

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
D. Craig Brown, Circuit Court Judge

RECEIVED
JUN 18 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CARISA MARCHE WEAVER-LAWRENCE,

APPELLANT

APPELLATE CASE NO 2017-001207

RECORD ON APPEAL

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In the Court of General Sessions for the
State of South Carolina, County of Beaufort

Case No.: 2016GS0702255

State of South Carolina,
Plaintiff(s),

vs.

TRANSCRIPT OF RECORD

Carisa Weaver-Lawrence,
Defendant(s).

January 27, 2017

Beaufort, South Carolina

BEFORE:

The Honorable CARMEN T. MULLEN

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APPEARANCES

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1 PROCEEDINGS

2 THE COURT: What are we doing with this lady?
3 What is your name?

4 THE DEFENDANT: Carisa spelled C-A-R-I-S-A,
5 Weaver-Lawrence.

6 (Off-the-record discussion held.)

7 THE COURT: Is there a problem with the victim if
8 we do this guilty plea?

9 THE COURT: I understand that the issue is
10 restitution and you were going to recommend probation,
11 so I didn't want her sitting in the jail for the next
12 three weeks when she could be out working and earning
13 money for the restitution.

14 We are going to go ahead and swear you in, ma'am.
15 Thereupon,

16 CARISA WEAVER-LAWRENCE

17 was called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 THE COURT: Ms. Lawrence, how old are you?

20 THE DEFENDANT: Thirty years old.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: Some college.

23 THE COURT: Some college. What did you study in
24 college?

25 THE DEFENDANT: I got certification for CNA.

GUILTY PLEA

1 THE COURT: All right ma'am. Do you have any
2 children?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: How many?

5 THE DEFENDANT: Four.

6 THE COURT: How old are they?

7 THE DEFENDANT: Thirteen, ten, nine, and two.

8 THE COURT: Who has been taking care of your kids
9 while you have been incarcerated?

10 THE DEFENDANT: My oldest is with her father. My
11 next oldest and my youngest are with my aunt. And then
12 my middle, the third child, is with his father.

13 THE COURT: All right.

14 THE COURT: Ma'am, you have the right to have a
15 jury trial in this matter. Do you want a jury trial?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: And will you tell me the facts,
18 Solicitor, of the case.

19 MS. FOWLER: Sure. On December 7th, 2016 officers
20 responded to the Dollar General on Sea Island Parkway
21 in Lady's Island to meet with the store's loss
22 prevention staff. Phil Howard, the regional loss
23 prevention manager, stated that he had been monitoring
24 finds, missing funds, from the store since March 2016.
25 He stated that he had checked the weekly schedule and

GUILTY PLEA

1 noticed that money had gone missing each time Carisa
2 was on the schedule to work. Howard confronted Ms.
3 Weaver-Lawrence and she admitted that she had been
4 stealing money from the nightly money drop into the
5 safe. She told Howard she would turn her back to the
6 camera and stick the money in her bra. Carisa admitted
7 to officers that she also stole food, diapers and
8 drinks. This store is alleging that there is \$8,813 in
9 restitution.

10 THE COURT: Now, it is my understanding,
11 Ms. Weaver-Lawrence that you all are not necessarily in
12 agreement about the restitution amounts. What we are
13 planning on doing here today is going ahead and
14 accepting your guilty plea. And at the next general
15 sessions term of court, which will be a month from now
16 or three weeks from now, we will go ahead and hold a
17 restitution hearing. When that happens, they are
18 required to just produce, you know, proof of what was
19 lost. You can challenge it. And then a judge is just
20 going to make a decision. It is either me or another
21 judge will make a decision on how much you owe as part
22 of your guilty plea.

23 I just want to make sure that you understand what
24 you are doing here. You understand that you are going
25 to have a conviction on your record for breach of

GUILTY PLEA

1 trust, more than two thousand, but less than ten
2 thousand; do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And understanding all of that, do you
5 still wish to plead guilty?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Are you satisfied with how your lawyer
8 has represented you?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Has he done everything that you have
11 asked him to do?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Ma'am, you also have the right to have
14 this indictment presented to the grand jury. Grand
15 jury is just made up of 18 people, 10 of which would
16 have to decide more likely than not you are guilty of
17 this charge to bring you here into the courtroom now
18 for me to accept your plea. I want to make sure you
19 understand that by pleading guilty here today you are
20 waiving that right. And you are telling me that you
21 are fine with that; is that correct?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right, ma'am. What is her prior
24 record?

25 MS. FOWLER: She has a child neglect charge, which

GUILTY PLEA

1 I believe is a magistrate charge. She just failed out
2 of PTI, but other than that she has no prior record.

3 THE COURT: Okay. All right. I do find -- you
4 admit to taking these items; is that correct?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Or this money, I apologize. I find a
7 substantial, factual basis for this plea, that your
8 decision to plead guilty has been made freely and
9 voluntarily, knowingly and intelligently with consent
10 of competent counsel with whom you tell me you are
11 satisfied. I am going to accept your guilty plea. I
12 will also tell you you have ten days from today's date
13 to appeal this guilty plea and my sentence. If you
14 can't afford an attorney for on appeal, one will be
15 appointed for you at no cost to you, but you must
16 request it. Do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Anything else that you want to tell
19 me?

20 MR. TRIPP: No, Your Honor, I would like to thank
21 you for your initiative and generosity in coming up
22 with this plan. It didn't occur to me and you have
23 taught me something today in working this out and I
24 appreciate that.

25 THE COURT: Absolutely. There's always people

GUILTY PLEA

1 sitting around. You can actually thank those ladies
2 over there because they knew that there was someone who
3 had not been talked to before, so we don't like to
4 bring people over here for just field trips or
5 observations if we don't have to. We need her out and
6 we need her working.

7 Do you have paperwork?

8 MS. FOWLER: Yes, ma'am, I have the sentencing
9 sheet.

10 THE COURT: I can't process her without it. All
11 right. Thank you, guys. On indictment 2016GS0702255,
12 it is a breach of trust, more than two thousand
13 dollars, but less than \$10,000. The sentence of this
14 Court is that you be committed to the Department of
15 Corrections for a period of five years. That is
16 suspended upon 45 days time served and probation
17 following for a period of -- we may have to extend
18 this, but I am going to put you on probation for a
19 period of three years. WE are going to order
20 restitution in this case. The amount of which will be
21 determined at a restitution hearing. And your
22 probation may be terminated upon full payment of the
23 restitution amount. So, if you can come up with this
24 money faster, it would behoove you to do that, okay.

25 So, we will go ahead and I will just set it with

GUILTY PLEA

1 the Solicitor for next general sessions term of court,
2 either a general sessions non-jury or a regular general
3 sessions court. We will go ahead and have the hearing.
4 And just make sure that you are there. And we will go
5 from there. Okay?

6 THE DEFENDANT: Thank y'all.

7 THE COURT: Thank y'all. I appreciate it.

8 (Hearing concluded.)

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GUILTY PLEA

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 14th day of July, 2017.

Mona L. Manley /s/
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
(850) 893-6662
mmanley@scccourts.org

1 STATE OF SOUTH CAROLINA COURT OF GENERAL
 2 SESSIONS
 3 COUNTY OF BEAUFORT 2015-GS-07-02255
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 5

6 STATE OF SOUTH)
 CAROLINA,)
 7) TRANSCRIPT OF RECORD
 PLAINTIFF,)
 8)
 vs.)
 9) MARCH 2, 2017
) BEAUFORT, SC
 10 CARISA)
 WEAVER-LAWRENCE,)
 11)
 DEFENDANT.)
 12)

13 B E F O R E:

14 HONORABLE CRAIG BROWN, JUDGE.
15

16 A P P E A R A N C E S:

17 SARAH FOWLER, ESQUIRE
Attorney for the State

18 BENJAMIN TRIPP, ESQUIRE
19 Attorney for the Defendant
20

21 * * * * *

22 Ruth C. Weese, RDR
23 Official Court Reporter
24 Ninth Judicial Circuit
25

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WITNESS

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MARKED ADMITTED

COURT'S EXHIBIT 1	MBA	11
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Dollar General records

MBA=marked by attorney

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1 (The following proceedings were held
2 March 3, 2017, Beaufort County, South Carolina, @
3 10:38 a.m.)

4 MS. FOWLER: The State is ready to
5 proceed. State calls Carisa Weaver-Lawrence. Your
6 Honor, this is a restitution hearing. Just
7 procedurally, she pled guilty last month to breach
8 of trust, value between 2,000 and 10,000 and there
9 were some discrepancies about the restitution that
10 was owed. So that is why we are having the hearing
11 today.

12 THE COURT: Well, my understanding is
13 it is your burden to put up what is owed.

14 MS. FOWLER: Yes, Your Honor.

15 THE COURT: Is the victim here?

16 MS. FOWLER: Sorry?

17 THE COURT: Is your victim here?

18 MS. FOWLER: Yes, Your Honor.

19 THE COURT: Let's go ahead and put him
20 up first, you can direct him, defense counsel can
21 cross and we will go from there. Sir, if you would
22 come around and be sworn.

23 PHILLIP HOWARD

24 having been duly sworn, testifies as follows:
25

1 THE CLERK: State your name for the
2 record and spell your last name.

3 THE WITNESS: Phillip Howard,
4 H-O-W-A-R-D.

5 THE COURT: Sir, be seated.

6 MS. FOWLER: Your Honor, I apologize.
7 For the record I did not read the indictment
8 number. It's 2016-GS-07-02255.

9 THE COURT: All right.

10 DIRECT EXAMINATION

11 BY MS. FOWLER:

12 Q. Mr. Howard, where do you work?

13 A. Dollar General Corporation.

14 Q. What is your position there?

15 A. Regional loss prevention manager.

16 Q. What are some of the duties or things
17 that you do?

18 A. I do audits. I do investigations. I
19 do interviews, anything that I can do to help
20 protect the company's assets.

