

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Case No. 9:12-cr-80206-KLR
vs.	:	
	:	
MARY ESTELLE CURRAN,	:	
	:	
Defendant.	:	
.....	:	

DEFENDANT’S SENTENCING MEMORANDUM
IN SUPPORT OF A SENTENCE OF PROBATION

The probation officer has recommended a sentence of probation. The government does not oppose a sentence of probation. Mary Estelle Curran submits this memorandum in support of the probation officer’s recommendations and urges the Court to impose a sentence of probation.

Mrs. Curran has complied with all the terms of the plea agreement. She has paid an extraordinary FBAR penalty of \$21.6 million and has paid all taxes, interest, and penalties assessed by the IRS. She filed amended tax returns from the inception of this investigation four years ago, and has turned over to revenue agents all documents and materials that they have requested. She signed a closing agreement with the IRS resolving without objection all claims asserted by the revenue service. Finally, Mrs. Curran voluntarily cooperated with the government, was debriefed by agents and a prosecutor, and has provided all information known to her regarding her own conduct and the conduct of all advisors, bankers, and lawyers who advised her and managed her foreign funds.

Strong mitigating circumstances favoring Mrs. Curran, discussed in detail below, make this

far from the typical offshore tax case. Mrs. Curran will be 80 years old this year, and she is completely unsophisticated about finances or taxes. She inherited the foreign funds at issue in this case from her late husband Mortimer Curran Sr. when he died in the year 2000. Before his death, Mortimer Curran Sr. directed all of the account activity. Mrs. Curran relied on him exclusively because he was her husband for decades, because he was a respected and successful financial advisor and portfolio manager for high-wealth individuals, and because her last employment was 50 years ago when she worked as a clerk at Saks Fifth Avenue.

Neither Mr. nor Mrs. Curran ever deposited money in the foreign account established by the late Mr. Curran. The account was funded with a \$1 million inheritance that Mr. Curran received from an aunt who was a European citizen and who lived and died in Monte Carlo. The aunt was not a U.S. taxpayer.

When the aunt's estate finally settled in Monte Carlo in 1982, the funds were transferred from Monte Carlo to an account at UBS in Switzerland, where they remained all these years. The money funded a Liechtenstein foundation that was established by Mr. Curran with the assistance of some of the most respected lawyers in Switzerland. No additional money was ever added to the account, either by Mr. Curran during his lifetime or by Mrs. Curran since her husband's death in 2000. The account grew simply as a result of Mr. Curran's smart investments. Mr. and Mrs. Curran withdrew small amounts from the account and did so infrequently, only when they visited Europe about once a year. Neither Curran ever used credit cards against the account or transferred money from the foreign account to the United States, for luxuries or otherwise. The funds originated abroad, and remained abroad.

After her husband's death, Mrs. Curran relied on First Advisory, a Liechtenstein money

management firm that had been picked by her husband and that was led by accountants and highly-respected lawyers. The lawyers included the Swiss law firm and the attorneys who represented UBS in the bank's own negotiations with the U.S. government during the bank's criminal investigation. Indeed, two of the attorneys who created the foundation established and funded by the late Mr. Curran and who acted as the foundation's trustees were Peter Monauni and Dr. Herbert Batliner. These are big names in Swiss and U.S. legal circles.

Peter Monauni was the lead UBS lawyer assisting UBS clients with their U.S. voluntary disclosures under the IRS Exit Program. Dr. Batliner is one of the most respected jurists in Liechtenstein, having been president of the High Court of Administration of Liechtenstein and of the Constitutional Court of Liechtenstein. He is actually known as Prof. Dr. Dr. Batliner due to his various degrees and accomplishments. The double *Dr. Dr.* title is correct. He is an Honorary Senator of the University of Innsbruck (1969) and the University of Salzburg (1994). He is also Honorary Professor by Decree of the President of the Republic of Austria (1989). [\[www.batlinergasser.com\]](http://www.batlinergasser.com) First Advisory boasted about providing top-tier legal services via the law firm of Batliner & Gasser, which is the same law firm that represented UBS in the United States and where Prof. Dr. Dr. Batliner and Peter Monauni are partners. Both attorneys specialize in the law of trusts, and their firm specializes in asset planning and trusts and estate law, among other things. [\[www.batlinergasser.com\]](http://www.batlinergasser.com).

In late 2008, eight years after her husband had died, Mrs. Curran learned that foreign foundations could be subject to taxation in the United States. She had never asked her U.S. tax lawyers or accountant about the overseas funds and when she filed her 2006 and 2007 tax returns, Mrs. Curran did not bring to their attention that she had significant funds overseas, as she should

have done. However, in 2008, unsure of what to do about the possibility that her foreign assets were taxable in the United States, Mrs. Curran called First Advisory and asked them for advice. They told her to hire a lawyer in the United States, gave her two names, and told her to make a voluntary disclosure to the IRS. At that time, the IRS's offshore voluntary disclosure program was not publicized and there was no specific voluntary disclosure program aimed at UBS depositors, as there is today.

Mrs. Curran followed the advice of First Advisory and sought a lawyer to make a *full* disclosure of *all* of her foreign funds, not just the funds held at UBS. She intended to hide nothing. On February 9, 2009, Mrs. Curran retained one of the two attorneys First Advisory suggested – a reputable and experienced U.S. tax lawyer – specifically so that he would file a voluntary disclosure on her behalf. At that time, Mrs. Curran was not under audit or review by the IRS, she was not under any investigation, and there is no dispute that had the lawyer filed the voluntary disclosure when he was retained, Mrs. Curran would have been accepted into the program and she would not have been prosecuted.

But the lawyer did not file the voluntary disclosure as soon as he was hired. He waited one month, until March 16, 2009, to make the submission to the IRS. And even though that submission was filed seven days before the IRS Offshore Voluntary Disclosure Program even opened, the IRS deemed Mrs. Curran's voluntary disclosure as untimely because unbeknown to Mrs. Curran, UBS had secretly given her name, along with the names of 250 other U.S. taxpayers, to the U.S. Department of Justice on February 18, 2009. Thus, by the time the attorney got around to filing Mrs. Curran's voluntary disclosure, Mrs. Curran had already come under investigation by the DOJ and consequently, she was no longer eligible for the voluntary disclosure program, as she had been when

she retained the lawyer. Instead, she was now eligible for criminal prosecution.

Had Mrs. Curran's lawyer made contact with the IRS any time prior to February 18, 2009, it is a certainty that Mrs. Curran would have been accepted into the voluntary disclosure program and **she would not have been prosecuted**. Also, consistent with the voluntary disclosure program, Mrs. Curran would have paid a 20% FBAR penalty (approximately \$8 million), instead of the 50% FBAR penalty (over \$21 million) that she has now paid as part of her plea agreement. To put this in perspective, the \$21.6 million FBAR penalty that Mrs. Curran has paid is close to half of the \$58 million penalty that the magnate worldwide bank Wegelin paid to U.S. authorities after pleading guilty to helping U.S. taxpayers hide over \$1.2 *billion* from the IRS. In commenting on Wegelin's plea and fine, U.S. prosecutors called the bank's misconduct "extraordinarily willful," a far cry from Mrs. Curran's conduct resulting in this prosecution.¹

Since Mrs. Curran's attempts to make a voluntary disclosure in early 2009, at least 38,000 offshore account holders – *thirty eight thousand people* – have received immunity from prosecution through the offshore voluntary disclosure program. The IRS has given offshore account holders *three different chances*, through three separate voluntary disclosure programs since 2009, to avoid prosecution and limit their financial penalties.

The first voluntary disclosure program opened on March 23, 2009 and closed on October 15, 2009. Offshore account holders who failed to disclose their assets during that program got a second chance to get immunity from prosecution when a second offshore voluntary disclosure program opened in 2011 and closed in September 2011. And in January 2012, the IRS opened *a third*

¹ <http://www.bloomberg.com/news/2013-03-04/wegelin-may-pay-57-9-million-in-u-s-tax-prosecution.html>

offshore voluntary disclosure program, which remains open to this day. Taxpayers who are accepted into the current (third) program receive its full protections, *including immunity from prosecution*, even though they willfully chose not to disclose their foreign assets in programs one and two, hoping to avoid detection and continuing to hide their assets from the government.

By contrast, Mrs. Curran received no immunity from prosecution and has been subject to the highest possible FBAR penalty even though she made a good-faith effort to become compliant before the first voluntary disclosure program even opened.

This memorandum is submitted to assist the Court in making a sentencing determination consistent with the recommendation of the probation officer. Because the Court is well aware of the *Booker* and Section 3553(a) sentencing factors, they will not be rehashed here in boiler-plate fashion. Instead, we provide the Court with the grounds that support the sentence of probation recommended by the probation officer and not opposed by the government. Those grounds include the characteristics of Mrs. Curran's frugal and unassuming life despite her wealth, and her tireless devotion to people and children in our community who suffer, who are sick and need assistance, or who just need a helping hand. We also set out the legal basis warranting a variance and show that probation not only is the most commonly imposed sentence of holders of undisclosed accounts at UBS and other foreign banks, but probation also has been regularly granted to defendants whose conduct involved none of the mitigating factors present in Mrs. Curran's case and often involved significant aggravators not present here. We believe that Mrs. Curran's conduct is mitigated by a number of important factors, including:

(I) her misplaced reliance on highly experienced Swiss and Liechtenstein professionals who assured her that her offshore accounts were in full compliance with the law;

(ii) her good-faith efforts to enter into the IRS Offshore Voluntary Disclosure Program even before it was officially opened, which would have resulted in *no* criminal prosecution;

(iii) her exclusion from the Program through no fault of her own;

(iv) her going forward with a full voluntary disclosure that revealed not just her UBS funds, of which the government was aware, but the remaining 90% of her foreign funds of which the government was not aware;

(v) her payment of tax, interest, and civil tax penalties as well as her 50% FBAR penalty prior to sentencing;

(vi) her minimal use of the foreign accounts; and

(vii) her cooperation with the government from the beginning of this investigation, which included providing amended tax returns and providing all information known to her about UBS and the bankers and financial advisors involved with her accounts.

We believe that a sentence of probation is the proper sentence for Mrs. Curran and we address the following legal grounds below:

Mrs. Curran's conduct is atypical when compared to the conduct of all other taxpayers who have been prosecuted as a result of the UBS investigation;

A sentence of probation is necessary to avoid unwarranted sentence disparities with defendants who have been found guilty of similar or more egregious conduct;

Mrs. Curran's advanced age renders her vulnerable to victimization, abuse, and adjustment problems in prison, and makes prison an inappropriate and unduly harsh punishment;

Mrs. Curran poses absolutely no risk of recidivism;

A sentence of imprisonment is not needed to provide specific or general deterrence;

The advisory guideline range is based on conduct that is not attributable to Mrs. Curran;

Mrs. Curran's attempted voluntary disclosure of all of her foreign accounts and her full payment of restitution and penalties prior to sentencing demonstrate

extraordinary acceptance of responsibility;

Mrs. Curran's role in the offense was peripheral and her conduct markedly deviated from her law-abiding life;

A sentence of probation is sufficient but not greater than necessary to satisfy the goals of sentencing.

THE LIFE OF ESTELLE CURRAN

I.

A QUIET LIFE WITH FEW TRAPPINGS

Mrs. Curran's family did not have a lot of money when she was growing up. Her father was head of the school board in Glengarry, Canada. Her mother and aunt were both registered nurses, though their profession and work were never really admired or welcomed by their families. They grew up in the early 1900s, with a generation that looked down on married women who worked. Mrs. Curran's family in particular felt that women belonged in the home, to be supported by their husbands, and this mentality lingered through Mrs. Curran's lifelong marriage to Mortimer Curran Sr. He was the head of their household, the leader and director of all financial affairs, not to be questioned or disturbed by his wife.

Mrs. Curran was 24 when she met Mortimer Curran Sr. in Canada. He would later leave for Paris, and she thought that he would become a successful artist. He had a great love for impressionist art and an even greater love for history. But painting canvass was not going to pay the bills, and Mr. Curran's family gave him an ultimatum after one of his trips to Paris – it was time to get a real job. Friends of the family offered him a position with the Montreal stock brokering company Greenshields & Co., which he took.

Mr. Curran became a financial analyst and soon realized that he had a special skill with

numbers. If Estelle was his first true love, it seemed like finance was a close second. But while Mr. Curran had two advanced degrees in history, he had no formal training in finance. So he taught himself finance, and hence started a spectacular career in investing and managing wealth. Mr. Curran was a self-taught master in his field, and always had the admiration of his wife and son.

Mrs. Curran was a secretary at Greenshields & Co. when Mr. Curran started working there. She was 24 and he was 27. They married a couple of years later, in 1957. When Mr. Curran died in 2000, they had been married for 43 years.

For many years, the Currans lived in a one-bedroom apartment in Montreal. They had no car and would walk to work. The winters were particularly difficult. They did not have much, but they both lived frugally and saved every penny until finally they were able to move to New York, where Mr. Curran was offered a position as a financial analyst. Mrs. Curran wanted to continue working, but she stopped because the Curran women were not supposed to work, especially after marriage. So Mrs. Curran turned to volunteer work, and started her legacy of selflessly giving to those in need.

In 1978, the Currans moved to Palm Beach and rented an apartment. Their son Mortimer Jr. remembers that he was five years old when his dad announced that they were going to buy a car. Mortimer Jr. wondered, "When we get the car, who is going to drive it?" He was a child but he was perceptive, for the family had never owned a car. He did not think that his parents knew how to drive.

Their first car was an Oldsmobile. Kids in school would tease Mortimer Jr. because his dad drove an Olds – their parents drove BMWs and Mercedes Benzes. But Mrs. Curran used to tell her son, "Who cares what you drive as long as the car takes you from point A to point B?" And as Mortimer Jr. grew up, Mrs. Curran continued to teach him what she believes are simple truths: that

life is about so much more than money, and that we are defined by what we do, not by what we have.

