

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 2017CF008722AMB DIVISION: "X"

STATE OF FLORIDA

vs.

SHEILA KEENWARREN,

Defendant.

**STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO
EXCLUDE EVIDENCE RELATED TO THE WINN DIXIE LEBARON**

COMES NOW, Dave Aronberg on behalf of the State of Florida, by and through the undersigned Assistant State Attorney, Reid Scott, and files this State's Response to Defendant's Motion in Limine to Exclude Evidence Related to the Winn Dixie LeBaron and asks this Honorable Court to **DENY** the Defendant's Motion because both the white LeBaron itself was relevant based on other evidence in the case and therefore any evidence located inside the white LeBaron is also relevant and in support would state the following:

I. STATEMENT OF THE CASE

At approximately 10:45 AM on Saturday May 26th, 1990 Sheila Keen ("Defendant") walked up to the front door of 15470 Take-Off Place in Wellington, Florida dressed as a clown carrying a red and white flower arrangement, two balloons, and a handgun. The Defendant knocked on the door; Mrs. Marlene Warren

(“Victim”) opened the front door and was handed the flowers and the balloons by the Defendant. Witnesses in the home stated that they observed the clown hand the flowers and the balloons to Warren, and then they heard gun shots. After shooting the Victim, witnesses observed the clown walk calmly back to a late model white, full-top, Chrysler LeBaron parked in the driveway and flee the scene. Law enforcement and emergency medical professionals responded and found the Victim just inside the front door of her home. She died two days later at Palms West Hospital from a gunshot wound to the head.

At the time of her murder, Marlene Warren was married to Michael Warren and together they owned multiple residential properties and a car dealership/rental company titled “A Bargain Motors.”¹ A repossession agent named Sheila Keen (“Defendant”) also worked for “A Bargain Motors.” The Defendant was also a very close “friend” of Michael by her own admission.² At the time, Keen was a taller, thin, white female with long brown hair and was described to have masculine features. Several witnesses who were associates of the victim’s husband Michael Warren provided statements that he was having an extramarital affair with the Defendant. The Defendant herself acknowledged the rumors and allegations that they were intimately involved, however stated that they were just “good friends.”³

¹ State’s Exhibit “A”: Yellow Paper Ad “A Bargain Motors”

² State’s Exhibit “B”: State. Sheila Keen: May 27, 1990 p. 12 ln. 16 -- 13 ln 12.

³ State’s Exhibit “B”: State. Sheila Keen: May 27, 1990 p. 12 ln. 3 – p. 13 ln. 10

Further, witnesses described seeing the two kiss, hug and possibly engage in sexual activities. Warren and Keen married in 2002, and from 1993 to 2016 owned a restaurant in Tennessee named “The Purple Cow.” During her time living in Abington, Virginia, the Defendant went by the alias name of “Debbie.” Friends and neighbors in the area did not know her by her real name of “Sheila.” The Defendant’s husband, Michael, is himself a convicted felon for charges relating to fraud and is also a private pilot.

Detectives interviewed several witnesses who were inside of the home at the time of the murder. All describe the shooter to be dressed in a clown costume, wearing a colorful wig, red nose and a white face. Although the specifics of the color scheme of the costume vary from witness to witness, all of the four witnesses inside the home stated that the shooter donned a clown costume. Inside of the home, detectives located a flower arrangement composed of red carnations and white mums as well as two Mylar balloons. One of the balloons was heart shaped and read “You’re the Greatest”, and the other displayed an image of Snow White and the Seven Dwarves.

1. Descriptions of the Witnesses Inside the Warren Home

Warren's [REDACTED] stated that he recalled the clown wearing an orange wig, grey clown costume, red clown nose, red lips, a white face, and black lace up boots.⁴ [REDACTED] believed that the face may have been a mask. [REDACTED] scribed the clown as having brown eyes, being skinny, and not being able to see any part of the clown's body due to the costume.⁵ After watching the Defendant kill the Victim, [REDACTED] observed the Defendant walk calmly out to a late model, *all white Chrysler LeBaron, with no license tag and drive away from the scene*.⁶ [REDACTED] stated that the top of the car was all white but that he could not tell if it was vinyl or not.⁷

Detectives also spoke with several friends that were present at the Warren home during the murder. [REDACTED] was present and stated that just prior to the murder, a white car pulled up to the house. On May 26, 1990, she told the detectives that the white car was a new two-door "like a coupe" *Chrysler LeBaron with a white top*.⁸ Although she said that she didn't think the top was vinyl she admitted having trouble seeing without her glasses and only getting a quick look.⁹ She described that a person dressed in a clown suit carrying flowers and a

