

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

IN THE FEDERATION OF ST CHRISTOPHER & NEVIS

IN THE ST CHRISTOPHER CIRCUIT

CASE SKBHCR 2022/0029

REX

V

LATOYA RAWLINS

APPEARANCES

Mr Tessaun Vasquez for the Crown.

Ms Brittney Jeffers for the defendant

2025: JANUARY 20

SENTENCE

For stealing from the till and falsifying accounts

- 1 **Morley J:** The defendant Latoya Rawlins aged 36 (dob 18.03.88) falls to be sentenced following plea to 'larceny by servant', contrary to **s18(a)(i) Larceny Act** cap 4.16.
- 2 Rawlins was employed from 2006 as a cashier at opticians Eyecare Express. From January 2019, her pay was about 2100ec monthly. Her employer was Lennox Warner, who knew her mother and the family, also employing her sister Crystal Rawlins as a lab technician. There was a QuickBooks software employed to record sales, to which Rawlins had access, with ability to edit and delete transactions. She abused this power. When glasses were purchased, there

began occasions where she would ring in a sale, for amounts usually less than \$500ec, and then after would delete its record and pocket the money. A query arose with other staff where a customer insisted she had paid, though there was no record, which then led to an audit, finding Rawlins out and the scale of her regular pilfering, pretty much daily, as the record of the deletions was embedded in the software on deep-dive by an accountant; by her plea, she finally accepted she had between January 2019 and August 2020, being 20 months, stolen \$185000ec, against a wage of about \$42000ec in that time period. There is correspondence exploring if she stole far more over longer, but will not be relevant to sentence, which will be limited to the agreed amount in her plea.

- 3 This case is work performed by the new white collar crime unit, working hard on St Kitts to improve accountability for fraud, which in the past may have gone unprosecuted as evidentially thought too complicated to prove. The unit is to be credited for a thorough investigation here.
- 4 There have been 25 High Court appearances, mostly discussing and then raising the amount stolen, where the most important dates have been:
 - a. On 13.01.23, there was first appearance at the High Court.
 - b. On 24.02.23, there was indication of a likely guilty plea, though there was dispute as to amount.
 - c. On 22.09.23, there was an offer of \$49413.32ec, on assessment by Rawlins' sister Natalie, who is an accountant working with the financial services regulatory commission.
 - d. On 12.02.24, following delays owing to the Crown accountant Carolee Body being on maternity leave, Carolee and Natalie then attended court that day to attempt to settle matters in the coming weeks.
 - e. On 03.05.24, Rawlins pleaded to stealing \$185000ec as above.
 - f. On 27.06.24, the facts were opened for sentence, with Warner attending court to say he does not want her jailed, and argue he needs the money repaid, which then required further adjournments for the money to be raised.
 - g. On 26.07.24, Warner repeated he needed the money repaid, with it not being yet gathered, again adding he does not wish her jailed.
 - h. On 18.10.24, Rawlins had put into the escrow account of defence Counsel Jeffers \$20000ec borrowed as a bank loan.

- i. On 13.12.24, Natalie had put into escrow a further \$116000ec, raised by her via a bank loan.
 - j. On 17.12.24, Natalie had put into escrow further monies to make up the balance to bring the amount to \$185000ec, offered by cheque to Eyecare (trading as Caribe Vision) dated 16.12.24 from Counsel Jeffers' firm Henderson Law Chambers.
 - k. On 16.01.25, the cheque was reported cleared, and monies received by Warner, with then further submissions on whether having paid back the money to which she pleaded nevertheless Rawlins should be jailed, if for a short period, as a deterrent to others not to imagine pilfering from an employer and falsifying the record is minor offending.
- 5 There have been three striking features in this case:
- a. First, there is the depth of the astonishment, hurt and disappointment expressed by Lennox Warner at how Rawlins had abused his trust, where he considered himself a family friend;
 - b. Second, there has been his desire to recover the \$185000ec, as his business has been greatly affected by the scale of the pilfering, while in parallel he has generously asked the court Rawlins not be jailed if she pays back the money and out of his loyal sense of family connection; and
 - c. Third, while Rawlins did not deny the pilfering, there has been the extent to which she and her family have haggled with Warner, and with the prosecution, and with the court, beginning after the audit in 2020, not paying back a cent until finally in December 2024, and seeming to minimise the breach of trust and scale of stealing, describing it in September 2020 as merely 'unfortunate', seeming to be the subject of restitution as suits them.
- 6 Turning to Warner's hurt and astonishment:
- a. In a letter to Rawlins on 18.09.20 he wrote: *'Please permit me to express our serious disappointment...as you were entrusted...and you defraud us of these monies. The staff now have to address angry customers weekly who return to collect eye products and can provide proof that such items have already been paid for, yet there is no record of such payments in the system. This has placed Eyecare Express in an embarrassing position...that you as an employee of 13 years can be so willful and wicked to your employer and colleagues by acting in such a manner of defrauding the company of such large sums of money...You never showed any mercies, not even for your sister's employment.'*

