



U.S. Department of Justice

United States Attorney
Southern District of New York

Jacob K. Javits Federal Building
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New York, New York 10278

March 23, 2026

BY ECF & EMAIL

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Maduro Moros and Flores de Maduro*, S4 11 Cr. 205 (AKH)

Dear Judge Hellerstein:

The Government respectfully moves the Court to enter the Government's proposed Protective Order in this case, which is attached as Exhibit A. The defendants consent to the entry of the proposed Protective Order, with the exception of paragraph 13 ("Paragraph 13"), which prohibits the defendants from sharing the discovery with the four named defendants in this case who have not yet been apprehended. For the reasons set forth below, there is good cause for the limitation set forth in Paragraph 13, including because the defendants' sharing of discovery with unapprehended defendants would pose an unacceptable risk of (1) harm to witnesses and their families, (2) destruction of evidence, and (3) impeding ongoing investigations. As described below, those risks are uniquely compelling here not only because the unapprehended individuals have historically used violence against witnesses and others, but also because they have done so under the auspices of state power, and could do so again to the witnesses or their family members in this case who are located abroad and could be unjustifiably arrested and detained with no recourse for the Government or this Court.¹

I. The Proposed Protective Order

Under the proposed Protective Order, material designated as "Disclosure Material" includes material that:

- (i) affects the privacy and confidentiality of individuals; (ii) would impede, if prematurely disclosed, the Government's ongoing investigation of uncharged individuals; (iii) would risk prejudicial pretrial publicity if publicly disseminated; (iv) may be produced with more limited redactions than would otherwise be necessary; and (v) that is not authorized to be disclosed to the public or disclosed beyond that which is necessary for the defense of this criminal case.

¹ The defendants intend to file a written opposition to the inclusion of Paragraph 13 in the Protective Order on or before March 30, 2026. Defense counsel agreed to accept discovery on an attorney's-eyes-only basis during the pendency of this litigation regarding the Protective Order.

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(Ex. A ¶ 1). The proposed Protective Order provides that “Disclosure Material shall not be disclosed by the [defense] other than as set forth herein, and shall be used by the defense solely for purposes of defending this action.” (Ex. A ¶ 5). The proposed Protective Order places no limitations on the defendants’ access to Disclosure Material, and expressly permits the defense to, among other things, seek court authorization to provide Disclosure Material—on an attorney’s-possession-only basis—to foreign persons or entities “who defense counsel in good faith believes may be able to provide testimony or information that could lead to the identification of potential witnesses and/or relevant evidence.” (Ex. A ¶ 14).

The provision with which the defendants take issue, Paragraph 13, provides that “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.” (Ex. A ¶ 13). At present, there are four defendants named in Superseding Indictment S4 11 Cr. 205 (AKH) (the “Indictment”) who have not yet been apprehended on the charges in the Indictment, and with whom the defendants therefore would be prohibited from sharing Disclosure Material under Paragraph 13: Diosdado Cabello Rondón, Ramón Rodríguez Chacín, Nicolás Ernesto Maduro Guerra, and Hector Rusthenford Guerrero Flores (the “Co-Defendants”).

II. Applicable Law

Rule 16, which governs the discovery at issue here, broadly authorizes the Court to enter a protective order to “deny, restrict, or defer discovery” “[a]t any time,” if there is “good cause.” Fed. R. Crim. P. 16(d)(1). Good cause for a protective order exists “‘when a party shows that disclosure will result in a clearly defined, specific and serious injury’—such as compromising the ‘privacy interests of innocent third parties,’ causing a risk of harm to law enforcement or others, or ‘imped[ing] ongoing [government] investigations.’” *United States v. Jackson*, No. 21 Cr. 537 (LTS), 2022 WL 582700, at *2 (S.D.N.Y. Feb. 25, 2022) (quoting *United States v. Smith*, 985 F. Supp. 2d 506, 523-24, 530 (S.D.N.Y. 2013)); see also *United States v. Urena*, 989 F. Supp. 2d 253, 262 (S.D.N.Y. 2013) (observing that courts commonly enter protective orders as a “means of protecting witness identity,” and take into account “the safety of witnesses and others, [or] a particular danger of . . . witness intimidation”) (citations omitted). As part of its analysis, “the Court should consider how burdensome a protective order would be on [the defendant], being particularly sensitive to the extent to which a protective order would hinder [his] efforts to defend [himself] at trial.” *Smith*, 985 F. Supp. 2d at 544.

