

Maduro's defense seeks to dismiss narcoterrorism count on legal grounds

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

Judge Alvin K. Hellerstein · Docket entry #323 · Filed 2026-09-02 · Filed by: Defense

What happened

Nicolás Maduro's attorneys filed a memorandum of law asking the court to dismiss Count One (narcoterrorism conspiracy) of the indictment. The defense argues the government failed to allege the jurisdictional element required by statute, failed to allege any intent to harm the United States, and that Congress lacks constitutional authority to punish purely foreign conduct without such a connection. The filing notes this motion is separate from another filed the same day seeking dismissal of the entire indictment based on sovereign immunity (protection that shields a sitting head of state from prosecution).

What it means

The defense is not disputing the facts alleged; it argues that even if everything the government claims were true, the narcoterrorism statute (21 U.S.C. § 960a) cannot constitutionally be applied without allegations that the conduct was aimed at harming the United States or its citizens. The brief reiterates that Maduro denies any involvement in drug trafficking or intent to benefit terrorist groups.

What happens next

The next scheduled hearing in Maduro's case is November 17, 2026; the docket does not set a specific date for the court to rule on this motion.

Key passages from the filing (verbatim)

"Mr. Maduro vehemently denies that he had anything to do with drug trafficking or intended to benefit anyone engaged in terrorism."

Page 5 — Shows the defense's presumption-of-innocence framing while explaining the motion.

"Count One does not allege that Mr. Maduro's aim was to cause harm inside the United States or to harm the citizens or interests of the United States."

Page 9 — Core legal argument for dismissal under due process.

"Mr. Maduro, however, has filed herewith a motion to dismiss the Indictment in its entirety based on sovereign immunity."

Page 5 — Clarifies this filing is separate from the sovereign immunity motion filed the same day.

Docket text (official, in English)

MEMORANDUM in Support by Nicolas Maduro Moros re 322 MOTION to Dismiss Count One.. (Pollack, Barry)
(Entered: 09/02/2026)

Online version: <https://mailmaduro.com/caso.php?d=maduro-sdny-e323>

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