21 Q. And were you involved in the
22 investigation of Carisa Weaver-Lawrence?

23 A. Yes, ma'am, I was.

24 Q. Which Dollar General store did this
25 investigation concern?

1 A. Store No. 12451 in Lady's Island, South
2 Carolina.

3 Q. I'm going to show you what's been
4 marked as Court's Exhibit 1. May I approach?

5 THE COURT: Yes. Mr. Tripp, have you
6 got copies of the documentation? Have you shared
7 it with him?

8 MS. FOWLER: Yes. I shared it with him
9 earlier.

10 MR. TRIPP: Yes, Your Honor.

11 THE COURT: All right.

12 BY MS. FOWLER:

13 Q. Do you recognize this documentation?

14 A. Yes, ma'am, I do.

15 Q. What is it?

16 A. The first page here is what I call my
17 worksheet. That's where when I first sit down with
18 the individual I write down their name, the dates,
19 the time that we started talking, and then a brief
20 synopsis and what the findings were after I am done
21 with the investigation.

22 Q. Okay. How did you determine how much
23 Ms. Weaver-Lawrence owed?

24 A. Couple of ways that we did. The first
25 way what I did is I contacted our cash audit

1 department located in Goodlettsville, Tennessee.
2 Asked them specifically for this location how much
3 money this store was missing. That's how I was
4 given by period and that's also included on the
5 fourth page of the documents that you handed me,
6 it's got a P and then a number beside it with the
7 month and then the dollar amount to the side of
8 that.

9 Q. And what were the amounts that you
10 decided were missing from each month?

11 A. Well, what Dollar General advised me
12 what was missing each month period two, which would
13 be March for us, was \$203.82. Do you want me to
14 read each one of them in?

15 Q. Sure.

16 A. April which is period 3 was 385 --
17 \$86.53. May, \$80.09. June, \$434.43. July,
18 \$1,301.32. August, \$842.53. September, \$1,877.01.
19 October, \$1,549.67. November, \$839.07. And to the
20 time in December that I sat down and talked to the
21 Defendant was \$612.25 which was a total of
22 \$8,213.82.

23 Q. And was Ms. Carisa Weaver-Lawrence
24 employed at the Dollar General during those months?

25 A. Yes, she was.

1 Q. And how did you determine that?

2 A. What I did is speaking to her one, but
3 the other way was I pulled her work schedule from
4 August 20th -- let me make sure I tell you the
5 right date. I pulled from 8-20 until the week that
6 we were in when I sat down and talked to her which
7 would have been week ending 12-9.

8 Q. Court's indulgence, Your Honor.

9 (Off-the-record conference.)

10 Q. When you spoke to Ms. Weaver-Lawrence
11 did she admit to an amount that she owed?

12 A. Yes, ma'am, she did.

13 Q. Okay. What was that amount?

14 A. She admitted taking money from the
15 amount of \$8,213.82. She also admitted that she
16 had been taking food as well as drinks that she had
17 failed to pay for during the course of time she
18 worked for Dollar General which was an additional
19 \$600. So the total omission amount was \$8,813.82.

20 Q. Did she give a written statement?

21 A. Yes, ma'am, she did.

22 Q. And did she sign that written
23 statement?

24 A. Yes, ma'am, she did.

25 Q. Okay. Your Honor, at this time I would

1 like to move Court's Exhibit 1 into evidence.

2 THE COURT: Any objection?

3 MR. TRIPP: Yes, Your Honor. I'm not
4 certain what Court's Exhibit 1 entails.

5 THE COURT: I asked you if you had seen
6 it. You said you had.

7 MR. TRIPP: I have got it. It is not
8 marked and stapled in the same way so I'm not
9 certain what the exact packet he is looking at.

10 THE COURT: Mr. Howard, if you would
11 hand him that and let him take a look at it.

12 (Handing.)

13 MR. TRIPP: Your Honor, I realize under
14 the statute this is a restitution hearing and the
15 formal rules of evidence don't necessarily apply so
16 I am just relying on what I think is fair for the
17 hearing. So far we have had testimony about Ms.
18 Lawrence's statement which is one of the pages in
19 the exhibit. We have had testimony about a
20 statement that Mr. Howard wrote in calculating what
21 was taken and the value of it. He is here to
22 testify to that today. We don't need what amounts
23 to a hearsay statement of the same thing.

24 Similarly, two of these pages that he
25 was reading off of are just calculations of numbers

1 with no ostensible foundation within the corners of
2 the document as to what they are. It's just
3 adding. There is no need for this to be in
4 evidence. It's just hearsay adding stuff up. He
5 is here to testify today. If he can testify to
6 explain his understanding of the numbers and the
7 accounting, that's fair. This packet also contains
8 some e-mails that I do not recall having been
9 provided until this morning. There has been no
10 testimony what these e-mails are. And there's also
11 some spreadsheets for a number of months that I
12 didn't catch any testimony specifically laying a
13 foundation as to what they were.

14 I just -- I think if we are here to
15 have an honest assessment of what was taken and
16 what amounts are due, it should come from Mr.
17 Howard and his personal knowledge and not be
18 something that's to be gleaned from these records
19 that we don't have any testimony to or
20 understanding of.

21 THE COURT: If you will put that
22 statement of your client back in there with that
23 paperwork that was part of it. Let me see the
24 document, please.

25 MR. TRIPP: (Handing.)

1 THE COURT: Over Defendant's objection
2 I'm going to allow this exhibit to be admitted into
3 evidence. I believe there has been sufficient
4 testimony as to the information of all those
5 documents from this witness. It sets forth in
6 which he has testified supporting his investigation
7 the statement by the Defendant when she pleads
8 guilty and she gives up her right to remain silent
9 so to speak.

10 I don't know if your client is
11 testifying or not, but I want that as part of the
12 record for me considering or making a determination
13 what the restitution is. The other documents
14 within that exhibit are simply supporting documents
15 of what this witness did in concluding or coming to
16 an understanding of what exactly was taken from the
17 store during that period of time. There was
18 testimony. Mr. Tripp made an objection to the
19 e-mails. And looking at those e-mails there was
20 testimony from Mr. Howard that he contacted the
21 individuals at Tennessee, I don't remember what
22 their title was, but he contacted Tennessee in an
23 effort to find out what the store was missing, what
24 shortages there were and money. Those were
25 supporting documents in allowing Mr. Howard to come

1 to a conclusion as to what the store in fact lost.
2 So over Defendant's objection I'm going to allow it
3 in. Anything further?

4 MS. FOWLER: Nothing further.

5 THE COURT: Cross-examination.

6 (COURT. EXH. 1, Dollar General records,
7 admitted.)

8 CROSS-EXAMINATION

9 MR. TRIPP: Court's indulgence, a
10 moment, Your Honor. Please the Court.

11 (Brief pause.)

12 BY MR. TRIPP:

13 Q. Good morning, Mr. Howard.

14 A. Good morning, sir.

15 Q. The documents in Exhibit 1, a number of
16 these are spreadsheets, correct?

17 A. You are referring to the last pages,
18 sir, where the schedule's got peoples name on it
19 and that's handwriting above it?

20 Q. Yes, sir.

21 A. Like this, sir?

22 Q. Yes, sir.

23 A. Yes, sir.

24 Q. And then there's e-mails between you
25 and other members of Dollar General?

1 A. Yes, that's correct.

2 Q. There's no information beyond these
3 that you have personal knowledge as to what was
4 taken or the cost of what was taken?

5 A. I don't understand your question, sir.

6 Q. Beyond these documents, there's no
7 information you have in calculating the total
8 amount due?

9 A. With the information that you have
10 there along with this document here.

11 Q. That document is --

12 A. What I was provided by the home office
13 when I was driving to the store on what the store
14 was short. Along with that and your client's
15 statement is how I came to my omission amount.

16 Q. So you have that document containing
17 numbers from the corporate office you received over
18 the phone?

19 A. Yes, sir, that's correct.

20 Q. May I approach the witness?

21 THE COURT: Yes, sir.

22 BY MR. TRIPP:

23 Q. I am just looking at these spreadsheets
24 showing the witness and he has his own copy.
25 There's a column called variance on here?

1 A. Yes, sir.

2 Q. So for example, on the page for the
3 week selected 8-20-2016 to 8-26-016, in the bottom
4 right corner the number is negative 16 which is the
5 intersection of variance and Carisa
6 Weaver-Lawrence?

7 A. Yes, sir.

8 Q. What does that number tell us?

9 A. This is nothing more than a schedule,
10 sir. Has nothing to do with the cash at all.

11 Q. So this has nothing to do with the
12 amount of money that was --

13 A. No, sir. This is the just the schedule
14 for the store.

15 THE COURT: The work schedule, sir?

16 THE WITNESS: This is just the work
17 schedule.

18 BY MR. TRIPP:

19 Q. So nothing on here tells us anything
20 about how much money was taken?

21 A. Nothing more than the handwriting above
22 it which my handwriting from the e-mails that
23 correspond.

24 Q. So the numbers -- let me rephrase. The
25 information we have today as to the prices that

1 have added up to this total you have testified to,
2 that information includes these notes of numbers
3 you got over the phone?

4 A. Yes, sir.

5 Q. And the numbers in these e-mails?

6 A. Yes, sir. The numbers in the e-mails
7 and what you have on the other sheet that you first
8 referred to, they coincide. The handwritten one is
9 for the period, the one in your left hand are
10 e-mails, are actually the date and the amounts.

11 Q. Okay. And Ms. Lawrence's statement?

12 A. That's not what you have in your hand.

13 Q. But that's the information we have
14 today as to the number that you have, is the
15 e-mails, these notes and Ms. Lawrence's statement?

16 A. That's correct.

17 Q. Nothing else we're missing?

18 A. No, sir.

19 MR. TRIPP: No further questions, Your
20 Honor.

21 THE COURT: Any redirect?

22 MS. FOWLER: Nothing from the State,
23 Your Honor.

24 THE COURT: Sir, you may step down.
25 Any further witnesses from the State?

1 MS. FOWLER: No further witnesses, Your
2 Honor.

3 THE COURT: Mr. Tripp, anything?

4 MR. TRIPP: Yes, Your Honor. I will
5 call Ms. Lawrence to the stand.

6 THE COURT: Ma'am, if you will come
7 around to be sworn, please.

8 CARISA WEAVER-LAWRENCE

9 having been duly sworn, testifies as follows:

10 THE CLERK: Would you state your full
11 name.

12 THE WITNESS: Carisa Weaver-Lawrence.

13 THE CLERK: And spell your last name.

14 THE WITNESS: W-E-A-V-E-R

15 L-A-W-R-E-N-C-E.

16 DIRECT EXAMINATION

17 BY MR. TRIPP:

18 Q. Ms. Lawrence, you took money from
19 Dollar General, right?

20 A. Yes, sir.

21 Q. Why did you do that?

22 A. Times were hard. I had bills and
23 children to take care of and I really didn't see
24 another option. I had went to other -- I went to
25 different other -- a number of other places where I

1 could have gotten help from. But unfortunately
2 because of my job they said I made too much for my
3 family income.

