

Bollwerk, Helen (OPA)

From: Haschke, Gina A. [Gina.Haschke@wilmerhale.com]
Sent: Thursday, January 22, 2009 1:16 PM
To: Bollwerk, Helen (OPA)
Subject: Charlie Winters pardon
Attachments: Fax-Jan-22-2009-11-42-37-0025.tif

Ms. Bollwerk,

I was finally able to track down the records for Mr. Winters' conviction. Thank you for your patience. He was convicted of violating 18 USC § 88 and 22 USC § 452. Please see the attached records from National Archives.

How soon can we expect to receive the pardon document?

Thank you,

Gina

Gina A. Haschke
WilmerHale
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gina.haschke@wilmerhale.com

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National Archives and Records Administration

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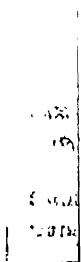
TO: Gina Haschke

FAX #: (202) 663-6363

RE: USDC, Miami, FL-Criminal Case #7280 Feb. 4, 1949
"USA v Charlie T. Winters"

DATE: 22 January 2009

PAGES 11 (including cover sheet).



NARA - SE REGION
6780 Jonesboro Road
Morrow, GA 30260-3808

- Zina Rhone
(770) 968-2547 Fax

D. C. Form No. 61a

Judgment and Commitment

District Court of the United States

SOUTHERN DISTRICT OF FLORIDA

United States

No. 7280-Cr.

Criminal Indictment

v.

in two

counts for violation

CHARLES T. WINTERS

of U. S. C., Title 18, Secs. 88 & 371 and 22, Secs. 452

FILED MIAMI FLA 1 1949 EDWIN R. WILLIAMS, Clerk

On this 4th day of February, 1949, came the United States Attorney, and the defendant CHARLES T. WINTERS, attended by his counsel Louis A. Sabatino, Esq., appearing in proper person, and

The defendant having been convicted on his plea of guilty of the offense charged in the Indictment in the above-entitled cause, to wit:

conspired with others to export and cause to be exported to certain foreign countries, large numbers of aircrafts and aircraft parts without securing a license as required, and did export certain airplanes without first having secured an export license as required,

and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, IT IS BY THE COURT

ORDERED AND ADJUDGED that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of

EIGHTEEN (18) MONTHS on each count, Counts #1 and #2 of the Indictment, sentence on each count to run concurrently with each other.

It is further Ordered that the United States of America do have and recover of and from the defendant CHARLES T. WINTERS, the sum of (\$2500.00), twenty-five hundred dollars, on each count of the Indictment, Counts #1 and #2, as a fine imposed herein.

~~IT IS FURTHER ORDERED that~~

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

(Signed) [Signature] United States District Judge

The Court recommends commitment to

A True Copy. Certified this day of

(Signed) Clerk (By) Deputy Clerk

Indictment or information. Insert (a) "by counsel" or (b) "having been advised of his constitutional right to counsel and having been asked whether he desired counsel assigned by the Court, replied that he did not," whichever is applicable. Insert the words "his plea of guilty," "plea of nolo contendere," or "verdict of guilty," as the case may be. Name specific offense or offenses and specify counts upon which convicted. Insert sentence and any provision for payment of

278

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION

UNITED STATES OF AMERICA	:	
-vs-	:	NO. <u>7280-M-68</u>
ADOLPH W. SCHWIMMER, alias	:	(18 U.S.C. 88;
A. Allen;	:	18 U.S.C. 371, approved
CHARLES T. WINTERS;	:	June 25, 1948, effective
IRWIN R. SCHINDLER;	:	September 1, 1948)
ABRAHAM J. LEVIN;	:	
LEON GARDNER, alias Leo Gardner;	:	(Conspiracy to violate
WILLIAM SOSNOW, alias Lou Gordon,	:	Section 452, Title 22,
alias Mr. Leonard;	:	United States Code)
MICHAEL KANE;	:	
LEONARD BURNS;	:	-also-
ERVIN L. JOHNSON, alias E. L.	:	(22 U.S.C. 452)
Johnson, alias C. L. Johnson	:	(Presidential Proclama-
	:	tion No. 2776 dated
	:	March 26, 1948)

