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Coin.mx Trial Date Slips After 'Disappointing' Gov't Tactic

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Law360, New York (January 20, 2017, 3:58 PM EST) -- Prosecutors' move to file new charges against New Jersey pastor Trevon Gross and Coin.mx operator Yuri Lebedev just over six weeks before their trial date was "disappointing" and "problematic," a New York federal judge said Friday, but the defendants suspected of facilitating a bitcoin-fueled fraud won little relief as a result.

U.S. District Judge Alison J. Nathan allowed their scheduled two-week trial to slip from Feb. 6 to Feb. 13 and directed the government to turn over evidence related to new conspiracy counts against Gross and Lebedev — but declined to sever the defendants or dismiss the fresh indictment.

"It's not the court's role to tell the government what charges it can bring," said Judge Nathan, who concluded that the prosecution was not being "intentionally mischievous" in sticking Lebedev and Gross with fresh counts on Dec. 22.

A Dec. 29 defense motion said that move violated an earlier promise not to substantially alter the charging document. Prosecutor Daniel S. Noble said Friday the government has acted in "good faith" and asserted the new charges will not require additional discovery to be produced.

"Maybe this is somewhere in between," Judge Nathan said, after Gross counsel Kristen M. Santillo of [Krovatin Klingeman LLC](#) said it was a "pretty big understatement" to assert that adding fresh conspiracy counts was not a substantial expansion.

The conspiracy allegation "dramatically expands what Mr. Gross is defending against," Santillo said.

Lebedev counsel Melissa Madrigal of [Creizman PLLC](#) noted also that the indictment was expanded even though the prosecution knew her firm would be active in an unrelated trial.

Gross is charged with taking bribes to let Lebedev and others take control of a bank, the New Jersey-based Hope FCU, so that Coin.mx could operate an illegal bitcoin money-laundering operation.

Not long after the fresh indictment, defendant Anthony R. Murgio [pled out of the case](#), leaving Gross and Lebedev as the remaining two defendants. Four defendants in total have now pled guilty.

Coin.mx has been linked to the massive hack of 83 million [JPMorgan Chase & Co.](#) customers, among other consumers, in a separate criminal case.

The prosecution is represented by Eun Young Choi, Daniel S. Noble and Won S. Shin.

Lebedev is represented by Eric M. Creizman, Amanda Shoffel and Melissa Madrigal of Creizman PLLC.

Gross is represented by Kristen M. Santillo and Henry E. Klingeman of Krovatin Klingeman LLC.

The case is U.S. v. Murgio et al., case number [1:15-cr-00769](#), in the U.S. District Court for the Southern District of New York.

--Editing by Brian Baresch.

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