

**VOLUME II of II**

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Horry County

Honorable Kristi F. Curtis, Circuit Court Judge

\_\_\_\_\_  
KEITH SHELDON LEVAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000863

\_\_\_\_\_  
APPENDIX  
\_\_\_\_\_

ADAM SINCLAIR RUFFIN  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

JOHNNY ELLIS JAMES, JR.  
Assistant Attorney General  
Rembert Dennis Building  
1000 Assembly Street  
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

**RECEIVED**

DEC 27 2019

S.C. SUPREME COURT

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additional preparation of Counsel. For all of these reasons, Applicant has failed to meet his burden of showing ineffectiveness under either prong of *Strickland*, and his request for relief by way of allegation 1.j. is **DENIED** and **DISMISSED**.

**d. Failure to Present Identifying Blood on Applicant's Clothing**

Applicant alleges Counsel was ineffective in failing to present evidence at trial to identify whose blood was on Applicant's clothing. This allegation is largely addressed on the same law and facts as set forth in Section II.A.b., above—there was no dispute as to whose blood was on Applicant's clothing, and no DNA or other evidence as to the identity of the blood was presented at the evidentiary hearing. Applicant has failed to meet his burden of proof as to either prong of *Strickland* and, as such, his request for relief by way of allegation 1.k. is **DENIED** and **DISMISSED**.

**e. Failure to Present Ballistics Evidence**

Applicant alleges Counsel was ineffective in failing to present ballistics evidence at trial. This allegation is largely addressed on the same law and facts as set forth in Section II.A.b., above—Applicant directed law enforcement to the weapon he discharged at Victim, Counsel credibly denied Applicant's assertion of telling Counsel the prosecution had the wrong gun, and no ballistics evidence was presented at the evidentiary hearing. Applicant has failed to meet his burden of proof as to either prong of *Strickland* and, as such, his request for relief by way of allegation 1.l. is **DENIED** and **DISMISSED**.

**f. Failure to Retain Private Investigator**

In his application for relief, Applicant alleges Counsel was ineffective for failing to retain a private investigator despite providing Counsel with the funds to do so. This Court finds this allegation to be without merit, and is largely addressed on the same law and facts as set forth in

Section II.A.b.i., above. At the evidentiary hearing, Applicant testified they *did* retain the services of a private investigator, and Applicant provided the investigator with evidence, witnesses, and other information he deemed to be important for his defense. Applicant stated that he spoke to the investigator and detailed his previous dealings with Victim, how Victim bothered his wife, and his 'reputation for violence'. Therefore, because Applicant's own testimony at the evidentiary hearing clearly discredits any validity to this claim, and as previously addressed in Section II.A.b.i., above, his request for relief by way of this allegation 3.g. is **DENIED** and **DISMISSED**.

**g. Failure to get Mental Health Evaluation/Medical Records**

In his application for relief, Applicant states he advised Counsel of his diagnosed, severe anxiety, and Counsel was ineffective for failing to address his mental health issues before trial. At the evidentiary hearing Applicant did not know whether or not Counsel obtained his medical records. He recalled Counsel mention he would get Applicant mentally evaluated before trial, however that never happened. On cross examination, Applicant testified that he does not take any medication to treat his severe anxiety disorder, nor did he receive any treatment prior to the incident—he 'hung around a good group of people' through Habitat for Humanity.

Counsel testified Applicant did indicate to him that he had a lot of anxiety issues—he did not recall Applicant ever calling it a disorder—and told Counsel that he would be very nervous testifying at trial. Counsel did not look up any medical records for Applicant because he did not believe Applicant's behavior or mannerisms warranted a deeper review of his mental health. He explained Applicant typically brought a teddy bear named "Jeepers" to their meetings, but assumed it was simply an odd quirk because Applicant made no mention of it.

Applicant presented no evidence to show how the outcome of his trial would have been different had Counsel investigated Applicant's mental health issues. Applicant provided no

medical records, witnesses' testimony, or other documentation to this Court at the evidentiary hearing in support of his claimed severe anxiety disorder. Furthermore, Applicant made no allegation that he was not competent to stand trial, nor did he assert that he should not have been found criminally responsible due to his mental health issues. For these reasons, Applicant has failed to meet his burden of showing ineffectiveness under *Strickland* and his request for relief encompassed by allegation 3.n. is **DENIED** and **DISMISSED**.

