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Judge frees woman seconds after giving her probation

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U.S. District Judge Kenneth Ryskamp sentenced Mary Estelle Curran of Palm Beach to one year probation Thursday on tax charges, before revoking the sentence five seconds later and sending her out of the courtroom a free woman.

Ryskamp chastised the government for prosecuting the 79-year-old woman when 38,000 other people in the same situation were given immunity.

"This is a tragic situation," Ryskamp said. "It seems to me the government should have used more discretion in this situation."

Curran failed to report \$43 million in offshore accounts on tax returns from 2006 and 2007, according to the charging documents. Curran inherited the accounts when her husband, Mortimer, who died in 2000.

Curran was one of 250 clients handed over to the IRS from the Zurich-based UBS in February 2009 in order for the bank to avoid prosecution on charges of tax evasion.

Curran's attorney Roy Black said she had tried to file papers to get into the voluntary disclosure program, but UBS had given her name to the IRS prior to that and her application was denied.

In January, Curran pleaded guilty to two charges of filing false tax returns for calendar years 2006 and 2007, and paid \$26.6 million in penalty fees.

"Based on these facts, did it ever occur to the government to dismiss these charges," Ryskamp said. "Instead, the government decided it had to make a felon out of this woman?"

Mark Daly, from the Department of Justice Tax Division, told Ryskamp that Curran's husband, Mortimer, was a "very wealthy man" and shouldn't have turned to a foreign national for an interpretation of U.S. Law."