

Theft from Elderly Person's Bank Account

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In a recent criminal appeal from Lubbock, the defendant was convicted of theft from an elderly person. The funds in question were taken from a joint bank account on which the defendant had signature privileges. The defendant argued that the joint status of the account resulted in the funds being owned by the defendant as well as by the person who deposited the funds.

Case Facts

The funds in the account had been deposited by the defendant's elderly father-in-law. As a co-signer on the account, the defendant withdrew over \$50,000 that was spent on things such as remodeling her house, cosmetic surgery, and cheer lessons.

Applicable Law

The court relied on long standing Texas Supreme Court authority that creation of a joint account does not necessarily create ownership by the co-signer on the account. A party to a joint account, while able to lawfully draw funds from the account, does not acquire ownership of the funds from the actual owner.

Ruling

Because the funds were actually owned by the defendant's father-in-law and were clearly not used for purposes benefiting the father-in-law, the defendant's conviction for theft from an elderly person was upheld.

Advice

Those with access to funds in joint accounts should not assume that those funds are theirs to use for their own purposes.



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