**h. Failure to Prepare to Testify**

Applicant alleges Counsel was ineffective in failing to prepare him to testify at trial. The Court touched upon this allegation in Section II.A.b, above, in the broader context of preparing the defense theory of self-defense, and the relevant testimony is reviewed there. Counsel credibly testified he advised Applicant of his rights with respect to whether or not he should testify, that he properly advised Applicant of the merits and disadvantages of doing so, that he prepared Applicant to testify at trial, and that he did not coerce Applicant into testifying by threatening him with the possibility of being held in contempt. Applicant's testimony to the contrary is not credible. Additionally, the trial transcript reflects the trial court advised Applicant of his right to testify or not testify, at which time Applicant unequivocally indicated to the Court his intent to testify. (Tr. 265-71). Applicant has failed to meet his burden of proof as to either prong of *Strickland* and, as such, his request for relief by way of allegation 1.m. is **DENIED** and **DISMISSED**.

**i. Failure to Call Defense Witnesses**

Applicant alleges Counsel was ineffective in failing to call a variety of witnesses at trial. This allegation is largely addressed on the same law and facts as set forth in Section II.A.b.i., above—Applicant gave a variety of witness leads to Counsel, who upon investigation found that

only one was willing to testify to Applicant's favor, but was not credible; Applicant's wife refused to testify in his defense; and Applicant presented no witness testimony at the evidentiary hearing. Applicant has failed to meet his burden of proof as to either prong of *Strickland* and, as such, his request for relief by way of allegation 1.a. is **DENIED**.

*[Conclusion and signature on following page]*

### III. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

#### IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 7<sup>th</sup> day of May, 2019.

Kristi F. Curtis  
 KRISTI F. CURTIS  
 Presiding Judge  
 Fifteenth Judicial Circuit

Sumter, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

RECEIVED

MAY 23 2019

S.C. SUPREME COURT

Case No. 2017-CP-26-7016

The State of South Carolina ..... Respondent,  
v.  
Keith Sheldon Levan ..... Appellant.

NOTICE OF APPEAL

Keith Sheldon Levan appeals the order of the Honorable Kristi F. Curtis dated May 7, 2019. Appellant received written notice of entry of the order on or about May 13, 2019.

May 20, 2019



T. Kirk Truslow  
413 79<sup>th</sup> Avenue North  
Myrtle Beach, SC 29572  
(843) 449-3304  
Attorney for Appellant

Other Counsel of Record:  
Johnny James, Esq.  
Assistant SC Attorney General  
1000 Assembly Street, Room 519  
Columbia, SC 29201  
(803) 636-4922

Transcript of Keith Levan Statement to MBPD  
(Bodycam activated with interview in progress)

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Hubbard: We were talking, you know, back and forth, and...

Ofc. Paul: Well, how long does it appear between y'all talking and he started stalking you?

Hubbard: When was that?

Levan: It was uh...

Hubbard: When we saw the car and stuff...

Levan: Summer time, I noticed a car show up. I, I thought it was only a neighbor kid...and, and then I saw... I mean I didn't see it for a little while, I guess, I guess he might have been changing his jobs, um had a different time schedule...

Hubbard: He worked down the street. When he drove down the street.

Ofc. Paul: When was the last time you saw him? When uh was this, the last time he, uh he was messing with you or...

Levan: Um, he was messing with us, uh, last night on the computer. I had awakened and uh, she was writing to him...

Hubbard: I was talking to him.. We were fighting and then...

Levan: Arguing, cause I didn't want him ...

Hubbard: I said I was going to go meet him and just talk to him and stuff and he came up and saw that I was going to do that but then you now I really wasn't going to do it. I wasn't really gonna meet him.

Levan: I, I just flipped out.

Hubbard: So he flipped out and then he left...

Levan: I, I grabbed an AR-15 and uh, I went down there to scare him. Uh, I pulled up into uh, we were supposed to meet at Walmart garden center...

