

1 IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

2
3 STATE OF MISSISSIPPI

4 VERSUS

5 MILTON RAWLE, JR.

FILED
FEBRUARY TERM, 2021
MAR 09 2021

NO. 2020-0223-CR1C

DEFENDANT

6 *Jessie Bartolale*
Circuit Clerk
ARRAIGNMENT AND GUILTY PLEA

7 BE IT REMEMBERED, that the above-styled and
8 numbered cause came on for hearing during the February
9 Term of the Court aforesaid, and was heard on February
10 22, 2021, before the Honorable Lee S. Coleman, Circuit
11 Judge, without a jury. The Defendant appeared in
12 person and was represented by Honorable Daniel Waide,
13 and the State was represented by Honorable Scott Colom,
14 District Attorney, and Collen Hudson, Assistant
15 District Attorney.

16 BY MS. HUDSON: Your Honor, if it pleases
17 the Court, the next matter that we have on the
18 docket is cause number 2020-0223-CR1C. It's
19 the State of Mississippi versus Milton Rawle,
20 Jr. Your Honor, Mr. Rawle was indicted by the
21 grand jury of Lowndes County in a one-count
22 indictment on a charge of embezzlement in an
23 amount greater than \$25,000. Mr. Rawle is
24 present in the courtroom with his attorney,
25 Mr. Daniel Waide, to enter a plea of guilty to
26 that charge. May I proceed?

27 BY THE COURT: Please do.

28 EXAMINATION BY MS. HUDSON:

29 Q. Are you Milton Rawle, Jr.?

1 A. Yes.

2 Q. Mr. Rawle, you're here with your attorney,
3 Mr. Daniel Waide; is that correct?

4 A. Yes.

5 Q. Mr. Rawle, on a previous day, you had entered
6 a plea of not guilty to a charge of embezzlement in an
7 amount greater than \$25,000.

8 A. Yes.

9 Q. Today, do you wish to withdraw that plea of
10 not guilty and instead, plead guilty to that charge?

11 A. Yes.

12 Q. Filed in the court file is a petition to enter
13 a guilty plea. Did you go over this petition with your
14 attorney?

15 A. Yes.

16 Q. When you went over this petition with your
17 attorney, did he ask you questions and in return, did
18 you give him truthful answers?

19 A. Yes.

20 Q. Is this your signature on page four of the
21 petition?

22 A. Yes.

23 Q. To the charge of embezzlement in an amount
24 greater than \$25,000, how do you plead?

25 A. Guilty.

26 BY THE COURT: Thank you. Please swear
27 the Defendant.

28 MILTON RAWLE, JR.,

29 After having first been duly sworn by the Deputy Clerk,

1 testified as follows:

2 EXAMINATION BY THE COURT:

3 Q. Mr. Rawle, you've indicated that you desire to
4 enter a plea of guilty to the charge of embezzlement
5 greater than \$25,000 in cause number 2020-0223-CR1C,
6 Circuit Court of Lowndes County, Mississippi. Before I
7 can accept your plea of guilty, the law requires that I
8 ask you some questions to make sure that your plea of
9 guilty is knowingly, voluntarily and freely made. Do
10 you understand that?

11 A. Yes, sir.

12 Q. When you enter a plea of guilty, you're giving
13 up your constitutional right to a jury trial. Do you
14 understand that?

15 A. Yes, sir.

16 Q. You further give up your right to a speedy
17 trial and the right to be present at said trial. Do
18 you understand that?

19 A. Yes, sir.

20 Q. You're also giving up the right that you have
21 that protects you against self-incrimination. In other
22 words, you have to say you did it if you plead guilty.
23 Do you understand that?

24 A. Yes.

25 Q. Also you're giving up the right that you have
26 to confront and question the witnesses. They don't
27 have to come to court to testify if you plead guilty.
28 Do you understand that?

29 A. Yes, sir.

1 Q. You have the right to call witnesses in your
2 own behalf and to subpoena defense witnesses and compel
3 them to attend trial and you give up that right. Do
4 you understand that?

5 A. Yes, sir.

6 Q. And you give up the right to decide whether
7 you would be a witness or not during your own trial.
8 We're not going to have a trial if you plead guilty.
9 Do you understand that?

10 A. Yes, sir.

11 Q. Under our law, before a jury could find you
12 guilty of this charge, the State would have to come to
13 court and prove to a jury that you were guilty beyond a
14 reasonable doubt, but if you plead guilty in this case,
15 the State is not required to prove anything to a jury
16 because you're admitting that you're guilty. Do you
17 understand that?

18 A. Yes, sir.

19 Q. You have the right to have the Court instruct
20 the jury on the presumption of innocence and you give
21 up that right. Do you understand that?

22 A. Yes, sir.

23 Q. You have the right to have the Court instruct
24 the jury that any verdict against you would be required
25 to be unanimous and you give up that right. Do you
26 understand that?

27 A. Yes, sir.

28 Q. You have the right to have an attorney both at
29 trial and on appeal and if you could not afford one,

1 one would be appointed for you. Do you understand
2 that?

3 A. Yes, sir.

4 Q. There's no direct appeal to the Mississippi
5 Supreme Court if you plead guilty in this case. Do you
6 understand that?

