

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 14-14486

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D.C. Docket No. 8:14-cr-00064-EAK-TGW-3

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

YOEL EMILIO BAEZ-HERNANDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Florida

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(May 24, 2016)

Before HULL and ANDERSON, Circuit Judges, and ROTHSTEIN,<sup>\*</sup> District Judge.

PER CURIAM:

Yoel Baez-Hernandez appeals his convictions for: (1) conspiracy to bring aliens to the United States at a place other than as designated by the Secretary of Homeland Security, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(i), (a)(1)(A)(v)(I), and (a)(1)(B)(i); and (2) bringing aliens to the United States for the purpose of commercial advantage and financial gain knowing they had not received prior authorization to enter, in violation of 8 U.S.C. 1324(a)(2)(B)(ii).

After review of the record and briefs and with the benefit of oral argument, we first grant defendant Baez-Hernandez's motion to supplement the record on appeal in order to make an informed decision as to the late discovery issue defendant Baez-Hernandez raises on appeal. Having granted the motion, we conclude that the district court: (1) did not err in denying his motion to suppress cell-cite-location data; (2) did not abuse its discretion by denying his motion to exclude I-213 forms; and (3) did not err in denying his motions for judgment of acquittal.

However, we conclude that the district court abused its discretion by denying his motion for a continuance given the volume of discovery provided by

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<sup>\*</sup>Honorable Barbara J. Rothstein, United States District Judge for the District of Columbia, sitting by designation.

the government so close to the trial date. The district court clearly should have granted a short continuance. Therefore we grant the defendant's motion for a new trial.

**REVERSED AND REMANDED.**