- b. In a letter to her on 11.12.20, he wrote: *'Eyecare Express has lost so much monies over these two years as you continue to embezzle the optical business mercilessly – breaching the trust that was placed in you... Today we are still paying for glasses and other business transactions for which we cannot show any monies. Where is your heart, Ms Latoya Rawlins!!!'*
- c. In a letter to her on 23.12.20, he wrote: *'The statements which have been made about the chairman [Warner] and others in this institution are very hurtful.'*
- d. In a letter of 28.12.20, he wrote: *'Your request to decide on an independent third party and a mutually convenient time to meet is an attempt to continue to impose on [my] good nature...You is seriously making a mockery of this embezzlement...'*, at this stage referring the case to the police.
- e. In his victim impact statement on 26.06.24, he said:

Latoya Rawlins has surprised me with her act...I had done all in my power and made her inventory supervisor. She was sent away two times to optical world trade centre shows and training...She knew of other embezzlements...I informed all employees in a meeting the next person who embezzles any money from Eyecare will not get away, they will have to face the law...Meeting our financial obligations and for those who have made investments it has been difficult for them in receiving their investment returns because of the actions of Latoya Rawlins...There were questions why were the glasses frames so high [as recorded stock] knowing that glasses frames were being sold. We only knew after checking in the QuickBook she was embezzling on a daily basis...The financial loss has seriously hurt the development of Eyecare. We had plans to purchase a unit in the Sands Complex and that had to be totally removed from any form of going forward. The impact has left the company on its knees financially. Plus the covid impact, you can imagine what it has done to the company. We are still fighting to stay relevant and satisfying our patrons that come through the door.

7 Turning to his desire to recover the \$185000ec, and that Rawlins not be jailed, this was expressed to be his position uttered in person by him directly to the court on 27.06.24, and on 26.07.24. It is important to mention at this stage the court did not promise Rawlins would not be jailed if the money was paid back, expressly said on 26.07.24, and subsequently, but it is of note it is not the desire of Warner.

8 Turning to the haggling and minimization:

- a. In an undated letter from Rawlins of September 2020, being a first communication with Lennox Warner after being found out at audit, addressed from 'Latoya Rawlins & Family', offering \$10000ec and \$1500ec monthly after, Rawlins wrote: *'I am extremely sorry for the shameful act and for creating an uncomfortable situation. Please accept my sincere apology. I hope that this matter could be resolved quickly because it is taking toll on my mother...Thank you for your patience and understanding regarding this unfortunate situation'*.
- b. In an undated letter of December 2020, with the same header, Rawlins offered \$161145.75ec, in an instalment of \$33145.75 on 31.12.20, and thereafter four of \$32000ec on 31.03.21, 30.06.21, 30.09.21 and 31.12.21, though no money was paid.
- c. Thereafter, progress recovering any money stopped, until plea on 27.06.24, and then slowed per each appearance to very gradually gathering the money up to 17.12.24, even though it had been acknowledged in December 2020 to pay back at least \$161000ec, while at one point in the court proceedings on 22.09.23 a sum of just shy of \$50000 was offered instead.

9 In short, the strong impression on the court has grown during these proceedings Latoya Rawlins and her family have sought to play the system, delaying gathering monies, not making any earnest early attempt to pay back, thinking she is in a negotiation with Warner, and then the prosecution as to figures, and then with the court as to the pace of gathering monies. The court has been flexible as to pursuit of final sentence, despite plea as long ago as 03.05.24, with first listing for sentence on 27.06.24, as her successful prosecution of fraud is relatively novel on St Kitts & Nevis, with the advocates learning their way. At this stage, through 25 appearances during two years, finally the court has gathered in the money, and the question is now whether nevertheless immediate jail must follow.

10 As to Rawlins personal circumstances, these were explored in her social enquiry report by Nekisha O'Loughlin dated 14.06.24. It is clear, with no previous convictions, though diabetic, with a waitressing job in Bingo bar, she has a strong and supportive family, particularly her sister Natalie and mother Petrina, with positive reports as to her character from pastor Junelle Liburd, best friend Latisha Morton, and her current employer Leon Manners.

- a. Of the offending Rawlins said in the report:

I am deeply remorseful for my unlawful actions and I acknowledge the seriousness of my behaviour in the past. I understand that my behaviour is unacceptable and that it caused pain, discomfort and broken trust. I recognize that what I did was wrong and I regret any harm that I have caused to everyone that was involved. Since the incident I have felt a profound sense of shame and have taken time to reflect on my action which has disappointed so many people. I would like to assure that this kind of incident will never happen again and that it does not reflect my true character.

- b. Further, on discussion in court on 16.01.25, it emerged the health of her mother Petrina had been greatly affected by her arrest and brief incarceration, with the tight family unit of the four sisters living with their mother all together, being Samantha aged 38 with two children, then Latoya aged 36, then Crystal aged 35 with two children, and then Natalie aged 32.
- c. Moreover, her sister Samantha has been in October 2024 diagnosed with stage 3 ovarian cancer, requiring surgery, now facing chemotherapy, about which this tight family unit is presently most anxious.

