

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

CASE NO: 50-2017-CF-008722-AXXX-MB

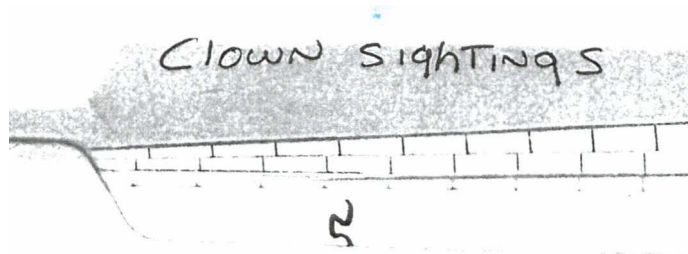
STATE OF FLORIDA

vs.

SHEILA KEEN-WARREN,
Defendant

**ADDENDUM TO MOTION FOR RECONSIDERATION AND MOTION FOR
ISSUANCE OF WRITTEN OPINION ON ORDER DENYING
DEFENDANT'S SECOND AND THIRD MOTIONS TO COMPEL
THE STATE TO PRODUCE *BRADY* INFORMATION**

The Defendant, Sheila Keen-Warren, through undersigned counsel, hereby files this addendum to her Motion for Reconsideration and Motion for Issuance of Written Opinion on Order Denying Defendant's Second and Third Motions to Compel the State to Produce *Brady* Information. [D.E. No. 863]. This Addendum addresses the following evidence, which mysteriously appeared five years after Ms. Keen-Warren's arrest and nine days before her trial—the "clown sighting file":



In further support of this Motion, the Defendant states as follows:

1. In her Third Motion to Compel the State to Produce *Brady* Information, Ms. Keen-Warren moved this Court to order the State to produce this "clown sighting file." [D.E.

No. 845]. According to the initial lead detective, Detective Bill Williams, this file contains clown sightings and citizen leads from the day of Marlene Warren’s murder, which he placed in a file called the “clown sighting file.” *Id.* at 1.

2. For the past 40 months, dating back to June 26, 2019, the State maintained that it did not have the file, and the current lead detective, Detective Paige McCann, refused to look for this file. *Id.* at 2.

3. For this reason, Ms. Keen-Warren sought relief from this Court to protect her constitutional rights pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). She asked the Court to order the State to look for evidence that could secure her freedom—nothing more:

As of the date of this Motion, the State has failed to produce the clown sighting file. The State has relied on a lead detective who is unwilling to do anything to locate this evidence. This is especially disconcerting because the file contains other leads to this homicide and would necessarily aid Ms. Keen-Warren’s defense. As such, Ms. Keen-Warren moves this Court to enter an Order requiring the State to search for and immediately turn over the clown sighting file.

Id. 2-3.

4. On October 11, 2022, at the hearing on Defendant’s motions to compel, the State did not dispute that the requested information constituted *Brady* material. Without any evidentiary support, the State told this Court that it did not have the information and materials that the Defendant requested. The State maintained that it did its due diligence. The Defense, on the other hand, provided the Court with transcripts from Detective McCann’s depositions where she conceded that she did nothing to locate this file.

5. Nevertheless, following the hearing, the Court issued a written order summarily denying Ms. Keen-Warren’s motion and did not order the State to look for this exculpatory evidence.

6. On October 12, 2022, one day after the hearing, eight days before her trial, 40 months after the initial request, and 60 months after her arrest, the State informed the Defense that it found new evidence: the “clown sighting file.” Exhibit 1, Clown Sighting File.

7. The State admitted that the clown sighting file was located in, of all places, a box at the State Attorney’s Office.

8. The State further admitted that this is *the same box* that contained the other crucial discovery the State produced last month, 4.5 years after Ms. Keen-Warren’s arrest.

9. Specifically, the State found the clown sighting file in the same box where it found the initial lead homicide investigator, Tim Valentine’s, case file from 1991. This case file contained a new witness who calls into question the reliability of the State’s witnesses from the costume shop.¹

10. The State claimed that it did not see the “clown sighting file” when it initially looked through the box. The State said that the “clown sighting file” may have been mislabeled. To be clear, the folder is labeled “clown sightings.”

11. The 25-page “clown sighting file” contains roughly 40 credible leads. These leads have names, addresses, and phone numbers. Needless to say, this will take the Defense considerable time and resources to investigate.

12. Ideally, this Court would not have to order the State to do its job, but, as the Defense has pointed out time and again, this is not ideal. Ms. Keen-Warren deserves a fair trial.

