

Deal Or Trial?

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HARRISONBURG - Attorneys disagree on whether they can avoid a trial in an embezzlement and check fraud case involving a few hundred thousand dollars.

Weyers Cave resident Fay Mitchell, 43, faces 30 counts of embezzlement and forgery from her former employer, Valley Endodontics on Country Club Road in Harrisonburg.

In Rockingham County Circuit Court on Thursday, defense attorney John Holloran said he was still collecting evidence from prosecutors, but it was "likely" that a plea deal could be reached before trial.

He needs time to review the evidence and then have an "intelligent conversation" with the prosecution before crafting a possible deal, he added.

Assistant Commonwealth's Attorney Cristabel Opp, however, disagreed that an agreement was within reach. Mitchell is scheduled to return to court on Oct. 31, and if a deal isn't presented then, a trial date will be set.

A grand jury handed down direct indictments against Mitchell in May, accusing her of stealing from Valley Endodontics from November 2007 to January 2013 and forging checks.

Prosecutors haven't released how much Mitchell is accused of embezzling, saying only that it is well into the six figures.

But Dr. Robert McKearney, a partner at Valley Endodontics, said in an interview his practice was missing about \$340,000.

Mitchell was a receptionist and bookkeeper for 17 years, he said, and voluntarily left for another job last year.

The practice's accountant later determined that money was missing.

"We were dumbstruck because everybody in here at the office is family," McKearney said.

The practice has fewer than 10 employees, and the missing money affected everyone, he said.

"We couldn't hire anybody here at that time and we sure as heck weren't handing out the raises a great deal," McKearney said. "We all took a hit."

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