

DOA  
4-20-17

UNITED STATES DISTRICT COURT

for the  
District of Arizona

UNITED STATES OF AMERICA

v.

Thomas Mario Costanzo  
a.k.a. "Morpheus Titania,"

Defendant.

CASE NO. 17-9153 MJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date of April 20, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated 18 U.S.C. §§ 922(g)(1) & 924(a)(2), an offense described as follows:

The defendant, THOMAS MARIO COSTANZO, a.k.a. "Morpheus Titania," having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, Possession or Use of Marijuana, on March 17, 2015, in Maricopa County Superior Court Case No. CR2014-161388, did knowingly possess in and affecting interstate commerce, ammunition, that is, 60 rounds of .223 caliber Winchester ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent from Homeland Security Investigations and that this complaint is based on the following facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein.**

REVIEWED BY: AUSAs Carolina Escalante Konti and Matthew Binford

☒ Continued on the attached sheet.

*William Green*

Complainant's signature

William Green,  
Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 21, 2017

*E. Willett*

Judge's signature

Eileen S. Willett,  
United States Magistrate Judge

Printed name and title

City and state: Phoenix, Arizona

## **STATEMENT OF PROBABLE CAUSE**

I, William Green, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Special Agent with the United States Department of Homeland Security - Homeland Security Investigations (HSI). I have learned from direct participation in the investigation, and from the reports and communications of other agents and officers, the facts recited herein.

2. This affidavit is being submitted in support of a Criminal Complaint against Thomas Mario COSTANZO, a.k.a. Morpheus Titania, for a violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), convicted felon in possession of ammunition.

3. On April 20, 2017, members of a multi-agency federal task force executed a federal search warrant at 417 North Loma Vista Circle, Unit #202, Mesa, Arizona 85213 (the "Loma Vista Residence"). The Loma Vista Residence was previously identified by federal agents as COSTANZO's residence.

4. While agents were executing the search warrant, they spoke with the landlord at the apartment complex. The landlord confirmed that COSTANZO was the only tenant occupying the Loma Vista Residence and that COSTANZO has occupied the unit for more than a year.

5. At the Loma Vista Residence, agents discovered several boxes of ammunition in different calibers. Among the boxes were three 20-round boxes of Winchester ammunition, containing a total of 60 rounds of ammunition.

6. During a post-arrest interview, COSTANZO denied owning the ammunition, but he acknowledged that the ammunition was in his apartment.

7. Your Affiant reviewed a National Criminal Information Center (NCIC) criminal history query. A review of that criminal history shows that COSTANZO was convicted on March 17, 2015, of Possession or Use of Marijuana, a felony, by the Maricopa County Superior Court, Maricopa County, Phoenix, Arizona.

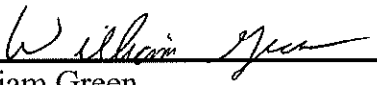
8. A check of the Maricopa County Superior Court case information website showed the same information as the NCIC query reviewed by your Affiant. The case information website shows that for case number CR2014-161388-001, on March 17, 2015, COSTANZO pleaded guilty to one count of Possession or Use of Marijuana (A.R.S §§ 13-3401, 3405, 3418, a class 6 designated felony).

9. On April 20, 2017, ATF Special Agent Lowell Farley, an interstate nexus expert, reviewed photographs of the ammunition. SA Farley knows from training and experience that Winchester ammunition is not manufactured in the State of Arizona, and thus the ammunition has traveled in interstate commerce.


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10. For these reasons, your affiant submits that there is probable cause to believe that on or about April 20, 2017, Thomas Mario COSTANZO, having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, Possession or Use of Marijuana, on March 17, 2015, in Maricopa County Superior Court, did knowingly possess in and affecting interstate commerce, ammunition, that is, 60 rounds of .223 caliber Winchester ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

  
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William Green,  
Special Agent,  
Homeland Security Investigations

Sworn to and subscribed before me  
this 21st day of April, 2017.

  
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Eileen S. Willett,  
United States Magistrate Judge