

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

Phoenix Division

CR-17-585-1-PHX-GMS DATE: 3/28/18
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 # 5

9:12 a.m. Trial convenes with counsel and defendant present. Jury not present. The Court affirms its denial of defendant's oral Rule 29 motion (Doc. 178) on all counts as to 18 U.S.C. §1956(a)(3)(B) and GRANTS the motion as to 18 U.S.C. §1956(a)(3)(C) as to Count 1 only. Final jury instructions and verdict settled. 9:45 a.m. Recess.

10:24 a.m. Reconvene. Defendant rests. Final jury instructions read to the jury. Closing argument by counsel for the Government. 12:03 p.m. Jury leaves the courtroom. Defendant preserves the right to make a motion for mistrial. 12:06 p.m. Recess.

1:25 p.m. Reconvene. Jury not present. Discussion held. 1:25 p.m. Jury enters the courtroom. Closing arguments continue. Jurors #10, #3 and #4 are designated as alternates. 2:12 p.m. Jury excused to commence deliberations. Counsel stipulate to the withdrawal Exhibit 97 from evidence. 2:14 p.m. Recess.

3:38 p.m. Reconvene. Jury not present. Discussion held regarding jury question. The bailiff delivers the Court's response to the jury. 3:40 p.m. Recess.

3:57 p.m. Reconvene. Discussion held. 4:00 p.m. Jury enters the courtroom. The Court is advised that the jury has reached a verdict. Verdict read. Defendant found GUILTY of all counts as set forth in the verdict. The jury is polled. Forfeiture phase of the trial proceeds. Supplemental jury instructions read to the jury. Closing arguments. 4:22 p.m. Jury excused to commence deliberations. Discussion held. The Court clarifies that, with agreement of counsel, Counts 3-7 of the Superseding Indictment were renumbered to Counts 1-5 on the jury verdict form. 4:24 p.m. Recess.

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4:34 p.m. Reconvene. The Court is advised that the jury has reached a verdict. Findings as set forth in the supplemental verdict re forfeiture are read. The Court thanks the jury for their service and the admonition is lifted. 4:38 p.m. Jury excused.

IT IS ORDERED setting sentencing for **6/11/18 at 4:00 p.m.**, in Courtroom 602, Phoenix, AZ. The defendant shall remain in the custody of United States Marshal pending sentencing.

IT IS FURTHER ORDERED directing the probation department to prepare a presentence investigation report. Objections to the Presentence Report due fourteen (14) days after the report is submitted. Any motions for departure or variance and any sentencing memoranda due six (6) business days before sentencing, with responses due three (3) business days before sentencing.

4:39 p.m. Trial concludes.

Time in Court: 3 hr. 38 min.