Mr. and Mrs. Curran purchased their first house in 1982, after being married 25 years. And this is the home where Mrs. Curran lives to this day. She has the furniture she purchased when she was first married. She has not materially remodeled or updated the home and still has the same green-and-white Formica countertops from 1982. Mrs. Curran does not like to spend money on herself. She enjoys having lunch with her friends, traveling to New York where she has great friends, and traveling to Europe once a year.

For at least the first 30 years of their marriage, Mrs. Curran did not know exactly how much money she and Mr. Curran had. She would not look (and was not allowed to look) at the bank statements. She knew that she could pay the rent and the maintenance when they lived in the apartment, and that she could pay the bills when they moved into the house in Palm Beach. But she had no sense of how much money they had. It was not until after they had moved into their home in Palm Beach that one day Mrs. Curran saw a bank statement, looked at her husband, and asked in disbelief “do we have all that money?” Mr. Curran said simply, “Yes Estelle, I have been working.”

Mortimer Jr. recalls growing up how his dad controlled everything, the finances in particular. He remembers his father sitting at his desk, dealing with all the bank statements and family finances. Mrs. Curran would pay the small household bills, but Mr. Curran handled all the other bills because he had control over the larger bank accounts. Mrs. Curran had a credit card that she seldom used, yet Mr. Curran would survey the statements every month to make sure she was not wasting money. Mortimer Jr. remembers that he once ordered pizza in boarding school and his dad asked him why he had ordered pizza when he was on the school’s meal plan. That’s how frugal dad was – he did not like having to pay extra for that pizza.

Before he died in 2000, Mr. Curran owned two 1990s Ford Tauruses, neither of which had air bags. When Mr. Curran died, Mrs. Curran refused to change things – either the cars, or the closets, or the furniture. Mortimer Jr. eventually prevailed on his mom to buy a new car, at least so that it would have an air bag. Six years after Mr. Curran died, Estelle finally sold the Fords and purchased a 2006 Toyota Corolla with manual windows and no upgrades. Mrs. Curran wanted a Toyota without a radio, but the dealer told her that all cars nowadays come with a radio.

Mrs. Curran's friends who have written to the Court comment on her modesty and unassuming personality. Henry Logan, who has "known Mrs. Curran for 10 years or more," and who feels that he knows her "on a personal and social level," says that "she can be described . . . as . . . modest, polite, [and] reserved" Mr. Logan adds that Mrs. Curran is so modest that she does not even like to pay for valet parking: "At a recent lunch she parked her own car, saving the parking charge."

Mrs. Curran's friend George Williamson, who has known her "for twenty years," describes her as "gracious and incredibly giving" and "in possession of one of the rarest of all characteristics: modesty." He explains how "[d]espite her considerable financial resources, she gives her time and efforts. She has helped numerous underprivileged children and even works in soup kitchens. Community service is no stranger to her."

To Estelle Curran, there was never any magic in wealth.

II. THE YEARS CARING FOR MORTIMER CURRAN SR.

Mr. Curran had his first stroke in 1997. For the next three years, he would suffer multiple debilitating strokes that slowly and painfully brought him to his death. It was torture, for him and

for his wife in particular, who cared for him as he deteriorated, lost his eyesight, lost all ability to control his body, and eventually lost all ability to control his brain.

But in 1997, when Mr. Curran had his first stroke, the family did not know how bad things would get. On the contrary, Mr. Curran went to the Rehabilitation Center for Children and Adults, where he had great success. Mr. Curran was able to resume his daily activities and life seemed to get back to some form of normal. But a year later, Mr. Curran had a second stroke. And then a third, and then a fourth. Eventually he would have seven strokes and many seizures that slowly shut down all the functions of his body. And Mrs. Curran's life changed.

In many ways, the Estelle Curran who stands before the Court is very different from the woman she was before her husband's illness. The suffering was overwhelming. To this day, it is difficult for her to talk about her husband's decline without tears in her eyes and anguish that is as real and as present today as it was twelve years ago. She saw him go from a smart, very successful financial advisor, to a man whose brain seemed to be working but who could not speak. He could not see. He could not write. Every day was worse than the day before. In addition to strokes, Mr. Curran started having seizures. Sometimes he could not move and other times he could not control his body or stop moving, so that his arms or legs would jerk randomly, at times out of control. And, there was no medication to control or stop the progression of this illness. This was a chapter in the lives of Estelle Curran and her son filled with sadness, fear, and overwhelming helplessness.

III. A LIFE OF KINDNESS AND SERVICE TO THE COMMUNITY

While Mr. Curran worked and provided for the family, Mrs. Curran provided for many people in need in Palm Beach and in New York. Though she has donated to major universities and

a few big charities like the Red Cross and the United Way, her life's work has been to help small local charities and soup kitchens where she can make a direct impact on people's lives. Joan Alleman, who has "known Estelle Curran for fifteen years," tells the Court in her letter how Mrs. Curran "has worked ceaselessly for charities in the community and is an outstanding example of selflessness as well as a paragon of truth and thrift." Trudy Brekus, a dear friend who has known Mrs. Curran "for more than thirty years," describes how "during my friendship with Estelle we often were involved together in support of various charitable organizations. Among them were the Visiting Nurse Association, the American Heart Association, the Opportunity, Inc. Early Childhood Center, and the Rehabilitation Center for Children and Adults. I have always found her to be sincere in her concern for those in need."²

The Rehabilitation Center for Children and Adults, Inc.

For 32 years, Mrs. Curran volunteered at the Rehabilitation Center for Children and Adults, Inc. in Palm Beach. Page Ferrell, who has "known Estelle Curran since 1980," describes in her letter that she and Estelle "met while doing volunteer work at the Rehabilitation Center for Children and Adults, Inc. We volunteered on Friday mornings together to work in the pre-school helping the teachers with all kinds of tasks that the children needed to accomplish. We became friends as we shared a love for the children and the work the rehab center does." Page Ferrell also writes about Mrs. Curran's volunteer work at the Center and other charities: "Estelle and I sat on the board together at the Rehabilitation Center. She became active with Opportunity, Inc. which is a non for profit pre-school in West Palm Beach for low income families. She served at her church Bethesda-

² Letters to the Court from Estelle's family and friends are attached here. We have redacted home addresses from the copies filed with the Clerk and will provide unredacted originals to the Court the day of sentencing. We have typed those hand-written letters that may be difficult to read.

by-the-Sea for many, many years on the flower guild . . . Over the years she has given hundreds of hours to her church and to the organizations she supports by serving on their boards. She is highly respected for her viewpoint and her dedication in the community.”

Eventually, Mrs. Curran joined the Board of Directors of the Rehabilitation Center. The Center opened its doors in the 1930s during the polio outbreak and has helped thousands of sick kids and adults. In a sad and unexpected reversal of roles, the Center also cared for Mrs. Curran’s husband during his awful and deteriorating last years.

In addition to rehabilitation services, the Center offers preschool classes from 8:00 a.m. to 2:30 p.m. For years, Mrs. Curran worked on Fridays, helping the children with reading classes. And while her work with the kids was rewarding and inspiring, the Center was not always a happy place. Some of the children were severely disabled and in dire conditions, and it was challenging to spend the day there and not be overwhelmed with sadness. Today, Mrs. Curran’s son Mortimer Jr. is on the Board of the Rehabilitation Center and has been for the past four years. Mortimer Jr. has found that a lot of people do not want to volunteer at the Center because it is very difficult to see children in such despair.³

Opportunity, Inc.

For many years, Mrs. Curran was on the Board of Directors of Opportunity, Inc. She served as the Secretary for two terms, as well as the Treasurer. She was eventually elected to the Emeritus Board, which is composed of “a distinguished group of individuals who have provided exceptional service and who have served the organization over ten years.” [Letter from Terry Fox].

³ The Court has a letter from Pam Henderson, the executive director of the Rehabilitation Center, describing Estelle’s 32 years of hands-on service at the Center as well as her significant cumulative financial gifts.

Opportunity, Inc. is an early childhood center located at 1713 Quail Drive in West Palm Beach. Its mission is to empower children of low-income working families to achieve future academic and life success by offering the best early childhood education and support services, and by assisting families with strategies to achieve self-sufficiency. [www.opportunitypbc.org]. The Center offers low-cost preschool childcare and educational and parenting support to families who face serious financial challenges. The Center is accredited by the National Accreditation Commission and recognized as a Gold Seal School of Excellence by the Florida Department of Children and Families.

During her many years at Opportunity, Inc., Mrs. Curran helped many young children from broken homes and low-income families. She first started volunteering there when a friend from Bethesda-by-the Sea Episcopal Church asked her to join the Board. Mrs. Curran's friend had heard that Mrs. Curran was on the Board of an adoption center in New York and thought that Mrs. Curran would contribute greatly to Opportunity, Inc. Mrs. Curran agreed and she became a board member in 1980. She recalls helping kids with music classes, helping feed some of the children during lunch, and organizing fund-raisers. This was a day-to-day job, meaning that there were no set roles and volunteers and board members would help with whatever needs arose on a daily basis. The work was rewarding but also emotionally taxing. There were sad days from time to time, when kids would be waiting to be picked up, only to find out that their parents had forgotten about them (or worse, had chosen not to show up). Back then, board members would take the kids to their own homes until the parents showed up.

Mrs. Curran's work at Opportunity, Inc. not only touched the lives of the kids at the Center, but it also touched the life of her own son Mortimer Jr. He remembers that the Center was in a bad

part of town, near a train center, where the air conditioner window units were constantly stolen. The board would scramble to purchase new A/C units so that the Center could open during the hot summers, never knowing how long the units would last before they were stolen again. Mortimer Jr. recalls that everyone on the board would pitch in to buy things that were needed at the school such as crayons, books, and even air conditioners. He also remembers his mother collecting used clothes and shoes at Mortimer's school for garage sales to collect money for the Center.

The Soup Kitchen on West 53 Street

When she visits New York, Mrs. Curran volunteers at a soup kitchen on West 53rd Street. She found out about the soup kitchen through a weekly bulletin issued by St. Thomas Church. Mrs. Curran has been doing this for the past six years, before this investigation started. She volunteers on Saturdays from 9:30 am to noon. Martha Moore, who has been good friends with Mrs. Curran "for the past twenty-five years," describes in her letter that "Mrs. Curran and I met first as members of Bethesda-by-the-sea Episcopal Church. She is a strong supporter and tireless volunteer in Church soup kitchens."

The English Speaking Union

Mrs. Curran has also volunteered at The English Speaking Union. This is a non-profit organization that promotes English speaking people, in particular respecting their heritage, traditions, and aspirations and the use of English as a shared language and means of international communication of knowledge and understanding. [www.esu.org/about-us]. The Union was created over 100 years ago to further the use of English. The Union provides scholarships to schoolteachers in Palm Beach County so that they can study in the United Kingdom. Mrs. Curran has been involved with the English Speaking Union in Canada, New York, and in Palm Beach County.

The Spence Chapin Adoption Center

Mrs. Curran was also on the Board of Directors of the Spence Chapin Adoption Center in New York. She was approached by a friend who asked her to be on the board, and Mrs. Curran agreed. The adoption center opened a thrift store in New York many years ago and proceeds from the thrift shop help fund the adoption center. Mrs. Curran was not only on the board, but she also volunteered at the thrift store from time to time as a clerk, assisting the customers, and handling the cash register. No job was too small or too trivial for Mrs. Curran. Her love for her community and her genuine desire to offer a helping hand always won over. And this is what friends say about Estelle. Margaret Dimm, who has been friends with Estelle “for over twenty years,” describes how Estelle “is probably the most loving and caring person I know.”

Harry Darlington, “sorrowfully . . . writing in support of Estelle Curran,” says that “Estelle is a gracious lady who, *all her life*, has been a good citizen – helpful, kind and thoughtful to others.” And in fact Mrs. Curran has volunteered with sick and needy people her whole life. Indeed, it is difficult not to see in Estelle the life experiences that she shared growing up with her mom as a nurse. Starting when she was 20 years old, while others at that age were likely looking for the next party or the next adventure, Estelle was volunteering at the Royal Victoria Hospital in Montreal, where she worked with seriously ill patients. She volunteered with the American Heart Association for 10 to 15 years and, more recently, with The Order of St. John of Jerusalem, an organization that raises money to help Israelis and Palestinians pay for eye surgery. Despite Mrs. Curran’s dedication to this organization, the Board of Directors recently expelled her due to her conviction in this case.

Mrs. Curran’s life has been marked by charitable endeavors and a genuine desire to help the people around her. Douglas O’Connor describes it best when he says that in “over two decades of

personal knowledge of Estelle's character and lifetime of service in both New York City and Palm Beach," he has seen how "Estelle Curran's life has been characterized by community service, donations to numerous charitable activities and a modest, gracious persona . . . Always modest and unassuming, Estelle inspired others to emulate her generous nature."

And perhaps that will be Estelle's greatest legacy – to have inspired others to be modest and unassuming, and above all else, to be generous of heart.

IV. SERVICE AND GENEROSITY TO FAMILY AND FRIENDS

Aside from volunteering at these charities, Mrs. Curran has also given generously to her extended family and to the people around her. For example, Merta Signorelli, who was the Director of Opportunity, Inc. for many years when Mrs. Curran was on the Board, so impressed Mrs. Curran with her dedication that Mrs. Curran paid for a portion of her graduate degree in childhood education to thank her for her contributions to the children.

Bill Sherman, a man from Liberia who did pressure cleaning and odd jobs for the Currans, one day told Mrs. Curran that he was going to be deported to Liberia which was in the midst of civil war – this would have been a virtual death sentence for Bill. So Mrs. Curran hired an immigration lawyer for him, stopped his deportation, and eventually secured him citizenship in the United States. After that, Bill went to work for the State of Florida.

