

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA)	Criminal No.: 2:25-01241-BHH
)	
)	
vs.)	GOVERNMENT’S
)	SENTENCING MEMORANDUM
)	
LEVI PHILLIP MILES)	
_____)	

On January 9, 2026, the Defendant, Levi Phillip Miles, pled guilty to an Information charging conspiracy to distribute fentanyl and oxycodone in violation of Title 21, United States Codes, Sections 846, 841(a)(1), and 841(b)(1)(C) (Count 1), and distribution of fentanyl in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (Count 2). The Defendant pled guilty pursuant to a plea agreement that includes the following stipulations:

1. Pursuant to §2D1.1(a)(2) of the United States Sentencing Commission Guidelines, the defendant’s base offense level (“BOL”) is a level 38.
2. That the defendant’s offense of conviction under 21 U.S.C. § 841(b)(1)(C) (distribution of fentanyl) resulted in the death of D.F.A. from the use of the substance.

The United States Probation Office (“USPO”) prepared a Presentence Report (“PSR”) in advance of the Defendant’s sentencing that is scheduled for May 27, 2026. Based on a criminal history score of 0, the PSR assesses that the Defendant is a criminal history category I. The total offense level, which is based on the stipulated base offense level of 38 minus three points for acceptance, is 35. Therefore, the PSR’s advisory guideline sentencing range is 168 to 210 months. Neither party submitted objections to the PSR.

I. BACKGROUND

The Defendant and the deceased victim were cousins. PSR ¶ 18. In approximately 2010, the Defendant moved to Charleston and began working for the victim's law firm as an investigator. PSR ¶ 134. The Drug Enforcement Administration ("DEA"), along with the City of Charleston Police Department ("CPD"), began the investigation which resulted in the instant case after the victim was found deceased inside his residence on January 2, 2023. PSR ¶ 14. Investigators interviewed several individuals on scene, including the victim's roommate and other acquaintances, and searched the victim's residence. PSR ¶¶ 17, 21. In the victim's bedroom, investigators located his cellular telephone. PSR ¶ 21. And in his bathroom, they found numerous bottles for prescription medications and supplements. *Id.* The prescription bottles and their contents were photographed; the medication was logged and sent to CPD's forensic laboratory for testing. *Id.* The bottles that contained non-prescription medications, including the over-the-counter pills and supplements, were not submitted for testing. *Id.*

The Charleston County Coroner's Office conducted an autopsy and toxicology screen. PSR ¶ 22. The autopsy revealed that the victim died from a drug overdose resulting from mixed drug toxicity. *Id.* As for the toxicology screen, it revealed that the victim had a myriad of substances¹ in his system at the time of his death, including fentanyl. *Id.* Dr. Demi Garvin, a board-certified toxicologist, reviewed the reports and interpreted the results. PSR ¶¶ 92-94. Dr. Garvin concluded that based on the level of fentanyl in the victim's system coupled with the manner of death, fentanyl was the "but for" cause of the victim's death. *Id.*

In the weeks following the victim's death, his cell phone was transferred from CPD custody to DEA custody. PSR ¶¶ 23-24. Because the extraction software had not yet been updated

¹ The only controlled substance found in the Defendant's system for which he did not have a valid prescription was fentanyl and its metabolite. Moreover, the levels for the prescribed medications were within the therapeutic range.

to the level needed to access the device, agents waited several months before attempting to extract the phone's contents. *Id.* When agents successfully extracted data from the phone, the United States Attorney's Office worked to create a filter protocol that would yield evidence of the victim's final hours while also preserving potentially privileged communications he may have had with former clients. *Id.* In November 2024, agents finally received evidence from the victim's phone, allowing agents to piece together his final hours and identify the Defendant as the distributor of the fatal dose of fentanyl. *Id.* The process of reviewing the contents of the phone took approximately one year because the phone contained more than one million messages and hundreds of thousands of images and videos. *Id.* Because of the volume, the phone's contents were reviewed by a Department of Justice component in Washington, D.C. *Id.* This process took months and involved multiple reviewing attorneys. The Government believes that if the Defendant had cooperated sooner, this massive expenditure of Government resources would not have been necessary.

