

Cilia Flores's lawyers seek dismissal, citing head-of-state spousal immunity

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

Judge Alvin K. Hellerstein · Docket entry #325 · Filed 2026-09-02 · Filed by: Defense

What happened

Cilia Flores's attorneys filed a 41-page memorandum arguing that, as the wife of Venezuela's president, she shares the absolute head-of-state immunity that protects Nicolás Maduro. The defense also argues that, even without that immunity, every act the indictment attributes to her was performed through her public offices or on her husband's orders, which would independently shield her. The filing cites past cases where the U.S. recognized immunity for other countries' first ladies, including Mexico's and Jordan's, and notes that Venezuela has formally asserted her immunity before the U.N. Security Council.

What it means

This is a defense legal argument, not a court ruling — prosecutors have not agreed with this position and the case continues. If the judge were to accept the immunity argument, the case against Cilia Flores would be dismissed without trial, but for now she retains the presumption of innocence on the narcotics and firearms charges she faces.

What happens next

The next scheduled hearing in the case is October 8, 2026, concerning Cilia Flores's request for house arrest; no date has been set for the judge to rule on this sovereign immunity motion.

Key passages from the filing (verbatim)

"No court of the United States has ever presided over the criminal trial of the spouse of a sitting foreign head of state."

Page 10 — This opening line frames the core novelty and stakes of the defense's argument.

"Under general principles of international law, heads of State and immediate members of their families are immune from suit."

Page 18 — This quoted precedent is the central legal authority the defense relies on for spousal immunity.

"the kidnapping of the constitutional President of the Republic, Nicolás Maduro Moros, and the First Lady, Cilia Flores"

Page 18 — This shows Venezuela's formal diplomatic assertion of Flores's immunity at the U.N., a key factual basis for the motion.

Docket text (official, in English)

MEMORANDUM in Support by Cilia Adela Flores De Maduro re 324 MOTION to Dismiss for Sovereign Immunity.. (Attachments: # 1 Exhibit A-C)(Donnelly, Mark) (Entered: 09/02/2026)

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