Mrs. Curran has paid a significant amount of her niece's medical bills to the Schappmen Eye Institute at Harvard University and has for many years given of her love and money to her niece Dawn, who also has written to the Court. Dawn says that "My aunt has been a fixture in my life for 49 years . . . Approximately 21 years ago I began to lose my eye sight . . . [Estelle] made all the

arrangements for me to be seen by specialists” and to be treated at various medical centers. Dawn also “began to receive books on tape, as [Estelle] knew my passion for reading, as well as CDs and cassettes of music and history, which she was also aware of my passion for . . . Aunt Estelle found a bookstore in Stewart, Florida that sold actual books printed in Braille.” Perhaps what speaks loudest is Dawn’s offer to serve Estelle’s sentence if the Court was inclined to impose a prison term.

Mrs. Curran has also paid for her niece’s daughter to attend private school and has paid for her daughter-in-law to obtain a Masters degree at Fordham University. Mrs. Curran has helped her niece’s younger son, who is autistic, and has also helped pay the tuition for the older son to attend medical school at Tulane.

Mrs. Curran has also have given generously to various schools and universities. When Mortimer Jr. was attending Georgetown, Mrs. Curran went to a football game against Gallaudet University. Gallaudet is a school for the deaf and, at the time, was the only university offering a Ph.D. for deaf people. The Currans became interested in Gallaudet and eventually became part of the school’s advisory board. They donated time and money to the university and hosted fund-raisers in their home. Gallaudet named a conference room in honor of the Currans, and Mrs. Curran hopes to take her grandchildren there one day so that they can see that they can accomplish anything in life, even when it appears that there are great obstacles in the way.

The Currans have also donated to Tulane, Georgetown, and Choate.

V.
THE WEIGHT OF THIS PROSECUTION
ON MRS. CURRAN’S HEALTH

Mrs. Curran suffers from tremors, which have worsened because of this case. She has one cataract surgery pending and has developed *six* abscesses in her gums since her guilty plea. She is

undergoing aggressive dental treatment. Her dentist, not knowing Mrs. Curran's present situation, asked whether she was under a lot of stress lately and commented that severe stress can cause multiple abscesses in the gums.

At 100 pounds, Mrs. Curran also suffers from deteriorating and disintegrating vertebrae, osteoporosis, and mitral valve prolapse. She takes prescription medications for cholesterol and for osteoporosis, from which she has suffered since at least 2007.

And since 2010, one year after this investigation started, Mrs. Curran has been treated for heart disease, hyperlipidemia, and patent foramen ovale, which is a hole in the upper chambers of the heart. She will be 80 years old this year.

THE FACTS LEADING UP TO THIS PROSECUTION

I.

MRS. CURRAN MADE A GOOD-FAITH EFFORT TO MAKE A TIMELY VOLUNTARY DISCLOSURE

No one disputes that but for the delays of her U.S. tax lawyer at the time, Mrs. Curran's voluntary disclosure would have been timely and she would have qualified for disposition of her matter civilly. Despite her efforts to become compliant and disclose all of her offshore holdings in a timely manner, Mrs. Curran now suffers the consequences of her attorney waiting more than a month, until March 16, 2009, to mail the voluntary disclosure letter to the IRS.

After Mrs. Curran first learned of the UBS investigation, she spoke with a representative at First Advisory and asked what she should do. He suggested that she retain tax counsel to make a voluntary disclosure.

On Friday, February 6, 1999, Mrs. Curran spoke with an attorney recommended by First

Advisory. On that same day, Mrs. Curran faxed a letter to First Advisory, authorizing them to speak with the attorney and to provide him whatever documents he required to make a voluntary disclosure. On Monday, February 9, Mrs. Curran again spoke with the attorney and he promised to fax his fee agreement right away. He did not do so. Two days later, at Mrs. Curran's urging, her son emailed the attorney (Mrs. Curran does not use email), asking whether the attorney had correct contact information for them because they had not received the fee agreement and other paperwork that the attorney had promised.

The attorney prepared a fee agreement on that day, February 11, 2009. Mrs. Curran sent him a check the next day, February 12. First Advisory faxed to the attorney the documents pertaining to the foundation that the late Mr. Curran had established to hold the offshore assets. The following day, on February 13, the attorney faxed a copy of the foundation documents to the CPAs that would be working with him on Mrs. Curran's case.

At that point, the attorney had all the information he needed to prepare a voluntary disclosure letter for Mrs. Curran. Indeed, all that the attorney had to provide the IRS to enter Mrs. Curran into the voluntary disclosure program was her name, address, social security number and date of birth – no additional information was necessary. But he delayed. His letter to the IRS is dated one month later, Friday, March 13, 2009; the post office receipt shows that he did not mail the letter until Monday, March 16, 2009. By then it was too late, though no one knew it at the time, and certainly not Mrs. Curran. She believed that she had done the right thing by hiring the lawyer recommended by First Advisory and by making a voluntary disclosure of all the offshore assets (\$40 million) and not just the lesser amount held at UBS (\$3.7 million).

Consistent with her efforts to become compliant, in April 2009 Mrs. Curran attempted to pay

all taxes and interest that the CPAs estimated would be due on all of the offshore funds (and not just the UBS funds). Mrs. Curran's payment of estimated taxes on all of the offshore funds shows her good faith and her intention to become fully compliant. This is unlike other offshore account holders under criminal prosecution, for example, Michael Schiavo, charged in the United States District Court for the District of Massachusetts, Case No. 11-CR-10192-RGS. Court records show that Schiavo thought he could outsmart the IRS with a limited disclosure of assets and amended returns that only disclosed his HSBC foreign funds and failed to disclose income he earned from one of his partnerships. Mrs. Curran chose the opposite course, fully disclosing all foreign assets, not just the ones about which the government may have known.

II.
MRS. CURRAN HAS NO BACKGROUND IN TAX,
ACCOUNTING, OR FOREIGN BANK ACCOUNTS

Mrs. Curran inherited the offshore assets from her husband, who died in November 2000. She knew generally that he had set up a foreign foundation and knew that very experienced attorneys were retained to establish it and act as trustees. Mrs. Curran has no background in tax or accounting, no background in business, and no background in the legalities concerning foreign accounts or foreign account reporting requirements. The late Mr. Curran handled all of their finances, accounting, and tax filings and reporting. Mrs. Curran last worked 50 years ago as a Saks Fifth Avenue clerk. To this day, Mrs. Curran leads a very modest and simple lifestyle. Despite her wealth, she does not indulge in luxuries or extravagant expenses.

Mrs. Curran did not know how much money was at UBS until after her husband died. She knew that her husband had received an inheritance many years ago, but when she first learned that there was \$40 million in the account, she was shocked. Her involvement with the offshore funds was

so limited that she did not go to Switzerland or meet the trustees at First Advisory until three years after her husband died. For the three years between 2000 and 2003, she did nothing at all with the UBS funds.

Before he died, Mr. Curran gave his wife a few details about the UBS account. He told her that there was a foundation, that it was created by reputable lawyers, that he had the documents showing that the money he inherited from his aunt originated abroad from a non-U.S. citizen, that there were no reporting obligations on that account, and that he had never done any reporting in his lifetime concerning that account. Mr. Curran was an overbearing man and very successful in managing high-wealth portfolios. Accordingly, his wife relied on him and had no reason to distrust him or the actions he had taken concerning the foreign funds.

In 2003, three years after Mr. Curran died, Mrs. Curran went to Europe and met with the people at First Advisory *for the first time*. She walked into a room full of lawyers. Because she had had virtually no contact with UBS or First Advisory while her husband was alive, she had to prove to them who she was and that her husband had died. She was introduced to the professionals handling the foundation and the assets. She also met the UBS bankers. She found everyone to be reputable and of the highest credentials, which only reinforced her belief that her husband had taken care of everything properly. She never questioned what he had established offshore or the advice that the tax and legal professionals at UBS and at First Advisory gave.

III.

UNLIKE OTHERS WHO HAVE BEEN PROSECUTED, MRS. CURRAN DID NOT USE THE OFFSHORE ACCOUNTS TO SKIM FROM A BUSINESS, DEPOSIT UNTAXED INCOME, CREATE SHAM LOANS, MAKE EXTRAVAGANT PURCHASES, OR FUNNEL LARGE SUMS OF CASH TO HER

Mrs. Curran understood that the foundation was a charitable trust and that during her lifetime she could use its funds. But she did not treat the funds as if they were available to spend extravagantly. She made relatively modest withdrawals, only a few times, while she was visiting Europe. Distributions to her did not exceed \$20,000 or \$25,000 a year. She did not use the funds to buy houses or other property or luxuries; there were no sham loans on the accounts; no credit cards were issued; and there were no wires or transfers into the United States via shell corporations or otherwise. Mrs. Curran never funded the foundation with her own money, and the foundation was never re-funded as the years passed. No money went from the U.S. to Switzerland to generate income overseas. The only income was from the sale of stock within the account, with the strategy being generally buy-and-hold. Thus, while the total value of Mrs. Curran's foreign accounts was large, it is important to note that this value was attributable to the acts of her late husband and that Mrs. Curran did not contribute any funds to the account at any time.

Mrs. Curran also was not skimming from a business, falsifying business records or receipts, buying helicopters or luxury vehicles, building homes, or mailing herself currency or traveler's checks issued on the account. This is unlike the conduct of other offshore account holders who have been prosecuted as part of the UBS investigation.

For example, court records show that Jack Barouh, charged in the United States District Court for the Southern District of Florida, Case No. 10-CR-20034, funded his foreign account by skimming money from his watch business and by not reporting all sales and commissions.

Mauricio Cohen Assor, charged in the United States District Court for the Southern District of Florida, Case No. 10-CR-6159, used offshore funds to purchase a helicopter, luxury vehicles, and many residences.

Steven Rubinstein, charged in the United States District Court for the Southern District of Florida, Case No. 09-CR-60166, used his offshore funds to build his Boca Raton home.

Harry Abrahamsen, charged in the United States District Court for the District of New Jersey, Case No. 10-CR-00254, claimed false and inflated expenses in order to fund his offshore account.

Andrew Silva, charged in the United States District Court for the Eastern District of Virginia, Case No. 10-CR-00044, repatriated funds by mailing himself 26 packages of currency, always in amounts under \$10,000.

Ernest Vogliano, charged in the United States District Court for the Southern District of New York, Case No. 10-CR-00327, repatriated the money by mailing himself traveler's checks from his offshore account.

Paul Zabczuk, charged in the United States District Court for the Southern District of Florida, Case No. 10-CR-60112, repatriated his offshore funds by wiring money to the Republic of China, where the money was used to buy furniture and other antiques that were then mailed to the United States.

None of these aggravating circumstances exists in Mrs. Curran's case.

IV.

MRS. CURRAN FOLLOWED PROFESSIONAL ADVICE IN MANAGING THE OFFSHORE ACCOUNTS

Georg Marti was the UBS banker handling the foreign bank account. He was not a good investment advisor. Millions of Swiss francs were lost at Marti's hands. Between 2000 and 2004,

he purchased a variety of risky and esoteric investments that resulted in very high losses. This made Mrs. Curran very uncomfortable, as she had no experience in this field. Mrs. Curran was also concerned because her husband had worked very hard throughout his life to manage the assets with which Marti was gambling. She felt a responsibility to protect those assets, not only because of her husband, but also because the money represented the financial legacy of the late Mr. Curran's family, from whom he had inherited the money.

Concerned that Georg Marti's esoteric investments could deplete the account, Mrs. Curran decided that all she wanted was to purchase a basket of generic blue-chip American stocks. Marti told Mrs. Curran that the UBS account was set up to not invest in U.S. stocks; if she wanted to change that directive, she needed to establish a corporation in Panama. Mrs. Curran did not question him and signed the documents that Marti provided. Her intent when she did this was simply to ensure that the offshore funds were not mismanaged. This is reflected in the account documents, which show the shift in directives from foreign stock investments to U.S. stock investments.

In 2007, a First Advisory representative asked Mrs. Curran if she was pleased with Marti's performance. She said that she was not. So First Advisory suggested that Mrs. Curran transfer the bulk of the assets from UBS to the Swiss bank LGT and to Bank Pasche, and that she retain a money management firm called Factum. These recommendations by First Advisory were not surprising: unknown to Mrs. Curran at the time, some of the officers at First Advisory – Batliner, Moosleitner, and Akerman – were shareholders at Bank Pasche, and Akerman's brother owned Factum.

Mrs. Curran followed the advice of First Advisory and transferred the bulk of the funds out of UBS. This happened in 2007, long before UBS was in the news. This is important because it shows that the money was transferred to avoid continued losses under Marti's reckless management,

rather than to hide the funds from U.S. tax authorities. This is unlike the conduct of other taxpayers who moved their funds out of UBS to hide them from the IRS. For example, court records show that Jeffrey Chernick, charged in the United States District Court for the Southern District of Florida, Case No. 09-CR-60182, moved his offshore funds out of UBS and into a smaller, less known Swiss bank because he felt that the smaller bank would not be subject to Washington scrutiny and could not be pressured by the U.S. government to disclose information about him.

Kenneth Heller, charged in the United States District Court for the Southern District of New York, Case No. 10-CR-00388, saw an article raising the possibility that UBS might disclose information about U.S. taxpayers, so he faxed the article to his UBS private banker and then moved his funds to a smaller private bank in Switzerland that did not have a U.S. office.

Shmuel Sternfield, charged in the United States District Court for the Southern District of New York, Case No. 10-CR-00328, transferred his offshore funds from UBS to a bank in the Czech Republic and to a smaller, less known Swiss bank, after he read in the press that UBS was under pressure by a U.S. government investigation to reveal account holder information.

Again, none of these aggravating circumstances exist in Mrs. Curran's case.

