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# Investigation and Prosecution of Joint Account Cases



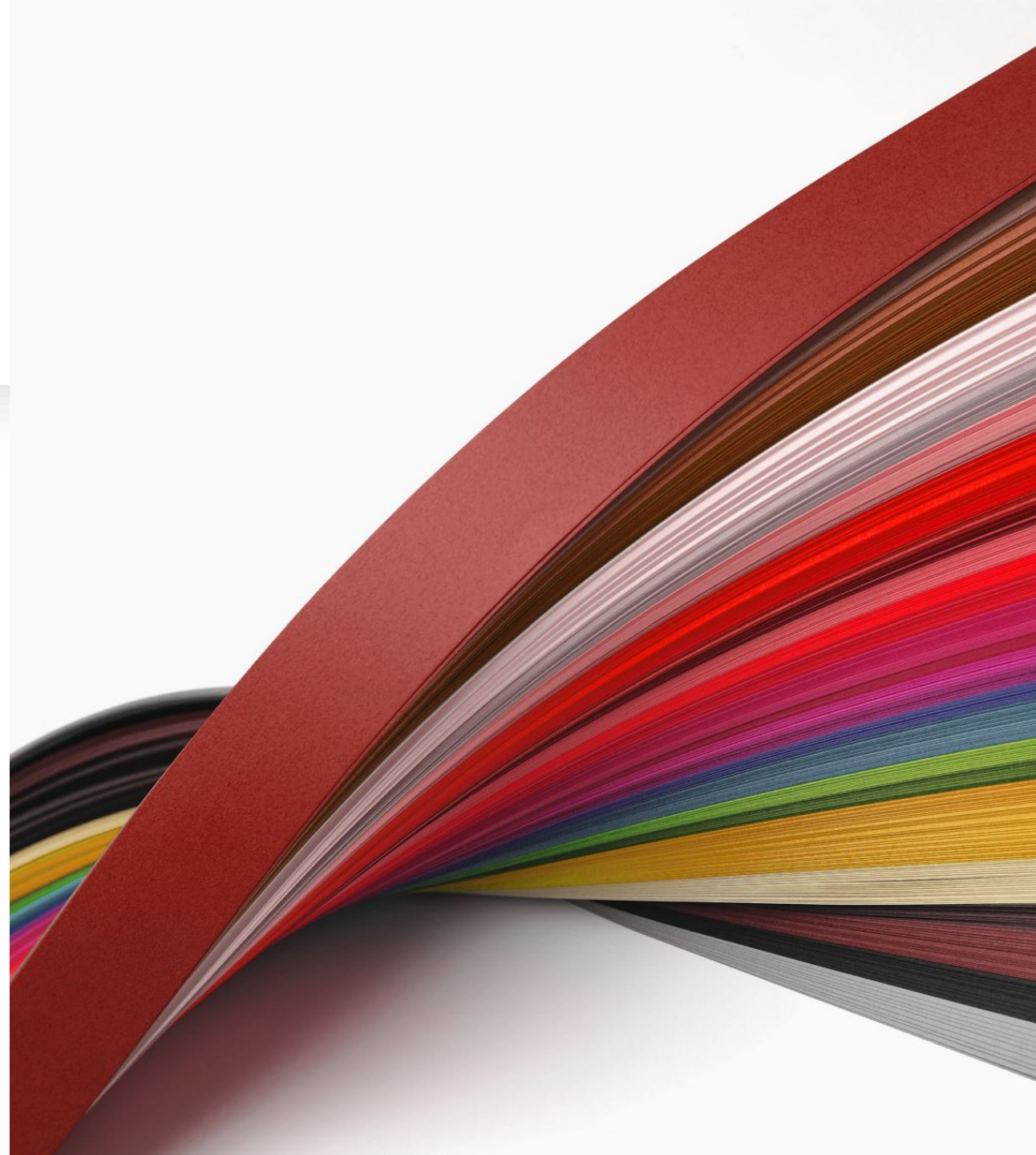
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# What Do We Mean By Joint Account?

*A joint account means an account payable on request to one or more of two or more parties with or without a right of survivorship.* ORS 708A.455(3)

Example: Grandma opens up an account in her own name. Two years later she adds her granddaughter to the account in order to assist in buying groceries and other necessities.

Another Example: Grandma opens up an account at the onset with her sister, daughter, and seven grandkids.





What Happens If One Person Spends All The Money?

*Image Source: The Hans India*

**CASH**



**THEY CHOSE...POORLY**

How Do Financial  
Institutions Respond?

*Source: Indiana Jones and The Last Crusade; Paramount Pictures- Lucasfilms*

## How to Prosecutors & Police Respond?

*Image Source: Etsy*





**Failure is not an option.  
It is a privilege reserved  
only for those who try.**



Image Source: [www.pinterest.com](http://www.pinterest.com)

# KREINDEL CASE (Lane County)

## Basic Facts:

Grandma adds granddaughter to an existing account to run errands and buy groceries.

Grandma is set to move out-of-state with a different relative.

The suspect Jana Kreindel creates her own bank account at a different financial institution and then transfers the bulk of the money from the joint account to her own account.





# THE INVESTIGATION- *Interviews*

Interview with victim

Interview with victim's civil lawyer

Interview with suspect (with her  
civil lawyer present)



# THE INVESTIGATION- *Bank Record Analysis*

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Was there spending on more than  
grandma? YES

Was that spending authorized as  
a gift by grandma? NO

Were there contributions to the  
joint account by the suspect? NO







# TRANSFORMED THE CIVIL LAW INTO CRIMINAL LAW

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Image Source: *Transformers*, Hasbro, Dreamworks Pictures



# STATE'S SPECIAL JURY INSTRUCTION

A joint account belongs, during the lifetime of all parties, to the parties in proportion to the net contributions by each to the sums on deposit, unless there is clear and convincing evidence to the contrary.

The state must prove beyond a reasonable doubt that there was no agreement to the contrary.

Authority:

ORS 708A.465(1)

# POTENTIAL CHANGE TO STATE'S SPECIAL JURY INSTRUCTION

*A joint account belongs, during the lifetime of all parties, to the parties in proportion to the net contributions by each to the sums on deposit, unless there is clear and convincing evidence that the parties had a different intent ~~to the contrary~~.*

The state must prove beyond a reasonable doubt that there was no agreement to the contrary.

Authority:

ORS 708A.465(1)

# STATE'S "NORMAL" JURY INSTRUCTION

Oregon law provides that a person commits the crime of aggravated theft in the first degree when, with intent to deprive another person of property, the person withholds such property from an owner thereof, the total value of the property is \$10,000 or more, and the property is not a motor vehicle used primarily for personal transportation.

In this case, to establish the crime of aggravated theft in the first degree, the state must prove beyond a reasonable doubt the following elements:

- (1) The act occurred on or between November 3, 2020 to September 30, 2021
- (2) Jana Kreindel with intent to deprive another of property, withheld the following property: money from the owner
- (3) The total value of the property is \$10,000 or more; and
- (4) The property is not a motor vehicle used primarily for personal transportation.

Authority:

**UCrJI 1829**



THE VICTIM DIES!  
*Do Not Accept Defeat*

Image Source: *Law and Order*, NBC



# Went to Grand Jury Using the Civil Lawyer as a Witness

Theory was to use civil filings (public document and hearsay exception) and proof of the lawsuit as proof there was no gift.

Indictment returned a True Bill.

Still, the loss of the victim was an evidentiary set back so at the end of the day:

Defendant pled to a felony Theft in the First Degree.