4 Q. So you agree that in taking money from
5 Dollar General you owe Dollar General money back,
6 correct?

7 A. Yes, sir.

8 Q. Do you recall the first time you ever
9 encountered Mr. Howard?

10 A. The first time I encountered him was on
11 December 7th.

12 Q. Tell us what happened before you met
13 him.

14 A. I was actually running late to work. I
15 had an issue with one of my kids and I had to pick
16 them up from school so I had to wait for my aunt to
17 get off. When I got there my -- the store manager
18 actually had a line. When I clocked in she told me
19 that front register wasn't working so I started
20 checking a price for a customer and then once I was
21 doing that that's when Mr. Howard and the district
22 manager walked in and asked to see me in the back.

23 Q. Had anybody ever confronted you about
24 the theft at this point?

25 A. No, sir.

1 Q. This was the first time anybody talked
2 to you about the theft?

3 A. Yes.

4 Q. You weren't aware they were going to be
5 there that day?

6 A. I was aware that somebody was going to
7 be there because they had said there was going to
8 be a meeting like a day or two before, but I
9 couldn't make that meeting because I had to go pick
10 up my kids.

11 Q. So let's continue. You were in the
12 store and called to speak with Mr. Howard?

13 A. No.

14 Q. How did you end up speaking with him?

15 A. Him and another district manager walked
16 in the store after I had gotten there and asked to
17 see me in the back room.

18 Q. What did you do then?

19 A. I put the UHTC which was the thing we
20 used to check prices with. I put that down and
21 walked toward the back.

22 Q. And you went to a room with Mr. Howard
23 to talk?

24 A. Um-hmm. It was the break room in the
25 back.

1 Q. You had never met Mr. Howard before?

2 A. No, sir.

3 Q. Was anybody else in the room with you?

4 A. Just me, the district manager and Mr.
5 Howard.

6 Q. How old was the district manager?

7 A. I have no idea.

8 Q. In your best guess?

9 A. I want to say in his late 40's, early
10 50's.

11 Q. Middle aged man?

12 A. Um-hmm.

13 THE COURT: Is that a yes or a no?

14 THE WITNESS: Yes.

15 BY MR. TRIPP:

16 Q. You never met him before?

17 A. I had met him before. I met him when
18 he first started. He started back in maybe July I
19 want to say. But I mean me and him had been in
20 contact before because he's the district manager of
21 the store and our store is one of those stores that
22 had issues.

23 Q. Briefly describe the conversation that
24 ensued between them two and you?

25 A. Well, me and -- the district manager

1 didn't say anything. Was really more Mr. Howard.
2 He basically told me why he was there. He was
3 there because of an investigation of missing funds.
4 Then he proceeded to show me a paper that had my
5 name highlighted and a whole bunch of dates on it.
6 Then he asked me -- he asked me about -- well, no.
7 He asked me how long I was working there. And then
8 he asked -- basically asked me if I was stealing
9 money. What I basically told him yes, I had been
10 taking money. Then he showed me a paper amount of
11 how much he thought I had taken and basically told
12 me that I had been taking money since March. I
13 then informed him that no, I had not been taking
14 money since March, I had only taken money since
15 August.

16 He then proceeded to tell me that no, I
17 had been taking money since March, that I had taken
18 up to \$8,000 and that my main -- that all the days
19 that I had worked basically coincided with money
20 that was missing. So that's how they determined
21 that it was me that was taking money.

22 Q. On days that you worked and money went
23 missing were you the only person --

24 A. No.

25 Q. -- with access to the money?

1 A. No, sir.

2 Q. How many other people had access?

3 A. Between March and December, there was
4 about I want to say five or six other people that
5 had access to money.

6 Q. And you said he showed you documents or
7 records with your name highlighted?

8 A. Yes, sir.

9 Q. Did he show you that in response to
10 your denying that you took money from March?

11 A. No, sir.

12 Q. Through July?

13 A. At the beginning of the conversation he
14 showed me that.

15 Q. Did the topic of writing anything down
16 ever come up?

17 A. That didn't come up until like towards
18 the middle or end of the conversation.

19 Q. Tell us about that.

20 A. Well, basically he told me that there
21 was -- he was going to have to talk to his bosses
22 about what to do and that he was going to write a
23 statement and then I was going to write a statement
24 and that would be the best thing for me to do was
25 to write a statement saying that I did this and did

1 that and maybe I could keep my job.

2 Q. Did you want to keep your job?

3 A. Yes, sir, I did.

4 Q. Ms. Lawrence, I'm going to show you
5 what's been marked as Court Exhibit 1. On the top
6 page is a letter that's been reported as being
7 signed by Mr. Howard. Did you watch him write a
8 letter in front of you in that meeting?

9 A. Yes, sir.

10 Q. Does that --

11 A. This is what he wrote.

12 Q. To the best of your recollection that's
13 the same letter?

14 A. Um-hmm, yes, sir.

15 Q. What happened after he wrote his
16 letter?

17 A. Him and the district manager left and
18 basically told me to write my statement and then
19 once I finished writing my statement they came back
20 and got it. He said he was going to send it off to
21 corporate and see what they wanted to do.

22 Q. Did he -- was his letter in there when
23 you were writing your letter?

24 A. Yes, sir.

25 Q. So you looked at his letter while he

1 wrote it?

2 A. While he wrote it and while I was
3 writing mine.

4 Q. While you were writing yours. Did --
5 at that point do you recall if either of them said
6 anything about jail?

7 A. No.

8 Q. Or pressing charges?

9 A. No.

10 Q. Did that ever come up?

11 A. That didn't come up until after they
12 had came back with the paper. Well, after he came
13 back from sending it off he came back and told me
14 that corporate wanted to file charges.

15 Q. Were you able to keep your job?

16 A. No, sir.

17 Q. In the Exhibit 1 I'm going to let you
18 look at a page that's in the middle of the packet,
19 has handwritten dates on lined notebook paper March
20 through December with numbers to the right of them
21 which I believe has been reported as numbers that
22 were given to Mr. Howard over the phone. From
23 March through July did you take any money from
24 Dollar General?

25 A. No, sir.

1 Q. From August to September did you take
2 money from Dollar General?

3 A. Yes, sir.

4 Q. What did you take?

5 A. I took \$900 between August and
6 September.

7 Q. Why did you take \$900?

8 A. We were about to get evicted from our
9 apartment and the remaining amount that I needed
10 was \$900.

11 Q. What was your rent for each month?

12 A. My rent for each month was 865.

13 Q. So you figured out how much money you
14 needed based on the rent that you owed?

15 A. I figured out how much I needed, yeah.

16 Q. From October to December -- October to
17 November did you take money?

18 A. Yes, sir.

19 Q. What did you take in October?

20 A. I took \$300.

21 Q. Why did you take that?

22 A. That was the week after the hurricane
23 hit. Of course we hadn't worked the week before so
24 my check wasn't what I needed it to be so I took
25 \$300 to insure that I had a roof over my head.

1 Q. Were you evicted?

2 A. Yes, sir.

3 Q. What did you do with the \$300?

4 A. I put it towards a hotel room for a
5 week.

6 Q. You said it was during the hurricane?

7 A. That was after. We had come -- well,
8 we left and went to Greenville and when we came
9 back I didn't have any money.

10 Q. Did you take money in November?

11 A. No, sir.

12 Q. Take any money in December?

13 A. Yes, sir.

14 Q. How much did you take in December?

15 A. I took a hundred dollars in December.

16 Q. What did you take that for?

17 A. I needed that to put on to add an extra
18 day for a room because it was raining outside and I
19 couldn't move all my stuff back into storage.

20 Q. You also took some money beyond these
21 specific amounts that you recall. Did you also
22 take some money beyond these specific amounts that
23 you recall?

24 A. No, sir.

25 Q. Did you take products from the store?

1 A. Yes, sir.

2 Q. What did you take from the store?

3 A. I took clothes, food, diapers, wipes,
4 baby lotion, baby oil, stuff that I needed for my
5 kids, basically.

6 Q. Did you ever tell Mr. Howard how much
7 you thought that added up to?

8 A. No, I didn't.

9 Q. Could you in your best recollection
10 estimate how much you think that adds up to?

11 A. I want to say maybe \$1,600 maybe.

12 Q. \$1,600?

13 A. Um-hmm.

14 THE COURT: Is that a yes?

15 THE WITNESS: Yes, sir, sorry.

16 BY MR. TRIPP:

17 Q. Refer you back to Exhibit 1. The
18 letter that Mr. Howard wrote when he first
19 confronted you, I'm -- read with me as I read
20 along. "Weaver-Lawrence went on to say her actions
21 caused the store an additional loss of \$500.
22 Weaver-Lawrence said she drank drinks that were not
23 paid for causing a loss of \$100. She was taking
24 food and pullups and placing it in her purse."

25 A. Um-hmm.

1 Q. So you admitted to him you were taking
2 diapers, pullups, supplies for your babies?

3 A. Yes, sir.

4 Q. And he put that in his letter that you
5 said that was \$500?

6 A. Um-hmm, yes, sir.

7 Q. Today you're admitting to us that it
8 was more like \$1,600?

9 A. That's including with the money that I
10 took.

11 Q. Okay.

12 MR. TRIPP: No further questions, Your
13 Honor.

14 THE COURT: Cross-examination?

15 CROSS-EXAMINATION

16 MS. FOWLER: Your Honor, may I
17 approach?

18 THE COURT: Yes.

19 BY MS. FOWLER:

20 Q. Ms. Weaver-Lawrence, the second page on
21 this exhibit is the statement that you gave to Mr.
22 Howard, correct?

23 A. Yes, ma'am.

24 Q. That's your signature at the bottom?

25 A. Yes, ma'am.

1 Q. And what is the amount you admitted to
2 owing?

3 A. \$8,813.

4 Q. Thank you.

5 MS. FOWLER: Nothing further, Your
6 Honor.

7 THE COURT: Any redirect?

8 MR. TRIPP: No, Your Honor.

9 THE COURT: Thank you. Ma'am, you may
10 step down.

11 (Off-the-record conference.)