A SENTENCE OF PROBATION IS APPROPRIATE

This case demonstrates in a compelling way why the Supreme Court rejected mandatory application of the Sentencing Guidelines and returned discretion to the district court "to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." *Pepper v. United States*, 131 S. Ct. 1229, 1239-40 (2011) (internal quotations and citations omitted).

Many factors plainly distinguish this case from the ordinary offense level 19 tax case and, through downward departure or *Booker* variance, warrant a below-guidelines sentence of probation. The probation officer has recognized the unique facts and circumstances of this case and of Mrs. Curran in recommending a term of probation as just punishment. (PSR 94). The government, which elected to pursue this case criminally against Mrs. Curran, does not object to a sentence of probation. Some of the many factors supporting a probationary sentence are outlined below; individually and in combination, they take this case outside the heartland of criminal tax prosecutions and make probation a punishment that is "sufficient, but not greater than necessary," to comply with the statutory goals of sentencing, 18 U.S.C. § 3553(a); *Kimbrough v. United States*, 552 U.S. 85, 109 (2007).

I.
MRS. CURRAN'S CONDUCT IS ATYPICAL WHEN COMPARED
TO THE CONDUCT OF OTHER TAXPAYERS WHO HAVE BEEN
PROSECUTED AS A RESULT OF THE UBS INVESTIGATION

Since UBS entered into a deferred prosecution agreement in 2009 and began disclosing the identities of its United States clients, only a small percentage of those individuals – less than 1% – have been selected for criminal prosecution by the Department of Justice. Presumably, the government made a decision to focus its limited resources on the most significant wrongdoers, the most determined scofflaws, the biggest cheats. And to be sure, many of the individuals picked for prosecution fall within this most culpable group. The UBS account holders prosecuted to date include those who funded their accounts by skimming from a business and falsifying records, those who used their hidden funds to buy luxury cars, homes and antiques, those who repatriated their foreign funds to the United States through covert means, those who moved their funds from UBS

to more protected banks upon learning of the investigation, and those who sought to outsmart the government by disclosing only those limited foreign assets of which they believed the IRS was already aware.

Mrs. Curran stands in stark contrast to the typical UBS account holder who has been selected for criminal prosecution. The funds in her accounts were legitimately derived from an inheritance from a European citizen who was not a U.S. taxpayer. The accounts were subjected to only minimal withdrawals (and no deposits), only when the Currans were traveling in Europe. Funds from the foreign accounts were never transferred to the United States, and were not moved to other banks in an effort to obstruct the IRS investigation. Mrs. Curran attempted to make a voluntary disclosure of all of her foreign assets – more than 10 times the amount in the UBS account – even before the IRS had implemented a formal program for such disclosures. She was precluded from receiving the substantial benefits of such disclosure solely by virtue of her attorney's delay in communicating with the IRS. Moreover, Mrs. Curran paid estimated taxes and interest on all of her offshore funds in 2009, right after retaining U.S. counsel to make her voluntary disclosure.

The atypical nature of Mrs. Curran's conduct, when compared to the conduct of other taxpayers who have been prosecuted following the investigation of UBS, supports a departure from the advisory guideline range and a sentence of probation.

II.
A SENTENCE OF PROBATION IS NECESSARY TO AVOID
UNWARRANTED SENTENCE DISPARITIES WITH DEFENDANTS
WHO HAVE BEEN FOUND GUILTY OF SIMILAR OR MORE EGREGIOUS CONDUCT

The goal of avoiding unwarranted sentencing disparities, which was a principal motivating force for the Sentencing Guidelines, remains a key sentencing factor under 18 U.S.C. § 3553. *See*

United States v. Zavala, 300 Fed. Appx. 792, 795 (11th Cir. 2008); *United States v. Owens*, 464 F.3d 1252 (11th Cir. 2006); *see also* 28 U.S.C. § 991(b)(1)(B) (purposes of Sentencing Commission include "avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices"). In this case, a below-guidelines sentence is required to avoid unwarranted disparities with sentences imposed on defendants guilty of similar or more egregious misconduct.

A review of recent prosecutions of other holders of undisclosed accounts at UBS and other foreign banks shows that probation not only is the most commonly imposed sentence, but has been regularly granted to defendants whose conduct involved none of the mitigating factors present in Mrs. Curran's case and several aggravating factors that are not present here. Of the offshore account holder defendants who have pled guilty and have been sentenced since 2007, 18 – approximately 50% – have received sentences of probation (with half of those sentences including a term of home detention). Another six of the 37 cases involved sentences of incarceration of three months or less. Court records and government press releases show that those defendants who have received probation include:

* Steven Rubinstein, charged in the United States District Court for the Southern District of Florida, Case No. 09-CR-60166. He repatriated approximately \$7 million from his undisclosed UBS accounts into the United States to purchase property and build his personal residence in Boca Raton, and deposited and sold more than \$2 million in South African Krugerrands through his UBS accounts (sentenced to 3 years' probation, 12 months' home detention).

* Igor Olenicoff, charged in the United States District Court for the Central District of California, Case No. 07-CR-227. He controlled and hid assets in undisclosed foreign accounts for at least 13 years, and filed false tax returns for seven years in which he failed to disclose those foreign accounts. Olenicoff's tax liability to the IRS, including interest and penalties, totaled \$52 million (sentenced to two years' probation).

* John McCarthy, charged in the United States District Court for the Central District of California, Case No. 09-CR-784. He transferred over \$1 million that he illegally skimmed from his Los Angeles business into an undisclosed UBS account and regularly communicated with UBS representatives to authorize transactions with respect to his undisclosed accounts (sentenced to 3 years' probation, 6 months' home detention, 300 hours of community service).

* Juergen Homann, charged in the United States District Court for the District of New Jersey, Case No. 09-CR-724. He created a nominee Hong Kong corporation to hide his ownership interest in his UBS account, orchestrated a sham \$5 million loan to a second Hong Kong entity in order to obtain financing for his United States business, and made a conscious decision not to seek out and enter into the IRS' voluntary disclosure program (sentenced to 5 years' probation, 300 hours of community service).

* Paul Zabczuk, charged in the United States District Court for the Southern District of Florida, Case No. 10-CR-60112. He directed his foreign clients to make payments to his company through offshore accounts he controlled in the Bahamas and Switzerland, further funded those offshore accounts by disguising payments made from his domestic corporation to his offshore corporation as commissions, and repatriated funds to the United States through cash withdrawals at UBS branches in Nassau, London, and Zurich, as well as by wiring money to the Republic of China

and using it to buy furniture and other antiques that were then shipped to him in the United States. Zabczuk, like Mrs. Curran, unsuccessfully attempted to enter the voluntary disclosure program. The government sought a sentence of 18 months' imprisonment. He was sentenced to 3 years' probation, 12 months' home detention, 150 hours of community service.

* Jules Robbins, charged in the United States District Court for the Southern District of New York, Case No. 10-CR-333. He created a sham Hong Kong corporation to be listed as the nominal holder of his UBS accounts (which collectively contained almost \$42 million) and took numerous affirmative steps to conceal his interest in those accounts from the IRS, including having his Swiss attorney receive all correspondence relating to the accounts at his law firm in Switzerland (sentenced to 12 months' probation).

* Ernest Vogliano, charged in the United States District Court for the Southern District of New York, Case No. 10-CR-00327. He opened UBS accounts in the names of Liechtenstein and Hong Kong shell corporations and, according to the United States Attorney, "went to extreme lengths to hide his income at UBS and other offshore banks." Vogliano repatriated large sums of money from his undisclosed UBS accounts by traveling to Zurich and mailing traveler's checks from the UBS account to himself in the United States, and further used the UBS accounts to pay numerous personal expenses for himself and his wife (including transferring money to a contractor in Greece, sending money to an art gallery in Paris, and charging hundreds of thousands of dollars on credit cards linked to his UBS account). After learning of the criminal investigation of UBS, Vogliano transferred \$1 million from UBS to a Liechtenstein-based bank that did not have offices in the United States (sentenced to 2 years' probation).

* Harry Abrahamsen, charged in the United States District Court for the District of New Jersey, Case No. 10-CR-00254. He funded his UBS accounts with approximately \$1.3 million in false and inflated expenses paid by his business to a Swiss company, which expenses he then deducted on the business' corporate tax returns. Abrahamsen transferred his UBS accounts to a nominee Panamanian corporation for the purpose of hiding them from the IRS (sentenced to 3 years' probation, 12 months' home detention).

* Leonid Zaltsberg, charged in the United States District Court for the District of New Jersey, Case No. 10-CR-437. He transferred his UBS accounts to a nominee Panamanian corporation for the purpose of hiding them from the IRS and, as found by the District Court at sentencing, "made a conscious and calculated decision to hide money offshore" (sentenced to 4 years' probation, 12 months' home detention).

* Jeffrey Chatfield, charged in the United States District Court for the Southern District of California, Case No. 10-CR-4546. He opened a UBS account in the name of a nominee entity, deposited \$900,000 in untaxed cash and securities that he received from his consulting work, and later transferred account assets into another UBS account held in the name of another nominee entity (sentenced to 3 years' probation).

* Andrew Silva, charged in the United States District Court for the Eastern District of Virginia, Case No. 10-CR-00044. He repatriated funds from his undisclosed offshore account by mailing himself 26 packages of currency and carrying another two packages into the United States, always structured in amounts under \$10,000 to avoid detection (sentenced to 2 years' probation, 4 months' home detention, 100 hours of community service).

* Lothar Hoess, charged in the United States District Court for the District of New Hampshire, Case No. 11-CR-154. He deposited his business receipts into an undisclosed UBS account and used another undisclosed UBS account to pay his personal expenses. Hoess was aware of and understood his obligation to file FBARs and report those accounts, having previously filed FBARs for an account that he controlled in Italy (sentenced to 3 years' probation, 8 months' home detention).

* Wolfgang Roessel, charged in the United States District Court for the Southern District of Florida, Case No. 12-CR-60074. He held undisclosed accounts at UBS and at another Swiss bank, into which he deposited foreign proceeds of his business. When Roessel became aware of the government's investigation into his UBS accounts, he disclosed only the existence of the UBS accounts on his tax returns for those years and did not report the other Swiss account (sentenced to 8 months' home detention, 3 years' supervised release).

Probationary sentences in offshore account cases have not been limited to defendants who pleaded guilty and accepted responsibility for their actions, as Mrs. Curran has done. Most recently, on January 31, 2013, Arvind Ahuja, charged in the United States District Court for the Eastern District of Wisconsin, Case No. 11-CR-135, was convicted of filing a false tax return and failing to file an FBAR following a weeklong jury trial. Ahuja, a prominent neurosurgeon, transferred millions of dollars from the United States to undeclared foreign accounts in India, invested the funds in these accounts in certificates of deposit, and earned undeclared interest income of \$2.76 million on those certificates of deposit from 2005 through 2009. At sentencing, the government sought a prison term of 41-51 months; the district court imposed a sentence of three years' probation (including three months of house arrest).

In light of the above and other cases, a prison term for Mrs. Curran would create an unwarranted sentencing disparity with other defendants found guilty of similar or more egregious conduct, and a downward variance is appropriate to avoid such a disparity. See 18 U.S.C. § 3553(a)(6).

III.

MRS. CURRAN'S ADVANCED AGE RENDERS HER VULNERABLE TO VICTIMIZATION, ABUSE, AND ADJUSTMENT PROBLEMS IN PRISON AND MAKES PRISON AN INAPPROPRIATE AND UNDULY HARSH PUNISHMENT

Mrs. Curran is a few months shy of 80 years old and suffers from a number of physical ailments. (PSR 57-59). The guidelines specifically authorize downward departures based on age. See USSG § 5H1.1 ("Age may be a reason to depart downward in a case in which the defendant is elderly and infirm and where a form of punishment such as home confinement might be equally efficient and less costly than incarceration."); *see also, e.g., United States v. Chase*, 560 F.3d 828 (8th Cir. 2009) (defendant's advanced age, health, and employment history could support downward variance even if it did not support formal departure); *United States v. Hildebrand*, 152 F.3d 756 (8th Cir. 1998) (affirming downward departure for 70-year-old defendant with health conditions from range of 51-63 months to probation with six months of home confinement), *abrogated on other grounds, Whitfield v. United States*, 543 U.S. 209 (2005); *United States v. Baron*, 914 F. Supp. 660, 662-665 (D. Mass. 1995) (granting downward departure from range of 27-33 months to probation and home detention for a 76-year-old defendant with medical problems that could be made worse by incarceration); *United States v. Seiber*, 2005 WL 1801614, at *4 (E.D. Tenn. 2005) (probation imposed in case involving advisory guidelines of 97-121 months for 69-year-old convicted of sale of Oxycontin because of defendant's extremely poor health); *United States v. Willis*, 322 F. Supp.

2d 76 (D. Mass. 2004) (downward departure from a level 17 to a level 10 and a sentence of probation with six months home confinement warranted for defendant due to his age of 69 years and various physical ailments); *United States v. Moy*, 1995 WL 311441 (N.D. Ill. 1995) (downward departure granted to 78-year-old defendant with serious heart condition).

Apart from Mrs. Curran's health conditions and the obvious fact that a sentence of imprisonment imposed on an elderly defendant who is reaching the end of her life is significantly harsher than the same sentence imposed on a younger person, Mrs. Curran's advanced age leaves her extremely vulnerable to victimization, abuse, and severe adjustment problems in a prison environment. Research confirms that there is a remarkable distinction between inmates who age within a prison system and those who are new elderly offenders. "[N]ew elderly offenders' initial reaction to incarceration later in life was often characterized by family conflict, depression, thoughts of suicide, and a fear of dying in prison." Ronald H. Aday, *Aging in Prison: A Case Study of New Elderly Offenders*, *International Journal of Offender Therapy and Comparative Criminology*, Spring 1994, Vol. 38, No. 1. Similarly, the Department of Justice has found that "[m]anagement problems with elderly inmates . . . are intensified in the prison setting and include: vulnerability to abuse and predation, difficulty in establishing social relationships with younger inmates, [and] need for special physical accommodations in a relatively inflexible physical environment." *Correctional Health Care, Addressing the Needs of Elderly, Chronically Ill, and Terminally Ill Inmates*, U.S. Dept. of Justice, National Institute of Corrections at 9- 10 (2004). This report notes that first time offenders are "easy prey for more experienced predatory inmates" and that this is particularly true for the elderly. *Id.* at 10. "Elderly" is defined throughout the report as age 50 or older; clearly, the vulnerabilities of a 79-year-old woman would be significantly higher.