Constructing the sentence

- 11 The maximum sentence for larceny by servant is 7 years. This was in character a fraud, given the false accounting, for which there are sentencing guidelines within the ECSC, republished on 06.01.25.
- 12 Turning to step 1 of sentencing practice, considering the offence, I assess it falls within category 2A, namely causing significant damage to Eyecare, the amount stolen was more than \$50000ec, and was breach of a high degree of trust as Rawlins had power to delete transactions, meriting a starting point of 50%, being 3.5 years, adjusted upwards in the range to 5 years, or 60 months, for the almost daily nature of the offending over so long a period as 20 months.
- 13 Turning to step 2, considering the offender, she has been of good character, though this is muted by it being the very reason she was trusted, and there is remorse, though this too is muted by the length of time it has taken to make recompense, long foreseen, in all therefore meriting a reduction of 6 months, to 54 months, or 4.5 years.

- 14 Turning to step 3, considering plea, her early indication of guilty plea merits a reduction of the full one-third, to 3 years.
- 15 A sentence of 3 years is capable of being suspended for up to 3 years¹, and the question arises now whether suspension should follow in this case.
- a. On the one hand, with huge help from Natalie, Rawlins has paid all the money back to Lennox Warner, a sizeable sum by local standards, received by him in December 2024, and he asks she not be jailed.
 - b. On the other hand, it may appear Rawlins has been able to buy her way out of jail by paying back the money, meaning less fortunate families unable to raise a loan through the loving efforts of an accountant sister could expect their member to be jailed, which may not seem fair to the mind of members of the public.
 - c. Further in this case, there is the disturbing early assumption the offending was merely 'unfortunate', with negotiation following, where locally there has been little fraud prosecution, though changing now, so the public may need to be educated fraud is serious, so making an example of her, leading to deterrence of others.
 - d. Finally, there is the question whether the offending and sentence will ever become known to the public, to be of any deterrent effect, given there is so very little formal court reporting in the media; though it is expected as St Kitts & Nevis are small environments folk will learn through informal anecdotal social media networks of at least the allegation and sentence, while it remains unexpected any of these comments and analysis will be read by anyone (apart perhaps from the Court of Appeal if appropriate), even though to be published online, begging is there any point in contemplating deterrence if there is no reliable reporting media.
- 16 As part of the discussion on 16.01.25, the court was moved by the plight of Samantha, which is a fresh blow to the family and wondered if this might place Rawlins' case in a more sympathetic light, while Rawlins has taken a loan for \$20000ec requiring she remain in work which she will likely lose if jailed, so that taking her job loss together with Samantha and the financial support from Natalie might make her case not appropriate for setting her as a deterrent example. I have reflected very carefully on this. I weigh these features, and all others, against the fact here there

¹ See **s6 Alternative Sentencing Powers Act** cap 3.20.

- was almost daily pilfering for 20 months, amounting to hundreds of individual thefts, from the company of a family friend who had sought to help the family, employing both sisters, still employing Crystal.
- 17 Assessing the criminality, I have come to the clear conclusion only an immediate custodial sentence can be justified in this case, so that it should not be suspended². Rawlins must hear the clang of the prison door. Given the efforts of the family to help her, and the size of the monies paid back, this is huge further mitigation, which I can at this point factor into the construction of the sentence. In my view the public would expect her jailed, if only for a shorter period than otherwise calculated, to reinforce her behaviour was more than 'unfortunate', but was clever abuse of high trust almost daily over a sustained period for considerable enrichment to more than four times her legitimate income. Hearing the cell door close, and having time to reflect will provide appropriate punishment, to be measured in months, and for not so long as disproportionately to distress her mother and ailing sister. Paying back all the money will mean her sentence shall be reduced by 75% from 3 years or 36 months to 9 months; if she had not paid Warner back, it would have been 3 years and not suspended.
- 18 This sentence should serve as encouragement to others to pay back as it will greatly reduce incarceration. But paying back should not always mean no jail. And as deterrence, effective or not on St Kitts & Nevis, the court should at least try to inform folk through this case that stealing from an employer is crime meriting jailtime, for the Ministry of Justice properly to promulgate please and so improve court reporting.
- 19 Time on remand of one day shall count.
- 20 As the money has been repaid there are no other orders to make.
- 21 *Latoya Rawlins please stand up.* For the offence of stealing \$185000ec from your generous family friend Lennox Warner, by almost daily taking monies for the till at Eyecare for 20 months

² See para 5a Practice Direction 8C of 2025 at: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cms.eccourts.org/wp-content/uploads/2024/12/PD8C-No.-2-of-2025-when-to-impose-a-suspended-sentence-Reissue.pdf](https://cms.eccourts.org/wp-content/uploads/2024/12/PD8C-No.-2-of-2025-when-to-impose-a-suspended-sentence-Reissue.pdf)

during January 2019 and August 2020, and falsifying the records, is 9 months imprisonment, reduced 75% from 3 years because you paid back all the money. Time on remand shall count and you shall be eligible for remission of one-third of your sentence if of good behavior. You may go with the gaoler.

The Hon. Mr. Justice Iain Morley KC

High Court Judge

20 January 2025