

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

-vs-

6:98-CR-99-ORL-19A

SHOLAM WEISS

Joel Hirschhorn, Esquire, Retained
2600 Douglas Road
Douglas Centre- Penthouse One
Coral Gables, FL 33134

**** AMENDED AND REENTERED **
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

The defendant was found guilty on Count 1 thru and including 12, 14 thru and including 49, and 64 thru and including 92 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s) which involves the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Numbers</u>
18 USC 1962(c)	Racketeering	September 25, 1995	One
18 USC 1962(d)	Racketeering Conspiracy	April 28, 1998	Two
18 USC 1962(d)	18 USC 1343, 1346 and 18 USC 2	September 25, 1995	3 thru 10, 32 thru 36, 72 thru 80 and 86 thru 90
18 USC 2314 and 18 USC 2	18 Interstate Transportation of Stolen Property	March 23, 1994	11, 12, 14 thru 31 and 37 thru 39
18 USC 1956(a)(1)(a) and 18 USC 1956(a)(1)(B)	Money Laundering	October 28, 1994	42, 45 thru 47, 81 and 82
18 USC 1956(a)(1)(a) and 18 USC 1956(a)(1)(B)	Money Laundering	October 28, 1994	40 thru 49, 64 thru 71, and 83
18 USC 1957 and 18 USC 2	Money Laundering	July 27, 1994	81 thru 85
18 USC 1001 and 18 USC 2	False Statements	August 3, 1995	91 and 92

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and the Mandatory Victims Restitution Act of 1996.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No. 112-44-5273
Defendant's Date of Birth: January 1, 1954
Deft's U.S. Marshal No.: 32610-054

Date of Imposition of Sentence:
February 15, 2000

Defendant's Mailing Address:
255 East 49th Street
New York, NY (Last Known)

Defendant's Residence Address:
(Unknown - Fugitive)

*/s/ Patricia C. Fawsett **

PATRICIA C. FAWSETT
UNITED STATES DISTRICT JUDGE

February 22, 2000

*This amended and reentered judgment is made pursuant to the Order of the Court entered on July 16, 2009, as Doc. No. 189 In Weiss v. Yates, Case No. 5:02:cv-204-Oc-10GRJ Vacating and directing reentry of the original judgment entered by the Hon. Patricia C. Fawsett on February 22, 2000 as Doc. No. 1372 in this action.

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of EIGHT HUNDRED AND THIRTY-FIVE (835) YEARS. This term shall consist of terms of 20 years as to each of Counts 1 and 2, such terms to run concurrent with one another but consecutive to all other counts; and terms of 20 years as to each of Counts 40 thru 49, 64 thru 71, and 81 thru 83, terms of 10 years as to each of Counts 11, 12, 14, thru 31, 37 thru 39, 84, and 85, and terms of 5 years as to each of Counts 3 thru 10, 32 thru 36, 72 thru 80, 86 thru 90, 91 and 92, all such terms of imprisonment to run consecutive to one another and consecutive to Counts 1 and 2.

The Court recommends to the Bureau of Prisons:

The defendant is a fugitive and on his capture shall be remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS**.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state or local crime and shall not possess a firearm, ammunition, or destructive device as defined in 18 U.S.C. § 921.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

The defendant shall comply with the following standard conditions that have been adopted by this court.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
14. If this judgment imposes a fine or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall also comply with the following additional conditions of supervised release:

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$4,000.00	\$123,399,910.00	\$125,016,656.00

The Special Assessment shall be due immediately.

FINE

A Fine in the amount of \$123,399,910.00 is imposed.

RESTITUTION

Restitution in the amount of \$125,016,656.00 is hereby ordered. The defendant shall make restitution to the following victims in the amounts listed below.

<u>Name of Payee</u>	<u>Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Donna Lee Williams Commissioner of Insurance for the State of Delaware as a Receiver for National Heritage Life Insurance Company (in liquidation) 950 South Winter Park Drive, Suite 200 Casselberry, FL 32707 ATTN: Terry Craig	\$125,016,656.00	\$125,016,656.00	

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order or percentage payment column above.