Ofc. Paul: Um hum

Levan: ... and I pulled up in there and I'm all nervous and shaky. I'm a pretty emotional guy you know and... I don't ever... , but I mean I was really stirred up and uh, uh, I, I saw the car coming and I was like yeah that's gotta be him, I recognize that car from the neighborhood. So I started driving to make sure. And then he followed me around Walmart, did two circles around Walmart.

**EXHIBIT**

*Respondents  
disc 1 11-30-18*

**STATE'S  
EXHIBIT**

*33 (ID)  
disc 2-13-17*

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Ofc. Paul: Um hum

Levan: And then I went back uh, down ah, ah, Seaboard Street and we went into ah, back behind the parking lot of Home Goods and stuff and ah got about half way down and ah, he, he got kind of aggressive with his driving, he, he pulled out in front of me like really fast and slammed on his brakes, and uh, I could have sworn he was waving a gun in front of me and stuff and ah, he ah,

Hubbard: I can't believe he even showed up

Levan: he started backing up and uh, I got scared and I, I, I pulled out the AR-15 and I pulled the charging handle and I didn't intend on pulling the charging handle and load it and then I squeezed off some shots hoping to hit the back tires or gas tank but he, he was backing, backing up and he was moving and I was at a stop and I thought he was gonna blow my brains out cause I think he found out who I was. Um, and then I just saw him, you know, take off down the road. And then you know I, I didn't want him to follow me so I, I, I took off and I went back home and ah, I really didn't know what had happened. I didn't know if he was ok or not and ah, I had Penny..., I mean I was crying, I was like really crying because I, I know I busted the back glass and I, I wasn't even aiming for the back glass...

Hubbard: I kept calling him but he wouldn't answer his phone

Levan: ...kept calling me...

Hubbard: ... telephone...

Ofc. Paul: bust out—Come over here put your hands behind your back. There. Place your hands behind your back. Just relax, just relax

Ofc. Vasq: you don't have anything on you do you?

Levan: no, no. I left everything at home. I...

Ofc. Paul: where's ah, where's your weapon located?

Ofc. Vasq. I'll be right back

Levan: the ah, the weapon I, I got scared and, and I stashed it behind my uh stepfather-in-law's house, behind the shed, in a bag ... um

**Client Affirmation of Decision to Proceed to Trial**

I, Keith Sheldon Levan, acknowledge that I currently facing pending criminal charges for Murder and for Use of a Deadly Weapon During a Violent Crime.

I've been informed of and had ample opportunity to discuss all evidence against me, including my statements to law enforcement that in my attorney's assessment amounts to being a confession. I also understand that in my attorney's advisory role, he has informed me that, in his opinion the evidence in my case may likely to lead to a conviction.

Understanding these matters, and noting that there was a previous plea offer of voluntary manslaughter, I am making the informed decision to proceed to trial, understanding that my attorney has advised me that if convicted the potential penalty could be a sentence of life in prison without the possibility of parole.



Keith Sheldon Levan

12-30-16

Date

**EXHIBIT**  
*Respondent*  
*doc 2 11-30-18*

Larry Filiberto

From: levservices@aol.com  
Sent: Wednesday, November 30, 2016 1:11 PM  
To: attorney@filibertolaw.com  
Subject: Case.

**EXHIBIT**  
Resp  
3

Mr. Larry Filiberto,

I still stand on my decision to take this case to trial under the premise of self-defense. You are aware of and have the capability to obtain strong evidence and witnesses I provided to you to support this defense argument effectively. As we have discussed, it was obviously self defense as Mr. Selmon followed me AFTER I terminated contact with him at Walmart (not Home Depot, H.H. Gregg, Homegoods, on my way home, etc). When Mr. Selmon decided to stalk me with malicious intent of harm to me and my family, it became a SECOND event that is not associated with the first by a legal standpoint. The shooting DID NOT happen at the Walmart parking lot. Even though he waited a minute or two before proceeding to follow me, it could have been a day, week, month, or years that he would have made that same decision, therefore it is legally considered a separate act which became a criminal act (felony harassment/stalking with malicious intent). His actions that night were violent and witnessed by a police officer (Officer Chad Paul) whom I informed at Walmart before the arrival of Mr. Selmon. The officer is fully aware of Mr. Selmon stalking me and was advised by the officer to wait for him where he would be arrested. This is why the Walmart footage was NOT released, Myrtle Beach Police have a legal liability to report crime that was witnessed by an officer. The officer had the ability to prevent the crime he was made aware of yet found more interest in the company of an attractive lady at the time. Also the police car can be seen leaving the Walmart parking lot at the time of Mr. Selmon's vehicle crashing. Dash cam and body camera from that officer should have been presented in the discovery. Not providing such evidence without just cause is considered "tampering with evidence" and "obstruction of justice." Also Officer Chad Paul can be found attempting to tamper with a crime scene by going to Walmart security and Best Buy and advise them not to release the footage to the investigators.

