

Midland man

acquitted by jury

By **PATTY STRONG**
Sun Staff Writer

A 27-year-old Midland man accused of breaking into a Rosebush grocery store last August was acquitted Wednesday by a jury in Isabella County 21st Circuit Court, provoking sharp remarks from the prosecutor about the case.

A six-man, six-woman jury deliberated for less than two hours before finding Jeffrey Brannan not guilty of the breaking and entering charge.

Breaking and entering is a felony crime punishable by as much as 10 years in jail.

According to the Isabella County Prosecutor's Office, Mr. Brannan has at least nine prior felony convictions on his criminal record: seven for breaking and entering, one conviction involving safe tampering and another of

prison escape. However, such information about a defendant is not allowed to be admitted as evidence in trial.

Testimony included revelations by two alleged accomplices of Mr. Brannan who said they were with him when he broke into Baumann's IGA store on Rosebush Road.

Heidi Hill, one of the alleged accomplices, said she stayed in the car while Mr. Brannan and Roger L. Dice, also of Midland, broke into the store through a vent on the side of the building.

Ms. Hill said in exchange for her testimony the prosecutor had agreed to allow her to plead to a lesser charge with a recommendation she receive no jail or prison sentence.

Mr. Dice testified he broke into the market with Mr. Brannan, stumbled over a box, which trig-

gered an alarm system, and the two crawled back out through the vent they had used to gain entrance.

Mr. Dice testified that the prosecutor granted him immunity from prosecution in exchange for his testimony.

Mark Duthie, assistant prosecutor who prosecuted the case, declined comment about the verdict.

Isabella County Prosecutor Joseph Barberi said the trial's result was "disheartening."

"Admittedly, it is often hard for jurors to base their decision on the testimony of accomplices. ... However, as is often the case in 90 percent of nighttime B & E's, they are the only witnesses that can identify who was involved and who is responsible.

"We would have wanted to have a police officer witness it,

or a man of the cloth, but rarely do we have such a luxury," Mr. Barberi said.

Daniel O'Neil, Mr. Brannan's attorney, said there were "major contradictions" in the testimony of the two accomplices. He said "jurors don't like it" when the only evidence comes from accomplices who have made deals with the prosecutor.

"I don't know what they're upset about. The evidence just wasn't there," Mr. O'Neil said. He said both accomplices had ulterior motives for their testimony against his client, as one was a former live-in girlfriend and the other would get immunity in exchange for his testimony.

Mr. Brannan, who is in custody, is currently awaiting court action on a pending breaking and entering charge leveled against him in Midland County, according to the prosecutor's office.