

Road worker acquitted of embezzlement charge

By RICHARD HARROLD
Sun City Editor

An Isabella County jury took just 25 minutes to acquit a county road worker of embezzlement.

Prosecutors had to prove that Gary Lee Mogg, 55, had the intent to defraud the Isabella County Road Commission when he allegedly sold the commission's scrap metal for cash, and pocketed the money for himself.

But defense attorney Dan O'Neil said Mogg used the money to finance occasional perks for his employees and to buy coffee for the workshop.

"The jury was out only 25 minutes, so I think they did not see any evidence of guilt," O'Neil said Thursday.

The jury's verdict was reached late Wednesday afternoon after a three-day trial.

The misdemeanor embezzlement charge was filed

against Mogg in November, about a month after he was suspended from the road commission.

Two other unidentified workers were fired in connection with the alleged embezzlement.

Mogg had worked for the road commission for 26 years and had just four years left to retirement.

Although it is a rare occurrence, Mogg took the stand to defend himself.

O'Neil reminded jurors before they began deliberations that while Mogg placed his reputation up for scrutiny, the prosecution couldn't come up with anything to taint it.

"He had nothing to hide," O'Neil said. "He wanted to tell his side of the story."

In fact, prior to the trial, Mogg turned down a plea offer that would have resulted in a delayed sentence eventually wiped from his record, O'Neil said.