



## Detailed Case Chronology Helps Convince Judge of an Imprisoned Man's Innocence

### Overview

**Customer Profile:** Midwest Innocence Project, a nonprofit dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in a six-state region, was founded through the University of Missouri-Kansas City School of Law and is part of the National Innocence Network.

**Situation:** Convicted in the murder of his mother based on thin evidence, Dale Helmig had been in prison for 12 years. Attorney Sean O'Brien continued litigating the case but encountered multiple obstacles. After becoming an associate professor in the School of Law at University of Missouri-Kansas City, as well as a member of the Midwest Innocence Project board of directors, Helmig worked with students in the Innocence Project clinic and spearheaded a collaborative effort to exonerate Helmig. Several newspapers have covered Helmig's story, as has the television show *America's Most Wanted*.

**Solution:** While it was sound legal work that led to Helmig's exoneration and freedom, O'Brien says that the right software also made a significant difference. All participants used CaseMap® case analysis software to keep facts and issues organized.

#### Benefits:

- The team was able to more easily tie data to case issues and the sequence of events with CaseMap software.
- A CaseMap chronology of the days before and after the victim's death was a key piece of evidence at the habeas corpus hearing.
- CaseMap helped new team participants get up to speed and build on the foundation laid by prior students.

**Product Summary:** CaseMap case analysis software is designed to help litigation teams bring relevant facts, documents, the cast of characters, research and vital issues together in a central repository for each case.

An especially challenging murder case was the subject of an intensive legal inquiry just a few years ago at Midwest Innocence Project, a nonprofit dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women. Attorney Sean O'Brien had been litigating the case for several years, facing multiple obstacles. Proving the innocence of client Dale Helmig was a long, uphill battle.

### Situation

It often takes seven to ten years for an innocent convicted person to be exonerated. For Helmig, it took even longer. He had been convicted in the murder of his mother, whose body was found in 1993 tied to a concrete block in the Missouri River. By the time O'Brien brought Helmig's case to Midwest Innocence Project in 2008, Helmig had already served 12 years of a life sentence in prison.

O'Brien explains, "Through the appeals process we had convinced judges that the client was innocent, but appellate courts reversed those decisions on technicalities." With Helmig's right to counsel on appeal exhausted, his remaining opportunity for a defense was the law school clinic. It turns out he was in excellent hands.

### Approach to Success

O'Brien had become an associate professor in the School of Law at University of Missouri-Kansas City, as well as a member of the Midwest Innocence Project board of directors. Working with students in the Innocence Project clinic, O'Brien spearheaded a collaborative effort.

The team found additional, pivotal facts and pursued a thorough evaluation. Members of the team entered information into a shared software repository that helped with analysis and made the sequence of events clear. This led to a substantial weakening of earlier evidence and a compelling theory that changed the outcome for Helmig.

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—Sean O’Brien  
Associate Professor, School of Law  
University of Missouri-Kansas City

In 2010 a Missouri judge found that evidence developed by the Innocence Project team proving the innocence of Helmig was clear and convincing and granted Helmig a writ of habeas corpus that vacated his 1996 conviction, ordered a new trial, and released him on bail. With no evidence tying Helmig to the crime, the prosecuting attorney dismissed all charges. After 14 years in prison, Helmig was a free man.

While it was sound legal work that led to Helmig’s exoneration, O’Brien says that the right software also made a significant difference. All participants used CaseMap® case analysis software to keep facts and issues organized—and create a compelling chronology.

The award-winning CaseMap software from LexisNexis® helps litigation professionals identify and link facts, legal issues and parties involved in each case, and store them in specialized relational spreadsheets for ready access and analysis throughout the litigation. The product allows them to see the “big picture” in a case while revealing vital links in case information that might otherwise go undiscovered. Because CaseMap helps you to quickly see how facts and other information affect the key issues in a case, it is a valuable tool for evaluating a case’s strengths and weaknesses when considering settlement or trial.

## Background and Benefits

### CaseMap Chronology Is Key Piece of Evidence

Says O’Brien, “Innocence Project students and I had a very positive experience with CaseMap in the Helmig case. After getting the data uploaded into CaseMap, we were able to generate a chronology that gave the accused a very solid alibi. He was convicted of the murder of his mother; however, he was on the opposite side of a flooded Missouri river—with a bridge temporarily closed—and was checked into a hotel in the time frame in which she was killed.”

He adds, “We were also able to reconstruct the activities of an alternative suspect, the victim’s estranged husband, and show that he was stalking her in the hours before she disappeared.”