III. Discussion

There is good cause to include Paragraph 13 in the Protective Order. As described in more detail below, the disclosure of material to the Co-Defendants would risk, among other things, the safety of identified and unidentified Government witnesses and their families, destruction of evidence, and impeding the Government’s ongoing investigations. Accordingly, Paragraph 13 limits the distribution of discovery to only four individuals, each of whom the grand jury found had conspired with the defendants to violate federal law. Because of these risks, protective orders with provisions identical to that in Paragraph 13 are routinely entered in this District. See, e.g., *United States v. Lugg, et al.*, No. 25 Cr. 484 (DLC) (S.D.N.Y. Mar. 18, 2026) (ECF No. 141 at 6); *United States v. Auringer, et al.*, No. 25 Cr. 156 (DEH) (S.D.N.Y. Mar. 11, 2026) (ECF No. 81 at 5); *United States v. Mora Nunez, et al.*, 25 Cr. 367 (LAP) (S.D.N.Y. Jan. 28, 2026) (ECF No. 30

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at 5); *United States v. Love, et al.*, No. 25 Cr. 397 (JAV) (S.D.N.Y. Dec. 9, 2025) (ECF No. 27 at 5); *United States v. Valero-Calderon, et al.*, No. 25 Cr. 41 (DLC) (S.D.N.Y. July 18, 2025) (ECF No. 46 at 4); *United States v. Smith, et al.*, No. 25 Cr. 293 (DLC) (S.D.N.Y. July 10, 2025) (ECF No. 20 at 12); *United States v. Carson, et al.*, No. 25 Cr. 210 (VM) (S.D.N.Y. June 4, 2025) (ECF No. 25 at 5); *United States v. Singh, et al.*, No. 25 Cr. 68 (ER) (S.D.N.Y. Mar. 24, 2025) (ECF No. 33 at 5); *United States v. Soto-Ramirez, et al.*, No. 23 Cr. 261 (NSR) (S.D.N.Y. July 10, 2023) (ECF No. 34 at 5).

The Government anticipates that the Disclosure Material will include large volumes of sensitive materials relating to the long-running investigation of the defendants and their co-conspirators, including, among other things, U.S. and foreign law enforcement reports, applications for search warrants and other court orders, identified data from search warrant returns for social media accounts, cloud accounts, and electronic devices, financial records, pen register data, and subpoena returns. The Government's proposed Protective Order is narrowly tailored to protect the defendants' interests while imposing little if any burden on the defense. It permits the defendants and their counsel to (i) possess and review information marked Disclosure Material without limitation; (ii) share Disclosure Material with prospective witnesses and personnel retained by counsel for purposes of defending this case; and (iii) upon *ex parte* application to the Court, share Disclosure Material with foreign persons or entities, other than the four co-defendants contemplated in Paragraph 13, who defense counsel in good faith believes may be able to provide testimony or information that could lead to the identification of potential witnesses and/or relevant evidence.

The disputed provision, however, prohibits the defendants from sharing Disclosure Material with the Co-Defendants. Each of the four Co-Defendants has been charged by the grand jury with conspiring with the defendants to commit federal crimes. Each of these Co-Defendants is located abroad and has yet to appear to defend against this case despite having been publicly charged. And each of these Co-Defendants is the subject of an outstanding arrest warrant issued by the Court. Cabello Rondón, Rodríguez Chacín, and Maduro Guerra are major political figures in Venezuela with close ties to Venezuelan military and security forces and hundreds of thousands, or even millions,² of followers online. They are also alleged to have trafficked massive quantities of cocaine into the United States with the protection of automatic weapons and—as to Cabello Rondón and Rodríguez Chacín—in partnership with foreign terrorist organizations. Guerrero Flores is alleged to be a leader of *Tren de Aragua*, an extremely violent transnational criminal organization.

These named and publicly charged Co-Defendants pose significant risk to potential witnesses, destruction of evidence, and ongoing investigations. Having been publicly charged—and having refused to face those charges in the United States—the individuals have a powerful motive both to continue to shield themselves from prosecution and to undermine the integrity of this case. Their access to sensitive discovery could facilitate their ability to engage in such evasion and interference—conduct that this Court would be powerless to sanction because those defendants remain at large outside the United States. The ability of this conspiracy to commit acts of violence and intimidation are not imagined or remote. With respect to violence, the defendants'

² For example, Cabello Rondón currently has approximately 2.6 million followers on X, formerly known as "Twitter," and over one million followers on Instagram.