7 A. Yes, sir.

8 Q. There's a petition to enter a plea of guilty
9 filed in this case. Your attorney, Mr. Daniel Waide,
10 helped you fill that out; did he not?

11 A. Yes, sir.

12 Q. Did Mr. Waide go over the petition with you
13 and explain everything to you?

14 A. Yes.

15 Q. Are you satisfied with the services of your
16 attorney?

17 A. Yes, sir.

18 Q. Do you have any questions about anything in
19 the petition that you want to ask me about?

20 A. No, sir.

21 Q. You are 49 years old and you have a bachelor's
22 degree, I believe, in accountancy; is that correct?

23 A. Yes, sir.

24 Q. So, obviously, you can read, write and
25 understand the English language, correct?

26 A. Yes, sir.

27 Q. Your petition states that you have no prior
28 felonies; is that correct?

29 A. Yes, sir.

1 Q. Do you understand that for the current offense
2 of embezzlement greater than \$25,000 that the minimum
3 sentence is zero years in custody of the Mississippi
4 Department of Corrections; maximum, 20 years in custody
5 of the Mississippi Department of Corrections; minimum
6 fine, zero dollars; maximum fine, \$25,000. Did you
7 understand all of that?

8 A. Yes, sir.

9 BY THE COURT: Mr. Waide, did you advise
10 the Defendant of his constitutional rights?

11 BY MR. WAIDE: Yes, Your Honor.

12 BY THE COURT: Did you further advise him
13 that his plea of guilty waives certain of
14 those rights?

15 BY MR. WAIDE: Yes, Your Honor.

16 BY THE COURT: Did you also advise him
17 concerning the elements of the offense?

18 BY MR. WAIDE: Yes, Your Honor.

19 BY THE COURT: Did he give you any
20 indication or reason to believe that he did
21 not understand either his rights or the
22 elements of the offense?

23 BY MR. WAIDE: No, Your Honor, he did
24 not.

25 Q. (The Court) Mr. Rawle, did your lawyer,
26 police officers or anybody else promise you anything or
27 threaten you to get you to sign the petition or enter
28 your plea of guilty?

29 A. No, Your Honor.

1 Q. In cause number 2020-0223-CR1C, Circuit Court
2 of Lowndes County, Mississippi, the indictment charges
3 that on or about or between the 1st day of December,
4 2016, and the 1st day of December, 2018, in Lowndes
5 County, Mississippi, that you did unlawfully, willfully
6 and feloniously being then and there the agent, servant
7 or employee of the City of Columbus, Mississippi, a
8 municipal government, did then and there by virtue of
9 employment as such agent, servant or employee have
10 under your care and possession the property of the City
11 of Columbus, Mississippi, to wit, money, while employed
12 as the City of Columbus Chief Financial Officer and
13 that you embezzled said funds and made unauthorized ACH
14 transfers from the city -- from the city's bank account
15 to your personal bank accounts and did then and there
16 feloniously convert to your own use the said money --
17 monetary funds in an amount greater than \$25,000 in
18 violation of Mississippi Code Annotated Section
19 97-23-19, contrary to the form of the statutes in such
20 cases made and provided and against the peace and
21 dignity of the State of Mississippi. Are you guilty of
22 doing that?

23 A. Yes, Your Honor.

24 BY THE COURT: The Court finds that
25 Mr. Rawle is competent to understand the
26 nature of the charges against him. He
27 understands the consequences of his plea of
28 guilty, as well as the maximum and minimum
29 sentences required by law. What is the

1 factual basis to support the charge in the
2 indictment?

3 BY MS. HUDSON: Your Honor, in the event
4 of a trial, the State would show that from
5 March 2013 until February 2019, this Defendant
6 was the Chief Financial Officer for the City
7 of Columbus and part of his responsibilities
8 with the City of Columbus was that he
9 monitored and reconciled bank accounts and
10 made transfers that were approved by the city
11 council, and so, several funds belonging to
12 the City of Columbus were entrusted to the
13 Defendant.

14 Your Honor, on or about the dates alleged in
15 the indictment, Wanda Holly, a CPA with
16 Watkins, Ward and Stafford, was doing a yearly
17 audit on the City of Columbus and in doing so,
18 she had noticed that there were several
19 transfers that were initiated by this
20 Defendant from the City of Columbus bank
21 accounts to unknown bank accounts. Your
22 Honor, these unknown bank accounts had
23 business transaction identifiers such as
24 payroll, reimbursement or C-O-C, a common
25 acronym for the City of Columbus that's used
26 within their government.

27 Your Honor, in an investigation into those
28 unknown bank accounts, it was determined that
29 the funds were being transferred to an account

1 with the USAA Federal Savings Bank, Bank First
2 Financial Services and also the Triangle
3 Federal Credit Union. The investigation
4 showed that these were personal accounts owned
5 by the Defendant and that by transferring the
6 city's money into his own personal accounts,
7 he embezzled the funds and converted them to
8 his personal use.

9 Your Honor, the amount -- total amount that
10 was discovered was \$288,893.03, that being in
11 excess of \$25,000.

12 BY THE COURT: The Court finds that there
13 is sufficient factual basis to sustain the
14 charge in the indictment. The Court further
15 finds the plea of guilty is freely,
16 voluntarily, knowingly and intelligently
17 entered. I am going to accept the plea of
18 guilty. I understand this is an open plea; is
19 that correct?

