

Bundeskanzler
Mag. Christian Kern

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The Honorable Barack Obama
President of the United States of America
White House
1600 Pennsylvania Ave NW
Washington, DC 20500
United States of America

Vienna, September 2016

Mr. President,

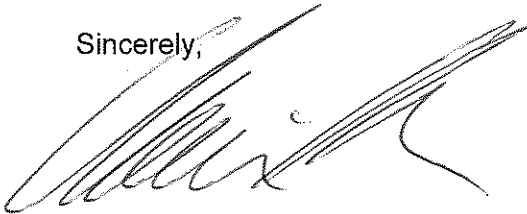
For over 15 years, our respective departments of justice have been seized with the extradition case of Mr. Sholam Weiss, a U.S. citizen who was sentenced *in absentia* to 845 years for a non-violent financial crime.¹

The Republic of Austria granted the extradition of Mr. Weiss in 2002, relying on assurances from the United States (given under authority of the extradition treaty between our two nations) that he would be provided with both a full re-sentencing and a full appeal. It took over 7 years for the U.S. courts to grant him a full appeal. However, U.S. courts have refused to provide a full re-sentencing. Instead, his sentence was reduced by 10 years, from 845 years to 835 years, to correspond to Austria's rejection of one count of his conviction during extradition, without giving him a full re-sentencing.

The extreme harshness of the 835 year sentence imposed on Mr. Weiss for a non-violent financial crime underscores the importance to have a U.S. Court fully review his sentence, giving Mr. Weiss the opportunity to make arguments and present evidence in support of a more reasonable sentence. In Austria, the maximum possible sentence for his financial crimes would be 10 years. Austria continues to expect a full re-sentencing, as obligated under the treaty and terms of extradition.

One possibility to rapidly resolve this issue would be a Presidential commutation to time served, which I understand is 17 years. In support of this is the fact that Mr. Weiss is currently 62 years old, and has a long history of poor health, including colon cancer. His restitution for his crimes has also been fully paid. I would be deeply grateful if you could consider this request, and ensure that this 15-year old issue is resolved.

Sincerely,



¹ The most recent communication has been between our respective heads of criminal divisions, Director General of Criminal Law, Mag. Christian Pilnacek, to Assistant Attorney General Leslie Caldwell, dated May 11, 2016. There has also been a letter to you from Austria's former Minister of Justice who granted Mr. Weiss' extradition, Dr. Dieter Böhmendorfer, dated May 2, 2016, and a letter from my predecessor, former Chancellor Dr. Alfred Gusenbauer, to your predecessor, former President George W. Bush, dated October 22, 2008, *all attached*.