⁴ State's Exhibit "C": State. [REDACTED] May 26, 1990 p. 9 ln. 23 - p. 12 ln. 21

⁵ State's Exhibit "C": State. [REDACTED] May 26, 1990 p. 6 ln. 19 – p. 7 ln. 8

⁶ State's Exhibit "C": State. [REDACTED] May 26, 1990 p. 4 ln. 2 – p. 5 ln. 9

⁷ State's Exhibit "C": State. [REDACTED] May 26, 1990 p. 4 ln. 21-25

⁸ State's Exhibit "D": State. [REDACTED] May 26, 1990 p. 6 ln. 10-19

⁹ State's Exhibit "D": State. [REDACTED] May 26, 1990 p. 6 ln. 21-24

bunch of balloons approached the front door of the home. She described the clown as being like a regular person, skinny and flat.¹⁰ [REDACTED] described the costume as having “bright colors.”¹¹ In a statement approximately a year later, [REDACTED] again reiterated that the clown was dressed in “bright colors,” and being flat without breasts.¹² She stated that a wig identical to the one worn by the clown, purchased from Spotlight, looked similar to what the clown wore.¹³ [REDACTED] also reiterated that the *LeBaron was a newer model full top white LeBaron with a thin red pin stripe down the sidewall.*¹⁴

Detectives also spoke with [REDACTED] the brother of [REDACTED] who was also present at the Warren home at the time of the murder. [REDACTED] also described the car driven by the clown as being a “*brand new, two-door, white LeBaron.*”¹⁵ [REDACTED] also described the clown wearing a colorful costume, with a red nose and red wig.¹⁶ Like the other witnesses [REDACTED] stated that the clown’s face was covered with paint and a clown nose, concealing the person’s identity.

¹⁰ State’s Exhibit “D”: State. Jean Pratt: May 26, 1990 p. 4 ln. 2-11

¹¹ State’s Exhibit “D”: State. Jean Pratt: May 26, 1990 p. 7 ln. 2-6

¹² State’s Exhibit “E”: State. Jean Pratt: June 27, 1991 p. 13 ln. 21-22; p. 17 ln. 15-20; p. 19 ln. 6-7

¹³ State’s Exhibit “E”: State. Jean Pratt: June 27, 1991 p. 25 ln. 1 – p. 26 ln. 1.

¹⁴ State’s Exhibit “E”: State. Jean Pratt: June 27, 1991 p. 19 ln. 25 – p. 21 ln. 3.

¹⁵ State’s Exhibit “F”: State. Wendel Pratt: May 26, 1990 p. 6 ln. 4 – p. 7 ln. 2.

¹⁶ State’s Exhibit “F”: State. Wendel Pratt: May 26, 1990 p. 5 ln. 1-12.

██████████ made similar observations as the other members in the house at the time of the murder. ██████████ stated she observed the Victim answer the door to a person standing in the doorway covered in a clown outfit from “head to toe.”¹⁷ ██████████ said she believed the clown’s face was painted and that it was wearing a red wig.¹⁸ ██████████ said that she couldn’t recall specifics about the design of the clown costume, but that it was “multiple colors.”¹⁹ ██████████ stated that the clown drove away in a new all-white LeBaron with no tags.²⁰

2. Mr. and Mrs. Vincent Restivo and the White LeBaron

On or about April 6, 1990, Mr. and Mrs. Vincent Restivo rented a new model all white two-door Chrysler LeBaron from “Payless Car Rental Co.”²¹ On April 15, 1990, the Restivos attempted to return that white Chrysler LeBaron to Payless. Mrs. Restivo attempted to contact Payless Car Rental by calling the phone number she found in the Yellow Pages. The ad read “A BARGAIN AUTO RENTALS” “PAYLESS.”²² Believing she was contacting the proper rental car company, Mrs. Restivo spoke with a male on the phone who instructed her to leave the car outside

¹⁷ State’s Exhibit “G”: State ██████████ May 26, 1990 p.3 ln. 19 – p. 4 ln. 24.

¹⁸ State’s Exhibit “G”: State ██████████ May 26, 1990 p. 8 ln. 20 – p. 9 ln. 2.

¹⁹ State’s Exhibit “G”: State ██████████ May 26, 1990 p. ln.

²⁰ State’s Exhibit “G”: State ██████████ May 26, 1990 p. 4 ln. 9 – p. 5 ln. 10

²¹ State’s Exhibit “H”: Rental Receipt from Payless Car Rental Co.