20 BY MS. HUDSON: That's the State's
21 understanding, yes, sir.

22 BY THE COURT: All right. Is that
23 correct, Mr. Waide?

24 BY MR. WAIDE: That is correct, Your
25 Honor.

26 BY THE COURT: All right. Does either
27 side have anything to say before the Court
28 passes sentence?

29 BY MR. COLOM: Yes, Your Honor. The

1 State has aggravation. Does the Court prefer
2 the State does aggravation or the Defendant
3 does mitigation first?

4 BY THE COURT: It doesn't matter. You
5 can do your -- let's let them have their
6 chance first.

7 BY MR. COLOM: Okay.

8 BY MR. WAIDE: Your Honor, regarding
9 mitigation, I'd like to point out that
10 Mr. Rawle has from the get-go admitted his
11 fault and his actions here. He signed a
12 confession early on in this. In addition,
13 Your Honor, Mr. Rawle has attempted to find
14 work and is trying to progress, Your Honor, so
15 that he can make whatever payments are
16 remaining. I know that the bond and insurance
17 has paid a dramatic amount of what was owed to
18 the City of Columbus, and so, Mr. Rawle, on my
19 counsel, has sought out employment and has
20 sought to advance in that employment in an
21 attempt to go on (inaudible) employment where
22 he could eventually pay back his debt to the
23 city and society here, Your Honor.

24 Your Honor, as far as other mitigating
25 factors, I'd like Your Honor to consider
26 Mr. Rawle has several medications that he's on
27 -- diabetic and several cholesterol
28 medications, Your Honor. That's all I have,
29 Your Honor.

1 BY THE COURT: Thank you. Aggravation?

2 BY MR. COLOM: State would call David
3 Armstrong.

4 DAVID ARMSTRONG,

5 After having first been duly sworn by the Deputy Clerk,
6 testified as follows:

7 DIRECT EXAMINATION BY MR. COLOM:

8 Q. State your name for the record, please.

9 A. David Armstrong.

10 Q. Mr. Armstrong, where do you work?

11 A. City of Columbus.

12 Q. What position do you have?

13 A. I'm the Chief Operating Officer for the City
14 of Columbus.

15 Q. How long have you had that position?

16 A. I've been there since October 1st of 2006.

17 Q. In your employment, did you have the
18 opportunity to meet and work with the Defendant?

19 A. Every day that I was there and every day that
20 he was there.

21 Q. Do you recall when he was employed by the City
22 of Columbus?

23 A. Exactly when he was employed, Scott, I don't
24 remember. 2013? But I was involved in the interview
25 process, and so, I was one of the ones that was
26 responsible for hiring Milton. I don't remember how
27 many other people we interviewed, but we decided on
28 him. I also was involved in vetting Mr. Rawle and
29 making some calls -- I'll be happy to go into that if

1 you want me to.

2 Q. Sure.

3 A. I was -- most of my law career, I've been a
4 prosecutor. I've been an assistant DA; assistant AG
5 assigned to the gaming commission, criminal division;
6 also city prosecutor and I'd known -- or been told by
7 Milton that he had worked for one of the casinos over
8 in one of the counties in the Delta. I can't remember
9 which specifically, may have been Splash, but I'm not
10 sure. And when I was with the gaming -- assigned to
11 the gaming commission with the AG's office, I made a
12 good friend, a guy by the name of John Gorman, who was
13 one of the agents, and he --

14 Q. Spell his last name for the record, please.

15 A. G-O-R-M-A-N, John Gorman. John and I were
16 good buddies and he was -- he was a darn good agent.
17 He rose to the head -- he became the top investigative
18 agent for the gaming commission and John was over the
19 Delta area and those casinos there, and so, I called
20 John up and I said, John, we're looking at interviewing
21 this guy named Milton Rawle. I remember he said,
22 Milton Rawle? I mean, just like that. And, you know,
23 I should have pursued it further, but it just didn't --
24 even though being a former prosecutor, it just didn't
25 register with me that there -- I don't know that there
26 were any shenanigans, but I remember how John reacted
27 and sadly, John was killed in a training accident later
28 and we'll never --

29 Q. Let me interrupt you if you don't mind.

1 A. Sure.

2 Q. I think you've indicated in hindsight how you
3 wish you would have pursued getting more information
4 before Mr. Rawle was hired.

5 A. Yes.

6 Q. How closely did you work with Mr. Rawle while
7 he was employed with the City of Columbus?

8 A. Very closely. Milton and I ate breakfast
9 together every day. I mean, we started out -- you
10 know, Milton and I were friends, good friends. We were
11 very, very close, you know, at least I thought we were
12 and I think he'd probably agree with that. You know, I
13 didn't work with him in terms of overseeing what he did
14 on a day-to-day basis. I frankly wouldn't have known
15 what he was doing on a day-to-day basis, but I worked
16 with him very closely during the budget. We -- we'd do
17 the budget together. I'm still involved in that.

18 Q. How --

19 A. I was going to say, but I wasn't up there in
20 his office, like, hey, what are you doing? Why aren't
21 you doing this? I mean, Milton didn't report to me.

22 Q. Right. I think he reported directly to the
23 council and the mayor.

24 A. He reported directly to the mayor.

25 Q. Now how much did the City of Columbus rely on
26 Mr. Rawle as the -- basically the chief accountant for
27 the city?