The amount of loss and the amount of restitution ordered will be the same unless, pursuant to 18 U.S.C. § 3664(f)(3)(B), the court orders nominal payments and this is reflected in the Statement of Reasons page. Restitution in the amount of **\$125,016,656.00** is hereby ordered jointly and severally.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column above.

The amount of loss and the amount of restitution ordered will be the same unless, pursuant to 18 U.S.C. § 3664(f)(3)(B), the court orders nominal payments and this is reflected in the Statement of Reasons page.

FORFEITURE

Defendant shall forfeit to the United States those assets previously identified as subject to forfeiture.

Defendant: **Weiss, Sholam**
 Case No.: **6:98-CR-99-ORL-19A**

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STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except, the Court grouped all counts together

GUIDELINE RANGE DETERMINED BY THE COURT:

Total Offense Level: 42

Criminal History Category: III

Imprisonment Range: 360 months to Life Months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 25,000 to \$123,399,910

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 125,016.656

The court finds pursuant to 18 U.S.C. § 3664(f)(3)(B) that the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments and is therefore ordering only nominal payments be made.

Restitution is not ordered because:

the defendant was convicted of a qualifying offense under 18 U.S.C. § 3663(a)(1)(A) and the court has considered the factors enumerated in 18 U.S.C. § 3663(a)(1)(B)(i), determining an order of restitution not to be appropriate.

the defendant was convicted of a qualifying offense under 18 U.S.C. § 3663(a)(1)(A) and court has considered the factors enumerated in 18 U.S.C. § 3663(a)(1)(B)(i); pursuant to 18 U.S.C. § 3663(a)(1)(B)(ii), it has been determined that the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims.

the defendant was convicted of a qualifying offense under 18 U.S.C. § 3663A(c)(1)(A)(ii) and, pursuant to 18 U.S.C. § 3663A(c)(3)(A), the court finds from facts on the record that the number of identifiable victims is so large as to make restitution impracticable.

the defendant was convicted of a qualifying offense under 18 U.S.C. § 3663A(c)(1)(A)(ii) and, pursuant to 18 U.S.C. § 3663A(c)(3)(B), the court finds from facts on the record that determining complex issues of fact related to the cause or amount of the victims losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

The sentence is within the guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): Due to the magnitude and repeated fraudulent acts of this defendant he should be removed from society permanently and the sentence meets the goals of 18 U.S.C. § 3553.

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance. [Departure to Level *]

for the following reason(s)

Sholam Weiss

DOCKET NO: 98-99-CR-ORL-19A

Sholam Weiss, on November 1, 1999, you were found guilty by a jury trial of Count One of the Indictment charging you with Racketeering, in violation of Title 18, United States Code, Section 1962(c); Count Two of the Indictment charging you with Racketeering Conspiracy, in violation of Title 18, United States Code, Section 1962(d); Counts 3-10, 32-26, 72-80, and 86-90 of the Indictment charging you with Wire Fraud, in violation of Title 18, United States Code, Sections 1343 and 1346; Counts 11-12, 14-31, and 37-39 of the Indictment charging you with Interstate Transportation of Stolen Property, in violation of Title 18, United States Code, Section 2314; Counts 40-49, 64-71, and 83 of the Indictment charging you with Money Laundering, in violation of Title 18, United States Code, Section 1956; Counts 84 and 85 of the Indictment charging you with Money Laundering, in violation of Title 18, United States Code, Section 1957; Counts 91 and 92 of the Indictment charging you with Making False Statements, in violation of Title 18, United States Code, Section 1000.

We have now reached the stage in the proceedings where it is my duty to address several questions to you and your attorney and the counsel for the government:

RE: Weiss, Sholam

Rule 32 Issues (Questions to be posed to the defendant, the defendant's attorney and the attorney for the government:)

Have you had the opportunity to read and discuss the presentence report?

Do you have any objections as to the factual accuracy of the report?

Do you wish to make any objections to the probation officer's application of the guidelines?

The Court adopts the factual statements contained in the presentence report as to which there is no objection, and, as to controverted factual statements, the Court adopts the position of the probation office as stated in the addendum or as noted by the Court in the presentence report. Therefore, the Court determines that the applicable guidelines are:

Findings of Fact and Application of Guidelines to Facts

Total Offense Level 42

Criminal History Category III

360 months to Life imprisonment, however the statutory maximum is 865 years.

