

Subj: **Woman accused of raiding assets rejects deal**
Date: 2/10/2010 8:57:38 A.M. Eastern Standard Time
From: JFraenza@LTKE.com
To: TaraKnight@aol.com

Dear Tara:

From what I've followed about this case, which is fairly limited, up to the time of this article, I'd had her practically convicted. This is the first that I'm reading about siblings being involved with the estate planning. That casts this matter into a totally different light. It's a very gutsy move rejecting A.R. outright though. But, if she's innocent...

Best regards,

Woman accused of raiding assets rejects deal

By James Tinley Register Staff

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The Ansonia woman accused of emptying bank accounts she shared with her elderly mother of more than \$72,000 and taking ownership of her mother's house against her mother's wishes rejected a deal Tuesday that could have resulted in the dismissal of all charges.

Donna Kingston, 61, withdrew her application for a form of probation known as accelerated rehabilitation at Superior Court in Milford. If Kingston and a judge had agreed to the diversionary program, all the charges against her would have been dropped and her criminal record wiped clean, provided she returns the house and money to her mother and is not arrested again.

Instead, Kingston is headed to trial, where she faces up to 90 years in prison if convicted of all three counts of first- and second-degree larceny.

"She is innocent of the charges and wants her day in court," said Tara Knight, Kingston's attorney. "It is difficult when she is innocent to take AR. While it doesn't result in a conviction, it is still punitive to a degree."

Kingston is accused of abusing her power of attorney to move about \$72,000 from her 89-year-old mother's bank accounts into her own in June and July 2007.

She is also accused of using the power of attorney over her mother's finances to take full ownership of her mother's house in Ansonia, appraised at \$263,000, according to an arrest warrant affidavit.

Kingston was a co-signatory on the accounts with her mother, and did have the power to take sole ownership of the house under the "durable power of attorney" that she and her mother signed, according to the arrest warrant affidavit.

Knight insists that Kingston hasn't spent "1 cent" of her mother's money.

Kingston said she had her mother's permission and allegedly told investigators that it was part of estate planning to protect her mother's assets from going to the state if she were to become ill.

Investigators said Kingston breached her fiduciary duty and state law by taking control of her mother's assets. Kingston's mother denied to investigators ever knowingly giving Kingston permission to take her assets.

"I'm so angry at what you did to me. I can't believe after being so close to you and trusting you this would happen," Kingston's mother wrote in a letter reprinted in the affidavit.

Kingston was arrested in September 2009.

Kingston has three sisters and is the defendant in two pending civil lawsuits.

"This woman is facing 90 years over a familial dispute about a mother's care," Knight said. "It was dragged into criminal court because she is at odds with her siblings over estate planning and care of her mother."

The case was investigated by the Elder Abuse Unit of the chief state's attorney's office and brought to the unit's attention in part by John Whalen, a supervisory assistant state's attorney. Whalen is married to one of Kingston's sisters, according to the arrest warrant affidavit. He refused to comment Tuesday.

Senior Assistant State's Attorney Charles M. Stango said he worked hard with Kingston and her siblings to resolve the case short of trial, but Kingston refused to accept a diversionary program and return the money and house.

"I had hoped that would be a path to resolution," Stango said. "The decision to go forward without a diversionary program was entirely Ms. Kingston's."

A trial date has not been set.

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