²² State’s Exhibit “A”: Yellow Pages Ad

the fenced area on South Congress Avenue with the keys and that they would pick the car up. Mrs. Restivo complied with the instructions and left the vehicle with the keys.²³ In reality, Mrs. Restivo had contacted “A Bargain Motors” (owned by the Defendant’s now husband Michael Warren) and spoke with a Mr. Donald Carter. Mr. Carter, Michael Warren, and the Defendant subsequently retrieved the car and took it into “A Bargain Motors.”²⁴ The white LeBaron remained “missing” for the next six weeks.

On May 30, 1990, while working to solve the murder of Marlene Warren, detectives located a white Chrysler LeBaron in a Winn Dixie Parking lot at the corner of Royal Palm Beach Blvd. and Okeechobee Blvd. The Winn Dixie LeBaron had the same VIN as the white Chrysler LeBaron stolen from Payless Car Rental by Don Carter, Michael Warren, and the Defendant. While on scene, several detectives noted long brown human hairs and orange fibers on the floor of the white LeBaron.²⁵ The Winn Dixie LeBaron was subsequently taken to the Palm Beach County Sheriff’s Office and processed by Detective Michael Free and Examiner Jay Mullins. Law enforcement recovered trace evidence inside the white LeBaron linking the car to the murder of Marlene Warren.

²³ State’s Exhibit “I”: Depo. Elyssa Restivo (excerpt) P. 11-19 (July 21, 2020)

²⁴ State’s Exhibit “J”: Depo. Don Carter (excerpt) P. 61 – P. 67 (October 7, 2021)

²⁵ State’s Exhibit “K”: Perpet. Depo. Dewayne Kelley (excerpt) p. 52 ln 3 – p. 54 ln. 25

After the processing of the Winn Dixie LeBaron, it was subsequently returned to Payless Car Rental.²⁶ Don Carter was subsequently prosecuted for his participation in the theft of the Winn Dixie LeBaron from Payless Car Rental.²⁷

LEGAL AUTHORITY AND ARGUMENT

All relevant evidence is admissible. Fla. Stat. 90.402. Relevant evidence is any evidence that has *any tendency* to prove or disprove a material fact at issue. Fla. Stat. 90.401. The burden of relevancy is a low hurdle to cross. Any nexus linking a piece of evidence to a material fact in a case will be sufficient to establish relevancy for admission. Once admitted, the trier of fact must decide the appropriate weight to be given. A trial court has broad discretion in the determination of relevancy. Silver v. State, 278 So. 3d 337 (Fla. 3d DCA 2019).

- a) **The Court should not exclude the Winn Dixie LeBaron because the description of the vehicle given by the witnesses on scene match the appearance of the white LeBaron recovered in the Winn Dixie Parking lot.**

Although the witnesses at the scene of the murder describe subtle nuances of the white LeBaron differently, the overall description of the make, model and color of the vehicle remain consistent. All of the witnesses stated that the vehicle driven by the clown was a white Chrysler LeBaron. Some of the witnesses describe the vehicle driven as a “coupe” while others state it was a two-door vehicle. In reality

²⁶ State’s Exhibit “L”: Stolen Vehicle Receipt and Return Notice

²⁷ State’s Exhibit “M”: Depo. Don Carter (excerpt) p. 25 ln. 22 – P. 26 ln. 9 (October 7, 2021)

the terms “coupe” and “two-door vehicle” are synonymous. All the witnesses are clearly describing the same vehicle. (E.g. None of the witnesses stated witnessing a red van or a green pickup truck.) A description of a vehicle that is in stark contract in make, model and color would clearly make evidence recovered from such a vehicle irrelevant.

The differences described by the witnesses are de minimis in nature given the circumstances surrounding the shooting. All of the witnesses were inside at the time of the shooting and only got a chance to look at the getaway car for a matter of seconds as the clown walked back to the car and drove away. It is understandable why minor variances in the trim details of the car existed in the recollection of the witnesses. However, all of the witnesses describe the same make, model, and overall color of the getaway car.

The State would submit that this consistent description would potentially make any all-white, Chrysler, LeBaron relevant as it could go to prove or disprove a material fact in the case. This is especially true for any all-white Chrysler LeBaron located under suspicious circumstances.

The Winn Dixie LeBaron was located under such suspicious circumstances. The car was located abandoned in a Winn Dixie parking lot affixed with a license plate that did not belong to the car. Further the car just happened to be the same

vehicle that was stolen from Payless Car Rental approximately six weeks early by Don Carter, Michael Warren and the Defendant.