28 A. Totally. I mean, he -- we totally relied on
29 him, totally trusted him. You know, there was some

1 things that started happening that I got -- got really
2 suspicious, but I didn't -- just probably gut feeling
3 being an ex-prosecutor, but I didn't -- you know, I
4 didn't have any evidence of it, but I'll be honest
5 about it, it wasn't just me. Everybody at City Hall
6 did. It's just that nobody had any evidence. It was
7 just so many red flags -- or several red flags we
8 should have seen, but, you know -- you know, you don't
9 want to think anything bad of someone. I mean, you
10 know, you want to give people -- I think most of us do
11 -- give them the benefit of the doubt, but, you know, I
12 just -- I got to the point before this was ever
13 discovered -- there was no doubt in my mind Milton was
14 stealing money. I knew he was. I just --

15 Q. Describe to the Court what those red flags
16 were.

17 A. Well, I mean, I'll be honest about it, the
18 first red flag for me -- as silly as this may sound --
19 with all due respect, Your Honor -- he started bringing
20 me breakfast for free in the morning. And I said,
21 Milton, why are you -- you know, first two or three
22 days, all right, you've been nice. I said, whoa, whoa,
23 man, I'll tell you, if you want to bring me breakfast,
24 that's great, but I'm going to pay for it. You're not
25 going to bring me free -- and I just thought that was
26 -- you know, I thought that just -- something's wrong.
27 That's just not normal. You just don't do that.

28 The next red flag was I remember Milton -- I
29 remember when Milton -- frankly, when he came there, he

1 just -- he was always short of cash. He just didn't
2 have anything. You know, he was kind of strapped and
3 then all of a sudden, he went from driving this ratty
4 old truck to going out and buying this really nice
5 truck. I mean, it wasn't brand new, but it was, like,
6 wow. I remember it looked brand new to me, but it was
7 probably three or four years old. I asked him, I said,
8 where'd you get that money from? And it seems like --
9 and I may be wrong on this, but to the best of my
10 memory it was, like, oh, I had an aunt died, or
11 something like that, but that wasn't it. What he said
12 to me was, now, look -- and this is hearsay, I know.
13 He said -- I'm just going to tell you, said the same
14 thing to the mayor. What he said to me, he said, now I
15 don't want anybody to think I'm stealing money or
16 anything. It just clicked. I said, why would you even
17 think of something like that?

18 I mean, I didn't think that, but when he said
19 that, it just -- I think that's when I really started
20 just trusting my instincts. I mean, Milton was never
21 in city -- he was always gone. He was gone and it was
22 kind of a joke at City Hall. Where's Milton? I don't
23 know. And that kind of a job -- I've been in this
24 business off and on since 1988. I've been on the city
25 side, been on the county side in the kind of work I do
26 now.

27 Q. Right.

28 A. And, you know, I know enough -- I'm not an
29 accountant. I'm not a number cruncher, but I know

1 enough about, particularly, budgets and just general
2 finances, you've gotta be there. Our former COO, he
3 never left. I mean, he was there. He never left for
4 lunch. It just -- everybody that was suspect, it
5 was, like, what's -- what's going on? How is anything
6 getting -- it's just not --

7 It's not just the money that Milton stole.
8 It's that our finances were so screwed up, I mean, just
9 so -- and we didn't have a clue. Should we have had a
10 clue? Maybe. Maybe not. I mean, the mayor's not an
11 accountant. I'm not an accountant. You know, you hire
12 someone to do a job --

13 Q. Right.

14 A. -- and you trust them to do that job and --

15 Q. You had a personal relationship with him,
16 so --

17 A. I had a very personal relationship.

18 Q. You felt like he was somebody you could trust?

19 A. Yeah. Let me say my personal relationship was
20 at work. I mean, we didn't, like, hang out together or
21 anything like that, but, yeah, we were friends. We
22 were tight, no doubt about that.

23 Q. Let's talk about when the city discovered the
24 financial mismanagement and then the embezzlement. How
25 -- remind the Court how that was discovered.

26 A. I'm going to have to think about that, Scott,
27 but I think the mayor and I had several conversations
28 about it and we just kind of -- of course, after Milton
29 admitted -- or came before the council and said, hey,

1 we're \$800,000 short, you know, under -- we were
2 \$800,000-something short. I believe that happened two
3 years in a row and we just got to talking and -- and I
4 think Robert had the same suspicions I did, and so, we
5 -- after Milton quit -- I mean, he was terminated for,
6 I want to say, 16 days. I don't remember the exact
7 amount, but he -- he -- you know, he did his time, so
8 to speak. He was off and then he came back and it was
9 -- everything was in such a bad ray, we just -- I think
10 the mayor -- and I might have been in on the meeting,
11 I'm not sure -- said, look, you either quit or you're
12 going to be fired and --

13 And after that, when we went up to his
14 office, we -- it was just like a tornado had come in
15 that office. Things were just -- papers and stacks and
16 piles everywhere and said, you know, we don't have a
17 CFO. We've got to get somebody on board, so we hired a
18 local accountant, Mike Crowder, who came in. Mike
19 spent most of his time trying to keep the ship afloat.
20 I mean, he was trying to figure out what this was, what
21 this wasn't, was -- has this bill been paid, has that
22 -- I mean, he spent a lot of long hours up there.