WHEREFORE, the Defendant respectfully files this Addendum and requests that this Honorable Court grant its Motion for Reconsideration.

¹ The Defense relayed this to the Court when explaining that the State’s repeated discovery violations have made it impossible to effectively prepare for trial.

Respectfully submitted,

/s/ Greg Rosenfeld

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-service to the Office of the State Attorney, Division “MCU,” at FELMCU@sa15.org; Reid Scott, Assistant State Attorney, at RScott@sa15.org; Kristen Grimes, Assistant State Attorney, at KGrimes@sa15.org; and Amy Morse, Esq., Attorney for the Defendant, at Amy@morselegal.com, on this 13th day of October, 2022.

/s/ Greg Rosenfeld

Greg Rosenfeld, Esq.
LAW OFFICES OF GREG ROSENFELD, P.A.

EXHIBIT 1

Clown sightings

2

89-10193

John Pardeck

Trevor MANSELL

W-964-1363

H-697-0059

W/F

Very Heavy 300 LBS -

Squeaky Voice - Looked Like Woman

5'-10"

HER Appt. cancelled - 10am -
Appt. 1pm

orange pants
Afro - orange wig
Would recognize

Second Irritated
+++

JENNIFER Pickrell - 12/5/72

H-582-2976 (439-0023)

W/F Late 20's Early 30's

5-8, 200 lbs Big Girl

Unknown w/m or w/f by looking

Eckerd's

For				Urgent ☐												
Date	5/29/90		Time	5:45 p.m.												
While You Were Out																
M	Mr. Plant															
Of																
Phone	689-1488															
	AREA CODE	NUMBER	EXTENSION													
<table border="1"><tr><td>Telephoned</td><td>☐</td><td>Please Call</td><td>☐</td></tr><tr><td>Came To See You</td><td>☐</td><td>Will Call Again</td><td>☐</td></tr><tr><td>Returned Your Call</td><td>☐</td><td>Wants To See You</td><td>☐</td></tr></table>					Telephoned	☐	Please Call	☐	Came To See You	☐	Will Call Again	☐	Returned Your Call	☐	Wants To See You	☐
Telephoned	☐	Please Call	☐													
Came To See You	☐	Will Call Again	☐													
Returned Your Call	☐	Wants To See You	☐													
Message	Black Pickup															
	Calif. 3m 78384															
	1/2 to 45 minutes															
	ago															
	call on Forest															
	Hill															
Signed																

E4000

ELFORM

5/28/90 1005hrs

Flood Shop on Federal Hwy
N/O Hillsborough in the
Phar Mac Shopping Center. They
have clown holding balloons
standing out near street trying
to attract business.

She saw him there Sunday.
She wants to be Anonymous

TO

6810pm- 05-29-90. (paty)

Everett Appleton -

968-0814

Saw approx 4:00pm.
coming out of Belvedere
road headed south
on Military Trail.

clown was ~~sitting~~ ^{standing} on
side walk on corner
of a dealer-
ship

* red nose

* red wig w/ hat

* clown outfit (looked
like outfit shown on
T.V.)

sitting in front of
a used car lot
(corner.)

pretty good size in height
(not short)

regular clown makeup.

Kelley
5/28/90

1510

REC. CALL FROM ANON W/M
STAYING HE SAW A PERSON
WITH CROWN PAINT DRIVING
A WHITE LEARON EAST
ON BLUE LARON PAST
OLD DIXIE. NO TAG.
ON SAT 5/26 BETWEEN
12 - 1 PM.

1500

CALL FROM SARA BREITWIESER
H) 683-2124 W) 793-9700. WHILE
STANDING AT 14 HOLE TEE OFF
TO THE LEFT ON "OAKWOOD
DR" OR OTHER SHE SAW
A WHITE LEARON, CONVERTIBLE
NO TAG. CHECKED BY ELSTON
AND STORMES. NEGATIVE RESULTS.

Charles Lincoln - 683-5356
Dixie & 10th Ave: (westbound)
old BRN car - Buick or Olds
9:00 - 9:15 AM SAT. morning
(CROWN)

471-6654

S-29-90

DET. OJEDA

8948111

1917

FEMALE in CLOWN SUIT / RED
WIG GETTING in WHITE CR.
127TH ST & NE 16 AVE
NORTH MIAMI
CHL LAMARCA 893-3329

WINN, Dixie

Frank Rhees

H-585-1601

10th & FLA. Mango

Tall - Heavy Set (Believes it was
female)

VAN - Black & Silver - Only 1 pers.