The grand jury charges:

On, to-wit, the 1st day of September, 1947, and upon divers other days and dates, to-wit, on each and every day from and including said 1st day of September, 1947, to and including the date of the finding and return of this indictment, at the City of Miami, Florida, in the Southern District of Florida and within the jurisdiction of this court; at the City of Miami Beach, Florida, in the Southern District of Florida and within the jurisdiction of this court; at and in the City of Fort Lauderdale, Florida, in the Southern District of Florida and within the jurisdiction of this court; at and in the City of New York, State of New York; at and in the City of Teterboro, and the City of Newark, State of New Jersey; at and near the City of Los Angeles in the State of California; at and in the City of Tulsa in the State of Oklahoma; at and in the City of Mexico City in the Republic of Mexico; at and in the City of San Juan, Puerto Rico; at and near the City of Santa Maria, Azores; at and in the cities of Prague and Zatec, both said latter cities being in the country known as Czechoslovakia; at and in the City of Tel-Aiv in the country of Israel, and at divers other places the location of which are to the grand jurors unknown,

ADOLPH W. SCHWIMMER, alias A. Allen;
CHARLES T. WINTERS; IRWIN R. SCHINDLER;
ABRAHAM J. LEVIN; LEON GARDNER, alias
Leo Gardner; WILLIAM SOSNOW, alias Lou
Gordon, alias Mr. Leonard; MICHAEL KANE;
LEONARD BURNS; ERVIN L. JOHNSON, alias
E. L. Johnson, alias C. L. Johnson,

herein called defendants, unlawfully and knowingly did combine,
conspire, confederate and agree together, and with

Herbert Frieden, Paul Geller, Sam Reisberg,
Sam Lewis, Hal Auerbach, Hyman Schekman,
Steve Schwartz, Reynold Selk, Danny Agronsky,
Bense Frieden, Dr. Felix, whose given name
is unknown, Dr. Pollock, whose given name is
unknown, Mr. Meyer, whose given name is un-
known, Mr. Levy, whose given name is un-
known, Mr. Kurtz, whose given name is un-
known, Mr. Munditz, whose given name is un-
known, Mr. Reirman, whose given name is un-
known, Mr. Edmonds, whose given name is un-
known, Mr. Dietz, whose given name is unknown,
Mr. Oscar, whose given name is unknown, and
Mr. Burman, whose given name is unknown,

who are herein named as conspirators, but not as defendants, and
with divers other persons whose names are to the grand jurors un-
known, to commit divers offenses against the United States, that is
to say, to violate Section 452 of Title 22, of the United States
Code, in this:

The said conspirators, including those named as defendants,
those named as conspirators and not as defendants, and said divers
unknown parties, did unlawfully and knowingly conspire, combine,
confederate and agree together, as aforesaid, to export and cause to
be exported from the United States to a foreign country or foreign
countries, to-wit, the country known as Czechoslovakia and the
country of Israel, and to divers other places and countries to the
grand jurors unknown, a large number of aircraft and aircraft parts

of the kind and character designated and set forth in Category "III" of Proclamation Number 2717 issued by the President of the United States on February 17, 1947 (see Federal Register, Volume 12, page 1327 and 1329 inclusive), and Category "X" of Proclamation Number 2776 issued by the President on the 26th day of March, 1948 and effective April 15, 1948 (see 13 Federal Register, pages 1623 and 1625), and that said exportation aforesaid would be made without securing a license or licenses for the exportation of such aircraft, aircraft parts, or articles aforesaid, as required by said Section 452 of Title 22 of the United States Code, aforesaid, and that said exportation, or exportations, would be made, or caused to be made, by the defendants or some one or more of them, notwithstanding the fact that prior to, or at the time of, such exportation, no license had been or would have been granted or issued allowing or permitting the said exportation or proposed exportation of said aircraft, aircraft parts or articles aforesaid.