23 Mike didn't find the embezzlement. That was
24 Wanda Holly who found it, but in fairness to Mike, Mike
25 never had time to really look. He never had time to
26 reconcile the bank statements because he was too -- he
27 was going to do it, but he finally just got to the
28 point, I can't deal with this anymore. I -- and the
29 mayor and myself had two or three heated conversations

1 with Mike because it just -- it really stressed Mike
2 out so much that he was spending long hours trying to,
3 like, what in the -- this mess, what is going on? I
4 think the reason it was so messed up because I don't
5 think Milton wanted anybody to find out what he was
6 doing. And I can say some more to that later if the
7 Court allows, but --

8 So Mike left and then Mike had gotten us on,
9 you know, where we're getting things taken care of, but
10 we had to find out if -- and we suspected -- and Mike
11 suspected there was money missing, so we brought in
12 Wanda Holly with Watkins, Ward and Stafford. Wanda
13 didn't have to worry about keeping the boat afloat
14 because at that time, we had hired another CFO who's
15 still there. She started reconciling the bank
16 statements and she found out that one year -- and I'm
17 not exactly sure about the year. I think it was
18 '16/'17 bank statements, they were gone. They just
19 weren't there. I don't know what he did with them. I
20 suspect he probably threw them away because -- now, he
21 -- Milton admitted to Wanda that he was plugging
22 numbers. When she -- when she encountered it, he said,
23 yeah, I've been plugging numbers, you know.

24 Q. Explain just, you know, for the record -- I
25 know the Court probably understands this, but for the
26 audience, what do you mean by "plugging numbers"?

27 A. He was making up numbers. You know, just
28 putting numbers in, just making it fit and making sure
29 it seemed -- you know, I don't know to what extent he

1 did that, but he did admit on one particular occasion
2 to Wanda.

3 Q. And that -- those are the numbers specifically
4 that were relied on --

5 A. Right.

6 Q. -- when budgeting and auditing the budget.
7 They would have been relying on the numbers they were
8 given, so --

9 A. Right. You know, I regret that we didn't
10 know, have a better understanding that Milton was doing
11 this, but let me tell you, my experience just from
12 practicing law, being a prosecutor, having a couple of
13 businesses, if somebody's going to steal from you,
14 they're going to steal from you. I mean, unless you're
15 standing over their head every day looking, you know,
16 if they want to steal from you, they're going to steal
17 from you.

18 Q. Yeah.

19 A. That's just the way that -- that's been my
20 personal experience and he was real good at it. Milton
21 was a good con artist. I'll admit -- I'll hand that to
22 him. He's one of the best con artists I've ever seen
23 and I've seen a lot and he -- he totally fooled me and
24 he fooled everybody, but then, you know, just gets to
25 the point, like, something ain't right here.
26 Something's just -- something's not right, but -- so we
27 didn't find -- we couldn't find those bank statements.
28 Wanda Holly actually had to get them from the bank,
29 from Community Bank and -- I think that's correct.

1 Q. Let's move on to the damage you think
2 Mr. Rawle's crime caused the City of Columbus.

3 A. Well, it's a good bit, a good bit. First of
4 all, the financial damage. You know, he just put us in
5 really, really bad financial shape and I'm not just
6 talking about stealing the money. I'm talking about
7 not keeping accurate records and letting us go through
8 worrying and not doing budgeting numbers, not giving
9 accurate reports to the council. So he just didn't --
10 he wasn't doing his job. I don't know what he was up
11 there doing. I have a hunch, but it's probably not
12 worth going into, but I'll tell you one thing, he
13 wasn't doing what we were paying him to do. So that,
14 in and of itself -- the money that he -- that we can
15 account for that he embezzled -- I personally think
16 it's more than that -- it was almost \$289,000.

17 Q. Right.

18 A. I think there's some other areas that some
19 things happened that's neither here nor there. There's
20 money that hasn't even been talked about. We've spent
21 -- the City of Columbus has spent probably close to
22 \$100,000 between two different CPAs trying to figure
23 out what's going on -- and this is money that the state
24 audit department never made a request for. We'll never
25 be -- we've got, like, \$243,000 back from Western
26 Surety Bond Company. We'll never get the rest of it
27 back. I mean, you know, they -- they can -- they're
28 going to sue Milton, but we know that money's not
29 coming, but approximately \$100,000 -- I'm going to say

1 90 to 100,000, we spent investigating two different
2 (inaudible) --

3 But I want to talk about something else too
4 and that is the -- this effected me emotionally
5 greatly. It effected the mayor emotionally greatly. I
6 mean, I -- Milton, I'll look Milton in the eye and tell
7 him, you betrayed me, Milton. I mean, you really did.
8 You betrayed our friendship, no doubt about it and that
9 hurt me personally, very much so. I considered you a
10 friend. I don't anymore, but I did at the time. It
11 effected the mayor emotionally also. We were both
12 very, very stressed out about this and the extra time
13 that we had to spend getting a new CFO on board and
14 trying to figure out this horrible mess that he left us
15 in, but in addition to that, it's the bad rep that the
16 city got.