Orange wig - nose, gloves, stuffed up -
she went into Eckards -

11:15 AM - 11:30 AM

CASSANDRA TUCKER 11-18-71
825 Kaye, W.P.B., FL. 832-1385 / 683-4046

Around noon on Saturday
Guy in a clown suit - Sad face on
white face / w black around the mouth
red hair - red nose
yellow car - Small - FL. TAG.
Southbound on I-95 around Lantana

long sleeve clown suit -
white gloves.

6/6/90

CALL FROM:

12274 SAWGRASS CT

1130 - JAMES ROTHUS W/M 5/4/48 793-5762 / WELL
MAY 9 AM 586-99.

SAW W/M ON MAY 20, AT PUBLIX,
SINISTER LOOKING PERSON CAME
UP TO REGISTER WITH 2 BELLONS
"SAID YOU'RE THE GREATEST!"

LOOKS LIKE PICTURE OF KEEN,
ABOUT 8". WELLING PUBLIX

* W/M 35-40 5'8" HEAVY 175-190
DARK HAIR, OLIVE SKIN, NO FACIAL
HAIR. ~~NO~~ ~~NO~~ NO DISC.
WORK CLOTHES. NO VED SCENE.
NO WORDS HEARD. LESS THAN
15 ft.

IMPORTANT MESSAGE

FOR _____

DATE _____ TIME _____ A.M.
P.M.

M. Shirley Rice

OF _____

PHONE 967-9440
AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE White Chrysler
MILITARY TRL. & Cherry Rd.
headed North
No Tag
w/m driver dk hair

SIGNED _____
LITHO IN U.S.A.

IMPORTANT MESSAGE

FOR Williams
 DATE 4/1 TIME 7:15 P.M.
 M Mary Tabor (works at Wendy's & waited on man at drive through)
 OF _____
 PHONE 964-6428
AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	☒
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Talked to Manix
Downquit day of homicide
Wendy H. Manix + 19
ave. before lady was killed
has description of
behaviour -

SIGNED was very rude to her when
she asked why he was

BP was dressed in clown
suit.

05-29-90 5:45pm.

Ralph Swartzell

Patty

(H) # (305) 726-4589.

Daytime (305) 493-7720.

PPG Industries.

SAT. about 11:00 & 11:30am.

red van pulled in
front of door. w/A
male dressed in clown
outfit. asked direction
for indoor softball
facility in area - they
told him it was behind
their bldg (person did
not know area.)
never got out of van
acted wierd.

Bright yellow-red
orange diamond
pattern w/ Big
white ruffle around
top.

Big white mask (painted
around mouth.
white diamond around
eyes w/ Bubble nose.
(red or orange)

orange wig.

Peter ^{WORKS.} A.G.S. got first,
hand look and
glance at license
plate.

Prospect in ft. land.

05-29-90. 6:00pm.

Patty

John Phillips

around (467) 391-3128 (H.)
11:30a.m. or Sat.

(headed east)

Driving down Lyons
Road (South) he
was going to make
a left. and a car
kind of cut in front
of him dressed in
a clown does not
remember color
of car.

*complete costume.

yellowish color
costume (guessing)
alone in car.

05-29-90. 6:00pm.

Patty

(headed east) around (467) John Phillips
391-3128 (H.)
11:30a.m on Sat.
Driving down Lyons
Road (South) he
was going to make
a left. and a car
kind of cut in front
of him dressed in
a clown does not
remember color
of car.

*complete costume.

yellowish color
costume (guessing)
alone in car.

6:00 p.m. heading S. on RPB Blvd. 501ae
in veh.
White Car - w/m 35Y0A
Ben. Hair
Reseeding Hair

(Nancy GACBAN)
743-4060
White Blue 5 Silver Bouquet
Bacon S

5/26/90 -

BUDGET : NIGEL WILLIAMS
683-2401

7/6/63 B/M
5/26/90

C (3)

2315

TAN / WHITE **CONVERTABLE**
5/19/90 - 5/26/90 6:50

FATA, GINA M

2319

SGT GLENN MOFFETT 305-432-2209

Pier Point Condo

NW 12 ST / HIATUS RD

Pembroke Lakes.

1745

AND WIFE SAW SUBJECT
GET OUT OF CAR, FACE PAINTED,
CARRYING SUIT.