By policy, the BOP provides all medically necessary care, but generally does not provide medically appropriate care that may improve quality of life but is not considered by BOP to be "necessary." Older persons in frail health and those with multiple concurrent health problems face special challenges in a prison environment. Thus, incarceration may be a virtual death sentence for a 79-year-old woman who is a first-time offender and has no experience with the criminal justice system.

The mortality rates for an elderly inmate who enters a prison environment for the first time are markedly high. The United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics conducted research relating to medical causes of death in state prisons from 2001 to 2004. This research paints a dismal picture of the mortality rate for an elderly inmate, especially one who enters the prison environment at an advanced age, when compared to an inmate who is incarcerated when younger and then ages within the prison environment. "Mortality rates rose dramatically with age. The death rate of inmates age 55 and older (1973 per 100,000) was over 3 times higher than that of inmates age 45-54 (566 per 100,000), and 11 times higher than those age 35-44 (177 per 100,000). Inmates age 45 or older comprise 14% of State prisoners from 2001 to 2004, but accounted for 67% of all inmate deaths over the same period." Christopher J. Mumola, *Medical Causes of Death in State Prisons, 2001-2004*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Data Brief, January 2007, NCJ216340. "Among older inmates, the mortality rate of those age 65 or older was particularly high. Though these elderly inmates made up 1% of prisoners, they accounted for 15% of prisoners deaths. The mortality rate of elderly prisoners was nearly 3 times higher than that of inmates age 55-64. . . . A majority (59%)

of the elderly State prisoners who died during this period were 55 or older when admitted, and 85% were at least 45 years old at time of admission." *Id.* at 2.

Imprisonment also is likely to severely diminish Ms. Curran's remaining life expectancy. "Research points to a trend of 'accelerated aging' in prison, i.e., that a prisoner's physiological age is, on average, seven to 10 years older than his or her chronological age." Mike Mitka, *Aging Prisoners Stressing the Health Care System*, Journal of the American Medical Association, Vol 292, No. 4, July 2004. "International studies point to an acceleration of biological age for prisoners, with prisoners having a physical age approximately ten years older than their community counterparts." National Health Committee (New Zealand), *Review of Research On The Effects of Imprisonment on the Health of Inmates and their Families*. In Mrs. Curran's case, the effect of age acceleration would make her physiological age between 87 and 90 years old.

The older prisoner often struggles tremendously with the stress imposed by the prison environment. Prisons were, and still are, designed primarily for a younger population. Ronald H. Aday, *Golden Years Behind Bars: Special Programs and Facilities for Elderly Inmates*, Fed. Probation, 47, 48 (June 1994) ("Prison systems are primarily designed to house young, active inmates."); Lyle B. Brown, *The Joint Effort to Supervise and Treat Elderly Offenders: A New Solution to A Current Corrections Problem*, 59 Ohio St. L.J. 259, 272-75 (1998). As a result, uncomfortable temperatures, dampness, and loud noise levels provide an inhospitable environment for geriatric prisoners. *See Id.*; Ernest O. Moore, *Prison Environments and Their Impact on Older Citizens*, 13:2 J. Offender Counseling, Services & Rehabilitation 175, 181 (1989) ("Noise in prisons is amplified by the typical hard surfaces of concrete and becomes an uncontrollable nuisance and source of stress"). Obstacles such as stairs make it difficult for older inmates to make their way to

dining and recreation areas. *Id.* Privacy and security are often lacking for older offenders, who prefer individual rooms with doors rather than housing in the common cell block configuration. Moore, at 190.

Prison life has many down sides for the elderly offender in a prison populated by younger inmates. Pervasive loneliness fueled by the lack of mail or regular visitors contributes to older inmates' isolation amongst their younger counterparts. Sol Chaneles, *Growing Old Behind Bars*, Psychol. Today, 46, 49 (Oct. 1987). This isolation, and the generation gap, is exacerbated by the division of power within the prison. Younger inmates regularly hustle and cheat older prisoners and extort payments for gambling losses and other debts. See O.W. Kelsey, *Elderly Inmates: Providing Safe and Humane Care*, Corrections Today, May 1986, at 56, 56 (describing "wolf-prey syndrome where younger inmates threaten the elderly with violence in exchange for favors"); see also Brown, at 272-75. Older inmates employ survival techniques, such as feigning mental illness, to cope with their vulnerability, while others rely on prison staff for support and protection. Unfortunately, these corrections officers generally do not have special training to help the elderly. Aday, *Golden Years Behind Bars*, at 53 (recognizing that prison staff is not usually trained to understand the social and emotional needs of the elderly, the dynamics of death and dying, or to identify depression).

In light of these factors and Mrs. Curran's advanced age and medical condition, imprisonment would be an inappropriate and unduly harsh punishment, and a departure or variance from the guideline range is warranted.

IV.

MRS. CURRAN POSES ABSOLUTELY NO RISK OF RECIDIVISM

Another statutory goal the Court considers in fashioning an appropriate sentence is the need "to protect the public from further crimes of the defendant." 18 U.S.C. § 3553(a)(2)(c). Mrs. Curran, who has lived nearly eight decades with no interaction with the criminal justice system prior to this case, poses absolutely no risk of recidivism. Notably, the United States Sentencing Commission has found that "recidivism rates decline relatively consistently as age increases." *See* U.S. Sentencing Comm'n, *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines, A Component of the Fifteen Year Report on the U.S. Sentencing Commission's Legislative Mandate* (May 2004); *see also* *United States v. Lucania*, 379 F. Supp. 2d 288, 297 (E.D.N.Y. 2005) (recognizing "the inverse relationship between age and recidivism").

A sentence of imprisonment is not necessary to protect the public from Mrs. Curran.

V.

**A SENTENCE OF IMPRISONMENT IS NOT NEEDED
TO PROVIDE SPECIFIC OR GENERAL DETERRENCE**

The sentence imposed by the Court should also be sufficient, but not greater than necessary, to adequately deter criminal conduct. 18 U.S.C. § 3553(a)(2)(B). Unquestionably, the goal of specific deterrence has already been met in this case. Mrs. Curran's highly publicized prosecution and the prospect of a prison sentence have already brought about extreme strain on her and her family. Her medical condition has deteriorated since the inception of this investigation. She has suffered public reproof, including being expelled from a charitable organization for which she had helped raise money, as a result of being charged and convicted in this case. Moreover, the FBAR

penalty of \$21,666,929, which is more than 30 times the amount of taxes Mrs. Curran owed on her foreign accounts, is exceedingly sufficient to ensure that she does not make the same mistakes again.

With regard to general deterrence, that goal has already been met by her highly publicized prosecution over the past several months. Because the media coverage of Mrs. Curran's charging and plea was so extensive (a Google search for "Mary Estelle Curran tax" yields no less than 274,000 results), millions of people throughout the nation have been reminded that failing to pay taxes on interest from offshore accounts can result in not only substantial civil liabilities but also a criminal conviction. Any person contemplating under-reporting of foreign interest income will be adequately deterred by the enormous financial penalties imposed on Mrs. Curran; a sentence of incarceration is not needed to further reinforce this message. Moreover, a probationary sentence itself carries a deterrent effect. *See Gall v. United States*, 552 U.S. 38, 44 (2007) (recognizing that "probation, rather than 'an act of leniency,' is a 'substantial restriction of freedom'" (quoting district judge)); *id.* at 48 (affirming that "[o]ffenders on probation are . . . subject to several standard conditions that substantially restrict their liberty").

VI.

THE ADVISORY GUIDELINE RANGE IS BASED ON CONDUCT THAT IS NOT WHOLLY ATTRIBUTABLE TO MRS. CURRAN

The advisory guidelines for tax offenses determine the base offense level solely on the basis of the amount of tax loss. USSG §§ 2T1.1(1), 2T4.1. This graduated penalty structure reflects the judgment of the Sentencing Commission that a higher tax loss reflects more culpable conduct by the defendant and is therefore deserving of greater punishment. See USSG § 2T1.1, comment. (backg'd) ("Tax offenses, in and of themselves, are serious offenses; however, a greater tax loss is obviously more harmful to the treasury and more serious than a smaller one with otherwise similar

characteristics."); *United States v. Snipes*, 611 F.3d 855, 870 (11th Cir. 2010) ("If the defendant's crime were not 'serious' because the tax loss was minor and if his criminal history so warranted, the guidelines would advise a sentence of probation"). Here, the amount of tax loss attributable to Mrs. Curran's foreign accounts represents the difference between a base offense level of 6 and a base offense level of 20.

In the ordinary case, the amount of tax loss might well be an accurate measure of the severity of a defendant's conduct. It is not, however, a reasonable or appropriate measure of personal culpability in this case because the size of the accounts at issue and the resultant tax loss are not wholly attributable to what Mrs. Curran did. While other offshore tax defendants – many of whom, as detailed above, have received probation – funded their offshore accounts with their money (including criminally derived proceeds) in order to hide those assets from the IRS, Mrs. Curran never added anything to her accounts after she inherited and assumed responsibility for them; rather, the amount of funds in the accounts was attributable to the actions of Mrs. Curran's late husband taken prior to her involvement. While Mrs. Curran accepts responsibility for failing to disclose the existence of the accounts, the amount of tax loss is not a fair or reasonable measure of the seriousness of her own conduct because it is not wholly connected to acts undertaken by her. Under these circumstances, a sentence calculated solely based on the amount of tax loss overstates the seriousness of Mrs. Curran's offense conduct, and a downward departure or variance from the advisory guideline range is appropriate.

VII.

**MRS. CURRAN'S ATTEMPTED VOLUNTARY DISCLOSURE OF ALL OF HER
FOREIGN ACCOUNTS AND HER FULL PAYMENT OF RESTITUTION AND PENALTIES
PRIOR TO SENTENCING DEMONSTRATE EXTRAORDINARY ACCEPTANCE OF RESPONSIBILITY**

Mrs. Curran's voluntary disclosure of her conduct to the IRS, and in particular her disclosure of all of her foreign assets rather than only the UBS funds of which the government was aware, as well as the payment of her extraordinary FBAR penalty and her full acceptance of responsibility from the inception of this investigation four years ago, justify a variance. *See United States v. Tenzer*, 213 F.3d 34 (2d Cir. 2000) (remanding and holding that district court has discretion to depart where defendant made full disclosure and tried to negotiate with IRS to make payments through voluntary disclosure program, but did not meet eligibility requirements for program and was ultimately charged and convicted; court may take into account at sentencing aspects of the case that may be irrelevant for purposes of conviction, including taxpayer's intention to settle with IRS) .

Courts have consistently departed downward when a defendant voluntarily disclosed or self-reported her criminal actions. *See, e.g., United States v. Miller*, 991 F.2d 552 (9th Cir. 1993) (voluntary restitution exhibiting extraordinary acceptance of responsibility can justify downward departure); *United States v. Brown*, 985 F.2d 478, 482-83 (9th Cir. 1993) (holding that court could depart downward under §5K2.0 based on defendant's confession if district court determined that the two-point reduction for acceptance of responsibility did not adequately reflect defendant's extraordinary acceptance); *United States v. Lieberman*, 971 F.2d 989, 995-96 (3d Cir. 1992) (affirming downward departure where defendant offered to make restitution greater than amount stolen, met with bankers and offered to explain how he avoided detection, resigned his position, and went to FBI to admit his embezzlement); *United States v. Garlich*, 951 F.2d 161, 163 (8th Cir. 1991)

(if district court determines that two-level adjustment for acceptance of responsibility inadequately addresses extent and timing of defendant's restitution, it may depart downward on that basis); *United States v. Milne*, 384 F.Supp.2d 1309 (E.D.Wis. 2005) (finding that advisory guidelines range did not fully account for defendant's voluntary reporting of his misconduct to bank and his early efforts to repay bank); *United States v. Davis*, 797 F. Supp. 672 (N.D. Ind. 1992) (granting eight-level downward departure where defendant's voluntary payment of "extraordinary amount of restitution" of \$775,000 constituted "super-acceptance of responsibility").

In *United States v. Kim*, 364 F.3d 1235 (11th Cir. 2004), a pre-*Booker* case, the Eleventh Circuit affirmed downward departures and probationary sentences granted to two defendants based on extraordinary restitution. The defendants, a husband and wife, had paid restitution of \$268,237 prior to their sentencing for welfare fraud. The court noted that relevant factors in determining whether restitution is "extraordinary" include "the degree of voluntariness, the efforts to which a defendant went to make restitution, the percentage of funds restored, the timing of the restitution, and whether the defendant's motive demonstrates sincere remorse and acceptance of responsibility." *Id.* at 1244. The court declined to limit departures based on extraordinary restitution to only those defendants who paid restitution before indictment rather than pursuant to a plea agreement. *Id.* at 1243, 1244. The court affirmed the district court's departures on the grounds, among others, that the defendants paid more than the amount from which they personally benefitted, that they dipped significantly into their life savings to do so, that they paid off the restitution obligation in full at the time of sentencing, and that their motive for making restitution was their sincere remorse for their conduct. *Id.* at 1245.