Text messages that were recovered from the victim's cell phone show that in the final year of his life, the victim was becoming more reliant on prescription opioids. PSR ¶¶ 25-57. As the year progressed, his efforts to obtain pills became more frequent and more persistent. *Id.* The Defendant was the victim's only source of supply, and to disguise the nature of their communications² about pain pills, the two frequently referred to pills as "smurf turds," "smurfs," or "turds." *Id.* Agents were able to determine that in or around the summer of 2022, the Defendant's primary source for pills—buying legitimate prescriptions from an acquaintance—was no longer available because the source's prescribing physician lost the ability to issue prescriptions. PSR ¶ 30. Where at first the victim's requests for pills were generally

² The PSR recounts in detail the pertinent conversations between the Defendant and the victim.

accommodated, the Defendant appeared to have more difficulty fulfilling those requests after the summer of 2022. *See, e.g.*, PSR ¶ 40.

Beginning in approximately November 2022 and continuing until his death on January 2, 2023, the victim's mental state deteriorated because of work and personal stressors. PSR ¶ 37-41. The Defendant was in constant communication with the victim; therefore, as he continued to seek pills for the victim, the Defendant was aware of the victim's declining mental state. *Id.* In the final week of his life, the victim again requested pills from the Defendant. PSR ¶ 42-57. The following are excerpted conversations between the Defendant and the victim:

December 27, 2022

V: Man you got any turds? I'm dying with this migraine.

Def.: Trying to today.

V: If I can't get ride of this migraine I'm going 187 via suicide by cop.

PSR ¶ 47-48.

December 28, 2022

Def.: Meet me with \$750 cash tomorrow after you get free in the am. [The Defendant included a cartoon image of a smurf.]

PSR ¶ 50.

December 30, 2022

V: And take your Venmo for the [t]he turds and second batch of that mountain water and [Bring] that shit over here tomorrow and we can shove up each others rectums like family and relax in the jacuzzi.

PSR ¶ 51.

December 31, 2022

V: Let's get turded up and jump in the pool and jacuzzi.

PSR ¶ 52.

January 1, 2023

Def.: I'll bring over today as I feel they may better serve you and what I can imagine is a wonderful feeling physically and mentally.

V: I need 7 turds in the jacuzzi right now.

PSR ¶ 53.

On January 1, 2023, the Defendant texted the victim that he would bring pills and moonshine to the victim's house and included a photograph showing two jars of a clear liquid and a vitamin bottle.³ PSR ¶ 56. When investigators searched the scene, they found one of the jars in the refrigerator and the vitamin bottle in the victim's bathroom, but because the vitamin bottle did not appear to be a controlled substance, they did not seize or test the bottle. PSR ¶ 53, fn. 12.



³ January 1, 2023 text from Defendant to the victim at 12:52 p.m.: I'm otw.

For the remainder of day and into the evening, the victim texted with acquaintances. PSR ¶ 58. The victim tried to arrange a dinner with one acquaintance and invited another over to watch a movie. *Id.* The victim sent several text messages after midnight and then ceased texting at approximately 1:00 a.m. on January 2, 2023. *Id.* In the morning hours of January 2, 2023, the Defendant and others tried to reach the victim but received no response. *Id.* The Defendant asked the victim's roommate to check on him. PSR ¶ 17. Just prior to noon, the victim's roommate arrived at the residence and found the victim unresponsive in his bed. PSR ¶ 15. When first responders arrived, they declared the victim deceased. PSR ¶ 15.

II. THE GOVERNMENT BELIEVES THAT AN EVALUATION OF THE STANDARDS SET FORTH IN 18 U.S.C. § 3553(a) WARRANT A SUBSTANTIAL CUSTODIAL SENTENCE

A. Nature of Offense and History and Characteristics of Defendant - § 3553(a)(1)

The seriousness of the offense—distribution of a controlled substance that results in a fatal overdose—is a serious offense that warrants a substantial term of imprisonment. In 2025, the United States Sentencing Commission published an astonishing statistic: in the preceding decade more than 780,000 Americans died from a drug overdose. In some cases, the end user wants and receives fentanyl. But in many others, including this case, the end user is searching for a substance such as oxycodone and instead receives an illicit product that has been adulterated. The result is fatal.

Here, the victim was in a fragile mental state that was caused by work and personal issues that were coming to a head. The Defendant knew of the victim's present state of mind because they had almost daily discussions via text message. As the victim's state worsened, he became more persistent with his requests for what he believed were prescription pain pills. While the Government believes that the Defendant was trying to help the victim deal with the ongoing

issues, his recklessness cost the victim his life. Instead of encouraging the victim to seek an alternative to prescription pain pills, the Defendant sourced pills from an acquaintance. The Government believes the Defendant knew this was a reckless and dangerous thing to do. Unlike the victim's other friends, family, and coworkers, the Defendant was the only one who knew of the victim's fragile mental state and his addiction to pain pills. The Defendant was therefore the only one in a position to intervene. But rather than intervene, he sought pain pills for an alternative source.

