

US opposes Maduro and Flores using sanctioned funds for legal defense

United States v. Maduro Moros et al. · S.D.N.Y. No. 1:11-cr-00205

Judge Alvin K. Hellerstein · Docket entry #294 · Filed 2026-03-13 · Filed by: Government

What happened

On March 13, 2026, prosecutors filed a 29-page brief with Judge Alvin K. Hellerstein opposing Nicolás Maduro's and Cilia Flores's motions to dismiss the Fourth Superseding Indictment. The defense argues that being unable to use funds from a sanctioned Venezuelan government to pay their lawyers violates their Fifth and Sixth Amendment rights. Prosecutors respond that the Treasury's Office of Foreign Assets Control (OFAC) already authorized both defendants to use their own personal funds, but that OFAC rules bar one sanctioned party from paying another sanctioned person's legal fees.

What it means

The government argues that Venezuela sanctions have existed since 2015 and 2019 for national security and foreign policy reasons, long before Maduro and Flores were charged, so there was no improper interference targeting their defense. It also argues the defendants could not reasonably have expected access to those funds, which have been blocked to any U.S. person since 2019. Finally, it argues that even if a constitutional violation were found, dismissing the case would be far too drastic a remedy.

What happens next

Judge Hellerstein has not yet set a date to rule on the motions to dismiss; the next scheduled hearing in Maduro's case is November 17, 2026.

Key passages from the filing (verbatim)

"The defendants argue that their inability to access certain third-party funds to pay for their legal fees violates the Fifth and Sixth Amendments."

Page 7 — States the defense argument the government seeks to refute.

"OFAC's adherence to the Executive Orders and Regulations in denying the defendants' extraordinary requests serves a legitimate and compelling government purpose."

Page 20 — Gives the government's core justification: that the sanctions serve a legitimate national-security purpose.

"A defendant cannot claim a deprivation of the right to counsel where he or she has no reasonable expectation that certain funds would be available for defense counsel."

Page 23 — Presents the government's second argument: that the defendants had no reasonable expectation of receiving those funds.

"the Court should deny the defendants' motions to dismiss the Fourth Superseding Indictment on Fifth and Sixth Amendment grounds."

Page 29 — Is the government's formal conclusion and request to the judge.

Docket text (official, in English)

MEMORANDUM in Opposition by USA as to Nicolas Maduro Moros, Cilia Adela Flores De Maduro re 292 MOTION to Dismiss the Fourth Superseding Indictment., 289 MOTION to Dismiss the Fourth Superseding Indictment.. (Attachments: # 1 Exhibit A - Declaration of Sara Thannhauser)(Sullivan, Kevin) (Entered: 03/13/2026)

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