Here, Mrs. Curran hired counsel and attempted in good faith to make a voluntary disclosure before UBS ever provided her name to the IRS and before the IRS offshore voluntary disclosure program was even opened. Had Mrs. Curran been admitted into that initial voluntary disclosure program, then not only would she not have been criminally prosecuted, but her FBAR penalty as a result of the voluntary disclosure program would have been 20% of the highest account balance instead of 50%, a difference of approximately \$13 million.

As noted earlier, since 2009, the government has given offshore account holders three chances, through three separate voluntary disclosure programs, to avoid prosecution and limit their financial penalties. To date, 38,000 offshore account holders have been given immunity from prosecution through these three voluntary disclosure programs, including those taxpayers who are accepted into the current (third) program, even though they willfully chose not to disclose their foreign assets in the first two programs, hoping that they could continue to hide their assets from the government.

In contrast, Mrs. Curran, who made good-faith efforts to become fully compliant before the first official voluntary disclosure program was even announced and well before any of those 38,000 account holders came forward with their disclosures, has already suffered the loss of her reputation and of millions of dollars because, unknown to her, her name was one of the very few that UBS provided in its first limited disclosure – an event that occurred in the one-month interval between Mrs. Curran's hiring of an attorney and that attorney's letter to the IRS. She should not now be deprived of her freedom as well.

The factors that supported findings of extraordinary restitution and extraordinary acceptance of responsibility in the above cases apply with force in this case. Mrs. Curran has paid far more than

the amount from which she personally benefitted; the FBAR penalty alone is more than 30 times the amount of back taxes that Mrs. Curran owed. She paid all her obligations in full well in advance of sentencing, and has done so out of genuine remorse and a desire to make the government whole and put this ordeal behind her. Accordingly, and consistent with the above case law, a downward departure or variance is supported by Mrs. Curran's extraordinary restitution and extraordinary acceptance of responsibility.

**VIII.
A SENTENCE OF PROBATION IS SUFFICIENT, BUT NOT GREATER
THAN NECESSARY, TO SATISFY THE GOALS OF SENTENCING**

The "overarching provision" of 18 U.S.C. § 3553(a) is to impose a sentence sufficient, but not greater than necessary, to meet the goals of sentencing established by Congress. *Kimbrough*, 552 U.S. at 101. The guidelines now reflect no more than a "starting point" for a sentence that should reflect "an individualized assessment based on the facts presented." *Gall*, 552 U.S. at 49-50. And if a sentence other than imprisonment would be sufficient to meet the statutory goals of sentencing, then the Court must impose such an alternative because imprisonment would be a "greater than necessary" sentence. 18 U.S.C. § 3553(a). In light of the facts and circumstances of this case as presented here, we respectfully submit that all of the sentencing goals listed in § 3553(a) are adequately met by a sentence of probation.

CONCLUSION

The probation officer agrees that a sentence of probation is appropriate and reasonable in this case. The government does not oppose a sentence of probation. Probation is the sentence required by basic justice and fundamental fairness. Accordingly, Mrs. Curran asks that the Court impose a sentence of probation, which may include the 50 hours of community service recommended by the Probation Office or such other appropriate conditions as the Court may impose in its discretion.

Respectfully submitted,

**BLACK, SREBNICK, KORNSPAN
& STUMPF, P.A.**

201 South Biscayne Boulevard
Suite 1300
Miami, Florida 33131
T: (305) 371-6421
F: (305) 358-2006

By: /s/

Roy Black, Esq.

Florida Bar No. 126088

rblack@royblack.com

Jackie Perczek, Esq.

Florida Bar No. 042201

jperczek@royblack.com

BINGHAM McCUTCHEN LLP

The Water Garden
1620 26th Street
Fourth Floor, North Tower
Santa Monica, California 90401
T: (310) 255-9025
F: (310) 907-2025

By: /s/

Nathan J. Hochman, Esq.

California Bar No. 139137

Nathan.Hochman@bingham.com

Daniel A. Saunders, Esq.

California Bar No. 161051

Daniel.Saunders@bingham.com

Mortimer Curran

Dear Judge Ryskamp,

I am writing on behalf of my mom, Mary Estelle Curran. I hope to share with you some of what I know about this generous and caring woman.

My mother has always made charity work a priority in her life. In so doing, she has always made the conscious choice to work with tiny local organizations that seek to affect people's lives directly, like Opportunity Inc. (which provides day care to low income families), the Rehabilitation Center for Children and Adults (which provides physical therapy to children with debilitating diseases and adults recovering from strokes/accidents), and a soup kitchen in New York. While some who are fortunate enough to be philanthropists favor high profile gifts announced at lavish parties far removed from the intended beneficiaries, my mother's charitable work has always been done quietly, and with her playing a very hands on roll with helping those in need. Early in her life in Canada, she volunteered at the Royal Victorian Hospital in Toronto where she personally worked with seriously ill patients. In New York, she volunteered with the Junior League, which had a requirement for actual hands on work, not just fundraising. She also volunteered with the Spence Chapin Adoption Agency, starting off working in their thrift shop to fund the center's ongoing adoption services and eventually rising to become a Board Member because of her dedication. In Florida, she volunteered at Eye and Ear Alert in West Palm Beach where she was trained to (and did perform) basic health screenings for children who had no access to medical care. And I particularly remember her volunteering at Opportunity, Inc., in West Palm Beach when I was a child, because I was terrified of the rough and tumble neighborhood off of Tamarind Avenue. In fact, I still remember going there with her several weekends one humid Florida summer when I was a child because the school's air conditioning units had been stolen not once, but twice in a row and the Board Members were scrambling to get new units installed and vandal proofed so the day care could open on Monday with air conditioning and not have to turn away the neighborhood's children.

My mom also quietly took on the cause of individuals in need, where only the recipients themselves were aware of her efforts. I'm thinking of Bill Sherman, a man from Liberia who did pressure cleaning and odd jobs for my parents decades ago...and one day told my mom he would no longer be able to work for her because he was going to be deported back to Liberia which was in the midst of civil war -- which was a virtual death sentence. She took it upon herself to hire him an immigration lawyer, stop his deportation, and eventually secure him citizenship, after which he ended up working for the state of Florida. No one else knew any of this; she just had the quiet satisfaction of doing what she thought was right. And I'm thinking of Merta Signorelli, who was the Director of Opportunity, Inc. for many years when my mom was on the board and so impressed my mom with her dedication that my mom paid for a sizeable portion of her college education to thank her for her contributions to the children. No public accolades or black tie balls for that. And my mom's tediously persistent commitment to my blind cousin Dawn McLennan, sending her materials in Braille and Books on Tape because the Lighthouse for the Blind would not pay for postage to Canada -- so my mom stepped in to order and accept responsibility for all the materials in Florida sending and returning a never ending stream of materials to Dawn in Canada with unceasing regularity over what must be decades at this point. There was always a box of tapes or Braille books about to be shipped to Dawn in my mom's kitchen, just as I am sure there is one in her kitchen even today.

Despite her means, my mother has always lived a quiet life with very few trappings. Her only car is a 2006 Toyota Corolla with manual windows and that is only because I finally insisted that the 1990 Ford Taurus my dad bought her had to be retired. Her house, which she and dad bought in 1982, has never

been materially remodeled or updated. She still has the same kitchen from 30 years ago with green and white Formica countertops. She doesn't have a cook, or driver, or part-time housekeeper. She doesn't play bridge or tennis or golf. All she has is her charities. And now the events that bring her before you are causing even her charities to distance themselves from her.

My dad was the center of my mom's world. My mom grew up on a farm in Canada in the middle of nowhere. She dropped out of high school to go to secretarial school, which enabled her to escape the countryside and make it to Ottawa. There, she met my dad. He had nothing and was working as well, trying to figure out which mining companies would be successful for investors and steer them away from those which would waste their money on dry holes and bankrupt their investors. My dad used to tell me that his largesse when he cooked for my mom consisted of canned spaghetti and Blue Nun wine. Not the most irresistible of offers, but clearly one based on much more than money or material things.

And all the while, my mom took care of my dad and provided the home life and support for him to be successful in his career, which he was. There are no words to describe the admiration she had for my dad. He was the center of her world and he could do no wrong in her eyes. If he made her move from city to city, that was what was best for his career and he was the boss. If he had to work weekends and she had to raise her son by herself for years, then that was what was best for my dad and therefore best for the family. If he liked to smoke in the house with the windows closed, that was OK too because he told her that he needed to relax and it was too hot for him to smoke outside.

In his later years, my dad suffered a number of strokes, both the ischemic and hemorrhagic type. As the strokes grew worse, my mom's resolve only grew stronger. She pulled back on her charities, and focused on helping him with daily activities – she dressed him, shaved him, drove him everywhere. She also tried to help him regain the physical activities that his brain had forgotten how to do with unrelenting (and probably unrealistic) optimism. In fact, my dad became a physical therapy patient and speech therapy patient at one of the charities my mom had volunteered at for two decades, the Rehabilitation Center for Children and Adults. A very unexpected reversal of roles. Despite some recovery in speech, people who didn't know him would sometimes think my dad was drunk because of his slurred speech -- but that didn't stop my mom from doing her best to get him out of the house to live life regardless of the occasional disapproving stares. She just couldn't believe that he was in decline and she always believed he would get better. Eventually my dad became blind and heavily medicated and had to have substantial professional medical help at home...but my mom would still not abandon him because she didn't trust the nurses to remember all of his medicines and correct doses. I don't think my mom would admit this, but the years of caring for dad at this level took an invisible toll on her and have sapped her energy. It devastated her to see him deteriorate and slowly die. To this day, she still has most of his clothes, shoes, and belongings in closets and drawers just the way they were when he died in November 2000. Just as if he might walk through the door tomorrow. And since my dad's death, my mom could not even think of having a boyfriend or beau to replace him. Dad was the one – a tower of admiration that no one else could live up to. In retrospect, she has been loath to change anything that he did; such was her admiration for him.

Just as my mom was a cheerleader for the sprouting charities she believed in and the support system for my dad, she has always been a cheerleader for me as well. In grade school, my mom was always the one who helped me with my homework and encouraged me while my dad worked late or read his history books. As I got to tougher subjects that she couldn't help me with she still found ways to encourage me...whether it was by convincing me that I could learn something with "just a little more work" or by convincing me to find the right classmate to call up and wrangle some help. I have to look back at her

insuppressible optimism about some things and just laugh - like her encouraging me to join the Church choir (trust me, hard work WON'T improve my singing!) or her encouraging me take a summer course in architecture in high school (trust me, either you can draw or you can't...it's NOT a question of effort). While things didn't always work out, she certainly gave me a lot of confidence - sometimes too much and I got in over my head without realizing it. But she has left an indelible imprint on me as a parent about the importance of being a cheerleader for my three children and giving them self confidence. As a grandmother, she still does that, talking to my children (who are all under three years old) almost as if they were adults with bigger vocabularies and more capability to make choices than their ages would suggest and an unceasing optimism in their ability to gain something positive from any new experience - whether it is a garden show or theatrical production or going to Church - that most of us would not intuitively think of as kid-friendly.

The past four and half years of my mom's voluntary disclosure to the IRS, rejection, lengthy criminal investigation, plea, and now sentencing, have been very difficult for my mom because she is unaccustomed to conflict and adversarial situations. She has been vilified in the press, expelled from some of her cherished charities, and in many ways ostracized by her community. In fact, some of the charities she volunteered for are afraid of some invisible "legal liability" if they write on her behalf, making her rejection by them all the more painful given her years of work on their behalf. Equally frustrating, many of her fellow volunteers over the years have passed away and are not here to help document her volunteer work. But I believe that there are enough of those who are still living to sketch a clear outline of her life's volunteer work and her character, which has been one of generosity, optimism, and desire to tangibly help those who want to help themselves.

Thank you for taking the time to read this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mortimer Curran".

Mortimer Curran

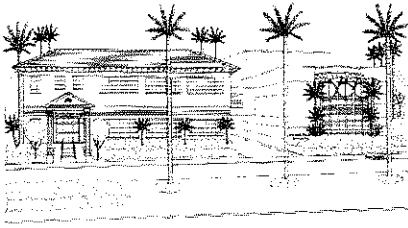
Pamela J. Henderson

Rehabilitation Center for Children and Adults, Inc.

300 Royal Palm Way • Palm Beach, Florida 33480

(561) 655-7266 Fax (561) 655-3269

www.rcca.org info@rcca.org



Date: April 12, 2013

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EXECUTIVE DIRECTOR
Pamela J. Henderson

To: Judge Ryskamp

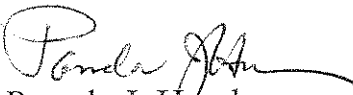
Re: Mary Estelle Curran

Thank you for the opportunity to provide support for Mary Estelle Curran.

As Executive Director of the Rehabilitation Center for Children and Adults, I am personally aware of her important contributions for the patients served at this Center. As early as the late 1970's I observed Estelle volunteering in the Center's preschool classroom. The children enrolled receive physical, occupational and speech therapy for their physical challenges, primarily cerebral palsy.

In 1980 she was elected to the Board of Governors and continued to serve for 32 years as a board member. During those years, she served on the Center's development, executive, special event and membership committees. In addition, her cumulative financial gifts have been significant – helping countless families who are under or uninsured.

We look forward to her continued and future contributions to help children and adults with physical disabilities.


Pamela J. Henderson
Executive Director

R. Terry Fox



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April 16, 2013

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Director*

Dear Mr. Black,

This is to confirm that Mary Estelle Curran was affiliated with Opportunity, Inc. during the 1980's to 1990's. During this period, her involvement included serving on the Board of Directors, serving as Secretary for two terms and serving as Treasurer. Mrs. Curran was further elected to the Emeritus Board of Opportunity, Inc., a distinguished group of individuals who have provided exceptional service and who have served the organization over ten years. Unfortunately, detailed financial records from that era are no longer available.

