



# Genesee County Prosecutor's Office

## David Leyton, Prosecutor



### PROSECUTOR CHARGES CIRCUIT COURT EMPLOYEE WITH EMBEZZLEMENT

**August 6, 2009**

**FLINT** -- Genesee County Prosecutor David Leyton has charged an employee of the 7<sup>th</sup> Judicial Circuit Court in Flint with four counts of embezzlement.

Donna Jean Fortune, 53, of Flushing, has been charged with two counts of Embezzlement by a Public Official over \$50 which is a felony that carries a maximum sentence of 10 years in prison or a \$5,000 fine.

Fortune is also charged with two counts of Embezzlement by an Agent of more than \$1,000 but less than \$20,000. That charge carries a maximum penalty of 5 years in prison and/or a \$10,000 fine or 3 times the amount embezzled.

Fortune had been co-employed by Genesee County and the 7<sup>th</sup> Judicial Circuit Court since August 2005 as an account clerk. In May 2008, she was assigned as a part-time cashier with the Court which required her to receive payments from individuals at the cashier window, receive checks and money orders that are mailed into the court, and to make daily deposit transmittals and apply the payments received to the respective cases in the Court's accounting system.

However, Fortune began a practice of taking checks, cash, and money orders from individuals and never applying them to their Court cases. Instead, she would take the money for her own personal use. On several occasions, Fortune also substituted cash in the Court's cash drawer with her own personal checks which were later returned for non-sufficient funds.

Fortune's scheme began to unravel when an individual came into the court in March of 2009 to make what he said was a "final payment" on his Court case. The cashier working the window at the time indicated that this would not be a final payment as there were several payments that had not yet been received by the Court. The individual disputed this and Court officials began an internal investigation into the accounting books. Eventually, an auditor with the Michigan Supreme Court, State Court Administrative Office began an audit and investigation. The audit and investigation has determined that Fortune embezzled more than \$11,000 during her time as a cashier between May 2008 and March 24, 2009, the day she was removed from the cashier's position.

"It's sad to say and perhaps a bit simplistic, but embezzlement is one of those crimes that seems to be in vogue these days," said Prosecutor Leyton. "I have seen so many similar cases come across my desk in the last couple of years that nothing surprises me anymore, not even when the embezzlement happens right here in the Courthouse where I work every day," he continued.

"People get greedy and they think they are smarter than 'the system' and can get away with things. Sooner or later however, they get caught. They always do," he said.

“The citizens of Genesee County must be assured that those entrusted with handling public monies will do so beyond reproach and with the utmost of honesty and integrity. Donna Fortune has violated the public trust and I will do all I can as Prosecutor to assure that she is held accountable for her actions,” Prosecutor Leyton said.

Authorities have been communicating with Fortune through her attorney and she is expected to turn herself in and be arraigned on the charges sometime this afternoon.

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