

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

Phoenix Division

CR-17-585-1-PHX-GMS DATE: 3/27/18
Case Number

HON: G. Murray Snow

USA v. Thomas Mario Costanzo (present in Custody-Restraint level 0 for trial only)

Deputy Clerk: Kathleen Zoratti Court Reporter: Charlotte Powers

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

Defense: Maria Weidner and Zachary Cain, AFPD

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

Trial Day # 4

9:03 a.m. Trial convenes with counsel and defendant present. Jury not present. Discussion held. IT IS ORDERED denying Defendant's Motion for Judicial Notice (Doc. 172) and Government's Motion in Limine (Doc. 175). 9:13 a.m. Jury enters the courtroom. Government's case continues. Chad Martin resumes the stand and testifies further. Exhibits 45, 46, 47, 50, 42, 53, 106, 54, 57, 55, 107, 98 and 56 admitted. 10:23 a.m. Jury leaves the courtroom. Discussion held. 10:25 a.m. Recess.

10:43 a.m. Reconvene. Chad Martin resumes the stand and testifies further. Exhibits 69, 64, 65, 60, 62, 109, 59, 58, 63, 48 and 49 admitted. 12:01 p.m. Recess.

1:18 p.m. Reconvene. Chad Martin resumes the stand and testifies further. Witness excused. John Nelson is sworn and testifies. Witness makes an in-court identification of defendant. Witness excused. Keith Landa is sworn and testifies. Witness makes an in-court identification of defendant. Exhibits 4, 1-3, 33 and 79 admitted. Witness excused. 1:56 p.m. Jury leaves the courtroom. Discussion held. 1:57 p.m. Recess.

2:24 p.m. Reconvene. Donald Ellsworth is sworn and testifies. Exhibits 84, 85, 86, 87 and 88 admitted. Witness excused. Government rests. 3:33 p.m. Jury excused until 3/28/2018 at 9:00 a.m. Defendant's oral Rule 29 motion (Doc. 178) as to all counts is argued. IT IS ORDERED denying the motion on all counts as to 18 U.S.C. §1956(a)(3)(B). The Court defers ruling on the motion as to 18 U.S.C. §1956(a)(3)(C). Counsel may submit legal authority to support their position as set forth on the record. 3:51 p.m. Recess.

4:07 p.m. Reconvene. Final jury instructions and verdict discussed.

5:01 p.m. Court stands at recess until 3/28/2018 at 9:00 a.m.

Time in Court: 5 hr. 40 min.