

Transcript reveals fight over Maduro's legal fees and Flores's heart condition

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

Judge Alvin K. Hellerstein · Docket entry #297 · Filed 2026-03-30 · Filed by: Court

What happened

The hearing transcript shows the defense asked the judge to dismiss the case because the Treasury Department's Office of Foreign Assets Control (OFAC) has refused to license the release of Venezuelan government funds to pay the defendants' chosen lawyers, which the defense says violates their constitutional right to counsel of choice. Prosecutors countered that the sanctions still serve national-security and foreign-policy purposes and that the defendants never had a legitimate expectation of using those funds, since they have been sanctioned since 2019. During the same hearing, the judge also ruled that the defense cannot share discovery documents with the four fugitive co-defendants, though it may still talk to them about the case. Separately, Cilia Flores's attorney disclosed that she has a mitral valve prolapse and has been waiting for an echocardiogram; prosecutors said they would help speed it up.

What it means

The judge repeatedly pressed prosecutors on what national-security interest remains now that Maduro and Flores are already in U.S. custody, but he did not rule: he reserved his decision on the motion to dismiss. He noted that if he later finds a specific license was arbitrarily withheld and the government does not fix it, dismissal could then be considered, but for now that remains hypothetical. On the discovery dispute, the judge sided with prosecutors in barring the fugitive co-defendants from receiving case documents, while allowing verbal coordination for a common defense. The disclosure about Flores's health is new public information about her condition in custody.

What happens next

The judge said he would issue a written decision and would set a date in that opinion if warranted; in the meantime, time is excluded from the speedy-trial clock while the motion remains pending. Maduro's next scheduled hearing is November 17, 2026.

Key passages from the filing (verbatim)

"It is the government directly that has made the decision. It is the government that is blocking the use of funds to which Mr. Maduro has a property interest."

Page 6 — Sums up the defense's core argument that it is the U.S. government itself, not Venezuela, blocking payment of the lawyers.

"I do not believe that there is a remedy in particular that the Court could identify. However, if the Court decided that that was how it was going to rule, the government would take that back to the relevant stakeholders and allow them to make a decision, knowing what the Court was inclined to do."

Page 29 — Shows prosecutors themselves acknowledging that, faced with possible dismissal, they would consult other agencies about granting the license.

"It has a right—I'll repeat—to serve the common interest of the two outstanding defendants, if the lawyers want to go into a common interest defense, but not for others past or present, or future."

Page 40 — This is the judge's own formulation of how the evidence protective order should be worded.

"Ms. Flores de Maduro has been dealing for some time with a mitral valve prolapse issue, one that has been identified additionally during health visits in the facility."

Page 42 — This is the concrete disclosure, made in open court, about Cilia Flores's health condition.

Docket text (official, in English)

TRANSCRIPT of Proceedings as to Nicolas Maduro Moros, Cilia Adela Flores De Maduro re: Oral Argument held on 3/26/26 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Khristine Sellin, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/20/2026. Redacted Transcript Deadline set for 4/30/2026. Release of Transcript Restriction set for 6/29/2026. (Moya, Goretti) (Entered: 03/30/2026)

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