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Florida Attorney General's Office News Release

Attorney General Moody Intervenes in Federal Case to Defend Florida Law Protecting Victims of Terrorism



TALLAHASSEE, Fla.—Attorney General Ashley Moody is intervening in a federal court case to defend a state law designed to help victims of terrorism receive relief. Earlier this year, Governor Ron DeSantis signed into law a new bill that provides civil remedy for persons injured by acts of terrorism. In January, a federal court in Miami granted plaintiffs, Carlos Marrón and wife Maria Marrón a final default judgement of [\\$153 million](#) against defendant Venezuela President Nicolas Maduro. Additional defendants include Fuerzas Armadas Revolucionarios De Colombia, Cartel of the Suns and Tareck El Aissami, among others. This judgment recognized that defendants kidnapped Marrón after arriving in Venezuela to look for Marrón's missing father. The judgment also recognizes that the defendants detained and tortured Marrón for a year and extorted money from Maria Marrón.

Now, plaintiffs seek a declaration that claimant, Samark Jose López Bello, is an agency or instrumentality of El Aissami and the cartel. Attorney General Moody is issuing a response in opposition after a motion by López Bello claimed the new state law is unconstitutional. Attorney General Moody argues that the law is constitutional and does not violate due process or the Supremacy Clause.

Attorney General Ashley Moody said, “Terrorist organizations, including cartels who create terror to further their illicit trade, have only become more emboldened under President Biden. So much so that his administration previously revoked terrorist designations for FARC, a defendant in this case with ties to cartels in Venezuela and who help traffic massive amounts of deadly drugs into the U.S. Here in Florida, we fight for those victimized by these terror groups, and work to hold criminals accountable.”

On January 23, the U.S. District Court for the Southern District of Florida awarded the plaintiffs a final default judgement of \$153 million. A separate criminal indictment charged one defendant, Tarek El Aissami, with conspiring to evade sanctions under the Foreign Narcotics Kingpin Designation, and charged claimant López Bello with aiding El Aissami. López Bello is now a fugitive.

The claimant, López Bello, states that Florida’s new victims of terrorism law violates the Due Process clause and the First Amendment. However, in the response in opposition, Attorney General Moody states: “The central issue of the civil case, whether López Bello would qualify as an agent or instrumentality of Tarek El Aissami and the Cartel of the Suns, is directly related to the criminal case motivating López Bello’s evasion of the jurisdiction of the United States...López Bello has not lost any right to be heard, rather he has made the conscious choice to remain silent so as to facilitate his continued avoidance of the jurisdiction of the United States.”

Attorney General Moody also argues that the new law does not violate the Seventh Amendment. The claimants claim a right to a trial by jury. However, under the Terrorism Risk Insurance Act of 2022, the remedy plaintiffs seek amounts to a mandatory injunction, where the Seventh Amendment does not apply.

The response states: “These writs would operate to require the U.S. Marshal to sell blocked property and banks to turn over blocked assets to Plaintiffs, essentially having the character of a mandatory injunction where ‘the injunction would force a party to act, and not simply maintain the status quo.’”

Finally, Florida’s new law does not violate the Supremacy Clause. The claimant’s proposal that the law violates this Clause misconstrues the operation of the Clause and offers no avenue to determine it unconstitutional. The response states: “...Claimants do not allege that compliance with both TRIA and SB 1442 would be a physical impossibility. Neither can potential claimants convincingly suggest that SB 1442 conflicts with the purposes or objectives of Congress in TRIA as the plain purpose of the act was to facilitate the enforcement of judgments against blocked assets by terrorist victims...Compliance with both TRIA and SB 1442 is possible.”

To read the full response in opposition, click [here](#).

To read the order to intervene, click [here](#).

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