Upon discussion with several individuals with much more legal experience than you, it is their advice to contest the charges and dispute it with self-defense. As you have been informed of and I have personally informed you that I sought alternate opinions about this argument. After seeking professional perspective from several sources, not a single one corresponds to your perception. A jury will not approve of Mr. Selmon's threats to kidnap a child or tolerate him messing with a third working man's family and wife without anyone's consent. They will also understand that Mr. Selmon and his AR-15 assault rifle influenced my decision to use the same instrument to "even the playing field."

Mitigation and negotiation are two different actions. Neither one could produce the results that I am disputing, which is that prosecution and police "sexually abused" both Penny and me. Police recklessly endangered the safety and life of my son by making an unlawful publication of my home address where my son resided with his grandfather. Violence and trespassing were a direct criminal result of their action. They also aided and abetted a criminal act of extortion, i.e. forcing Penny to testify against me and recording Pennys statement without her consent. They violated my Miranda Rights (which is recorded on video) when I was arrested by telling me I had no right to an attorney.

"The advice of many outweigh that of one."

Upon discussion with my family and other legal professionals, this case is not a case to be mitigated. Never will I, Penny, both our families, and friends will NOT EVEN remotely tolerate any indication of an affair as Mr. Selmon's communication attempts were unwanted and threatening causing severe fear, anxiety, and

distress to my son, Penny, and myself (A criminal complaint to the SC Bar Association has been filed against Brad Richardson for stating there was an affair when he was aware of the terroristic threats involved) I will not admit to causing the death of Mr. Selmon. As I stated to the police and you that I did not shoot the fatal shot (Brad Richardson even stated the act being an accident). Also you are fully aware of the fact that Mr. Selmon threatened to harm my family and me using the exact SAME type of firearm (comparing apples to apples) of which he sent Penny a "selfie" of himself holding and the message that he could kill me and Penny with the AR-15 if she did not cooperate when demanded that she meet him. It is this threat that I reported to the Myrtle Beach police and Officer Kitelinger on February 17th 2015 whom, under recording of the police station, advised me to confront Mr Selmon and tell him to leave us alone (which is why this event happened) and as a result of their advice I was arrested. He also stated that verbal communication, emails, texts messages, or electronic communication was absolutely NOT ADMISSIBLE in court. Therefore he did not file charges against Mr. Selmon for harrassment, stalking with a firearm or the attempted murder of me; his attempt at the Coastal Grand Mall February 16th, 2015. A police report was filed and mail security has on file the "hit and run" committed by Mr. Selmon on said date.

If you feel like you cannot commit to this arrangement of going to trial and present all the evidence you promised since we first initiated, I shall allow you to be dismissed from this case upon a full refund of my payment of your services. You convinced me to hire you under the pretense that you have prosecuted many murder trials under your private practice and that you would go to trial if necessary and can get such evidence I provided you which included criminal acts of Myrtle Beach Police and Mr. Selmon and his family. I am aware that there was no guarantee of results, but did state in the beginning that the case will be mitigated with plea bargains until a settlement is made, if not, then it goes to trial. I was NEVER informed that there was a choice of either mitigation or trial. That is not the circumstance I would ever agree upon in hiring you.