12 THE COURT: Anything further from the
13 State?

14 MS. FOWLER: Nothing from the State,
15 Your Honor.

16 THE COURT: Defense counsel?

17 MR. TRIPP: Nothing evidence wise, Your
18 Honor.

19 THE COURT: Sir?

20 MR. TRIPP: Nothing evidence wise, Your
21 Honor.

22 THE COURT: Anything by way of argument
23 by the State?

24 MS. FOWLER: Nothing from the State,
25 Your Honor.

1 THE COURT: Defense?

2 MR. TRIPP: Briefly, Your Honor. The
3 statute controlling what we are doing is 17-25-322.
4 This is all at your discretion. The statute does
5 list out some things to take into consideration. I
6 think we have had evidence and testimony that
7 touched on these things. One is the financial
8 resources of the Defendant and the burden and
9 manner that the method of restitution will impose
10 upon the Defendant. She has children. This has
11 been an ongoing struggle. She is here taking
12 responsibility, admitted from the first time they
13 came to her. We know she has a struggle.

14 The second fact to consider -- well,
15 another one to consider is the anticipated
16 rehabilitative effect on the Defendant. Again, she
17 knows she was wrong. I think she knew she was
18 wrong all along. She felt like she had no choice.
19 This isn't a matter of punishment or knowing right
20 from wrong. This is a matter of her doing what she
21 felt she had no choice to do in order to take care
22 of herself and her kids. I don't know that
23 anything punitive needs to come into this.

24 This was during the hurricane. The
25 e-mails you have from Dollar General say hey, I

1 can't get back to you right now, give me some time.
2 There's a hurricane. Things are kind of messed up
3 right now. Kind of the fourth and fifth things to
4 be considered are the burden or hardship or injury
5 to the victim. I don't know what kind of loss
6 prevention policy Dollar General has. We haven't
7 had any testimony on that.

8 The final thing is of course the amount
9 itself of what was actually taken. The only
10 evidence that the State has provided is these
11 hearsay notes and e-mails with no accounting number
12 or explanation of where these numbers came from.
13 We heard testimony that a number of people had
14 access to the money during the time that it was
15 allegedly taken. We have Ms. Lawrence's
16 recollection of these amounts when she knew she was
17 taking, she knew why she was taking it, what she
18 was going to do with it. That's why it is burned
19 into her mind and she remembers it because this was
20 a very serious time for her. I think she is very
21 credible as far as what she was recalling as having
22 taken based on that.

23 The other thing we have is her
24 statement. She was taken by surprise in a room
25 with two middle aged white men that sat down and

1 accused her of stealing. She said she did. They
2 said if you want your job I'm going to write a
3 letter and you better do the same thing. He wrote
4 a letter and left it in the room with her. And at
5 this point he had said nothing about jail or
6 pressing charges. If that's me, the first thing
7 that comes in my head is I better come to Jesus
8 with these people and just do whatever they want me
9 to do.

10 We have no explanation for this amount
11 other than in that room what Mr. Howard apparently
12 said and then he has come in here and said
13 something. I don't have any reason to mistrust Mr.
14 Howard. I don't know him from Adam, but these
15 numbers just may not be right, the numbers he has.
16 They may be some kind of error from the accounting
17 or they have not done their homework, they haven't
18 done their due diligence in figuring out who took
19 what money. And that shouldn't affect her. She
20 said she owes money. She admits it. Here's what I
21 owed. I will pay it back.

22 To kind of leave it up to, you know,
23 bare suspicion as what these amounts are based on
24 what Mr. Howard's apparently told on the phone is
25 very troubling, Your Honor.

1 Lastly, for the record if I may just to
2 refresh, her testimony was that she took \$900 plus
3 \$300 plus \$100, which is \$1,300 and then
4 merchandise in addition to that which she estimated
5 totalling \$1,600 including the cash that was taken.

6 THE COURT: Total altogether 1,600?

7 MR. TRIPP: Yes, Your Honor.

8 THE COURT: With regards to the
9 restitution amount, the Court is hereby ordering
10 the Defendant pay restitution to Dollar General in
11 the amount of \$8,813.82. Having taken into
12 consideration arguments or argument of defense
13 counsel, the Court in listening to Mr. Howard
14 testify as to the conclusion and the manner and
15 method in which he came to such conclusion,
16 although it may not be perfect, there was a
17 procedure and method for which he arrived at this
18 amount through his investigation.

19 Furthermore, the Defendant admitted to
20 taking such. In addition, Mr. Tripp pointed out
21 that there was no threat so to speak of
22 incarceration or losing her job, excuse me, no
23 threat of jail or pressing charges necessitating or
24 warranting the admission by the Defendant. The
25 representative of Dollar General brought forth

1 today documentation supporting the conclusion for
2 which he arrived at.

3 The Defendant in taking the stand and
4 testifying has nothing for the Court to review
5 other than her mere allegation as to what she took,
6 the amount that she took, et cetera.

7 In looking at the factors under
8 17-25-322 subsection B says in determining a manner
9 or method or manner of restitution be ordered the
10 Court may take into consideration the following:
11 Financial resources of Defendant and the victim and
12 the manner and the burden -- excuse me -- the
13 burden the manner or method of restitution will
14 impose upon the victim or the Defendant. I do not
15 recall a specific -- any specific testimony as to
16 the current financial resources of the Defendant or
17 any specific burden upon the victim.

18 Subsection (B)(2), the ability of the
19 Defendant to pay restitution on an installment
20 basis. I did not hear any testimony concerning her
21 ability to pay on an installment basis or on other
22 conditions to be fixed by the Court. Subsection 3,
23 the anticipated rehabilitative effect on the
24 Defendant regarding the manner of restitution or
25 the method of payment. The Court would certainly

1 hope that the Defendant in having to pay back
2 restitution for an amount that she admittedly stole
3 from Dollar General, the Court certainly hopes that
4 having to pay such amount would rehabilitate
5 teaching a lesson not to engage in such conduct
6 again.

7 Subsection 4, any burden, hardship upon
8 the victim as a direct or indirect result of the
9 Defendant's criminal act. While the company --
10 while Dollar General is certainly a large
11 corporation, \$8,000 may not -- almost \$9,000 might
12 not seem to be a substantial amount, it is an
13 amount that was taken as admitted to by the
14 Defendant. The mental, physical and financial
15 well-being of the victim. Again, there was no
16 testimony as to the mental, physical and other
17 financial well-being of the victim.

18 Pursuant to such hearing that is this
19 Court's conclusion.

20 MR. TRIPP: Your Honor, for the record
21 I will object to the Court's ruling based on
22 absence of the facts supporting the conclusions of
23 law.

24 THE COURT: You want to elaborate on
25 that a little bit?

1 MR. TRIPP: Just trying to preserve the
2 record.

3 THE COURT: I'm not exactly -- I gave
4 you every opportunity to object. I'm not sure I
5 understand what your objection may be. Maybe it
6 doesn't matter whether or not I understand it. If
7 you want to appeal it the appellate court can make
8 that determination. I think I have gone through
9 the factors. I think the State has presented
10 sufficient evidence to support their request for a
11 restitution in this amount. I have gone through
12 the factors as required by statute and that's my
13 order. Thank you.

14 (These proceedings were concluded at
15 11:31 a.m., March 2, 2017, Beaufort County, South
16 Carolina.)

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1 CERTIFICATE OF REPORTER
2

3 I, Ruth C. Weese, Registered Diplomate
4 Reporter for the State of South Carolina at Large,
5 do hereby certify that the foregoing transcript is
6 a true, accurate, and complete record.

7 I further certify that I am neither related
8 to nor counsel for any party to the cause pending
9 or interested in the events thereof.

10 Witness my hand, I have hereunto affixed my
11 official seal this 5th day of July, 2017 at
12 Charleston, Charleston County, South Carolina.

13
14 *Ruth C. Weese*

15
16 _____
17 Ruth C. Weese

18 Registered Diplomate

19 Reporter
20
21
22
23
24
25

Cc: Trish Svebek <[REDACTED]>; Ben Heitz <[REDACTED]>
 Subject: RE: Large shortages Store 12451

John,

Have you had a chance to look at this? I checked the EBR and see that they have not been closed yet. I am booking an additional \$1,171.66 in shortages today. The store is showing short \$5,468.95 year to date. Below is a breakdown of what is being booked today.

10/11--\$338.43
 10/13--\$693.98
 10/14--\$139.25

Thanks.

Donna Shoulders
 Cash Audit
 Dollar General Corp.
 100 Mission Ridge
 Goodlettsville, TN 37072
 Phone-615-855-4750
 Fax-615-855-4766

From: John Braxton
Sent: Thursday, September 08, 2016 12:43 PM
To: Donna Shoulders; Kevin Sigmon; Ralph Malear
Cc: Trish Svebek; Ben Heitz
Subject: RE: Large shortages Store 12451

Thanks Donna I will look into this and get back to you

John Braxton
 District Manager D165
 Division 1 - Region 83
 615-543-0604

From: Donna Shoulders
Sent: Thursday, September 8, 2016 12:55 PM
To: John Braxton; Kevin Sigmon; Ralph Malear
Cc: Trish Svebek; Ben Heitz
Subject: RE: Large shortages Store 12451

I am booking \$748.07 in shortages to store 12451 today. They are showing short year to date for \$4221.84. Below is a breakdown of what is being booked. Thanks.

8/30—short --\$199.19
 8/31—over--\$302.93
 9/1---short--\$105.79

48 9/2—short--\$205.06
9/3—short--\$132.88
9/4—short--\$199.31
9/5—short--\$80.34
9/6—short--\$188.43
9/7—credit memo --\$60.00

Donna Shoulders
Cash Audit
Dollar General Corp.
100 Mission Ridge
Goodlettsville, TN 37072
Phone-615-855-4750
Fax-615-855-4766

From: John Braxton
Sent: Wednesday, August 31, 2016 6:17 PM
To: Donna Shoulders; Kevin Sigmon; Ralph Malear
Cc: Trish Svebek; Ben Heitz
Subject: RE: Large shortages Store 12451

Hi Donna, I visited this store today with LP and we uncovered several cash handling issues that we will be addressing. We found \$300 in drops that had been misplaced under a register printer for 3 weeks so that deposit will be over \$300 tomorrow, I am a new DM just taking over this district so please bear with me while I address these issues. I will be addressing these issues with my RD and HR partners. Thanks, John

John Braxton
District Manager D165
Division 1 – Region 83
"We Play To WIN"

615-543-0604

DOLLAR GENERAL
Save More. Save Money. Every Day.

