

# ZMO LAW PLLC

May 29, 2024

*Via ECF and email*

Hon. Alvin K. Hellerstein  
Southern District of New York  
United States District Court  
500 Pearl Street  
New York, NY 10007

RE: *U.S. v. Hugo Armando Carvajal Barrios*, 11 Cr. 205 (AKH)

Dear Judge Hellerstein:

This office represents Hugo Carvajal in the above-captioned matter. By an order dated May 15, 2024, the Court directed us to identify pretrial motions and submit a briefing schedule with the issues to be decided at the scheduled June 21, 2024 conference.

We write to advise the Court that there are no Fed. R. Crim. P. 12 motions ripe for briefing or decision at this time. While we believe the government may have illegally seized items from residences in Venezuela and internet accounts where Mr. Carvajal has a reasonable expectation of privacy, the government has declined to identify any evidence from those seizures that it intends to offer at trial pursuant to Fed. R. Crim. P. 12(b)(4). In fact, based on the information available to us now, it appears that all the evidence seized by the government is exculpatory and some of it may be designated as defense exhibits. However, we respectfully request leave to file pretrial motions if the government identifies inculpatory evidence seized from General Carvajal.

In addition, we anticipate filing a motion to dismiss the Indictment based on foreign official immunity. But this motion is also not ripe for briefing because it may depend on classified discovery which we have not yet received.

Accordingly, while Gen. Carvajal does not request a briefing schedule or decision on any motions at this time, we respectfully request leave to file pretrial motions once the government complies with its discovery and Rule 12(b)(4) obligations.

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Thank you for your attention to this case.

Very truly yours,

*Zachary Margulis-Ohnuma*

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CC: All Counsel