Most importantly, after the victim's death, the Defendant could have approached law enforcement, identified his source of supply, and helped bring to justice the most culpable actors, thereby protecting the lives of other drug users who were similarly dependent on pain pills. Instead, the Defendant concealed his distribution of those pain pills—from the victim's friends, family, the public, and law enforcement—thwarting law enforcement's desire to prove that his source of supply distributed the pills that caused the victim's death. For more than two years, law enforcement expended valuable public resources investigating this case, while the victim's family wrestled with unanswered questions. The nature and circumstances of the offense warrant a significant prison sentence.

To the Defendant's credit, he did admit his conduct after being confronted with the evidence. He appears to have maintained sobriety in the years since the victim's death after suffering from a serious alcohol and cocaine dependency for years. He has no recent criminal history and thus no criminal history points. His father told the USPO that the Defendant has made great strides in becoming a better person in the aftermath of the victim's death.

B. Need for the Sentence Imposed to Reflect the Seriousness of the Offense, to Promote Respect for the Law, and to Provide Just Punishment for the Offense, Afford Adequate Deterrence to Criminal Conduct, and Need for the Sentence Imposed to Protect the Public from Further Crimes of the Defendant – §3553(a)(2)(A)-(C).

The Defendant's steps towards rehabilitation are commendable. They can and should be seen as genuine signs of remorse for his role in the victim's death. Even prior to the instant offense, the victim's criminal history did not suggest a pattern of engaging in conduct that endangers the community. Thus, there appears to be little need for a specific deterrent in this case because it seems unlikely the Defendant will commit the same or similar offenses in the future.

However, there is a strong need for a general deterrent in this case because of the nature of the offense. As discussed, drug overdoses caused by fentanyl and other illicit substances are an epidemic. According to the Charleston County Opioid Overdose Dashboard, the County has seen 217 suspected opioid overdoses in 2026, with 29 of those turning fatal. The stiff penalties associated with distributing a controlled substance that results in death serve as a strong deterrent to those who contemplate engaging in drug distribution. It is not a panacea, but it helps.

C. The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct – §3553(a)(6).

Congress has directed sentencing courts to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct” 18 U.S.C. § 3553(a)(6). “[T]he kind of disparity with which § 3553(a)(6) is concerned is an unjustified difference across judges (or districts) rather than among defendants to a single case.” *United States v. Pyles*, 482 F.3d 282, 290 (4th Cir. 2007), *vacated on other grounds* by 552 U.S. 1089 (2008) (internal quotation marks omitted). Thus, the Court is tasked with evaluating sentencing disparities nationwide, rather than between co-defendants. *See id.* “The

Guidelines' goal of national sentencing uniformity is not aimed only at the particular criminal conduct that co-conspirators may share, but also addresses other factors that often vary between co-conspirators like acceptance of responsibility and assistance to the government." *United States v. Withers*, 100 F.3d 1142, 1149 (4th Cir. 1996).

The PSR includes statistics from the Sentencing Commission's JSIN database for defendants who were sentenced for similar conduct during the previous five fiscal years. Of the 94 defendants during that time frame who had the same Final Offense Level (35) and Criminal History Category of I, no one received a sentence that did not include a period of incarceration. In fact, the median length of imprisonment was 144 months, and the average length of imprisonment was 141 months. The Government recognizes that the statistics help courts understand sentencing trends and how similarly situated defendants are being sentenced across the country, but they do not tell the entire story and thus have limited utility. But at bottom, the statistics show that similarly situated defendants are receiving custodial sentences.

D. The Defendant's Cooperation

The PSR documents the Defendant's cooperation and the statements given to law enforcement. In exchange for the Defendant's cooperation, the Government agreed not to pursue the much more serious offense of distribution of a controlled substance that results in death that mandates a minimum sentence of 240 months. The Government believes that the Defendant was truthful when he spoke with agents and disclosed what he knew about the source of the fentanyl that caused the victim's death. However, the Government's ability to use the Defendant's cooperation to expand the investigation up the supply chain is severely limited because the information was not disclosed until more than two years after the victim's death. Had the Defendant provided the information in a timely fashion, the Government believes it could have

charged the individual who supplied the Defendant. Therefore, the Government does not believe the Defendant's cooperation warrants any additional departure from the guidelines range as calculated by the PSR.

III. CONCLUSION

For the reasons stated in this memorandum, the Government believes that the § 3553(a) factors counsel in favor of a substantial custodial sentence.

Respectfully submitted,

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