Mrs. Curran is highly respected by her peers and the organization and her contribution to Opportunity, Inc. has been invaluable.

Yours truly,

R. Terry Fox
President



"Please Consider The Children In Your Estate Plans"

Our Mission is to empower children of low income, working families to achieve future academic and life success by providing the best early childhood educational programming and support services, and by assisting their families with strategies to achieve self-sufficiency.

William N. Sherman, Jr.

March 26, 2013

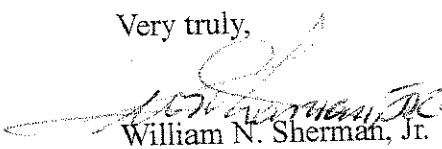
Dear Mr. Black.

I, William N. Sherman, Jr., am a Liberian from Monrovia, Liberia West Africa.

I came to the United States of America in 1976 as a student. However, in the mid 80s, Liberia was engaged in civil wars in which the President was assassinated and there was plenty of political unrest in the country. Therefore, I applied for political alyssum and was denied because the U.S. Immigration Office felt that at the time of my application for political alyssum my country was safe and that my life wasn't endangered if I went back home. But they requested if I want to stay in the United States, I should give them more reasons to support my claim for alyssum or else I would be deported. It was at this time that I turned to Mrs. Curran for help and I explained to her my situation. She provided me a lawyer whose name I cannot remember to this date but whose intelligent counsel assisted me to live in this country until I became a U.S.Citizen.

Mrs. Curran is a very generous lady. May the Almighty God richly bless her and her family in all areas of their lives for helping me.

Very truly,


William N. Sherman, Jr.

Page H. Ferrell

Page H. Ferrell

To whom it may concern

I have known Estelle Curran since 1980. She lived on Breakers Row with her husband and son .It is my pleasure to write to you on her behalf .We met while doing volunteer work at the Rehabilitation Center for children and Adults Inc. We volunteered on Friday mornings together to work in the pre-school helping the teacher with all kinds of tasks that the children needed to accomplish .We became friends as we shared a love for the children and the work the rehab center does .

We realized we had sons approximately the same age .My son Bill knew Mortimer her son from dance class and the Palm Beach Day School and sports activities ..Estelle and her husband were very well liked and active in the community of Palm Beach .We were both members of the Junior League of the Palm beaches .Our paths and friends attended many of the same interest over the years .

Estelle and I sat on the board together at the Rehabilitation Center .She became active with Opportunity Inc.

which is a non for profit pre-school in West palm beach for low income families .She served at her church Bethesda by the Sea for many ,many a years on the flower guild .We belonged to the Republican Club and English Speaking Union Club so we interacted over the years constantly with similar interests .We had many friends in common .Socially we have enjoyed getting together for lunches and dinners quite often . Sometimes when we are both in New York we have lunch with several other friends who regard Estelle as a very smart and caring person .

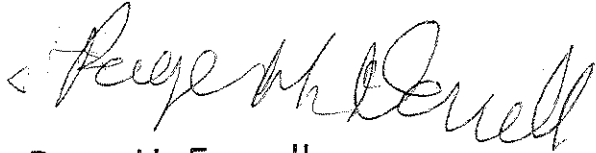
Estelle Curran since I have known her is a wonderful ,trustworthy ,and loyal friend .She is quiet ,non –assuming very confident .If asked to participate or do a project she is very thorough and thoughtful on the best way to accomplish something .She is organized ,caring ,and finishes whatever she starts .Over the years she has given hundreds of hours to her church and to the organizations she supports by serving on their boards .She is highly respected for her viewpoint and her dedication in the community .

To my knowledge Estelle has been a kind and loving wife to her belated husband .She is a loving mother to her son . And now she enjoys her two grandchildren with the third on the way .one.

I would like to thank you for giving this letter your serious consideration .She has made her home for the last twenty five

to thirty years in Palm Beach. Her home is on the intracoastal reflects that she is seen by all as a valuable member in our town ..I have known her over these years I would trust her with anything that I have .She is a loving ,giving and steadfast friend . I am a better person having known her and being called as her friend .We raised our families at the same time throughout the years I could always count on her help and advice .please know that I think that she is of the highest character without reserve .

Sincerely ,

A handwritten signature in cursive script, appearing to read "Page H. Ferrell".

Page H. Ferrell

January 30, 2013

Dawn McLennan

January 23, 2013

Your Honour,

My name is Dawn McLennan, and I am writing to you on behalf of my Aunt Estelle, known to Your Honour as Mary Estelle Curran. I am not going to pretend that I know anything about Your Honour's decision-making process in these matters, but I do know my Aunt Estelle.

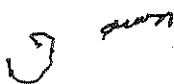
My aunt has been a fixture in my life for 49 years. I remember as a child Aunt Estelle would always send me a new dress for Christmas, I think it's time for me let the proverbial cat out of the bag... I despised wearing dresses at that time. When I was seven years old I opened up a gift from Aunt Estelle knowing it would be a dress, by to my amazement I actually loved it. The bodice of the dress was navy blue with long sleeves the skirt portion of the dress was a checkered pattern of navy blue and white, but the most memorable part of the dress was its belt, it was navy blue with a bright red apple as its buckle. Now, I realize that you must be thinking that I am crazy to be describing to you a dress that I received 42 years ago, but I bring it up to demonstrate just how powerful my Aunt Estelle's influence has been on me for so many years.

Approximately 21 years ago I began to lose my eye sight, when Aunt Estelle was informed of this, she was off and running. Before I knew it she had made all the arrangements for me to be seen by specialist at the Retina Associates in Boston. Unfortunately after several visits to Boston it became clear that my eye sight could not be saved, but that didn't stop Aunt Estelle. Again, before I realized what was happening I began to receive books on tape, as she knew my passion for reading, as well as cds and cassettes of music and history, which she was also aware of my passion for. When I told Aunt Estelle that I had taught myself to read braille, she once again was on the move. I began receiving "Readers Digest," "The Christian Monitor," "the Matilda Ziegler Magazine" and others. I was absolutely thrilled because I much preferred to actually read then to listen to cassettes. Then to my even greater delight Aunt Estelle found a bookstore in Stewart, Florida that sold actual books printed in Braille. I cannot begin to tell you how happy I was upon hearing that news. Aunt Estelle has been relentless in her pursuit of anything that she thinks may make my life easier or bring me happiness, the best analogy I have been able to come up with to describe Aunt Estelle is that she is just like the Energizer Bunny.

Your Honour, I have a very unusual request that I would like you to consider. If Your Honour deems that my aunt should be punished with a prison sentence, I, if it is legally possible would like to serve that sentence's in Aunt Estelle stead. I am very serious about this, and have no reservations. Aunt Estelle is too valuable to her community and most especially her family. I want you to know how very much I respect and love my Aunt Estelle, and how difficult it would be for me, and the rest of our family to be to be parted from my aunt even for a day.

I would like to thank, Your Honour, very much for taking the time to read this letter regarding my Aunt Estelle.

Sincerely, Dawn McLennan



McLennan

Rev. Ralph R. Warren, Jr.

THE REVEREND RALPH R. WARREN, JR.

To Whom it may concern:

From April 1982 to May 2009 I served as the Rector of the Episcopal Church of Bethesda-by-the-Sea. During that time I ministered to the Curran family and came to know them as fine upstanding people.

I officiated at the wedding of young Mortimer Curran, and conducted the funeral for his father.

Throughout the time I was the Rector, Mrs Estelle Curran was a faithful and participatory parishioner. She served for many years on the Altar Guild of the parish as well as the Pastoral Committee. There never was any doubt in my mind, that when there was a need on any of the committees on which Mrs. Curran served, that she would do all she could to fill that need.

I always found her to be a faithful person in her church attendance, and one who was deeply respected by other members of the congregation.

If there is anything I can do to further support Mrs. Curran as a character witness please do not hesitate to call upon me.

A handwritten signature in dark ink, reading "Ralph R. Warren, Jr." with a stylized flourish at the end.

(The Rev.) Ralph R. Warren, Jr.

Trudy B. Brekus

TRUDY B. BREKUS

February 8th, 2013

Roy Black, Esq.,
Black, Srebnick, Kornspan & Stumpf, P.A.
201 South Biscayne Blvd., Suite 1300
Miami, FL 33131

Dear Mr. Black:

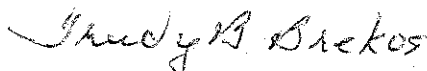
I am writing on behalf of my friend, Estelle Curran, whom I have known for more than thirty years.

I was married for fifty-nine years to my wonderful husband, Gordon L. Brekus, who was Executive Vice President of the Alexander Proudfoot Company in Chicago, a management consulting company which worked only for Fortune 500 companies. My husband traveled extensively and consequently we decided that I would be a "stay at home" mom for our three children who have since made their way in the business and academic world and have all reached their goals in life. On his retirement, my husband involved himself in various banking and investment companies and in 2008 was chosen by the Board of The Beach Club in Palm Beach to be their President. He held this position until his untimely death in 2011.

During my friendship with Estelle we often were involved together in support of various charitable organizations. Among them were the Visiting Nurse Association, the American Heart Association, the Opportunity Inc. Early Childhood Center and the Rehabilitation Center for Children and Adults. I have always found her to be sincere in her concern for those in need. She was always among those who were dependable, conscientious, hard working and truly caring. When Estelle's husband Mortimer was still living, my husband and I spent many happy hours socializing. I came to know and respect their son during many conversations concerning his college planning, as I have been involved in the Admissions process in Palm Beach and Martin Counties for Harvard College for more than thirty-three years. In 2001 I received the Hiram S. Hunn Memorial Schools and Scholarship Award of the Harvard College Admissions Office for my unusual commitment and quality in interviewing candidates for admission to Harvard College.

Over the years I came to know Estelle as a loving and supportive wife and a devoted mother. It is how I think of her and admire her. She is a true and loyal friend.

Sincerely,



Trudy B. Brekus

Joan Alleman

February 14, 2013

Judge Kenneth Ryskamp,

Your Honor,

I have known Estelle Curran for fifteen years. Mrs. Curran is a mother, grandmother and widow. She is the most unassuming, modest and reserved person I have ever know. She has worked ceaselessly for charities in the community and is an outstanding example of selflessness as well as a paragon of truth and thrift.

Please, Judge Ryskamp, when it comes to passing sentence, I beg you to consider her age and fragility. Her character and servie to her community. This lady is her own best defense.

Please, your honor, justice has already been served.

Respectfully,
Joan Alleman
(Mrs. H. Edward Alleman, Jr)

Judge Kenneth Ryskamp.

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Please, Judge Ryskamp, when it comes to passing sentence, I beg you to consider her age and fragility, her character and service to her community. This lady is her own best defense.

Please, your Honor, justice has already been served.

Respectfully
Joan Allenman
(Mrs. H. Edward Allenman, Jr.)

Douglas O'Connor

10 February 2013

Dear Judge Ryskamp,

The purpose of this letter is to provide you with an input as you reach your judgement on Estelle Curran. It is based on over two decades of personal knowledge of Estelle's character and lifetime of service in both New York City and Palm Beach.

The standards for my judgement are based on a lifetime of government service where the standards were set by people with whom I served - Generals Jim Garvin, Maxwell Taylor, Al Hale, Norman Schwarrkoff and others.

Estelle Curran's life has been characterized by community service, donations to numerous charitable activities and a modest, gracious persona. Typical of the activities has been her work with the English Speaking Union of Palm Beach, keeping the Rose at St. Anthony's Church on West 54th Street in New York City and The Rehab Center of Palm beach.

Always modest and unassuming Estelle inspired others to emulate her generous nature. She is a good person who has been ill served by Bankers, accountants, tax advisors and others.

I look forward to your consideration of the whole of Estelle's life and person, as you reach your judgement.

Respectfully,
Douglas O'Connor
Major General (RET)



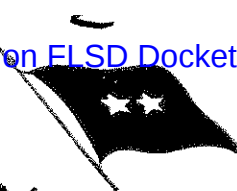
10 FEBRUARY 2013

DEAR JUDGE RYSKAMP,

THE PURPOSE OF THIS LETTER IS TO PROVIDE YOU WITH AN INPUT AS TO WHAT YOUR JUDGMENT ON ESTELLE CURRAN. IT IS BASED ON OVER TWO DECADES OF PERSONAL KNOWLEDGE OF ESTELLE'S CHARACTER AND LIFETIME OF SERVICE IN BOTH NEW YORK CITY AND PACIFIC BEACH.

THE STANDARDS FOR MY JUDGMENTS ARE BASED ON A LIFETIME OF GOVERNMENT SERVICE WHERE THE STANDARDS WERE SET BY PEOPLE WITH WHOM I SERVED — GENERALS SIM GAVIN, MAXWELL TAYLOR, AL HAIG, NORMAN SCHWARZKOPF AND OTHERS.

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 SERVED BY BANKERS, ACCOUNTANTS, TAX
 ADVISORS AND OTHERS

I LOOK FORWARD TO YOUR CONTRIBUTION
 ON THE WHOLE OF ESTELLE'S LIFE



AND PERSON, AS YOU READEN YOUR
TOMBSTONE.

RESPECTFULLY

Wm. L. O'Connor

DOUGLAS O'CONNOR
MAYOR PENNSYLVANIA (RE)

George Thomas Williamson

Dear Judge Ryskamp,

I am writing on behalf of Mrs. Mortimer Curran who will soon come into your court for sentencing.

I have known Mrs. Curran for twenty years; and as you can well imagine, she is devastated by this prospect. She is one of the most honest and finest women I have ever known. Gracious and incredibly giving, Mrs. Curran is admired by the entire Palm Beach community. She is also in possession of one of the rarest of all characteristics: modesty. Despite her considerable financial resources, she gives her time and efforts. She has helped numerous underprivileged children and even works in soup kitchens. Community service is no stranger to her.