How helpful was CaseMap in exonerating Helmig? “The CaseMap chronology of the days before and after the victim’s death was a key piece of evidence at the habeas corpus hearing,” says O’Brien. While CaseMap is clearly valuable for practicing attorneys, he noted, “This is a great tool for law school clinics.”

Law students usually work at the clinic for up to two semesters plus a summer before graduating and becoming lawyers. Cases often continue longer. How does the clinic ensure continuity?

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Says O’Brien, “Throughout the case, we need to know what’s already done and what’s left to do. We need to understand the information and keep it organized so that the subsequent student who comes on doesn’t have to start from scratch but can build on the foundation laid by the prior student. And CaseMap has been a wonderful tool for being able to do that.”

Attorneys practicing in law firms gain a similar advantage—maintaining continuity and access to critical case knowledge when new professionals join a litigation team or others leave the firm during an extended case.

#### Timelines Pertaining to People ... And Even a Purse

CaseMap enabled the team to more easily tie data to case issues and the sequence of events. Participants in the clinic brainstormed ideas for gathering data under specific issues. Once you have that organization in place, says O’Brien, connections become clearer.

In addition to issue organization in CaseMap, says O’Brien, “Case chronologies are absolutely critical.” For example, the team decided to take another look at the victim’s timeline—what she did the week she was murdered.

They found out the victim had written a particular check on June 26, three days before she died. And that check was still being processed when she died. It was mailed to her house with her bank statement after she died and was later found in her purse when it was recovered from the river. This demonstrated that an earlier theory that the purse was thrown into the river with the victim’s body was incorrect. The purse was discarded later, after the check was picked up from the mail at her home.

O’Brien explains how this connects with Helmig: “During the trial a hydrologist testified that the purse must have been thrown off the bridge over the Missouri River between Jefferson City and Fulton, Missouri. And Fulton is where Dale was checked into a hotel. So the prosecutor argued that Dale threw the purse over the bridge on his way back to the hotel so he could check out and have an alibi ... there had been a very strong inference that the killer had taken the purse. Now, all of the sudden, there was a check that was at the bank the night of the murder, so the purse could not have gone in the river on the night of the murder. That really broke what was previously perceived as the link between Dale and the purse.”

In addition, Helmig’s father—his mother’s estranged husband—who had recently been divorced from the victim, admitted he opened the victim’s mail after she died and looked at her bank statement and checks to see where she had been getting her money. Says O’Brien, “He was digging through her bank statements. But that check ends up in the purse in the river. So it had to pass through her estranged husband’s hands in order to find its way into the river.

*“... the break in that evidence connection turned up through organizing the data in CaseMap.”*

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Well that blows up the tie between the purse and Dale's alibi and cuts the inference that Dale was the one who threw it into the river."

The purse and who threw it in the river constituted "really the only piece of physical evidence in the case that was helpful," says O'Brien. "And the break in that evidence connection turned up through organizing the data in CaseMap."

He adds, "The fact that it just took me so long to explain it for readers shows the importance of the CaseMap chronology. With CaseMap, you visualize it and quickly see what happened."

## Analyzing Evidence in Other Cases

Over the years, the ability to link objects and tie them to issues using CaseMap software has helped O'Brien's team evaluate and act on evidence. "For example," he says, "when we have a list of all the objects, we can see items we may want to send off to the lab for DNA testing."

In addition, he notes, "If there are constitutional issues in a case, where perhaps evidence should be suppressed, the chronology tells you when the illegality took place, and then what was found later and might be suppressible under the Fruit of the Poisonous Tree doctrine."

He also uses the CaseMap Questions feature. O'Brien says, "That helps us guide our investigation. As I'm reading a report, for example, the report may mention a person we haven't talked to before. So then I can use the Question feature to track questions for that person or questions I have about the evidence. Or I'll be reading a report that may indicate there's physical evidence—a fingerprint, for example. And so I'll ask if we have the fingerprint report. Those questions help me organize the investigation and make sure we don't start a hearing until we have those questions cleared."

## Conclusion

In the Helmig case, CaseMap also enabled the team to tie events with pieces of physical evidence. O'Brien shares this final example: "On the alibi defense for Dale, CaseMap showed we had a receipt for a pizza delivery at 10:47 P.M. on the night his mother was murdered, placing Dale 30 miles north of the scene of the crime, and to get to the bridge it would be more than an hour's drive. And we have the pizza delivery clerk's signature on the receipt that is then connected to the chronology. Being able to tie it all together is what really, really helps."

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