The similar appearance of the Winn Dixie LeBaron to the car used by the Defendant to murder the Victim in combination with the fact that the same car was previously in the possession of Michael Warren and the Defendant make the car and any evidence located within relevant. The Court should find this the legal relevance and permit the State to present this evidence to the trier of fact.

b) The Court should not exclude the Winn Dixie LeBaron or any evidence contained within it because it was linked to A Bargain Motors and therefore accessible by any employee including the Defendant.

The white Chrysler LeBaron located in the Winn Dixie parking lot was linked to Michael Warren, the Defendant and “A Bargain Motors.” Mr. Don Carter would testify that the car located in the Winn Dixie parking lot was the same car that he and Michael Warren stole on or about April 15, 1990. Further, the VIN number attached to that vehicle showed it to belong to Payless Car Rental. This same car was rented by the Restivos weeks earlier. Former Payless Car Rental employee Ms. Debbie Zee would testify to the authenticity of the rental receipt and that the white LeBaron located in the Winn Dixie Parking lot belonged to Payless.

Because there is a factual nexus between the Winn Dixie Chrysler LeBaron, Michael Warren, the Defendant and “A Bargain Motors,” it is relevant as a possible getaway vehicle for the Defendant. The Defendant frequented “A Bargain Motors”

as a repossession agent and therefore had access to the vehicles. Further, the Defendant was rumored to be in a romantic relationship with Michael Warren. This would further serve as access to the vehicles at “A Bargain Motors.” This factual connection between the Winn Dixie LeBaron and “A Bargain Motors,” and between “A Bargain Motors” and the Defendant provides the relevant factual link that makes the Winn Dixie LeBaron relevant. The relevance is the availability of the vehicle for use by those associated with “A Bargain Motors” and Michael Warren, which included the Defendant. Given the evidence of the affair between the Defendant and Michael Warren at the time, access to the car used to commit the murder makes it relevant.

- c. **The Court should not exclude the Winn Dixie LeBaron because detectives observed trace evidence inside the vehicle that was relevant to both the Defendant and to a clown costume.**

While on scene at the Winn Dixie, Detectives observed pieces of trace evidence inside the white LeBaron that provided a nexus to both the Defendant and to a clown costume. Detectives Dewayne Kelley and Lou Sessa would testify they observed both long strands of brown hair as well as orange wig fibers inside of the white LeBaron in the Winn Dixie parking lot. These observations are relevant in linking the LeBaron to the Defendant, who at the time had long brown hair. They are also relevant in linking the LeBaron to some kind of clown costume or wig (specifically an orange wig). This is consistent with the descriptions given by the witnesses on

at the scene of the murder.²⁸ These observations provide additional evidence as to the relevance of the white LeBaron located in the Winn Dixie parking lot.

CONCLUSION

It is clear that the white Chrysler LeBaron located in the Winn Dixie Parking lot on May 30, 1990 was linked to Don Carter, Michael Warren, the Defendant and “A Bargain Motors.” Further, the color, make, and model of the care are consistent with the color, make and model of the car witnessed by the four witnesses on the scene of the murder. Those four witnesses testified that they saw the clown enter that vehicle and drive away after killing the Victim. Finally, detectives with the Palm Beach County Sheriff’s Office observed both brown hairs and orange fibers inside the LeBaron on scene at the Winn Dixie. These are consistent with the Defendant’s color hair as well as the color of the wig worn by the clown, as stated by three of the four witnesses inside the home. For all the above reasons, the State has proved that the white LeBaron located in the Winn Dixie parking lot on May 30, 1990 is relevant to proving the identity of the clown. The court should admit this evidence before the jury for their consideration at trial.

²⁸ Witness Joseph Ahrens recalled the clown having an orange in color wig. Witnesses Wendell Pratt and Jean Pratt reported the clown having a red in color wig. Both observations are consistent with the fibers observed by Dwayne Kelley inside of the Winn Dixie LeBaron.

WHEREFORE, the State prays this Honorable Court to **DENY** the Defendant's Motion Exclude the Evidence Related to the Winn Dixie LeBaron.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT a true and correct copy of the foregoing Motion has been furnished by E-SERVICE to AMY MORSE ESQ at AMY@MORSELEGAL.COM, this the 2nd day of March, 2023.

Respectfully submitted,

DAVID ARONBERG
STATE ATTORNEY

/s/



By: REID SCOTT
Assistant State Attorney
Florida Bar No. 0028413
E-Service E-Mail: FELMCU@SA15.ORG