

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-mj-2719-JG

UNITED STATES OF AMERICA,

vs.

ANDREW ALTURO FAHIE,

Defendant.

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**UNITED STATES OF AMERICA’S RESPONSE TO THE DEFENDANT’S  
NOTICE OF INVOCATION OF IMMUNITY**

The Defendant conspired to import thousands of kilograms of cocaine into the United States, and then launder millions of dollars in drug proceeds. He accepted thousands of dollars in bribes and planned to accept even more. On May 2, 2022, the Defendant filed a so-called “Notice of Invocation of Immunity,” in which he purported to claim immunity from the drug trafficking and money laundering crimes he committed (DE 4). It appears that claim is based on a statement in the complaint affidavit that the Defendant was, and is, the Premier of the British Virgin Islands. While it is true that the complaint affidavit correctly described the Defendant’s current title, that description does not convey upon the Defendant head of state immunity. The Executive Branch of the United States Government does not recognize the British Virgin Islands as a sovereign state, or that Fahie is entitled to any immunity from this prosecution. Accordingly, the Defendant does not and cannot enjoy immunity as a head of state or government. Nor does the Defendant’s “Notice” do anything to establish an entitlement to immunity for the Defendant. In fact, that “Notice” has no legal effect at all.

Under governing precedent in the Eleventh Circuit, *United States v. Noriega*, 117 F.3d 1206, 1212 (11th Cir. 1997), the Defendant is therefore not entitled to head of state or government immunity.

For the reasons set out above, the Defendant is not entitled to head of state or government immunity, and his “notice” concerning immunity has no legal effect.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 3, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ Frederic C. Shadley  
Frederic C. Shadley  
Assistant United States Attorney