00

From: Donna Shoulders
Sent: Monday, August 29, 2016 2:38 PM
To: John Braxton >; Kevin Sigmon >; Ralph Malear >

Cc: Trish Svebek [REDACTED]; Ben Heitz [REDACTED]

49

Subject: Large shortages Store 12451

Store 12451 is being booked with 3 large shortages. They are:

8/20--\$165.91

8/22--\$105.13

8/23--\$120.64

The store is short \$3,335.82 year to date. Could you help me with these shortages? Thanks.

Donna Shoulders

Cash Audit

Dollar General Corp.

100 Mission Ridge

Goodlettsville, TN 37072

Phone-615-855-4750

Fax-615-855-4766

Mr. Howard

Schedule Vs Actual

Filters Applied
Group By : Department
Week Selected: 08/20/2016 - 08/26/2016
Store : LADYS ISLAND, SC (512451)

\$165.91 105.13 120.64

Employee	ID	Type	Sat 08/20	Sun 08/21	Mon 08/22	Tue 08/23	Wed 08/24	Thu 08/25	Fri 08/26	Total	Variance
Total Store											
BRADLEY, ERIC	1835609	Sch	09:00 P - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)		09:00 A - 03:00 P (5.50)	09:00 A - 02:15 P (5.25)	09:00 A - 02:45 P (5.75)	09:00 A - 03:00 P (5.00)	32.50	1.75
		Act	09:15 A - 03:30 P (5.75)	09:30 A - 03:00 P (5.50)		09:15 A - 03:00 P (4.50)	09:15 A - 02:15 P (5.00)	09:15 A - 03:00 P (4.25)	09:15 A - 02:15 P (5.75)	30.75	
MIDDLETON, SIMEON	1910554	Sch		09:00 P - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	45.00	45.00
		Act		09:00 P - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	09:00 A - 03:00 P (5.50)	45.00	0.00
SHIMMONS, SHANTAE	1761533	Sch			09:00 A - 02:00 P (5.00)	09:00 A - 02:00 P (5.50)	09:00 A - 03:15 P (5.75)	10:00 A - 04:00 P (5.50)	09:00 A - 03:00 P (5.50)	27.25	6.75
		Act			09:00 A - 02:00 P (5.00)	09:00 A - 02:00 P (5.00)	09:00 A - 03:00 P (5.50)	10:00 A - 03:30 P (5.50)	09:30 A - 12:30 P (4.00)	26.50	
Key Carriers											
BRIDGES, MICHELE	1929606	Sch	09:00 A - 03:15 P (5.25)	09:00 P - 10:00 P (5.50)	09:30 A - 03:15 P (5.75)	07:00 A - 03:45 P (9.25)	09:00 A - 04:00 P (10.00)	02:00 P - 10:15 P (7.25)	08:45 A - 05:00 P (7.25)	59.75	59.75
		Act								0.00	
MIDDLETON, LATOYA	1624921	Sch	10:00 P - 10:00 P (7.00)	09:30 A - 04:45 P (9.00)	09:00 P - 10:45 P (13.25)	09:30 A - 07:45 P (13.75)	12:00 P - 10:00 P (15.00)	09:45 A - 03:45 P (18.00)	08:45 A - 03:30 P (17.75)	57.72	-21.50
		Act	03:15 P - 11:00 P (7.75)	09:30 A - 04:15 P (9.75)	10:45 A - 11:45 P (13.25)	00:00 A - 02:30 A (2.50)	01:00 P - 11:00 P (10.00)	07:15 A - 03:30 P (8.25)	07:45 A - 10:45 P (15.00)	79.25	
WEAVER-LAWRENCE, CARISA	1872938	Sch	03:00 P - 10:30 P (7.50)	09:00 A - 04:00 P (12.50)		02:00 P - 10:00 P (7.00)	07:00 P - 10:30 P (13.50)	02:00 P - 10:30 P (7.50)	02:00 P - 10:15 P (7.25)	47.75	-16.00
		Act	03:00 P - 11:00 P (8.00)	09:00 A - 04:15 P (12.25)	06:00 P - 03:00 P (6.00)	00:00 A - 02:30 A (2.50)	01:15 P - 11:00 P (13.50)	09:00 A - 03:30 P (7.50)	02:30 P - 10:45 P (8.25)	58.75	
Total		Sch	27.25	32.50	31.50	45.50	45.50	42.00	40.75	265.00	75.75
		Act	21.50	23.50	24.25	32.00	29.50	27.00	31.50	169.25	

Print

TOTAL - \$391.68

"Dollar Len advised me"

March - July?

Schedule Vs Actual

Filters Applied

Group By : Department
 Week Selected: 08/27/2015 - 09/02/2016
 Store : LADYS ISLAND, SC (512451)

199.14 302.93 - 105.79 = 297.06

Employee	ID	Type	Sat 08/27	Sun 08/28	Mon 08/29	Tue 08/30	Wed 08/31	Thu 09/01	Fri 09/02	Total	Variance	
Total Score												
BRADLEY, ERIC	1835609	Sch	09:00 A - 03:00 P	08:30 A - 05:00 P	08:45 A - 02:45 P	09:00 A - 04:00 P	10:30 A - 04:30 P		09:00 A - 03:15 P	35.25	6.00	
		Act	(15.00)	(7.50)	(5.00)	(5.00)	(5.50)		(5.75)		29.25	
SIMMONS, SHANTAE	1761533	Sch	08:15 A - 03:00 P	08:30 A - 04:45 P	08:45 A - 03:00 P	09:00 A - 04:00 P	10:45 A - 04:30 P				31.00	8.50
		Act	(4.75)	(8.25)	(4.50)	(7.00)	(4.75)					
Key Carnets												
BRIDGES, MICHELE	1826608	Sch	07:45 A - 02:00 P	06:45 A - 05:00 P		11:00 A - 10:00 P	07:45 A - 02:15 P	11:00 A - 10:00 P	07:00 A - 03:00 P	47.50	47.50	
		Act	(5.75)	(9.25)		(10.00)	(6.00)	(10.00)	(6.50)		0.50	
MIDDLETON, LATOYA	1924921	Sch	07:15 A - 03:00 P	01:00 P - 10:00 P	07:45 A - 03:30 P	06:30 A - 03:00 P	21:00 P - 10:00 P		10:00 A - 07:00 P	45.00	22.25	
		Act	(7.25)	(6.50)	(7.25)	(5.00)	(8.50)		(5.00)		67.25	
WEAVER-LAWRENCE, CARISA	1872938	Sch	03:00 P - 10:30 P		04:00 P - 10:00 P	06:45 A - 03:30 P	07:30 A - 01:30 P	07:45 A - 03:10 P	01:00 P - 10:15 P	42.15	10.00	
		Act	(12.00)		(9.00)	(7.75)	(7.00)	(7.25)	(7.25)		52.25	
Total		Sch	25.50	23.25	24.75	38.75	33.50	22.75	32.50	201.00	29.75	
		Act	26.50	16.50	31.00	24.50	26.00	20.00	26.75	171.25		

Print

Total = 312.97

Schedule Vs Actual

Filters Applied:

Group By : Department

Week Selected: 09/03/2016 - 09/09/2016

Store : WADYS ISLAND, SC (S12451)

132.88 149.31 30.34 188.43

Employee	ID	Type	Sat 09/03	Sun 09/04	Mon 09/05	Tue 09/06	Wed 09/07	Thu 09/08	Fri 09/09	Total	Variance
Total Store											
BRADLEY, ERIC	1835609	Sch	08:00 A - 04:00 P (7.00)	09:00 A - 02:00 P (5.00)	09:00 A - 07:00 P (5.50)	09:00 A - 02:00 P (5.00)	07:45 A - 03:45 P (7.00)	09:00 A - 01:00 P (5.00)		34.50	34.50
		Act								0.00	
SMYKONE, SHANTAE	1761533	Sch			09:30 A - 03:00 P (5.50)	09:00 A - 01:00 P (5.00)	09:00 A - 02:00 P (5.50)	09:00 A - 01:00 P (4.00)	09:00 A - 07:00 P (5.50)	25.50	8.25
		Act			09:00 A - 03:00 P (6.00)	08:30 A - 01:30 P (5.00)			08:45 A - 03:00 P (6.25)	17.35	
WALKER, TIMOTHY	155776	Sch	08:00 A - 04:00 P (7.00)	11:30 A - 05:00 P (3.00)	09:15 A - 04:00 P (5.25)	08:00 A - 05:00 P (5.00)	08:30 A - 03:30 P (6.50)	09:00 A - 03:00 P (5.50)		35.25	17.25
		Act	08:00 A - 01:00 P (5.00)				08:30 A - 04:30 P (7.50)	01:00 P - 11:00 P (9.50)		23.00	
Key Carriers											
BRIDGES, MICHELE	1935606	Sch	07:15 A - 07:00 P (9.75)		07:00 A - 08:00 P (1.50)	07:00 A - 08:00 P (10.00)	07:00 P - 10:00 P (7.00)	01:00 P - 10:00 P (8.00)	11:00 A - 07:00 P (7.00)	51.25	36.75
		Act	07:30 A - 10:00 P (14.50)							14.50	
HOLLS, LILLIAN	1589401	Sch					02:00 P - 09:00 P (7.00)		02:15 P - 06:15 P (4.00)	0.00	11.00
		Act									
MIDDLETON, LATOYA	1924921	Sch		07:00 P - 10:15 P (7.25)	03:45 P - 10:15 P (6.00)	01:00 P - 10:15 P (8.25)	07:45 A - 04:00 P (7.25)	07:45 A - 05:45 P (9.50)	08:45 A - 04:45 P (6.00)	48.75	-17.25
		Act		12:00 P - 10:15 P (9.25)	02:00 P - 10:30 P (7.50)	07:15 A - 07:00 P (10.75)	06:00 A - 05:45 P (10.75)	01:30 P - 11:00 P (9.50)	06:30 A - 10:45 P (16.25)	64.00	
WEAVER-LAWRENCE, CARISA	1872935	Sch	12:30 P - 10:30 P (19.00)	07:30 A - 04:00 P (7.50)	10:00 A - 08:15 P (7.25)	12:00 P - 08:00 P (7.00)	07:45 P - 10:00 P (5.75)		02:00 P - 10:00 P (7.00)	43.50	-10.75
		Act	01:00 P - 10:30 P (8.50)	07:45 A - 04:00 P (7.25)	11:00 A - 10:30 P (9.50)	09:30 A - 07:00 P (9.50)	08:15 A - 05:45 P (6.50)		04:30 P - 10:45 P (6.25)	54.25	
				08:45 P - 10:15 P (1.50)		07:15 P - 10:30 P (3.25)					
Total		Sch	32.25	25.75	40.00	43.25	39.00	31.50	28.50	240.75	57.75
		Act	28.00	18.00	23.00	28.50	33.75	19.00	32.75	183.00	