That after the formation of said conspiracy as aforesaid, and while the same was in existence and in full force and effect, at the several times and places hereinafter set forth in connection with their names, both within and without the United States, and both within and without the Southern District of Florida, for the purpose of effecting and carrying out the said conspiracy and the objects thereof, certain of said conspirators did do and commit a large number of overt acts, certain of which, together with the time and place when the same were severally done and committed, being hereinafter set forth, as follows:

OVERT ACTS.

1. On, to-wit, May 25, 1948, at Miami Beach, Florida, Paul Geller paid Robert J. Wiedmayer the sum of \$100.00 and caused to be delivered to him an airplane ticket from Miami, Florida, to New York City, New York.
2. On, to-wit, May 28, 1948, at New York City, New York, Sam Reisberg gave Robert J. Wiedmayer the sum of \$150.00 in cash and an airplane ticket to Mexico City, D.F. Mexico.
3. On, to-wit, June 5, 1948, Adolph W. Schwimmer purchased airplane tickets from Mexico City, D.F. Mexico, to Miami, Florida, for Robert J. Wiedmayer, David Goldberg and James Kilgore.
4. On, to-wit, June 5, 1948, Adolph W. Schwimmer did request and direct Robert J. Wiedmayer, David Goldberg and James Kilgore to travel by airplane from Mexico City, D.F. Mexico, to Miami, Florida.
5. On, to-wit, May 30, 1948, Abraham J. Levin talked to Donald Roberts over long-distance telephone concerning the purchase of a B-17 airplane.
6. On, to-wit, May 31, 1948, at Tulsa, Oklahoma, Abraham J. Levin negotiated with Donald H. Roberts for the purchase of a certain B-17 airplane No. NL 5014-N.
7. On, to-wit, June 5, 1948, at the Metropolitan Airport, Van Nuys, California, Donald H. Roberts delivered to A. J. Levin a certain B-17 airplane No. NL 5014-N.
8. On, to-wit, June 5, 1948, Leon Gardner paid to Donald H. Roberts the sum of \$20,000.00 as the purchase price of a certain B-17 airplane No. NL 5014-N.
9. On, to-wit, June 9, 1948, at Miami, Florida, A. J. Levin executed a Bill of Sale conveying a certain B-17 airplane No. NL 5014-N to Ervin L. Johnson.
10. On, to-wit, June 9, 1948, Charles T. Winters executed

a Bill of Sale conveying a certain B-17 airplane No. NL 5024-N to Ervin L. Johnson.

11. On, to-wit, June 9, 1948, Charles T. Winters executed a Bill of Sale conveying a certain B-17 airplane No. NL 1098-M to Ervin L. Johnson.

12. On, to-wit, June 11, 1948, at Miami, Florida, Charles T. Winters directed Robert J. Wiedmayer to obtain Customs clearance of airplane B-17 No. ^{NL}5014-N from Miami, Florida, to San Juan, Puerto Rico.

13. On, to-wit, June 11, 1948, Charles T. Winters directed Harold Rothstein to obtain Customs clearance of airplane B-17 No. NL 1098-M.

14. On, to-wit, June 11, 1948, Charles T. Winters directed Naron H. Lee to obtain Customs clearance of airplane B-17 No. NL 5024-N.

15. On, to-wit, June 12, 1948, at San Juan, Puerto Rico, Charles T. Winters communicated with C. J. Webber over long-distance telephone at Miami, Florida, and directed C. J. Webber to send the following cable:

"Charles T. Winters
Olympo 608, Santurce
San Juan, Puerto Rico

LANDING PERMISSION CLEARANCE NL-1098,
5024 and 5014 FOR SANTA MARIA, AZORES,
HAS BEEN AUTHORIZED. PROCEED SOON AS
POSSIBLE.

(SIGNED) E. L. JOHNSON"

16. Commencing with June 11, 1948 and ending June 15, 1948, Charles T. Winters did travel by airplane between Miami, Florida, and Zatec, Czechoslovakia.

17. On, to-wit, June 19, 1948, using the name A. Allen, Adolph W. Schwimmer registered at the Alvin Hotel, Tulsa, Oklahoma.

18. On, to-wit, July 10, 1948, Leon Gardner flew a certain B-17 airplane No. 44-85764 from Tulsa, Oklahoma, to Westchester County Airport, Purchase, New York.

