

Headline: Clerk's office employee acquitted Jury couldn't find concrete proof she stole \$20,000

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CEDAR RAPIDS, Iowa -- A Linn County jury exonerated former Scott County Clerk of Court employee Nanette Carnicle, finding her innocent Tuesday of allegations that she had pocketed about \$20,000 in traffic fines.

The verdict followed a six-day trial in which Carnicle, 44, of East Moline, faced charges of first-degree theft and felonious misconduct. The trial, which began March 20, was moved to the courthouse in Cedar Rapids after the defendant's attorneys argued she could not receive a fair trial in the county where she had been employed.

Carnicle and her defense attorneys, Kent Simmons of Davenport and Scott Peterson of Cedar Rapids, could not be reached by the Quad-City Times for comment on the verdict.

After the 11 a.m. decision, Jerry Feuerbach, an assistant Scott County Attorney who prosecuted the case, said he did not believe jurors were persuaded that Carnicle was the only clerk's office employee who could have stolen the money.

"From the evidence we could introduce at trial, the jury found we could not eliminate certain other employees, or a combination of other employees, who could have been responsible," Feuerbach said.

Simmons and Peterson argued throughout the trial that several other employees in the criminal clerk's office had access to \$19,701 in traffic fines that Carnicle was accused of stealing.

Feuerbach told the Times he believes investigators from the court administrator's office, sheriff's department and the Iowa Division of Criminal Investigation worked hard to eliminate all other potential suspects.

"Unfortunately, some of the methods those investigators used, including polygraph (lie-detector) tests, are not admissible in court," he said. "We are comfortable with the investigation and believe everybody was looked at thoroughly."

An investigation into the missing funds began late last summer, after Chief District Judge John Nahra received a letter from an attorney who complained that a client had a receipt showing he had paid a traffic fine but was unable to find a record of it in the court files or computer system.

Scott County Clerk of Court Marlene Nelson testified on the first day of the trial that after Nahra brought the letter to her attention, her office immediately began checking carbon copies in all county receipt books from 1995 to 1999.

While pink carbons in the receipt books showed that payments in 387 cases had been accepted by her office, the transactions had never been recorded in the state computer system, she said.

At that time, Carnicle was working part-time as a cashier accepting traffic fine payments in the clerk's office. Prosecutors argued that she had written most of the receipts corresponding with the missing funds.

In his opening statement in the trial, Simmons acknowledged that a "vast majority" of those receipts were written by his client. But there were several people in the office, which totaled 21 employees, who also would have had access to the funds, he argued.

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