17 People said, why didn't y'all know this? Why
18 didn't you realize sooner this was going on? You
19 should have known. Well, you know, that's like being
20 an armchair quarterback. Those are easy criticisms to
21 make. We couldn't have known. We trusted the guy. We
22 couldn't have known. You know, and, again, if somebody
23 wants to steal from you, they're going to steal from
24 you. You know, it's easy to say, y'all should have
25 found that out, but I'm telling you, having been in
26 this business since 1988, off and on, that's just not
27 the way it works. It just -- you know, you hire
28 somebody you trust and we hired -- we hired a crook,
29 quite frankly. Hired a con artist.

1 Q. I think it's important to point out -- since
2 you brought that up and as Ms. Hudson indicated, part
3 of the ability -- part of the way he was able to
4 embezzle the money, he named a fictional account he was
5 using to steal -- he identified it in a way that you
6 would think were legitimate city --

7 A. And it looked like that and -- and I realize
8 this is hearsay, but I'm just going to tell you what I
9 was told by a gentleman who I respect who Milton played
10 golf with and Milton made the statement, he said, they
11 ain't never going to be able to figure out what I did.
12 And we almost didn't. I really thought I would go to
13 my grave knowing full well Milton stole money from us,
14 but it'd never -- never be figured --

15 I remember a personal instance -- Milton had
16 already left the job. He had come back to say hello or
17 something and he was standing in my office and I said,
18 Milton, what are you doing? He said, aww, I'm not
19 doing anything. I said, you're not working? Naw. I
20 said, well, I hope you have some money stashed away.
21 And I said that intentionally because I wanted to see
22 how he would react and his answer to me was, like,
23 yeah, I do. I said it for intentional reasons. I knew
24 he had the money stashed away. I couldn't prove it,
25 but I knew he did.

26 Q. Let me ask you -- and this may just be one
27 question. You talked about the impact this had on you,
28 on the city's reputation, but you talked about the
29 impact it had on the mayor. Describe to the Court

1 basically your observations, what impact this had on
2 the mayor.

3 A. He was very stressed out about it. You know,
4 we had numerous conversations about it, but I've worked
5 with Robert for 14 years and four months and I know
6 him. I know how he thinks. I know -- we've, like,
7 almost said the same thing at the same time. He knows
8 me just as well and I knew him well enough, and still
9 do, that he was -- he was very -- I don't want to say
10 traumatized because Robert's just not the kind of guy
11 to be traumatized, but he was -- he was very upset
12 about that. You know, he's not the type that's going
13 to share his feelings outright compared to someone like
14 me that's more open about such things, but I knew him
15 well enough to know that he took it hard. I mean, he
16 trusted Milton and, you know, it caused a great deal of
17 shame to the city.

18 I mean, you know, we had -- people had been
19 saying since -- and I'm not from here originally. When
20 I came here 14 years and five months ago, people were
21 saying, oh, the city's broke. They don't have any
22 money. They can't pay -- all nonsense. All not true.
23 It's just -- Facebook, for want of a better word, scum
24 that's out there. So, you know, people were already
25 saying that. I knew that wasn't true, but when this
26 came out, it just really -- it really put a serious --
27 serious mark on the City of Columbus and it's still
28 there.

29 BY MR. COLOM: No further questions for

1 this witness, Your Honor.

2 BY THE COURT: All right. Any
3 cross-examination?

4 BY MR. WAIDE: Just a couple, Your Honor.
5 CROSS-EXAMINATION BY MR. WAIDE:

6 Q. Good afternoon.

7 A. Good afternoon, Jim. I apologize.

8 Q. That's fine. I just have a couple of things
9 for you. Now I know you mentioned -- you talked about
10 -- you said Milton's one of the greatest con artists
11 you'd ever seen, but it is true that every account --
12 Milton didn't use any kind of shell accounts or fake
13 accounts. They were all personal accounts that he sent
14 the money directly to, right?

15 A. I mean con artist by the fact he conned
16 everybody up there thinking he was doing his job,
17 thinking he was honest, but what you're talking about
18 specifically, what we -- what we originally thought --
19 maybe it was just me, but I -- no, it wasn't just me.
20 Mike Crowder thought. We thought he had setup a bogus
21 account, a bogus vendor and was, you know, funneling
22 money into that. I mean, that was, to me, the most
23 obvious thing. From my prosecuting days, that's what
24 I'd say, but how he -- how he set these accounts up, I
25 mean, just to look at it, you would have thought that
26 was just a normal city -- city account.

27 Q. I understand that on the books. I'm just
28 talking about the accounts that were at the banks
29 weren't shell companies. It wasn't some criminal

1 mastermind. These were just his personal accounts,
2 right? No shell companies, no multiple stops along the
3 way.

4 A. Well, when you say bank -- you know, you're
5 talking about bank transfers against -- against -- bank
6 transfers across states. I mean, you know, that's
7 pretty elaborate accounting. I mean, he was the only
8 one that was -- elaborate deal, what he did. I mean,
9 he was the only one involved, but, you know, when
10 you're fraudulently wiring money to out-of-state bank
11 accounts, that's a federal crime. That's wire fraud.
12 You know, he hasn't been charged with that, but it's
13 obvious it's pretty elaborate.

