

Judge bars defense from sharing evidence with co-defendants still at large

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

Judge Alvin K. Hellerstein · Docket entry #303 · Filed 2026-04-07 · Filed by: Court

What happened

Judge Alvin K. Hellerstein resolved the dispute between prosecutors and the defense over the protective order, the rules governing how evidence handed over by the government may be used. The judge ordered that paragraph 13 state that this material may not be shared with any named defendant not yet apprehended or with that defendant's lawyers, adding that sharing it is not necessary to prepare the defense. He also directed the government to submit an updated protective order and closed motions 296, 299 and 302.

What it means

The defense for Maduro and Cilia Flores had asked to be able to show the evidence to co-defendants who remain outside U.S. custody, such as Diosdado Cabello, arguing they are potential witnesses. With this order, the judge adopted a rule with no exceptions: the defense may not share that material with them. The judge's wording is stricter than the fallback the government had offered, which would have allowed sharing if the court authorized a formal deposition of one of those co-defendants.

What happens next

The government must file the updated protective order; the order sets no date for it.

Key passages from the filing (verbatim)

"Disclosure Material may not be shared with any named defendant who has not yet been apprehended in this action or any such defendant's counsel. It is not necessary to share Disclosure Material in order to prepare the defense."

Page 1 — This is the exact wording the judge ordered for paragraph 13 of the protective order.

Docket text (official, in English)

ORDER REGULATING PROCEEDINGS as to Nicolas Maduro Moros, Cilia Adela Flores De Maduro: 1. The Court rules on the parties' proposed protective orders as follows: Paragraph 13 of the protective order shall read: "13. Disclosure Material may not be shared with any named defendant who has not yet been apprehended in this action or any such defendant's counsel. It is not necessary to share Disclosure Material in order to prepare the defense." 2. The Government shall submit an updated protective order in accordance with this order. 3. The Clerk of Court shall terminate ECF Nos. 296, 299, and 302. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 4/7/2026) (lnl) (Entered: 04/07/2026)

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