

Maduro's defense files brief seeking dismissal on head-of-state immunity grounds

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

Judge Alvin K. Hellerstein · Docket entry #321 · Filed 2026-09-02 · Filed by: Defense

What happened

Nicolás Maduro's lawyers filed an extensive memorandum arguing the court lacks jurisdiction to prosecute him because, they contend, he is entitled to absolute immunity as Venezuela's de facto head of state, and separately to 'conduct-based immunity' because the acts charged were performed through his official positions (National Assembly member, Foreign Minister, Vice President and President). The defense argues the indictment itself concedes Maduro exercised the powers of the Venezuelan presidency even after the United States stopped recognizing him as de jure head of state in 2019. They also argue the court should not defer to the Executive Branch's position that Maduro lacks immunity, contending that position contradicts common law. The defense asks that the case be dismissed with prejudice.

What it means

This is a motion — a formal request to the judge — that still must be decided; it is not a court ruling. If Judge Hellerstein were to accept the defense's arguments, the criminal case against Maduro could end before trial. The government has not yet publicly responded to these specific arguments in this filing. Maduro has pleaded not guilty and denies the charges; the presumption of innocence remains as the case proceeds.

What happens next

Maduro's trial is scheduled for June 1, 2027; his next hearing is set for November 17, 2026, when this immunity motion is expected to be addressed.

Key passages from the filing (verbatim)

"No American court has ever presided over the criminal trial of a foreign leader who was recognized by their own country as the sitting head of state at the time the charges were brought."

Page 12 — This is the core factual/legal claim underlying the defense's head-of-state immunity argument.

"Mr. Maduro is now, having remained in power despite losses in recent elections, the de facto but illegitimate ruler of the country."

Page 20 — This is the indictment's own characterization of Maduro's status, which the defense relies on to argue he was de facto head of state.

"As Venezuela's President and now-de facto ruler, MADURO MOROS allows cocaine-fueled corruption to flourish"

Page 22 — Shows the indictment's own language tying the charges to Maduro's official governmental role, central to the conduct-based immunity argument.

Docket text (official, in English)

MEMORANDUM in Support by Nicolas Maduro Moros re 320 MOTION to Dismiss Based on Sovereign Immunity.. (Attachments: # 1 Exhibit A - Declaration of B. Pollack, # 2 Exhibit 1 - Unofficial Translation of Tribunal Supremo de Justicia, # 3 Exhibit 2 - Unofficial Translation of Article, # 4 Exhibit 3 - Unofficial Translation of Italian Decision 1, # 5 Exhibit 4 - Unofficial Translation of Italian Decision 2)(Pollack, Barry) (Entered: 09/02/2026)

Online version: <https://mailmaduro.com/caso.php?d=maduro-sdny-e321>

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