Let me know what you decide and where you stand with this matter. As I have informed you previously, Penny's attorney referred her to a lawyer from Charleston to get involved with a civil suite against the court. He reviewed the case and stated that there is overwhelming evidence of a criminal act on the part of police and prosecution. He named a very large sum of money and several charges to be filed. Prosecution is well aware of this and are trying to "weasel" their way out of it. So don't follow any of their tricks, as everyone knows that they presented the case and charges under false pretenses. The police had a theory that was proved wrong immediately three days after we were charged (according to the warrant) when they retrieved text messages from the phones. What they were expecting was not there at all and hard evidence proved them wrong! Every motive prosecution is pursuing is completely false. There is overwhelming support with character witnesses and hard evidence to prove self defense. I emailed you the attachments of Word documents with the this information back in August 17th.

Like we stated earlier, if you do not feel that you are able to commit to a trial I will seek other representation elsewhere and cooperate to have you relieved from this case. Upon a full refund of my paid fee.

Keith L. Levan

**WITNESSES**

Brittany Southerland Myrtle Beach Police  
Department

*M: Adams*

DOCKET NO. 2016-GS-26- 01806

*C*

**The State of South Carolina**  
**County of Horry**

J. Stephen Grooms

15H00915

**FILED**  
**HORRY COUNTY**  
**2016 APR 22 AM 10:30**  
**MELANIE HUGGINS-WARD**  
**CLERK OF COURT**  
DATE RECEIVED FROM  
GRAND JURY

**COURT OF GENERAL SESSIONS**

**APRIL, 2016 TERM**

**ARREST WARRANT NUMBER**

2015A2620600375

CDR: 0116 16-03-0010, 0020

DOA: 2/22/2015

**THE STATE**

**vs.**

**ACTION OF GRAND JURY**

**TRUE BILL**

Keith Sheldon Levan

W/ M

Boxwood Drive  
Myrtle Beach, SC 29588

DOB: [REDACTED]

SSN: [REDACTED]

*[Signature]*

Foreperson of Grand Jury

Date: APR 21 2016

**ATTORNEY: Lawrence R. Filiberto**

**VERDICT**

**Indictment for**

**MURDER**

**Jimmy A. Richardson, II, Solicitor**

Foreperson of Petit Jury

Date:

**ORIGINAL**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

At a Court of General Sessions, convened on April 21, 2016 APRIL, the Grand Jurors of Horry County present upon their oath:


APR 21 2016 10:30 AM

**MURDER**

**CDR: 0116 16-03-0010,0020**

That Keith Sheldon Levan did in Horry County, on or about February 21, 2015, willfully, feloniously, and intentionally kill the victim, Berry Selmon, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about February 21, 2015 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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

  
\_\_\_\_\_  
JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry  
STATE VS.

INDICTMENT/CASE#: 2016GS2601806

Keith Sheldon Levan

A/W#: 2015A2620600375

AKA:

Date of Offense: 2/21/2015

Race: WHITE Sex: M Age: 41

S.C. Code § : 16-03-0010, 0020

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 0116

Address: [REDACTED] Boxwood Drive

City, State, Zip: Myrtle Beach, SC 29588

DL#: [REDACTED] SID#: [REDACTED]

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

CONVICTED OF or  PLEADS

In disposition of the said indictment comes now the Defendant who was  
TO: Murder 30 yrs TO LIFE

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC)  §17-25-45  
w/minor 1st or Lewd Act

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: [Signature] SCB69635 Defendant Attorney for Defendant SC Bar#  
Hixson, Scott R. SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 40 years or  under the Youthful Offender Act not to exceed        years  
and/or to pay a fine of \$       ; provided that upon the service of        days/months/years and/or payment  
of \$       ; plus costs and assessments as applicable\*; the balance is suspended with probation for       

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.  
 CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic  
Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$        plus 20% fee: \$         
Payment Terms:         
 Set by SCDPPPS       

PTUP 20  
       days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp.         
May serve W/E beginning         
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ 25.00 beginning 03/15/2015  
\$        paid to Public Defender Fund  
Other:       

Recipient:	<u>      </u>
*Fine:	\$ <u>      </u>
§ 14-1-206 (Assessments 107.5 %)	\$ <u>      </u>
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 <u>\$ 100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 <u>\$</u>
§ 56-5-2995 (DUI Assessment)	\$12 <u>\$</u>
§ 56-1-286 (DUI Breath Test)	\$25 <u>\$</u>
Proviso 61.6 (Public Def/Probation)	\$500 <u>\$</u>
§ 14-1-212 (Law Enforce. Funding)	\$25 <u>\$ 25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150 <u>\$</u>
§ 50-21-114(B)(1) Breath Test Fee	\$50 <u>\$</u>
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea <u>\$</u>
3% to County (if paid in installments)	\$ <u>3.75</u>