14 Q. And I understand that, but that's not my
15 question.

16 A. Okay.

17 Q. My question is simply: This isn't some use of
18 shell companies. We're just talking about --

19 A. No. It wasn't any use of shell -- no.

20 Q. Milton wired it directly from the city
21 accounts to --

22 A. To his personal accounts, right.

23 Q. Not talking about some elaborate international
24 web.

25 A. No. Of course not.

26 Q. And when he was confronted with it, Milton
27 owned up to it.

28 A. He did own up to it. I'll say that for him.
29 I wasn't there, but I was told by the audit guys I was

1 working with that he owned up to it, correct.

2 Q. And a lot of what you've talked about, I
3 think, sounds more like you -- you complained a lot
4 about Milton just wasn't very good at his job as CFO;
5 is that --

6 A. No, not at all. No. I've never complained
7 about that. I think Milton -- Milton wasn't doing his
8 job, but as far as being -- Milton's very sharp. He
9 was very astute. I think Milton has a whole lot more
10 ability -- and it's kind of like he didn't really want
11 anybody to know how much ability he had and Milton --
12 Milton knew what he was doing. I mean, he had --
13 there's no issue that he wasn't competent. Not at all.

14 Q. Okay.

15 A. Never was.

16 Q. And you talked a lot too about budget issues.
17 Those deficits predate Mr. Rawle, correct?

18 A. No. He was there because -- he was there when
19 those deficits were presented.

20 Q. I know when they were presented, but the
21 deficits were created before he became CFO, correct?

22 A. I'm not sure. I don't think they were, but
23 I'm not positive about that.

24 BY MR. WAIDE: That's all I have, Your
25 Honor.

26 BY THE COURT: All right.

27 BY MR. COLOM: No further questions for
28 this witness, Your Honor.

29 BY THE COURT: You may step down.

1 BY MR. COLOM: Your Honor, I have a
2 statement from the mayor I would like to read
3 to the Court.

4 BY THE COURT: All right.

5 BY MR. COLOM: He wanted me to announce
6 that he's resting at home following a brief
7 hospitalization. On Sunday, February 21st,
8 2021, he was admitted to the hospital for
9 approximately 12 hours for observation and
10 testing and he had planned to be here to
11 testify, but because of that, wanted to send
12 in this statement.

13 Mr. Rawle's embezzlement violated his
14 fiduciary obligations as CFO of Columbus. It
15 effected the city not only financially, but
16 was a great betrayal and caused the mayor
17 great stress and anxiety and cast the mayor
18 and city council in a negative light. His
19 actions embarrassed the mayor and city
20 council. They trusted Mr. Rawle to be honest
21 in the handling of the city's finances.
22 Sadly, Mr. Rawle was not honest and went to
23 great lengths to hide his criminal conduct.
24 Although the City of Columbus has recovered
25 some of the money through fidelity bonds, the
26 city has not been made whole financially. I
27 hope justice will prevail.

28 Your Honor, at this time, the State -- if the
29 Court permits -- would like to call Mr. Rawle

1 in aggravation. I know that's an unusual
2 request, but it's permitted in sentencing.
3 He's waived his right against
4 self-incrimination. I think it's important
5 because of the public interest in the case and
6 in regards to the money that was stolen and
7 other people's potential involvement. I think
8 -- you know, I've heard several people make a
9 request of whether Mr. Rawle was acting alone
10 or acting in concert with other people. The
11 State investigated that with Mr. Rawle and I
12 would like -- I think that needs to be known
13 publicly. The State -- I don't know if the
14 Defendant objects to it.

15 BY MR. WAIDE: Your Honor, at this time,
16 we would object. One thing -- one of the
17 witnesses just testified a potential for
18 federal charges, so I will, of course, object
19 at this point in time.

20 BY MR. COLOM: I don't plan to go into
21 any of his -- any of the other criminal
22 potential liability. The only point I wanted
23 to make clear is that -- and I can just say it
24 if the Court feels that's better. You know,
25 the State interviewed Mr. Rawle, asked
26 Mr. Rawle whether this was criminal behavior
27 that he acted upon solely or criminal behavior
28 that he acted upon jointly with other people
29 with the understanding that if he acted

1 jointly, if he could corroborate that, that
2 could be beneficial to him as far as
3 prosecution.

4 Mr. Rawle indicated to the State that he was
5 not in concert with anyone working with the
6 city or that is an elected official. He
7 indicated knowing that this was in his benefit
8 if he could corroborate allegations against
9 someone that all the money taken was done
10 solely by himself and without anyone else's
11 knowledge. That's what he told me, and so,
12 based on that, the State proceeded with the
13 prosecution of him. Other than that -- and
14 the State is going to have an argument -- I
15 think -- the Defense want to argue too or just
16 rely on your previous statement.

17 BY MR. WAIDE: Your Honor, we will rely
18 on our previous statement. That will be our
19 argument.

20 BY THE COURT: All right.

21 BY MR. COLOM: I want to make the
22 argument that -- Your Honor, I know the Court
23 is well aware of the public interest in the
24 case. The Court is an avid reader of the
25 newspaper, avid reader in general. The Court
26 knows the negative impact this had on the
27 city's reputation. You know, one of the
28 things that I've learned about government is
29 that typically, the people that are the

1 victims of the embezzlement feel very violated
2 because of the trust that was betrayed. That
3 has a lasting emotional and financial impact
4 because that impacts their ability in business
5 for future dealings.

