  
District of Arizona

Two Renaissance Square  
40 N. Central Ave., Suite 1800  
Phoenix, AZ 85004-4408

Main: (602) 514-7500  
Main Fax: (602) 514-7693

February 26, 2018

*via e-mail*

**Maria Teresa Weidner & Zachary Cain**  
Federal Public Defenders Office - Phoenix  
850 W. Adams St., Ste. 201  
Phoenix, AZ 85007  
*Attorney for Defendant Thomas Costanzo*

Re: United States v. Costanzo  
CR 17-00585-PHX-GMS  
Supplemental Discovery

Dear Ms. Weidner & Mr. Cain:

In anticipation of the trial scheduled to begin on March 20, we are disclosing supplemental discovery (Bates Nos. 003271-004812), as detailed below.

- Pages 3271-3282 are photographs of paper evidence seized from your client's apartment (as previously documented in the DEA report numbered 000072-000081).
- Pages 3283-4195 consists of mail sent to or from your client while he has been in pretrial custody. We will also be disclosing recorded jail phone calls today or tomorrow.
- Pages 4196-4202 is a seven-page report regarding an examination of the electronic devices seized from your client's apartment. The report is authored by Jason Shadle, Senior Forensic Computer Analyst with the United States Postal Service. We plan to call Mr. Shadle for the limited purpose of introducing limited information contained on the electronic devices. Forensic images of the electronic devices and associated files are available. Please give us an external hard drive, so that we can upload the forensic images and files for you. The forensic images and associated files will be numbered 004203-004218.
- Pages 4219-4812 are preliminary transcripts from undercover meetings that took place with your client on the following dates: March 20, 2015; March 21, 2015; May 20, 2015; October 7, 2015; and November 21, 2015; along with a transcript of your client's post-arrest interview on April 20, 2017.

Letter to Counsel  
February 26, 2018  
Page 2 of 2

Please keep in mind that these documents are being disclosed pursuant to the Court's protective order dated August 14, 2017.

Please call us with any questions or concerns.

Yours very truly,

ELIZABETH A. STRANGE  
First Assistant United States Attorney  
District of Arizona

*s/ Matthew Binford*

MATTHEW BINFORD  
CAROLINA ESCALANTE  
GARY M. RESTAINO  
Assistant United States Attorneys

MB:yg  
Enclosures as stated

# **EXHIBIT**

# **C**



**U.S. Department of Justice**

United States Attorney  
District of Arizona

Two Renaissance Square  
40 N. Central Ave., Suite 1800  
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February 26, 2018

*via e-mail*

**Maria Teresa Weidner & Zachary Cain**  
Federal Public Defenders Office - Phoenix  
850 W. Adams St., Ste. 201  
Phoenix, AZ 85007  
*Attorney for Defendant Thomas Costanzo*

Re: *United States v. Costanzo*  
CR 17-00585-PHX-GMS  
Supplemental Discovery

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Letter to Counsel  
February 26, 2018  
Page 2 of 2

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ELIZABETH A. STRANGE  
First Assistant United States Attorney  
District of Arizona

*s/ Matthew Binford*

MATTHEW BINFORD  
CAROLINA ESCÁLANTE  
GARY M. RESTAINO  
Assistant United States Attorneys

MB:yg  
Enclosures as stated

# **EXHIBIT**

**D**



U.S. Department of Justice

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District of Arizona

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February 27, 2018

*Sent Via E-mail to:* Maria\_Weidner@fd.org  
Zachary\_Cain@fd.org

Maria Weidner  
Zachary Cain  
Assistant Federal Public Defenders  
Office of the Federal Public Defender  
850 W. Adams Street, Suite 201  
Phoenix, Arizona 85007-2730

Re: US v Costanzo

Dear Maria and Zach:

Following on our email communication of yesterday, concerning the computer forensic report authored by Jason Shadle of USPIS, we write to identify the limited information that we would plan to use, or that is otherwise discoverable, from the cell phones, computers and other peripherals seized in this matter.

1. Exhibit 27 is a SanDisk thumb drive. We do not plan to use anything from this thumb drive. We note for you from a *Brady* perspective that this is a file relating to an adverse action with law enforcement that your client had in Mesa in 2014, which includes photos reflecting that he was a bit worse for wear after the interaction.

2. Exhibit 28 is a Galaxy Gateway computer, with files up to 2013. It also contains about 6 gigabytes of .pst email files. We have not yet reviewed those. To the extent we seek to use any evidence from those .pst files we will produce it to you tomorrow.

3. Exhibit 31-3 is an Iomega Hard Drive. We intend to exhibit one document from that hard drive, to wit: your client's Local Bitcoin flyer, with the admonition that bitcoin is "outside the control of governments [sic] and banks."

4. Exhibit 33 is a Samsung Galaxy cell phone, with a full Cellebrite report. This is the guts of what we seek to use from the computer peripherals, specifically itemized as follows:

a. The presence of encrypted messaging apps, including ChatSecure, Telegram, WhatsApp and Wickr.

Letter to Maria Weidner and Zach Cain  
February 27, 2018  
Page 2

- b. Two embedded chats preserved from the Telegram App:
  - i. The communications between UC3 and your client between April 17-20, 2017, which mirror the screen shots in discovery.
  - ii. A one-off communication between your client and Steinmetz on December 13, 2016 (chat # 28): "I use it at least it's not on the servers for the phone co".
- c. Reports (renamed by us with working titles) of SMS strings:
  - i. Involving UC1 and/or UC2 and your client
  - ii. Between Nolan Sperling and your client
  - iii. As it relates to drug chatter, between your client and "Kuro"
  - iv. As it relates to drug chatter, between your client and the wife of a guy using bitcoin to buy drugs
  - v. As it relates to drug chatter, between your client and a guy who works as a drug counselor

5. Exhibit 35 is a Dell laptop computer with an active user account of "Morpheus." The computer has a Tor Browser (tor.exe). We do not intend to offer this evidence in our case-in-chief, and disclose its possible use for impeachment or on rebuttal to the extent applicable.

We will endeavor to send you the 8 documents referenced above (the flyer; the two chat reports; and the five SMS reports) via email tonight, or if security procedures prevent sending these via email we will arrange production tomorrow. (This also might be a good time for us to switch to USAFx downloads if you find that easier or more convenient; let us know.)

Sincerely,

ELIZABETH A. STRANGE  
First Assistant U.S. Attorney  
District of Arizona

*s/ Gary Restaino*

MATT BINFORD  
CAROLINA ESCALANTE  
GARY RESTAINO  
Assistant United States Attorneys

# **EXHIBIT**

**E**



[REDACTED] 02/27/2018  
04:49 PM  
[REDACTED]

1 Attachment



Costanzo Letter 02 27 18 (evidence from phones and computers).pdf

Maria and Zach – see attached re: the info we intend to exhibit from the computer peripherals (although the form of presentation may change). I will try to send the 8 documents via email in a followup; if they don't go through we will get them to you tomorrow.

Gary

[REDACTED]