

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-CR-20231-MIDDLEBROOKS

UNITED STATES OF AMERICA

vs.

CARLOS VAZQUEZ,

Defendant.

**THE UNITED STATES OF AMERICA’S RESPONSE TO
DEFENDANT VAZQUEZ’S EMERGENCY RENEWED MOTION FOR CONTINUANCE**

The United States of America files this response to *Defendant Vazquez’s Emergency Renewed Motion for Continuance*, DE 60 (“Defendant’s Emergency Motion”), and states as follows:

1. The United States of America produced the most relevant documents pertaining to Defendant’s immigration file via email to Albert Levine on Tuesday November 2, 2021, as part of SDO-7. As a courtesy, the undersigned offered to allow Albert Levine to inspect the original immigration file, and a meeting was set for November 8, 2021.

2. However, Albert Levine demanded his client also be allowed to review the file. The undersigned was not willing to let the Defendant review the original file. Accordingly, the undersigned had a copy of the entire file made for the Defense to review which was never picked up.

3. Defendant has not suffered any prejudice. His counsel was provided with the most relevant documents weeks ago which establish that Defendant is NOT a citizen of the United States. Including,

- A copy of Defendant's Cuban birth certificate, which contains the same date (Jan. 18, 1964) and place of birth (Havana) as he initially told U.S. Probation,
- A copy of Defendant's Memorandum of Creation of Record of Lawful Permanent Residence,
- A Memorandum of Oral Decision finding that Defendant is subject to removal, and ineligible for relief which was personally served on Defendant on November 6, 1997,
- An Immigration and Naturalization Service order of supervision referencing the order excluding or deporting Defendant and requiring that Defendant periodically report to the Immigration and Naturalization Service, which was acknowledged and signed by Defendant on April 16, 1999,
- An INS order of supervision referencing the order excluding or deporting Defendant and requiring that Defendant periodically report to the Immigration and Naturalization Service, which was acknowledged and signed by Defendant on April 4, 2000.

4. Additionally, Defendant has not suffered any prejudice by not reviewing the documents in person because according to Defendant's Emergency Motion, he was in the hospital for the week leading up to November 14, 2021 and was thus ostensibly not available to review the file in person anyway.

5. The United States would be prejudiced if the sentencing were continued at this late date. The United States has subpoenaed numerous civilian witnesses to testify at the sentencing as scheduled on November 16, 2021. Their testimony is necessary to establish the United States' Objections to the PSI pertaining to the ownership of Defendant's apartment. Defendant backdated the deed transferring his Apartment, which the Defendant apparently still disputes.

6. The United States has also arranged for an Immigration and Customs Enforcement

Deportation Officer to be present at the sentencing with the immigration file.

WHEREFORE, for the foregoing reasons, the Defendant's Emergency Motion should be denied, and the sentencing should proceed as scheduled.

Respectfully submitted,

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