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THE DAILY COURIER
 - LOCAL MATTERS -

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tomorrow
 High **82°F**
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Hoyle found not guilty

Jan. 18, 2013 @ 09:00 AM

[JEAN GORDON](#)

FOREST CITY —

The former public works director for the Town of Forest City was found not guilty in Rutherford County Superior Court in four cases of embezzlement and obtaining property by false pretense.

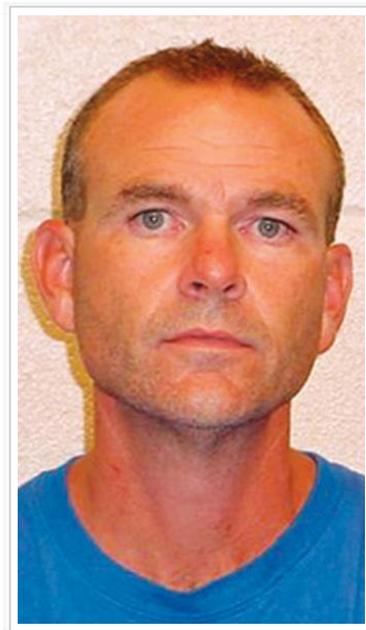
Scott D. Hoyle, 46, of Rutherfordton, served as the director of the town's largest department from 2000-2009. He resigned in December 2009 following investigation into embezzlement and obtaining property by false pretense charges.

The seven women, five men jury returned the verdicts after deliberating more than three hours Thursday.

Jurors began deliberating Thursday at about 2:30 p.m. in the embezzlement case of Scott Hole after receiving instructions from Judge Gary Gaveus of Avery County regarding the law on the charges of embezzlement and obtaining property by false pretense.

A jury of seven women and five men have heard testimony since Monday afternoon regarding the charges that Hoyle embezzled and obtained property by false pretense of property owned by Forest City.

Four charges were addressed this week by District Attorney Brad Greenway and



Scott Hoyle

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Defense Attorney Noell Tin of Charlotte.

The trial has focused on charges of two counts of each offense that occurred in 2008. The State contends Hoyle sold a utility trailer and a tractor to a former town employee, Brad Joyner, when the equipment was the property of the town of Forest City.

When court resumed at 9:30 a.m. Thursday, Greenway completed his cross-examination of Hoyle who took the stand Wednesday afternoon.

Greenway asked Hoyle several times if the town had taken inventory of its equipment during the time he worked there. (2000-2009)

Hoyle said he didn't know anything about inventory being taken.

"You trusted your department heads not to make-off with equipment," Greenway said to Hoyle. "(Are you) telling me you cannot tell a time the town of Forest City didn't take inventory of its equipment."

Hoyle said he had never heard of inventory or fixed assets lists.

The charges against Hoyle erupted in 2009 when former Town Manager Chuck Summey became suspicious about the town's equipment and asked that the cases be looked into by Forest City Police Department.

The John Deere tractor and the utility trailer in question during this week's trial were still on the fixed assets list for the town, indicating the tractor and trailer were town property.

Hoyle said he did not know if the town had any accountability regarding the equipment the town owned.

Joyner purchased the equipment from Hoyle, who testified the trailer and tractor had been traded into Morrow Enterprises, where the town did much of its purchasing for mowers, trailers, etc.

Hoyle could not produce any paper work regarding the sales to Joyner or the trade-in regarding the trailer.

Hoyle testified he actually took the John Deere lawnmower to his residence after the town purchased a newer one, telling Morrow Enterprises owner Benny Morrow he wanted to "try it out" to see if he might want to buy it.

Joyner later bought the lawnmower from Hoyle who said they could be partners in owning it.

Greenway said there was not a single document showing the trailer had been traded in and Hoyle said he didn't recall telling the town's finance officer if the trailer had been sold to Joyner.

Hoyle testified that any trading or selling of town property was done after all the required paperwork had been signed by town staff. "After the fact," Hoyle repeated.

Tin and Greenway presented closing arguments beginning at 11:20 a.m. Greenway elected to argue last.

Tin told the jury the trial had been one of "not sure clarity" and that evidence in the trial against Hoyle was based on documents from the Town of Forest City,

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including invoices, bill of sales, purchase orders and other paperwork signed off by town staff. He said there was not enough evidence in the documents to prove Hoyle took anything from the town or that he embezzled anything. "There is no embezzlement case based on the paperwork," he said.

Tin said based on the paperwork, the equipment in question didn't belong to the Town of Forest City when Hoyle sold or traded it to Joyner.

He said town staff probably wasn't worried about dotting every "T" in its documentation addressing the fact the equipment was still on the town's record of fixed assets, which led to the investigation.

In Hoyle's nine years of working, "nothing shows anything was taken off the fixed asset list," Tin said in closing.

Greenway began his arguments at 11:55 a.m. and continued until about 12:45.

"This is a difficult case to understand," he told jurors, admitting even the Town of Forest City staff may have not understood everything that was presented during the nearly three days of testimony.

Hoyle said on the stand Wednesday he was in charge of the largest department in the town and admitted Thursday he had never known nor seen a list of the town's equipment. He said he had heard the words fixed assets, but was never involved with any lists.

He said he hadn't heard inventories at the town.

Greenway said the case comes down to "sloppy record keeping on part of the town or illegal transfer of property ... Illegal transfer of property."

After the Forest City Police Officer Eric Shelton began the investigation as to the whereabouts of the property in question, Greenway said, "He didn't stop there . . . He went digging a little deeper" to find the town property.

Greenway said the evidence in the cases are the records the town kept and there was no record the equipment was not the property of the town.

"No person is above the law," he said, adding a person who works for the government is held to even a higher standard, than others.

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