TOTAL \$ 128.75 + 40 = 168.75

Appointed PD or appointed other counsel.  
Proviso 61.6 requires \$500 be paid to Clerk  
during probation and shall be collected before  
any other fees.  
Presiding Judge [Signature]  
Judge Code: 129  
Sentence Date: 2/15/11

Clerk of Court/ Deputy Clerk Renee N. Ellis  
Court Reporter: Dixie Eubank  
SCCA/217 (07/2016)

ARREST WARRANT

2015A2620600375

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 15-002800

against

Keith Sheldon Levan

Address: Boxwood Drive

Myrtle Beach, SC 29588-

Phone: SSN:

Sex M Race: W Height: 5 10 Weight: 150

DL State: DL #:

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: W Kitelinger - 6913

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Keith Levan

on 02/22/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant W Kitelinger who

being duly sworn deposes and says that defendant Keith Sheldon Levan

did within this county and state on or about 2/21/2015 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 02/21/15 officers responded to 951 Oak Forrest Ln. in reference to a shooting. Officers discovered the victim deceased in his vehicle with a gunshot wound to the head. Video surveillance from the scene captured images of the suspect vehicle. The search of the victim's phone resulted in the victim making and receiving texts just before his death. The text numbers led to information on the suspects who came to the police department and confessed to the crime. The Defendant stated he had encountered the victim after finding social media messages from the victim to the Co-Defendant and during an altercation he took a rifle and shot at the victim's vehicle. The defendant then admitted to hiding the weapon. Based on the facts that the Defendant shot into the victims vehicle with malice aforethought there is probable cause to believe the Defendant did commit the offense of Murder. SC 16-3-10

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/21/2015 defendant Keith Sheldon Levan

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Myrtle Beach) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 2/22/15

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Signature of Judge

Christine Laxpartier

Judge Code: 6869

Issuing Court: Magistrate

Municipal

Circuit

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Form Approved by S.C. Attorney General April 21, 2003 SCCA 516

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AFFIDAVIT

ARREST WARRANT

2015A2620600376

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 15-002800 against

Keith Sheldon Levan

Address: Boxwood Drive

Myrtle Beach, SC 29588-

Sex: M Race: W Height: 5 10 Weight: 150

DOB: Agency ORI #: SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: W Kitelinger - 6913

Offense: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole

Offense Code: 0549 Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Keith Sheldon Levan on 02/23/15

Signature of Constable/Clerk/Enforcement Officer

RETURN WARRANT TO: General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant W Kitelinger who being duly sworn deposes and says that defendant Keith Sheldon Levan did within this county and state on or about 2/21/2015 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 02/21/15 officers responded to 951 Oak Forrest Ln. in reference to a shooting. Officers discovered the victim deceased in his vehicle with a gunshot wound to the head. Video surveillance from the scene captured images of the suspect vehicle. The search of the victim's phone resulted in the victim making and receiving texts just before his death. The text numbers led to information on the suspects who came to the police department and confessed to the crime. The Defendant stated he had encountered the victim after finding social media messages from the victim to the Co-Defendant and during an altercation he took a rifle and shot at the victim's vehicle. The defendant then admitted to hiding the weapon. Based on the facts that that the Defendant shot into the victims vehicle with malice aforethought there is probable cause to believe the Defendant did commit the offense of Possession of a Firearm During a Violent Crime. SC 16-23-490

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street Myrtle Beach, SC 29577-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/21/2015 defendant Keith Sheldon Levan

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) as set forth below.

DESCRIPTION OF OFFENSE: Weapons / Possession of weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 2/22/2015

Judge's Address 1101 Oak Street Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Signature of Issuing Judge Christine Lamparter Judge Code# 6869

Issuing Court: Magistrate Municipal Circuit

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Form Approved by S.C. Attorney General April 21, 2003 SCCA 818

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