2 To 3 years supervised release

\$ 125,016,656 restitution

\$ 25,000.00 to \$123,399,910 fine

\$ 4,000 special assessment

RE: Weiss, Sholam

SENTENCE

**Rule 32
Issues**

**(Questions to be posed to the defendant, the defendant's attorney
and the attorney for the government:)**

Do you know of any reason why this Court should
not now proceed with imposition of sentence?

Do you wish to make a statement or to present any
information in mitigation of the sentence?

The Court, having asked the defendant why judgment should not now be
pronounced, and no cause to the contrary appearing to the Court, and the defendant
and his attorney having been given an opportunity to make a statement on
his behalf , and the Court having reviewed the presentence report, and pursuant to the
Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant,
Sholam Weiss, is hereby:

Imprisonment

Committed to the custody of the Bureau of Prisons to be imposed for a term
of 835 years. This term shall consist of terms of twenty years as to
each of counts 1 and 2 such terms to run concurrent with another but
consecutive to all other counts; and terms of twenty years as to each counts
 40-49, 64-71, and 81-83 , terms of ten years as to each of counts 11,12, 14-31,
 37-39, and 84-85 and terms of five years as to each of counts 3-10, 32-36,
 72-80, 86-90, and 91-92, all such terms to run consecutive to one another and
consecutive to counts 1 and 2 .

RE: Weiss, Sholam

**Supervised
Release**

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years.

**Special
Conditions**

While on supervised release, the defendant shall comply with the standard conditions adopted by the Court in the Middle District of Florida.

**Mandatory
Drug Testing**

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on supervised release and at least two periodic drug tests thereafter, as directed by the Probation Officer.

Fine

It is further ordered that the defendant shall pay to the United States a fine of \$ 123,399,910.00 which shall be due immediately.

RE: Weiss, Sholam

**Special
Assessment**

It is further ordered that the defendant shall pay to the United States a special Assessment of \$ 4,000, which shall be due immediately.

**Mandatory
Restitution**

The mandatory restitution provisions of 18 U.S.C. § 3663A apply in this case. It is therefore ordered that the defendant shall make restitution to Donna Lee Williams, Commissioner of Insurance for the State of Delaware as a receiver for National Heritage Life Insurance Company in Liquidation, 950 S. Winter Park Drive, Suite 200, Casselberry, Florida 32707, Attention: Terry Craig in the amount of \$ 125,016,656, which shall be due immediately.

Restitution shall be paid jointly and severally.

Forfeiture

It is further ordered that the defendant shall forfeit to the United States those assets previously identified as subject to forfeiture.

To the extent the law views the guideline range exceeds 24 months the reason for imposing this sentence due to the magnitude and repeated fraudulent acts of this defendant, for which he should be removed permanently from society. The sentence meets the goals of 18 U.S.C. § 3553.

RE: Weiss, Shalom

**Reasons for
Sentence**

The Court finds no reason to depart from the sentence called for by application of the guidelines, inasmuch as the facts as found are the kind contemplated by the Sentencing Commission.

**Final
Objections**

The Court having pronounced sentence, does counsel for the defendant or Government have any objections to the sentence or to the manner in which the Court pronounced sentence, other than those previously stated for the record?

Remand

The defendant is hereby a fugitive and on his capture he shall be remanded to the custody of the United States Marshal to await designation by the Bureau of Prisons.

RE: Weiss, Shalom

**Notice of
Appeal of
Sentence
and/or
Verdict**

You are now advised that it is your right to appeal from the judgment and sentence within ten (10) days from this date or from the date the judgment is recorded, whichever is later. Failure to appeal within the ten-day period shall be a waiver of your right to appeal. The government may file an appeal from this sentence. You are also advised that you are entitled to assistance of counsel in taking an appeal, and if you are unable to afford a lawyer, one will be provided to you.

**Instructions
to Clerk**

The Clerk is instructed to attach this sentencing statement to the Judgment and Commitment Order.