

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CRIMINAL TRIAL MINUTES**

Phoenix Division

CR-17-585-1-PHX-GMS      DATE: 3/21/18  
Case Number

HON: G. Murray Snow

USA v. Thomas Mario Costanzo

DEFENDANT: X Present Not Present Released X Custody (Restraint level 0) Writ

Deputy Clerk: Kathleen Zoratti    Crt Rptr: Charlotte Powers

U.S. Atty: Gary Restaino, Matthew Binford, and Carolina Escalante

Defense: Maria Weidner and Zachary Cain, AFPD

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**PROCEEDINGS:**   X **Jury Trial**      **Court Trial**      **Voir Dire**      **Jury Sworn**

Trial Day #   2  

9:07 a.m. Trial convenes with counsel and defendant present. Opening statement by counsel for defendant. Government's case. Michael Fleischmann is sworn and testifies. Exhibit 75 admitted. Witness makes an in-court identification of defendant. Exhibit 76 admitted. 10:27 a.m. Jury leaves the courtroom. Discussion held. 10:31 a.m. Recess.

10:50 a.m. Reconvene. Michael Fleischmann resumes the stand and testifies further. Witness excused. Sergei Kushner is sworn and testifies. Witness makes an in-court identification of defendant. Exhibits 70 and 101 admitted. 11:56 a.m. Jury leaves the courtroom. Discussion held. 11:57 a.m. Recess.

1:15 p.m. Reconvene. Sergei Kushner resumes the stand and testifies further. Exhibits 102, 94 and 104 admitted. Witness excused. 3:06 p.m. Recess.

3:25 p.m. Reconvene. David Alvarado is sworn and testifies. Witness makes an in-court identification of defendant. Exhibits 17, 16, 34, 35, 7, 11, 12, 36, 80, 18, 20, 19 and 31 admitted. Witness excused. Jason Shadle is sworn and testifies. Exhibits 32, 67, 120, 122, 97 and 336 admitted. Witness excused. Thomas Klepper is sworn and testifies. Witness makes an in-court identification of defendant. Exhibits 124 and 125 admitted. 4:54 p.m. Jury excused. Discussion held.

5:04 p.m. Court stands at recess until 3/22/2018 at 9:00 a.m.

Time in Court: 6 hr. 1 min.