Print

Total 600.96

Schedule Vs Actual

Filters Applied
 Group By : Department
 Week Selected: 10/08/2016 - 10/14/2016
 Store : LADYS ISLAND, SC (512451)

338.43 693.95 136.25

Employee	ID	Type	Sat 10/08	Sun 10/09	Mon 10/10	Tue 10/11	Wed 10/12	Thu 10/13	Fri 10/14	Total	Variance
Total Store											
SIMMONS, SHANTAE	1761533	Sch					05:15 P - 10:15 P (4.00)			4.00	-21.75
		Act				12:00 P - 05:15 P (6.25)	12:00 P - 06:30 P (6.50)	10:00 A - 04:00 P (6.00)	09:15 A - 04:15 P (7.00)	25.75	
WALKER, TIMOTHY	158776	Sch	02:00 P - 10:00 P (7.00)							7.00	-22.00
		Act					12:00 P - 07:30 P (7.50) 07:45 P - 11:00 P (3.25)	02:00 P - 04:00 A (10.00)	03:45 P - 10:00 P (8.25)	29.00	
Key Carriers											
BRIDGES, MICHELE	1926606	Sch	05:45 A - 05:45 P (17.20)	05:00 A - 02:00 P (15.50)	05:00 A - 02:00 P (15.00)		05:00 A - 04:00 P (13.00)	11:00 A - 05:00 P (8.50)	05:45 A - 05:45 P (10.00)	46.50	48.80
		Act								0.00	
DAVIS, REVAUN	1956330	Sch	03:00 P - 10:00 P (7.00)	05:45 P - 10:15 P (4.50)	06:15 P - 10:15 P (4.00)		05:00 A - 10:15 A (5.25)	05:15 P - 10:15 P (4.00)	03:30 P - 10:15 P (6.25)	31.00	-3.25
		Act					05:45 P - 07:30 P (1.75) 07:45 P - 10:00 A (4.25)	06:00 A - 08:00 A (8.00)	00:00 A - 08:15 A (6.25) 05:00 P - 10:00 P (7.00)	24.25	
GRANT, NATERA	1884564	Sch			05:45 A - 05:15 P (8.50)	07:00 A - 01:45 P (10.50)	06:45 A - 10:45 A (11.00)	05:15 P - 10:15 P (4.50)		22.75	22.75
		Act								0.00	
MOLLIS, LILLIAN	1869401	Sch		02:15 P - 08:15 P (4.00)		05:15 P - 10:15 P (4.50)	06:15 P - 10:15 P (4.00)	05:00 A - 10:45 A (4.75)	12:15 P - 10:15 P (9.00)	25.75	25.75
		Act								0.00	
WEAVER-LAWRENCE, CARISA	1872938	Sch	05:45 A - 04:00 P (17.25)	03:45 P - 10:00 P (6.75)	03:45 P - 10:15 P (6.00)	12:45 P - 10:15 P (3.50)		05:00 A - 10:15 P (6.75)		34.25	18.00
		Act				10:00 A - 06:45 P (8.75)		01:15 P - 08:45 P (7.50)		16.25	
Total		Sch	28.25	19.75	26.50	18.75	27.25	27.50	25.25	173.25	
		Act	0.00	0.00	0.00	15.00	23.25	26.50	30.50	105.25	68.00

Print

10/14 - 2 Tills were short

Total
 1,032.41

Schedule Vs Actual

Filters Applied

Group By : Department

Week Selected: 11/05/2015 - 11/11/2015

Store : LADYS ISLAND, SC (S12451)

176.29

Employee	ID	Type	Sat 11/05	Sun 11/06	Mon 11/07	Tue 11/08	Wed 11/09	Thu 11/10	Fri 11/11	Total	Variance
Total Store											
JONES, NANCY	1981050	Sch								0.00	-17.00
		Act					09:00 A - 02:00 P (5.00)	08:45 A - 02:00 P (5.25)	07:00 A - 03:00 P (6.75)	17.00	
KERSEY, TRAVIS	1974323	Sch	09:00 A - 02:00 P (5.50)							24.50	-1.00
		Act	07:00 A - 02:00 P (7.00)				06:00 P - 11:15 P (5.25)	04:00 P - 11:30 P (7.75)	06:00 P - 11:30 P (5.50)	25.50	
SIMMONS, SHANTAE	1761533	Sch			08:00 A - 02:00 P (5.50)					29.00	-0.75
		Act			08:00 A - 02:00 P (6.00)		08:30 A - 03:30 P (7.00)	08:15 A - 04:00 P (7.75)		20.75	
Key Carriers											
FRIDGES, MICHELE	1925806	Sch	02:00 P - 11:30 P (5.00)	02:00 P - 10:00 P (7.50)	05:30 A - 04:00 P (8.50)	05:30 A - 02:00 P (7.00)		02:00 P - 11:30 P (7.50)		39.00	39.00
		Act								0.00	
DAVIS, RENRUN	1956130	Sch	05:30 A - 09:00 P (7.50)	05:30 A - 02:00 P (7.50)	02:00 P - 11:30 P (7.50)	08:00 A - 04:00 P (7.50)	11:00 A - 06:00 P (8.50)		06:30 A - 03:00 P (7.50)	43.50	-32.50
		Act	07:00 A - 03:30 P (8.50)	00:00 A - 01:45 P (14.75)	02:00 P - 10:00 P (10.00)	08:00 A - 06:30 P (10.50)	06:15 A - 04:30 P (10.25)	04:30 P - 05:00 P (0.50)	06:15 A - 04:00 P (9.75)	76.00	
GRANT, NATERA	1884594	Sch			07:30 A - 04:30 P (9.00)		07:30 A - 04:30 P (8.50)	07:30 A - 04:30 P (8.00)	07:30 A - 04:30 P (8.00)	32.00	7.50
		Act			07:30 A - 04:30 P (9.00)			07:45 A - 04:30 P (8.25)	07:45 A - 03:00 P (7.25)	24.50	
HOLLIS, JILLIAN	1869401	Sch	06:00 P - 06:00 P (4.00)			05:00 P - 07:00 P (4.00)		02:00 P - 06:00 P (4.00)		12.00	-0.75
		Act	01:45 P - 06:15 P (4.50)			03:15 P - 07:00 P (3.75)		02:00 P - 06:30 P (4.50)		12.75	
WALKER, TIMOTHY	158776	Sch	06:00 P - 11:30 P (5.50)	02:00 P - 10:30 P (7.50)	04:00 P - 11:30 P (7.00)	05:00 P - 11:30 P (6.00)	11:30 A - 06:00 P (6.50)		01:00 P - 09:00 P (7.00)	39.50	-5.25
		Act	06:00 P - 11:30 P (5.50)	03:00 P - 11:45 P (8.75)	03:00 P - 10:00 P (9.00)	04:00 P - 11:15 P (7.25)	11:00 A - 06:00 P (7.00)		01:45 P - 09:00 P (7.25)	44.75	
WEAVER-LAWRENCE, CARISA	1672936	Sch				04:00 P - 11:30 P (6.50)	05:00 P - 11:30 P (7.50)	05:30 A - 03:00 P (7.50)	03:00 P - 11:30 P (7.50)	29.00	-5.00
		Act				03:30 P - 11:15 P (7.75)	03:00 P - 11:15 P (8.25)	06:30 A - 04:30 P (10.00)	03:30 P - 11:30 P (8.00)	34.00	
Total		Sch	32.00	22.50	36.50	30.50	41.50	37.00	39.50	239.50	-15.75
		Act	27.25	33.50	34.00	29.25	43.25	39.00	49.00	255.25	

Print

Total 176.29

Schedule Vs Actual

Filters Applied
 Group By : Department
 Week Selected: 11/12/2016 - 11/19/2016
 Store : CADYS ISLAND, SC (512451)