1102 HIATUS RD
RES. 131

2321

LEHTONEN, SAKARI

407-966-0358

JAPANESE CAR / BAD SHOE /

GOT OFF NO. 195 AT BELY.

WHITE CAR. 1200

2400

SECURED

DMF
BBE

5-27-90

C-(4)

0820 ³⁰⁵⁻ ~~TERRY~~ LEONARD - 752-9405 OFF. FPL 765-3105.
ON 5/26 AT 1500-13
AT UNIVERSITY DR. & RIVERSIDE - MARCO
VAN, BUT UP. THERE WAS CLOWN, HAD NO
NO ON UNIVERSITY. U TURN SOUTH, WENT
TO SIDE STREET.

0827 MIKE LANGE CALLED, MIKE WARREN CAME
SEEMS LIKE LOT OF MONEY FOR LITTLE
BUSINESS.

~~0900~~ CALL FROM SANDRA SPRICKLAND CUS REC CALL
FROM ANON W/M QUESTIONING CUS.

08501 PIVOTS SWAN W/F 746-5787.
SAW CLOWN ON I-95, LIGHT
COLORED SMALL CAR, NORTHBOUND
12³⁰-1 PM BETWEEN BB (PBLANKS)

0910 ANON W/M in AM 15-26-90
SAW CLOWN AT CHARTER CLUB BLD
206 ~~SA~~ WALKING

0935 WAYNE SHERRIDAN W/M 798-1224
2 SET AGO, SAW SOMEONE PARKED
IN MARKET PLACE SHOPPING CENTER,
GETTING IN CAR TO LEAVE - WHITE
LABRADOR, SWEETS PARTY PLACE 790-6825.

1:50 Tugell, MR - 393-5617
HUB saw clown on Teledo- into Palmetto Park
1:54# w/Boca, at 10:00 AM. Was behind car-
Car was Cream w color - Rusted Area's
man dressed as clown, had Red nose on
wig and all makeup. Man didnt give
address. But would appreciate. Call back.

12:14 Charles Bradford.
Car - was seen in Broward County
had "Charles the Clown" written on it
305-945-9531 -
Works Nite Shift.
Doesnt Remember what car looked like.

3:15 Janna Farrell - 585-2375
130 Bloomfield Dr. W.P.B
was on 995 seen w/car driver was
wearing clown outfit. Got off I95
at Yamato Rd.

3:54 MR. Platt - 973-8165 (305)
Was Driving 195 - So. bound to
Sheridan Street to Miami
man dressed in full clown outfit
with makeup and red nose. Not sure
of make car.
Man is visiting family here didnt
leave address.

→ 305 - 921-3362
Det. ^{girl} ~~Dix~~ from Hollywood
P.D. Has ~~has~~ who might have info.
on clown.

↘ Lisa Freeman - saw man in
305 - 981-5394 clown suit
yesterday about
1600 in Hollywood
at gas station

5/28/90

CITIZEN

610pm

JOHANNA SHERMAN - 471-9147

BIK Blue Heron / I-95.

Burger King Drive Thru - saw man
with clown face or no wig mousy Brown
Hair - 40's. no facial HAIR a LITTLE Red Pick-up
2:30pm Saturday.

Re: Seq 5 —

Received call 2345 hrs. 5-27-90

Anonymous - female.

at 4³⁰ PM Sunday she exited I-95 west
exit on Glades Rd. saw clown in Van
color light blue/grey - Clown suit white satin
white face - balloons in van.

Van also traveling west on Glades Rd
No other info —

Duke

0056
5/28/90

Net Williams

ref SS

① Anthony B. Anglice 780-5712
S-1 at Holiday Inn 441 between 1930-2000
saw clown w/ green wig, white outfit w/ red
polka-dots ~~was~~ looked like he was waiting
for a ride

② anon
saw male with clown make-up, grey
hair with a w/s in a light colored
medium size veh possibly white north bound
on I-75 between Naples & Ft Myers
sometime after 1800

IMPORTANT MESSAGE

FOR Det. Williams
DATE 5-29-90 TIME 9:00 A.M.
M Charles Ash
OF -
PHONE 845-1577
AREA CODE NUMBER EXTENSION

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE Saw Clown in big
white car - at mcdonalds
on Northlake Blvd. 12:30p.m. SAT.
Appeared to be man -
Seemed like a strange guy.
Veh. had tinted windows.

SIGNED 323
LITHO IN U.S.A.