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10 *Attorneys for Plaintiff*

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

13 United States of America,
14 Plaintiff,

15 v.

16 Thomas Mario Costanzo,
17 Defendant.

CR-17-00585-PHX-GMS

**UNITED STATES' MOTION IN LIMINE
TO PRECLUDE REFERENCE TO
INSPECTOR GENERAL REPORTS**

18 The United States files contemporaneous to this Motion a Response to the defense's
19 suggestion that the Court take judicial notice of certain adverse Inspector General Reports,
20 to wit: one report each by the Treasury and DOJ Inspector Generals as to asset forfeiture
21 from March 2017. In support of this Motion to preclude reference to those two reports (or
22 any other Inspector General report), the government incorporates by reference its
23 Response. This is primarily a Rule 403 issue, although hearsay considerations also militate
24 against any reference to the Reports in trial.

25 That's not to say that the defense should be precluded from asking any questions
26 about how asset forfeiture works in practice, and the government does not seek to broadly
27
28

1 preclude that inquiry.¹ On a witness-by-witness basis, the defense may seek to ask some
2 specific relevant questions, and the government preserves any relevance or other objection
3 to such questions. But the Reports themselves (or any reference to them) should be out of
4 bounds.

5 Respectfully submitted this 26th day of March, 2018.

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10 s/ Gary Restaino
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15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on this 26th day of March 2018, I electronically transmitted the
17 attached document to the Clerk's Office using the CM/ECF System for filing and
18 transmittal of a Notice of Electronic Filing to all counsel of record.

19 s/Cristina Abramo
20 U.S. Attorney's Office

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22
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24 _____
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26 ¹ For example, the defense might ask about the stages of asset forfeiture, and
27 whether in an agent's experience his agency has returned money or property, or whether a
28 Court has ordered the return of money or property. That doesn't seem particularly relevant
in a vacuum, but the government does not intend in this motion in limine to preclude the
defense from trying.