I guess being a judge is a hard task to balance the good with the bad. Please take into account how much this dear woman has suffered over the last four years.

Respectfully,
George T. Williamson

February 5, 2013

GEORGE THOMAS WILLIAMSON

Dear Judge Ryskamp

I am writing to you on behalf of Mrs Mortimer Curran who will soon come into your court for sentencing.

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I guess being a judge is a hard task to balance the good with the bad. Please take into account how much this dear woman has suffered over the last four years.

Respectfully
George J. Williamson

February 5, 2013

Patricia J. Williamson

Monday, Feb 11, 2013

Dear Judge Ryskamp,

Having known Estelle Curran for nearly twenty years, through charitable endeavors, and through an established abiding friendship. I find it incomprehensible that she would knowingly do anything in the least way dishonest! She is, in my mind, a true lady, and one of my dearest friends in Palm Beach.

My husband and I have become friends with her and her son, Mortimer (and his wife, Charlotte) enjoying lovely deliveries, family baptisms (at St. Edwards Catholic Church), her involvement at The Episcopal Church of Bethesda-by-the-Sea, and through the English Speaking Union. Also, she and my husband, George, are members of the Venerable Order of St. John of Jerusalem, an international charitable organization supporting the Eye Hospital in Jerusalem, which treat both Israelis and Palestinians.

There is just no way that a women as distinguished as Estelle would find herself in this predicament. Considering the fact that, when alerted to the mistake in her tax filings, she readily agreed to pay the back taxes, it seems grossly excessive!!

It is my hope that you will receive this letter with favor for Estelle Curran.

Sincerely, your,
Patricia J. Williamson
(Mrs. George Thomas)

Monday, Feb. 11, 2013

PATSY WILLIAMSON

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There is just no way that a woman as distinguished as Estelle would find herself in this predicament. Considering the fact that, when alerted to the mistake in her tax filings, she readily agreed to pay the back taxes, it seems to me that any further penalty would be grossly excessive!!

It is my hope that you will receive this letter with favor for Estelle Curran.

Sincerely, yours,
Patricia F. Williamson
(Mrs. George Thomas)

Henry J. Logan

Hon. Kenneth Ryskamp
c/o U.S. District Court

Palm Beach, FL

Your Honor,

I write on behalf of Mrs. Estelle Curran who is to come before you to be sentenced on a plea on a tax matter.

As an 85 year old who is closer to the end of the trail than the beginning I realize how precious is each day.

During my journey through life I have been a United States officer serving in the Office of Special Investigations United States Air Force, Inspector General's Office (Detachment Commander), practicing attorney for over 55 years, Westchester County New York. The County attorney, Town Justice, Volunteer Fireman, President of the Lower Hudson Valley Lung Association etc. I list these only to indicate that I have had the opportunity to know and evaluate people of many different positions in life.

I have known Mrs. Curran for 10 years or more, since coming to Florida. The details of the offense which brings her before you is unknown to me. I expect the probation department will provide you better detailed background information.

Knowing her on a personal and social level I can say she can be described a **lady**, modest, polite, reserved - not one to appear in the press. (At a recent lunch she parked her own car saving the parking charge). She is a mother, grandmother, charitable - a church goer, a senior citizen of about 75 years.

Her reputation among her friends and in the community for honesty, probity, kindness and the admired virtue is excellent.

It is hoped you may see fit to impose the minimum possible sentence.

Respectfully,
Henry J. Logan

Address:

Tel:

P.S. If I can provide additional information to either you or the probation department - please do not hesitate to contact me.

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Respectfully,
HENRY J. LOGAN
(over)

P.S. If I can provide additional information to either
you or the Probation Department - please do not
hesitate to contact me.

H. L.

Margaret B. Dimm

Sir,

Estelle Curran has been a friend of mine for over twenty years, both socially and through service to our church Bethesda by the Sea in Palm Beach, Florida. She is probably the most loving and caring person I know. I cannot believe she would do anything dishonest intentionally.

Hopefully you will look with favor towards my friend Estelle Curran.

Yours sincerely,
Margaret B. Dimm
17 February 2013



Sir -

Estelle Cusins has been a friend of mine for over twenty years, both socially and through service to our church Bethesda by the Sea in Palm Beach Florida. She is probably the most loving and caring person I know. I cannot believe she would do anything dishonest intentionally. Hopefully you will look with favor

towards my friend Estelle Casius

Yours sincerely

Margaret B. Jimms

17 February 2013

Carol Flanagan

The Honorable Kenneth Ryskamp

I have known Estelle Curran for many years. She has always been a quiet thoughtful person who helped in all the various organizations she belonged to.

I would certainly hope that she would be treated with the dignity she deserves and with leniency. I do not believe she is responsible for the position she finds herself in. It is quite obvious she has been given very bad advice.

Sincerely,
Carol Flanagan
Mrs. Joseph P. Flanagan

The Honorable Kenneth Ryshamsky

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Sincerely,

Carol Flanagan

Mrs. Joseph P. Flanagan

Janetta Hoffman

Dear Honorable Kenneth Ryskamp

My husband and I are good friends with Estelle Curran and have been for twenty years. We admire her greatly for her intrinsic and good character, honesty and generosity of spirit. She has supported opportunity Inc. (A childrens's literacy program) and other charitable institutions.

We attend the same church and in all the years we have known her, Estelle has always shown great moral fiber.

Hopefully you will consider this letter.

Sincerely,

Janetta Hoffman

Dear Judge Ryskamp —

My husband and I are good friends with Estelle Curran and have been for twenty years. We admire her greatly for her intrinsic good character, honesty and generosity of spirit. She has supported Opportunity Inc. (a children's literacy program) and other charitable institutions.

We attend the same church and in all the years we have known her, Estelle has always shown great moral fiber.

Hoping you will consider this letter.

Sincerely,
Janetta Hoffman

Dorothy Wood Letts

February 9, 2013

The Honorable Kenneth Ryskamp.

Dear Judge Ryskamp,

Estelle Curran served on the board of the Palm Beach branch of the English-Speaking Union with me for many years. She has been exemplary in her performance as secretary and as chairman of the admissions committee. Her forthrightness and dedication has earned her much respect. Estelle is well liked by many in our community for her good works and kindness. She is an honorable person and deserving of her leniency.

Sincerely,
Dorothy Wood Letts
Mrs. Gavin Letts

TIGH-NA-MUIR

February 9, 2013

The Honorable Kenneth Ryskamp.

Dear Judge Ryskamp,

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Sincerely,

Mrs. Gavin Letts Dorothy Wood Letts

Carla Darlington

* Judgment in the case

In addition:

Commenting in my opinion and without judgement. I feel strongly that Estelle Curran (Mrs. Mortimer L. Curran) has been a forthright and honest, dignified and conservative lady who befriended many here in Palm Beach and New York. My husband and I have seen her on Sundays at Bethesda-by-the-Sea Church and on various committees where she volunteers her time, one being the English Speaking Union. Please consider her as an admired person in our community who would certainly reach high to do this right thing in whatever circumstance. I feel compelled to write a few words in her favor though was not asked to do so.

Sincerely,
Carla Darlington
on 10 February 2013

* judgement in the case -

EDB

In addition:

Commenting in my opinion and without judgement I feel strongly that Isobel Curran (Mrs) Northmore L. Curran) has been a forthright and honest, dignified and conservative lady who befriended many here in Totee Beach and New York. My husband and I have seen her on Sundays at Bethesda-by-the-Sea Church and on various committees where she volunteered her time, one being the English Speaking Union. Please consider her as an admired person in our community who would certainly reach high to do this right thing in whatever circumstance. I feel compelled to write a few words in her favor though was not asked to do so.

Sincerely,
Carla Martinez
see 10. February 2013

Henry Darlington, Jr.

February 10, 2013

Dear Judge Ryskamp,

Sorrowfully I am writing in support of Estelle Curran which should be unnecessary.

Estelle is a gracious lady who, all her life, has been a good citizen - helpful, kind and thoughtful to others.

She is an honest and trusting lady to her friends and others.

It would be a miscarriage of justice to do her harm.

I trust in your good wisdom, you will see her as she is. A great lady to be protected and appreciated by all.

Sincerely yours, I remain

Harry Darlington, Jr.

Feb 10, 2013

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Sorrowfully I am writing
in support of Estelle Curran which
should be unnecessary.

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lady who, all her life, has been a
good citizen - helpful, kind and
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She is an honest and
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I trust, in your good

HENRY DARLINGTON, JR.

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a great lady to be protected and
appreciated by all.

Sincerely yours, I remain

Henry Dulington, Jr

Martha B. Moore

Martha Moore

January 30, 2013

To whom it may concern

I am happy to write on behalf of my good friend, Mrs. Mortimer Curran. Mrs. Curran and I have known each other for the past twenty-five years. She is a woman of the highest moral conviction and character.

Mrs. Curran and I met first as members of Bethesda-by-the-sea Episcopal Church. She is a strong supporter and tireless volunteer for the Church. In New York, as well, she is an energetic and faithful volunteer in Church soup kitchens.

Mrs. Curran is caring and compassionate. She is held in high regard by me and all who know her.

Sincerely,

Martha B. Moore
Martha B. Moore

Don McLennan

Don McLennan

February 6, 2013

Jackie Perczek
Black, Srebnick, Kornspan and Stumpf
201 S Biscayne Blvd., Ste 1300
Miami, FL 33131

The Honorable Judge

RE: Mary Estelle Curran

Dear Sir,

On January 9th while vacationing in Phoenix, Arizona, I read the article in USA Today concerning my sister, Mary Estelle Curran.

Estelle was one of three children of F.C. McLennan and Phyllis McLennan. She was born in a small farming community and I as her only brother at a young age realized that she would not continue the country style of living. After completing grade school and some high school, she completed a secretarial course and was able to secure a position with Westinghouse Canada.

After working there for a number of years, she later moved to Montreal and was employed by Greenshields and Company (a large and well respected stock brokerage firm). There she met her future and late husband, Mortimer Curran and later moved to New York City. During their stay there, their son Mortimer Jr. was born. A few years later they moved to Palm Beach, Florida and eventually into the home she now resides.

Over the years Estelle and her late husband Mortimer have counseled and helped many people financially, and contributed time and resources to various charities and religious organizations. Mary Estelle throughout her lifetime has been a very honest and compassionate lady. She has helped my family and I'm sure she has helped her late husband's family as well. As an example, I know for a fact that they were very

interested in and contributed financially to Gallaudet University after their son saw a football game there and came home to report that it was a very unusual experience – there was no cheering. They investigated and found Gallaudet University to be a special place and got involved.

She was and is still very caring to my daughter who is visually impaired. She cares so much for all her nieces and nephews and especially her grandchildren.

Her late husband passed away in 2000 and to this day I firmly believe that she has not accepted the fact that he is gone. As one example, up to a year or so ago, she still had not disposed of his personal clothing and effects. My sister lives very frugally and kept the accounts that her late husband had set up. Her husband handled all the finances and income taxes. While she acknowledges her guilt, the only explanation is that she did not want to destroy his reputation after he died and left the accounts there.

Please take her whole life into consideration and grant my loving and caring sister leniency.

Thank you for taking the time to read my letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Don McLennan", with a horizontal line underneath.

Don McLennan

William Henry Told, Jr.

11 February 2013

Dear Judge Ryskamp,

This is written concerning a person in despair, Estelle Curran (Mrs. Mortimer). I have known this lady for many years on charitable and educational projects - English Speaking Union (Anglo-American Exchange), order of St. John (Eye Hospital in Jerusalem) and Bethesda Church (Out reach and community support). To each, she has given tirelessly her time, effort and energy, as a worker and a doer.

Estelle is an individual of faith, integrity and modesty. To my knowledge, her recent difficulty has harmed no one else. She has made restitution and suffered deeply. I implore the mercy of the Courts.

Sincerely,

William H. Told Jr.

WILLIAM HENRY TOLD, JR.

11 FEBRUARY 2013

DEAR JUDGE RYSKAMP,

THIS IS WRITTEN CONCERNING A PERSON IN
DESPAIR - ESTELLE CURRAN (MRS. MONTIMER). I HAVE
KNOWN THIS LADY FOR MANY YEARS ON CHARITABLE
AND EDUCATIONAL PROJECTS - ENGLISH SPEAKING UNION
(ANGLO-AMERICAN EXCHANGE), ORDER OF ST. JOHN (EYE
HOSPITAL IN JERUSALEM) AND BETHESDA CHURCH (OUT-
REACH AND COMMUNITY SUPPORT). TO EACH, SHE HAS
GIVEN TREMENDOUSLY HER TIME, EFFORT AND ENERGY,
AS A WORKER AND A DOER.

ESTELLE IS AN INDIVIDUAL OF FAITH, INTEGRITY
AND MODESTY. TO MY KNOWLEDGE, HER RECENT DIA-
GNOSES HAS HARMED NO ONE ELSE. SHE HAS MADE
RESTITUTION AND SUFFERED DEEPLY. I EMPLOY THE
MERCY OF THE COURT. SINCERELY, W. H. TOLD, JR.

Mrs. George E. Ford

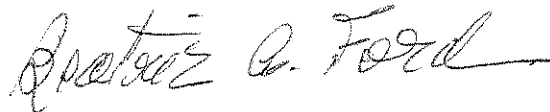
MRS. GEORGE E. FORD

TO WHOM IT MAY CONCERN:

This is to attest that I have known Mrs. Mortimer Curran (Mary Estelle Curran) for more than twenty years. I admire her character and her business integrity. We belong to the same community and we both are members of several boards at which meetings I appreciate her excellent participation,

She was a good wife, and mother and is a wonderful grandmother.

I'm proud to have her as my friend.

A handwritten signature in dark ink, appearing to read "George E. Ford". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Mrs. George E. Ford

March 18, 2013

Mary Estelle Curran