19. On, to-wit, July 11, 1948, Irwin R. Schindler operated a B-17 airplane No. 44-85764 from Westchester County Airport, Purchase, New York, to Halifax, Nova Scotia.

20. On, to-wit, July 19, 1948, Irwin R. Schindler operated a B-17 airplane No. 44-85764 from Halifax, Nova Scotia, to Santa Maria, Azores.

21. On, to-wit, June 10, 1948, William Sosnow, using the name of Lou Gordon, registered at the Alvin Hotel, Tulsa, Oklahoma.

COUNT TWO

The grand jurors further charge:

That on, to-wit, June 11, 1948, in Dade County, Florida,
in the Southern District of Florida,

CHARLES T. WINTERS, ERVIN L. JOHNSON alias
E. L. Johnson alias C. L. Johnson, and
ADOLPH W. SCHWIMMER,

did unlawfully export and take out of the United States to Zatec,
Czechoslovakia, three certain airplanes, further described as
B-17 No. NL-5024-N, B-17 No. NL-5014-N and B-17 No. NL-1098-M,
without having first secured an export license as required by
Title 22, Section 452 of the United States Code, and Presidential
Proclamation No. 2776 dated March 26, 1948 and effective April 15,
1948.

A True Bill,

Homer Mercer

Foreman

Fred Bots

ASSISTANT UNITED STATES ATTORNEY

11/18/48

Let capias issue as to

Adolph W. Schwimmer	Bond set at \$10,000.00
Charles T. Winters	Bond set at \$10,000.00
Irwin F. Schindler	Bond set at \$10,000.00
Abraham J. Levin	Bond set at \$5,000.00
Leon Gardner, with alias	Bond set at \$5,000.00
William Sosnow, with aliases	Bond set at \$10,000.00
Michael Kane	Bond set at \$5,000.00
Leonard Burns	Bond set at \$5,000.00
Ervin L. Johnson, with aliases	Bond set at \$10,000.00

Gone and ordered at Miami, Florida, this 16th day of November, A. D. 1948.

John W. Hession
Judge.

No. _____

UNITED STATES District **COURT**

Southern District of Florida

Miami Division

THE UNITED STATES OF AMERICA

vs.

ADOLPH W. SCHWIMMER, et al

INDICTMENT

Viol: Title 18, Section 88,
United States Code;

Title 22, Section 452,
United States Code

A true bill,

Thomas Meraz

Foreman.

Filed in open court this 15th day
of November A.D. 19 48

Edwin R. Williams

Clerk.

Bail, \$ _____

by *Frank J. [unclear]*
Deputy Clerk

P.11

TO: 912026636363

7709682547

JAN-22-2009 12:23P FROM: NARA MORROW

Bollwerk, Helen (OPA)

From: Haschke, Gina A. [Gina.Haschke@wilmerhale.com]
Sent: Friday, January 16, 2009 3:14 PM
To: Bollwerk, Helen (OPA)
Subject: Mr. Winters' conviction information

Ms. Bollwerk,

Please see below for information regarding the conviction that we received from the Bureau of Prisons. Mr. Sabin, who was the Assistant Attorney General in the criminal division at the time, was able to track down this information

Thank you,
Gina

-----Original Message-----

From: Sabin, Barry [REDACTED]@usdoj.gov> b6
To: Jimenez, Frank R GENERAL COUNSEL
Sent: Thu Aug 16 10:00:35 2007
Subject: RE: Pardon candidate

I received information from Bureau of Prisons. Here you go:

Name: Charles T. Winters

True Name: Charles Thompson Winters

DOB: 2-10-13

Register No.: 6832-TF

Offense: Conspiracy to Export and Exporting Aircraft to Foreign Country

Sentence: 18 months and \$5,000 fine

Federal Court: Southern District of Florida

Sentencing Date: February 4, 1949

Commitment Date: March 29, 1949 to FCI Tallahassee, Florida

Parole Date: 11-17-49

1/16/2009

Discharged from Supervision 9-14-50

Hope this helps!! Let me know what else you need

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