6 I think the CFO did a great job testifying to
7 the emotional and mental harm the Defendant's
8 actions caused the mayor, himself, other
9 people that worked with and trusted the
10 Defendant, but this is unique in the sense
11 that not only was there a personal harm to
12 individuals, there was also a public harm to
13 the taxpayers and the City of Columbus of
14 money that, at best, is going to take a
15 significant time period for us to be -- the
16 city to be made whole and a significant
17 reputation (inaudible) to the taxpayers and to
18 the city because our ability to attract
19 businesses, our ability to function and the
20 city is negatively impacted when you have
21 actions like this which play into negative
22 stereotypes about the City of Columbus.

23 So that's another element of this
24 embezzlement that is unique that I think
25 requires the Court to give Mr. Rawle a
26 significant prison sentence so the public
27 knows that our district is not going to
28 tolerate public officials entrusted with
29 taxpayer dollars embezzling in a way that can

1 be difficult to trace and catch.

2 The State would also point out that this is a
3 25 percent sentence, so whatever sentence
4 Mr. Rawle gets, if he does receive a prison
5 sentence, he'll be eligible to be released at
6 25 percent of the sentence.

7 So I think those are aggravating factors. It
8 is true that he did confess to the state
9 auditor after he was caught red-handed, but --
10 and he is pleading guilty, so I'm sure the
11 Court will give him some mitigation for taking
12 responsibility. Anyway, that's what I was
13 going to say in aggravation. Thank you, Your
14 Honor.

15 BY THE COURT: All right. This is the
16 worst case of embezzlement that I've ever seen
17 since I've been on the bench, a person
18 entrusted with public funds taking those funds
19 for his own personal use. I can't imagine
20 giving the Defendant anything but the maximum
21 sentence, which is 20 years in custody of the
22 Mississippi Department of Corrections. The
23 Court is not -- maximum fine is \$25,000, but
24 the Court is not going to assess a fine
25 because it wants every penny that he can make
26 and pay out to be paid back in restitution to
27 the people that he stole from. The amount of
28 restitution that I was given was \$354,896.27.

29 BY MR. COLOM: Your Honor, that's going

1 to be incorrect because the surety bond paid
2 \$242,951.13. The restitution that he owes to
3 the city now that the State would request is
4 \$111,945.11.

5 BY THE COURT: 111,000 --

6 BY MR. COLOM: I'm going to let Ms.
7 Hudson give you the right number.

8 BY MS. HUDSON: Your Honor, after the
9 surety bond had been paid, the balance that
10 remains is \$108,383.20.

11 1-0-8-3-8-3-point-2-0.

12 BY THE COURT: All right. I assume the
13 amount of restitution I give will have no
14 effect on the rights of the bonding company to
15 pursue a case against him.

16 BY MR. COLOM: No, Your Honor.

17 BY THE COURT: All right. Nevertheless,
18 the Court is going to impose restitution in
19 the amount of \$108,383.20. Is there anything
20 else that the Court needs to address then?

21 BY MR. COLOM: Not for the State, Your
22 Honor.

23 BY THE COURT: Anything for the defense?

24 BY MR. WAIDE: No, Your Honor.

25 BY THE COURT: All right. He needs to be
26 taken into custody.

27 BY MR. WAIDE: Your Honor, might I make
28 -- I'm sorry, I didn't realize Your Honor --
29 is it going to be 20 years in custody?

1 BY THE COURT: Yes.

2 BY MR. WAIDE: Your Honor,, I would
3 request that Mr. Rawle have an opportunity to
4 get his affairs in order. He can report -- he
5 has a job that he needs to report to to let
6 them make accommodations for him. He also has
7 a wife. He has a vehicle up here. He would
8 need time to get his affairs in order, such as
9 getting his car back and getting everything in
10 order.

11 BY THE COURT: Why didn't he get them in
12 order before today? Surely he knew he was
13 going to get some time.

14 BY MR. WAIDE: Yes, Your Honor. We knew
15 there was that possibility. I didn't know --

16 BY THE COURT: Possibility?

17 BY MR. WAIDE: I did not know he was
18 coming alone today, Your Honor.

19 BY THE COURT: All right. What says the
20 State?

21 BY MR. COLOM: I would be concerned --
22 with that prison sentence, Your Honor, I would
23 be concerned with --

24 BY THE COURT: I don't see why he can't
25 have people come up and visit him. I assume
26 he'll be in the Lowndes County --

27 BY MR. COLOM: He'll be in the Lowndes
28 County Jail --

29 BY THE COURT: -- for some time and I

1 don't see why he can't get his affairs in
2 order from the jail.

3 BY MR. WAIDE: Yes, Your Honor.

4 (End of proceedings on February 22, 2021)
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1 STATE OF MISSISSIPPI
2 COUNTY OF LOWNDES
3

4 I, Kathryn H. Boyer, Official Court Reporter for
5 the Sixteenth Circuit Court District of the State of
6 Mississippi, do hereby certify that the foregoing
7 styled and numbered cause came on for hearing on the
8 day and year therein mentioned, and that the foregoing
9 constitutes a true and correct transcript of the
10 proceedings held therein to the best of my knowledge
11 and ability.

12 Witness my signature this the 8th day of March,
13 2021.
14

15 
16 Kathryn H. Boyer, CSR 1349
17 Official Court Reporter
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