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August 17, 2018

The Honorable Donald F. McGahn II  
Counsel to the President  
Office of the White House Counsel  
The White House  
Washington, D.C. 20502

RE: **Sholam Weiss**, Commutation of Sentence

Dear Mr. McGahn,

I am writing you in support of a commutation of sentence for Sholam Weiss to time-served. He has already served 17 years, which is effectively a 20-year sentence considering goodtime credits.

Ten years ago, attorney Jay Sekulow sent a letter to the White House Counsel under President George W. Bush, requesting a commutation of sentence. The basis of his request was to honor international commitments to Austria given by the U.S. Department of Justice under the extradition treaty to Austria. His letter remains as valid today as then. The Department of Justice and prosecutors in charge of his case consistently (and I think wrongly) refused to honor the assurances it gave to Austria under the extradition treaty, and the matter is now closed in the courts.

In a 2017 letter from the Chancellor of Austria to President Donald J. Trump, the Chancellor explains that when Mr. Weiss was extradited from Austria, the U.S. gave assurances under its extradition treaty with Austria that Mr. Weiss would have a full re-sentencing. Because no re-sentencing has been given, the Chancellor respectfully suggests that this obligation be fulfilled by a commutation of sentence. Indeed, a Florida district court has explicitly suggested this solution (after it denied a full re-sentencing on procedural grounds), referencing an earlier 2016 letter from the Austrian Ministry of Justice.<sup>1</sup>

The Chancellor's request is reasonable. According to the Chancellor, under Austrian law, Mr. Weiss would have received no more than 10 years. And if he had been given the re-sentencing as assured by the DOJ, he may well have already been released.

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<sup>1</sup> *Sholam Weiss v. Stan Yates*, 02-cv-204-Oc-10-GRJ, Doc. 194 at 4 (M.D. Fla. 2016).

Mr. Weiss is currently serving an excessive 835-year sentence for a non-violent crime, primarily for money laundering. He has already effectively served a 20-year sentence. His restitution has been fully paid. All of his co-defendants have long been released from prison, and his 835-year sentence is grossly in disparity to similar crimes. He has been a model inmate, and provided assistance to the prison officials to prevent inmate violence. Lastly, he is suffering from serious health conditions and his family fears that he may not survive much longer in prison. These factors alone would be enough to reduce his sentence to time-served if he were re-sentenced today.

Sholann Weiss is 64 years old, has 5 children and 30 grandchildren. He has paid his debt to society, both in restitution and in prison time. Please consider recommending him to the President for a commutation of sentence to time-served so that he may return home to be with his family.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan M. Dershowitz', is written over a printed name.

Alan M. Dershowitz

*Attachments:*

Letter from attorney Jay Alan Sekulow, Director of the American Center for Law and Justice, to White House Counsel Fred F. Fielding, dated January 6, 2009.

Letter from Chancellor of Austria, to the Honorable Donald J. Trump, President of the United States, dated August 7, 2017.