85.14 203.63

Employee	ID	Type	Sat 11/12	Sun 11/13	Mon 11/14	Tue 11/15	Wed 11/16	Thu 11/17	Fri 11/18	Total	Variance
Total Store											
JONES, NANCY	1991090	Sch	07:30 A - 02:00 P (5.00)	09:00 A - 03:00 P (5.00)			08:00 P - 11:00 P (5.00)		06:00 P - 11:00 P (5.00)	21.00	-14.50
		Act	07:30 A - 02:00 P (5.50)	09:00 A - 04:30 P (6.50)		02:00 P - 11:00 P (8.50)	05:00 P - 11:30 P (6.50)		03:00 P - 11:00 P (8.00)	36.00	
KERSEY, TRAVIS	1574323	Sch		05:00 P - 10:45 P (3.25)		05:30 P - 11:30 P (5.00)		06:15 P - 11:00 P (4.75)		15.50	8.25
		Act		04:00 P - 11:15 P (7.25)						7.25	
SIMMONS, SHANTAE	1761533	Sch				09:00 A - 01:00 P (4.00)	09:30 A - 01:30 P (4.00)	06:00 A - 12:00 P (4.00)		12.00	-2.00
		Act				08:15 A - 01:15 P (5.00)	09:00 A - 02:00 P (5.00)	08:15 A - 12:15 P (4.00)		14.00	
Key Carriers											
BRIDGES, MICHELE	1926606	Sch	06:45 A - 03:30 P (7.75)		03:15 P - 11:00 P (7.25)	05:00 A - 02:00 P (7.00)	05:00 A - 01:00 P (7.00)	02:00 P - 11:00 P (8.00)	10:00 A - 09:00 P (8.00)	43.50	43.50
		Act								0.00	
DAVIS, REVAUN	1956330	Sch		06:15 A - 03:00 P (3.25)	06:30 A - 03:00 P (3.00)	02:00 P - 11:15 P (8.25)	01:00 P - 09:30 P (5.50)	05:00 A - 11:00 A (5.50)	05:00 P - 11:15 P (5.75)	39.75	-1.25
		Act		06:15 A - 05:30 P (11.25)	08:45 A - 06:15 P (9.50)	09:15 P - 11:15 P (7.25)	02:30 P - 08:45 P (5.00)	06:15 A - 08:15 A (2.00)	05:15 P - 11:15 P (5.75)	41.00	
GRANT, NATERA	1884594	Sch			05:00 A - 12:00 P (4.00)		07:45 A - 02:00 P (5.75)		07:45 A - 01:00 P (5.25)	19.00	5.00
		Act			07:45 A - 12:00 P (4.25)		07:45 A - 02:00 P (5.75)			10.00	
HOLLIS, LILLIAN	1869401	Sch	12:00 P - 06:00 P (5.50)					11:45 A - 03:45 P (4.00)		9.50	-1.75
		Act	01:15 P - 06:00 P (4.75)					04:30 P - 11:30 P (6.50)		11.25	
WALKER, TIMOTHY	158776	Sch	04:30 P - 11:00 P (6.00)		07:15 P - 11:15 P (4.00)	05:00 A - 11:30 A (5.50)	08:00 A - 10:00 A (5.00)	05:00 A - 11:00 A (5.00)	08:00 P - 11:00 A (5.00)	31.00	-3.50
		Act	04:45 P - 10:30 P (5.25)		07:15 P - 11:30 P (4.25)	06:30 A - 02:00 P (7.50)	05:30 A - 01:30 P (6.00)	06:15 A - 10:00 A (3.75)	06:30 A - 12:15 P (5.75)	34.50	
WEAVER-LAWRENCE, CAPIEA	1572938	Sch	05:00 P - 11:30 P (6.25)	03:00 P - 11:00 P (7.00)	08:30 A - 05:30 P (8.00)		05:00 P - 11:00 P (5.00)	10:00 A - 05:00 P (5.00)	06:30 A - 11:00 A (4.50)	36.00	-2.00
		Act	05:15 P - 11:30 P (6.25)		03:45 P - 11:30 P (7.75)		09:15 P - 11:30 P (6.25)	08:15 A - 05:15 P (6.00)	06:30 A - 03:15 P (8.75)	35.00	
Total		Sch	31.25	25.50	38.75	29.75	37.75	36.75	32.00	223.75	31.75
		Act	22.75	25.00	24.75	28.25	37.50	25.50	28.25	192.00	

Print

Total \$ 288.77

Schedule Vs Actual

Filters Applied:
 Group By : Department
 Week Selected: 12/03/2016 - 12/09/2016
 Store : LADYS ISLAND, EC (512451)

\$100.00

Employee	ID	Type	Sat 12/03	Sun 12/04	Mon 12/05	Tue 12/06	Wed 12/07	Thu 12/08	Fri 12/09	Total	Variance
Total Store											
JONES, NANCY	1981090	Sch	01:00 P - 07:00 P (5.50)	10:00 A - 04:00 P (5.00)				08:00 P - 11:00 P (5.00)		15.50	5.25
		Act	01:00 P - 07:00 P (5.50)	11:00 A - 04:00 P (4.75)						10.25	
KERSEY, TRAVIS	1974323	Sch	08:00 P - 11:00 P (5.00)	05:00 P - 11:00 P (5.50)	08:00 P - 11:45 P (5.75)	07:00 P - 11:00 P (4.50)				20.75	4.25
		Act	05:00 P - 11:15 P (5.25)	05:00 P - 11:30 P (6.00)	06:00 P - 11:15 P (5.25)					16.50	
REICH, AMANDA	1990634	Sch			05:00 A - 01:00 P (5.00)	02:00 P - 07:00 P (5.00)	09:30 P - 11:00 P (5.00)			15.00	5.75
		Act			08:00 A - 01:45 P (5.75)					5.75	
SIMMONS, SHANTAE	1761553	Sch				09:00 A - 02:30 P (5.50)	08:00 A - 01:00 P (5.00)	08:30 A - 02:00 P (5.50)		16.00	9.75
		Act				07:45 A - 02:00 P (6.25)				6.25	
Key Carriers											
BRIDGES, NICHELE	1925606	Sch	07:30 A - 01:15 P (2.50)	01:45 P - 11:00 P (5.25)	06:00 P - 11:00 P (5.00)		05:00 A - 04:00 P (10.00)	01:00 P - 08:00 P (5.50)	06:00 A - 03:00 P (9.00)	45.25	45.25
		Act								0.00	
DAVIS, RENAUN	1955320	Sch	02:00 P - 11:15 P (8.25)		06:45 A - 02:00 P (5.75)	04:00 P - 11:15 P (6.75)		09:00 A - 02:00 P (8.00)	03:00 P - 11:30 P (7.50)	37.25	19.50
		Act	02:15 P - 10:00 P (8.25)	00:00 A - 00:15 A (0.25)	07:00 A - 03:45 P (8.75)	04:00 P - -				17.75	
HOLLIS, LILLIAN	1859461	Sch	09:00 A - 01:00 P (4.00)				11:00 A - 04:25 P (5.50)	10:30 A - 02:30 P (4.00)	10:00 A - 03:00 P (5.00)	18.50	13.25
		Act	09:00 A - 02:15 P (5.25)							5.25	
MOON, DERRICK	1991845	Sch			10:00 A - 02:00 P (4.00)		11:00 A - 04:00 P (5.00)		04:30 P - 11:00 P (6.00)	15.00	15.00
		Act								0.00	
WALKER, TIMOTHY	158776	Sch					02:30 P - -			0.00	0.00
		Act								0.00	
WEALER-LAWRENCE, CARISA	1872936	Sch		06:45 A - 07:30 P (7.25)	02:00 P - 08:00 P (4.00)	08:00 P - 04:00 P (8.25)	04:00 P - 11:15 P (6.75)	04:15 P - 11:15 P (6.50)		22.75	11.75
		Act		07:00 A - 02:45 P (7.75)	02:15 P - 06:15 P (4.00)	06:45 A - 04:00 P (9.25)				11.00	
Total		Sch	30.25	26.00	30.50	30.00	37.75	35.50	26.50	216.50	133.75
		Act	24.75	18.75	23.75	15.50	0.00	0.00	0.00	82.75	

Print

Total \$100.00

P 2

March

203.82

57

P 3

April -

386.53

P 4

May -

80.09

P 5

June

434.42

P 6

July

1301.32

P 7

August

842.53

P 8

SEPT

1877.01

P 9

OCT

1549.67

P 10

NOV

839.07

P 11

Dec

612.25

8213.82

Drinks - \$100.⁰⁰

Food + Pullups - \$500.⁰⁰

Total \$600.⁰⁰

CASH 8213.⁸²

8,813.82

#12451

12-7-16

Carisa M. Weaver-Lawrence start - 4:55

DOB - [REDACTED] End - 6:03 PM

[REDACTED]

Beaufort, SC

29902

SC06 - [REDACTED]

END # [REDACTED]

Weaver-Lawrence states that she has been taking money while working at Dollar General store #12451 located in Lady's Island, SC. The amount taken is \$8213.⁸² I was told this money was used for food, clothes, shoes, socks, pullups. Weaver-Lawrence further states she was taking food and pullups and placing in her purse that was not paid for. Weaver-Lawrence went on to say her actions caused this store an additional loss of \$500.⁰⁰ Weaver-Lawrence said she drank drinks that were not paid for as well causing a loss of \$100.⁰⁰

Total loss caused by Weaver Lawrence is \$8,813.⁸²

R. L. [REDACTED]

PhD [REDACTED]

12-7-16

[Signature] 12/7/2016

12/7/21

My name is Carisa Weaver-Lawrence and I'm ^{one of} ~~the~~ assistant managers at Dollar General Lady's Island ^{cost} #12451 Lady's Island, SC 29. I started taking money around July ²⁰¹⁶ ~~2016~~ when my family and I were about to get evicted from our apartment. The total amount taken was about \$9,000 dollars rounded up. I started doing it at closing time. Since I worked most nights at that ^{time} ~~time~~, I would take it out of my cash pick up by standing over the safe while inserting the cash or at the end of the night stand over the money and insert it into my bra or pants. There were also items I took out of the store like food, pull ups, and clothes, ^{and that I'm not} ~~and that I'm not~~ in for my cost to this store was \$8813.00. I apologize for this inconvenience and I knew that it was wrong, but I had to do it for my babies. I will stop as things are looking up for me and I don't need to knock my blessings. I just pray that you will give me the chance to pay it back instead of letting me go.

Carisa Weaver-Lawrence
 Carisa L

12/7/2016

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF GENERAL SESSIONS
2016A0710200446

State of South Carolina)
vs.)
Carisa Weaver-Lawrence,)
Defendant.)

**DEFENDANT'S MOTION FOR
RECONSIDERATION**

2017 MAR 13 PM 2:13
JENNIFER ANNE ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Defendant moves for reconsideration of the restitution amount ordered based on the following.

BACKGROUND

On December 8, 2016, Beaufort County issued an arrest warrant alleging that between the beginning of March and December 7 of 2016, Defendant violated South Carolina Code section 16-13-230(A), Breach of Trust with Fraudulent Intent, Value More Than \$2,000 but Less Than \$10,000. On January 27, 2017, Defendant pled guilty as charged before The Honorable Carmen T. Mullen.

