

NEW YORK
STATE
SENATE



SENATOR JULIA C. SALAZAR
18TH SENATE DISTRICT

May 20, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Commutation of sentence for Sholam Weiss

Dear Mr. President

I write to ask that you consider exercising your authority to commute Sholam Weiss' sentence to time served. I have reviewed a number of documents related to Mr. Weiss' case and am convinced that his situation justifies this action at this time on humanitarian as well as legal grounds.

Mr. Weiss was convicted on November 1, 1999 in the U.S. District Court for the Middle District of Florida on 76 counts and was sentenced on February 15, 2000 to a total prison sentence of 845 years. He has been in custody since 2002, essentially having now served a 20 year sentence.

Mr. Weiss' convictions were non-violent white-collar crimes, primarily relating to wire fraud and money laundering.

I am particularly struck by how disproportionate this sentence is when compared with other sentences for similar offenses. I understand that no sentence in this range has ever been imposed for white-collar crimes in any other case. This 845 year sentence is the most severe sentence ever imposed by a judge for white-collar crimes.

I also understand that under the federal sentencing guidelines applicable at this time, Mr. Weiss' sentence would range between 30-37 months¹. The sentencing guidelines have been amended several times since Mr. Weiss' incarceration, including in 2001, 2003 and again in 2015, but these amendments were not applied in his case as the amendments are not retroactively applied. However, regardless of whether the new guidelines are technically applicable, they

¹ Please see attached Neiman & Mairanz P.C. sentencing opinion letter.

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certainly present a shocking difference in treatment from how Mr. Weiss was sentenced, which is one reason I support a commutation at this time. The changes in sentencing guidelines are so significant that Mr. Weiss – who has been in custody since 2002 - has essentially *already* been imprisoned for a period 6 times the length of what his sentence would be under the current federal sentencing guidelines range. His full sentence is more than 40 times the current guidelines range.

All restitution imposed on Mr. Weiss has been paid in full. Mr. Weiss has demonstrated exceptionally good conduct throughout his incarceration. Mr. Weiss has been a model inmate, serving as a Rabbi to other Jewish inmates for the past 15 years, teaching the culture and background of the Jewish religion, and providing spiritual guidance and uplifting where needed.

Mr. Weiss's prison record demonstrates that he has devoted himself to rehabilitative and religious activities while incarcerated, focusing on improving himself and always helped others in need. Specifically, assistance to strangers without expectation of reward; fulfills financial obligations: Mr. Weiss's behavior throughout his lengthy incarceration has demonstrated that from both a retributive and rehabilitative perspective, the objectives and purposes of his sentence have been successfully served.

Mr. Weiss is 65 years old, a father of five and has 33 grandchildren and two great grandchildren and who are all eager to see him come home. Mr. Weiss's health has deteriorated in prison, with colon cancer, heart surgeries, and other ailments. I am particularly concerned about the health risks faced by individuals, such as Mr. Weiss, who have pre-existing serious health problems and who are incarcerated at a time of severe health concerns due to the current pandemic.

I fully support a commutation for Mr. Weiss and hope that Mr. Weiss will soon be reunited with his family.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Salazar", with a long horizontal flourish extending to the right.

Julia Salazar, New York State Senator, 18th SD
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