

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Louis Scoratow, a/k/a Lou Simon a/k/a Lou Schall

434 F.2d 1288 (5th Cir. 1970) · No. No. 29895 · Decided March 8, 1971

SUMMARY

The Fifth Circuit affirmed Louis Scoratow's convictions under 18 U.S.C. §§ 2314 and 2 for aiding and abetting a scheme that induced a victim to travel in interstate commerce as part of a fraud. The court held that the interstate travel need not occur simultaneously with the transfer of money and that the evidence sufficiently showed Scoratow's central participation in the scheme, even though he did not personally induce the victim's travel.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Clark, Circuit Judge; Thornberry, Circuit Judge; Morgan, Circuit Judge
JURISDICTION	Federal
DECIDED	March 8, 1971
DOCKET	No. 29895
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury convictions under Counts I and II of an indictment charging violations of 18 U.S.C. § 2314 and aiding and abetting under 18 U.S.C. § 2.
STANDARD OF REVIEW	The court considered the evidence in the light most favorable to the government and reviewed whether it was sufficient to support the convictions.
PRECEDENTIAL VALUE	Published federal appellate decision; precedential
PARTIES	Louis Scoratow, a/k/a Lou Simon a/k/a Lou Schall v. United States of America

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a conviction under the second paragraph of 18 U.S.C. § 2314 requires proof that the victim parted with money during or before interstate travel, rather than after the travel was completed.
2. Whether Scoratow could be convicted as an aider and abettor without proof that he personally induced Nadler to travel in interstate commerce.

HOLDINGS

1. No. The second paragraph of § 2314 is violated when a defendant devises or intends to devise a scheme to defraud \$5,000 or more and, as a result of the scheme, induces a person to travel in interstate commerce in its execution or concealment; the statute does not require that the victim transfer the money during the interstate travel.
2. No. A participant who is a central member of the fraudulent scheme may be convicted as an aider and abettor even without proof that he personally induced the victim's interstate travel.

KEY QUOTATIONS

“The second paragraph (of 2314), with which we are concerned, was inserted by Congress in 1965. It was directed at confidence games and swindles which reach into interstate commerce, i.e. ‘interstate transportation of persons in the perpetration of confidence games’.” (¶ 5)

“Since Watters was to be the paramour, it is difficult to imagine how Scoratow could have played a more central and principal part in achieving the object of the fraudulent scheme.” (¶ 9)

FACTUAL BACKGROUND

Scoratow and Watters met Nadler, a wealthy widow, during an airplane trip and later used a purported romantic relationship and false business emergencies to obtain money from her. Scoratow participated in representations that Watters was in love with Nadler, appeared as Watters's supposed business partner, and was involved in the sham corporation and alleged business opportunities. Nadler traveled repeatedly among North Carolina, Florida, and New York in connection with the scheme, and Scoratow received more than \$31,000 of the money obtained from her.

PROCEDURAL HISTORY

Scoratow was indicted with J. T. Watters and Sheldon Louis Polakoff in a four-count indictment involving a scheme to defraud Lillian Nadler by inducing her to travel in interstate commerce. The district court severed Scoratow's trial after counsel for Watters indicated that Watters would call Scoratow's then counsel as a witness. A jury convicted Scoratow on Counts I and II, and the Fifth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York et al., 431 F.2d 409 (5th Cir. 1970)
- Loman v. United States, 243 F.2d 327 (8th Cir. 1957)
- United States v. Hassel, 341 F.2d 427 (4th Cir. 1965)
- United States v. Crimmins, 123 F.2d 271 (2d Cir. 1941)
- United States v. Corallo, 413 F.2d 1306 (2d Cir. 1968)
- Hendrix v. United States, 327 F.2d 971 (5th Cir. 1964)
- Kroll v. United States, 433 F.2d 1282 (5th Cir. 1970)

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