On March 2, 2017, Defendant appeared before The Honorable D. Craig Brown for a restitution hearing under South Carolina Code section 17-25-322. The State presented testimony from Philip Howard, a loss-prevention employee of Dollar General stores. Howard presented timesheets showing hours that Defendant and others worked for the company at a local store from August 20, 2016 through December 9, 2016. Howard presented a series of emails between upper-level employees of the company from August 29, 2016 until November 17, 2016. The email of August 29, 2016 alleged the store at that time was short over \$3,300 in cash for the past year to date. The email of November 17, 2016 alleged that the store was short over \$7,400 in

cash for the past year to date. Howard presented his own hand-written notes of dollar amounts short per month from March of 2016 through December of 2016 totaling \$8,213.82; he testified that he received the amounts over the phone during a conversation with another employee of the company. Finally, he presented two hand-written memoranda. The first was his own, dated December 7, 2016, in which he stated that Defendant admitted to taking \$8,213.82 in cash and \$500 in unpaid merchandise from the store. The second was by Defendant with the same date, in which she wrote that she began taking money around July of 2016 to pay for expenses from raising her children and rent for her apartment. She wrote that her cost to the store including unpaid diapers, food, and clothing totaled \$8,813. At the end, she wrote, "I just pray that yall will give me the chance to pay it back instead of letting me go."

Defendant testified and admitted to taking cash and merchandise. She testified that at all times she worked there, other employees had access to the safe where cash was stored, and she did not begin taking cash until August of 2016.¹ She testified that in August of 2016 she took \$900 in cash, which she specifically recalled because her rent due was \$865. In October of 2016, she took \$300, which she specifically recalled because she had been evicted and needed to pay for a hotel room upon returning to town after Hurricane Matthew. She testified that she took \$100 in December of 2016, which she specifically recalled because she needed it to pay for a hotel room. She testified to taking approximately \$500 in diapers and baby wipes.

Defendant then testified to the circumstances surrounding her writing of the memorandum on December 7, 2016. She was at work, and the company had made no contact with her regarding the shorted funds. Without notice, two middle-aged white men--

¹ Defendant did not have access to the safe until May of 2016, when she was promoted to lead sales manager.

loss-prevention officer and a district manager--arrived and ordered Defendant to a room in the back of the store. The two showed Defendant records with her name and accused her of taking cash and merchandise beginning in March of 2016 and totaling around \$8,000. Defendant orally admitted to taking cash and diapers beginning in August of 2016. One of the men then wrote in front of Defendant a report that Defendant stole cash and merchandise totaling \$8,813.82. When finished, the man advised Defendant that she should write a similar report for the company if she wanted to keep her job. He left her in the room with his report, and she wrote a statement copying from it. The company later fired her.

At the close of the hearing, Judge Brown found that Defendant took \$8,813.82 in cash and merchandise and ordered Defendant to pay that amount in restitution.

ARGUMENT

THE COURT SHOULD REDUCE THE AMOUNT OF RESTITUTION ORDERED BECAUSE THE PROBATIVE EVIDENCE SUPPORTS A FINDING THAT DEFENDANT TOOK \$1,800 IN CASH AND MERCHANDISE AND NO MORE.

The Court should reduce the amount of restitution ordered because the probative evidence supports a finding that Defendant took \$1,800 in cash and merchandise and no more. South Carolina Code section 17-25-322 states that a restitution court shall make factual findings as to pecuniary damages and may make findings as to the financial resources of the defendant and the defendant's ability to repay, the anticipated rehabilitative effect of repayment on the defendant, and the level of injury to the victim's mental, physical, and financial well-being resulting from the defendant's criminal acts.

As to the amount of pecuniary damages, the probative evidence supports a finding that Defendant took \$1,300 in cash. Defendant testified that she took \$1,300 in cash. The testimony

was credible because from the first accusation by company employees to her guilty plea and throughout her testimony at the restitution hearing, Defendant was fully forthcoming about her misdeeds. Moreover, she recalled the details of the specific amounts she took at specific instances based on what she needed the cash for. Third, her statements about when she began taking the money and merchandise and what she needed were consistent from the first accusation by company employees through her in-court testimony.

No probative evidence showed Defendant took more than \$1,300 in cash. Howard presented the figure of \$8,213.82 from his hand-written notes based solely on amounts relayed to him as missing from another employee from March of 2016 through December of 2016. Howard had no personal knowledge of any records or investigation thereof connecting Defendant to the total of the missing funds that he annotated. Simply put, the State presented no evidence of any accounting actually linking Defendant to any missing cash. Indeed, Howard's own testimony showed the total amount he annotated should not have been attributed to Defendant. The timesheets he provided only showed that Defendant had access to the cash through her employment from August 20, 2016 to December 9, 2016. The timesheets also showed other employees at the store working in the same capacity as Defendant, which was consistent with Defendant's testimony that other employees had access to the cash at the store. Additionally, the emails he presented showed that from August of 2015 through November of 2016, the store was short an amount of cash well over what Howard ultimately attributed to Defendant from a time period well beyond Defendant's employment. Thus, the store plainly lost money through an employee or employees other than Defendant, and neither Howard nor the State attempted to show that any of the \$8,213.82 lost during Defendant's employment was not taken by someone

else.

The State attempted to show that Defendant's written statement that she took \$8,813 in cash was probative of the actual amount she took. To the contrary, the evidence shows Defendant made the statement solely because Howard wanted her to. Howard told Defendant that copying the substance of his statement into one of her own was the only way she could keep her job. Howard expressly told Defendant that she should write an admission similar to his if she wanted to keep her job. He left her alone with his statement and pen, paper, and time to write her own. Defendant wrote that her cost to the company was \$8,813--no evidence whatsoever showed any basis for Defendant's figuring this amount other than copying it from Howard's statement. At the end of the statement, she implored, "I just pray that yall will give me the chance to pay it back instead of letting me go."

Howard and the other man pressured Defendant into writing the statement by accosting her suddenly and without time for her to prepare for the confrontation or reflect on the situation. The two men confronted her in a room in the back of the store and showed her records with her name that she was not able to study independently. Defendant was very likely aware that her actions had made her criminally liable, and fully complying with the men without resistance was her only hope for both keeping her job and avoiding criminal prosecution.

Beyond the failure of the probative evidence to show that Defendant took more than \$1,300 in cash, consideration of the other factors listed under section 17-25-322 counsels for limiting the restitution amount. The evidence shows Defendant's financial resources are meager. She has multiple children to raise, was unable to pay rent and childcare costs despite maintaining gainful employment, was fired from the Dollar General store within the last three months, and

has had to find new work in the shadow of criminal prosecution. The evidence also shows restitution is not necessary to fully rehabilitate Defendant. She did not take the money out of an ill-will or disrespect for the rights of others; she has shown all along her understanding that taking the money was unfair to the company and unlawful. She did it because she felt she had no other option to house and feed herself and her children. Rehabilitation in this case should not entail punishment as a means of deterrence but instead a lesson on financial planning, which could be implemented through a shorter repayment schedule of low monthly amounts commensurate with her lower income and higher financial obligations. Finally, neither the State nor Howard presented any evidence as to the impact of Defendant's actions on the financial well-being of the company. At most, the fair assumptions about the company's need for compensation are matched by the fair assumptions about Defendant's inability to repay.

CONCLUSION

For the foregoing reasons, Defendant respectfully requests that this Court reduce the amount of restitution ordered.

Respectful



Benjamin John Tripp
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Beaufort, South Carolina
March 13, 2017

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
)
 STATE OF SOUTH CAROLINA)
)
 VS.)
)
 Carisa Weaver-Lawrence,)
 Defendant.)

IN THE COURT OF GENERAL SESSIONS
 2016A0710200446

ORDER DENYING MOTION
 TO RECONSIDER RESTITUTION

2017 MAY 15 AM 11:00
 DEPT. OF CORRECTIONS


On January 27, 2017, Defendant pled guilty to Breach of Trust with Fraudulent Intent, Value More Than \$2,000 but Less Than \$10,000 before the Honorable Carmen T. Mullen. On March 2, 2017, Defendant appeared before the Honorable D. Craig Brown for a restitution hearing under South Carolina Code section 17-25-322. The State presented testimony from Phillip Howard, a loss-prevention employee of Dollar General stores. Mr. Howard presented timesheets showing hours that Defendant and others worked for the company at a local store from August 20, 2016 through December 9, 2016. Mr. Howard presented a series of emails between upper-level employees of the company from August 29, 2016 until November 17, 2016. The email of August 29, 2016 alleged the store at that time was short over \$3,300 in cash for the past year to date. The email of November 17, 2016 alleged that the store was short over \$7,400 in cash for the past year to date. Mr. Howard presented his own hand-written notes of dollar amounts short per month from March of 2016 through December of 2016 totaling \$8,213.82; he testified that he received the amounts over the phone during a conversation with another employee of the company. Finally, he presented two hand-written memoranda. The first was his own, dated December 7, 2016, in which he stated that Defendant admitted to taking \$8,213.82 in cash and \$500 in unpaid merchandise from the store. The second was by Defendant with the same date, in which she wrote that she began taking money around July of 2016 to pay for

*Def
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expenses from raising her children and rent for her apartment. She wrote that the cost to the store including unpaid diapers, food, and clothing totaled \$8,813. At the end, she wrote, "I just pray that yall will give me a chance to pay it back instead of letting me go." At the conclusion of the hearing, Judge Brown ordered the Defendant to pay restitution in the amount of \$8,813.82.

On March 13, 2017, Defendant filed a motion to reconsider. Pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, this matter is being decided without oral argument and the Court hereby denies Defendant's motion.

IT IS, SO ORDERED.



The Honorable D. Craig Brown
Presiding Judge

April 25, 2017
Florence, South Carolina

PCB
4-25-17

WITNESSES

DOCKET NO. 2016GS0702255

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

February Term 2017

THE STATE

vs.

Carisa Marche Weaver-Lawrence

Indictment For

Breach of Trust With Fraudulent Intent, \$2000 - \$10,000

SC Code: 16-13-230(A), 16-13-230(B)(2)

CDR Code: 3423

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Carisa Marche Weaver-Lawrence

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2016A0710200446

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

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INDICTMENT

2016GS0702255

At a Court of General Sessions, convened on February 23, 2017, the Grand Jurors of Beaufort County present upon their oath:

Breach of Trust With Fraudulent Intent , \$2,000 - \$10,000

That in Beaufort County, South Carolina, on or about March 1, 2016 through December 7, 2016, the Defendant, Carisa Marche Weaver-Lawrence, did commit a breach of trust with a fraudulent intention or hired or counseled another to commit a breach of trust with a fraudulent intention and the amount was more than two thousand dollars but less than ten thousand dollars, all in violation of Section 16-13-230(A), 16-13-230(B)(2), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of June, 2018.

RECEIVED

JUN 18 2018

SC Court of Appeals