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BREAKING

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Runaway lawyer Timothy McCabe gets five years



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WEST PALM BEACH — Timothy McCabe, his law license taken, his reputation wrecked, his family facing financial ruin, sat mostly stoic in his blue prison uniform as his sentencing hearing began Wednesday in federal court.

But the tears began, his shoulders shaking, when his wife of two decades approached the podium microphone and begged U.S. District Judge Kenneth Ryskamp for leniency.

It was granted.

McCabe, 56, was sentenced to five years in prison for bilking at least 73 former clients out of nearly \$6 million.

That's less than the prosecution's original calculation of sentencing guidelines, which called for up to 12½ years, and even a reduction from the 6½ years that Ryskamp concluded during the hearing was the minimum sentence.

McCabe, who disappeared for more than two months last year when his schemes began to unravel, has already served nine months, and could get a year shaved off for participating in a drug and alcohol rehabilitation program. He pleaded guilty to five counts of fraud in October.

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McCabe's attorney, Robert Gershman, didn't want to comment on the specific length of the sentence, but said there would be no appeal.

"His honor gave this significant thought and was wise in his decision," Gershman said.

Some victims, nine of whom sat across the courtroom from McCabe awaiting a chance to speak, didn't agree.

"I don't understand the leniency," said Steve Shepherd, who told Ryskamp that McCabe owes him \$850,000 from an unfulfilled contract. "It's nice to see people forgive other people, but I'm still mad."

Leonardo DiCosola, who lost \$50,000 when McCabe took money from his own Lake Worth law firm's escrow account, also thought McCabe got off easy.

"I worked very hard for the money that was stolen from me," DiCosola said.

"Regardless of what good he's done prior in his life, my opinion is he is a thief and a criminal."

But it was McCabe's history as a father — he has three young daughters — a churchgoer and a devoted son to an ailing father that seemed to sway Ryskamp. Also, McCabe will not be in a position to commit such crimes in the future, Ryskamp said.

McCabe's disappearance and the fact he paid off his house with stolen money, "didn't sit well" with Ryskamp, but the judge determined it was aberrant behavior.

"Until this occurrence I think people would say (McCabe) was a model of integrity, a good father, a man active in his church, a friend to many," Ryskamp said. "But when things are going well, it's easy to be virtuous. When things go bad is what tests the character, and he flunked."

McCabe is also required to pay restitution of \$5.9 million and serve five years of supervised release after leaving prison.

Three people, including McCabe himself, his wife, Donna McCabe, and his father-in-law, Mitchell Zogby, spoke in his defense.

McCabe, in between tears and long pauses, told Ryskamp he decided on March 30, 2013, to "stop being a thief."

He didn't have to stop, McCabe clarified, because money was "really easy to get." He said he ran away to protect his family from scrutiny and the media. He said he knew it

would take time to compile a case against him, and that he always expected to go to prison.

"I tried to be a role model for my children. That's so pathetic," he said. "By the end, the only way I could do that was to turn myself in."

Assistant U.S. Attorney Ellen Cohen, who prosecuted the case, asked for a sentence of 6½ years.

She wouldn't comment after the hearing, but said during the proceeding that McCabe lost his "moral compass."

"He decided it was time to prop up his own company and his own family with other people's money," Cohen said. "We have 73 people who have had their lives in one way or another affected by actions designed to save himself."



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