

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 13-5768



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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Case Number: 13-5768

Inspector: Inspector Bobby Hartwell

Date Assigned or Initiated: June 6, 2013

Complaint Against: Inmate Kyle Helm #134735

Location of Incident – Institution/Facility/Office: Northwest Florida Reception Center (NWFRCC)

Complainant: Inmate Steven Fenner #626420 (Deceased)

Use of Force Number: NA

PREA Number: NA

Classification of Incident: Homicide

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity Investigation: Yes No

Chief Inspector General Case Number: NA



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.



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V. PREDICATE

On or about June 6, 2013, the Department of Corrections, Office of the Inspector General received information alleging the suspicious death of Inmate Steven Fenner, at Northwest Florida Reception Center (NWFRC) Main Unit on June 6, 2013. The Office of the Inspector General responded to the facility and initiated a criminal investigation into the allegation on June 6, 2013.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, subject statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

Inmate Kyle Helms #134735 and Inmate Steven Fenner #626420 were housed together in a two man secure housing unit, F4-209, at Northwest Florida Reception Center (NWFRC) from April 26, 2013, to June 6, 2013.

On June 5, 2013, Sergeant Philip Michon and Officer Stanley Carmichael were assigned to "F" dormitory at NWFRC during the night shift. Sergeant Michon remembered seeing both Inmates Helms and Fenner during the night inside the dormitory but did not have to speak with or deal with either inmate. Officer Carmichael did not remember speaking to or having to deal with either Inmate Helms or Fenner during the evening. At approximately [REDACTED], Master Roster Count was announced in the dormitory and all of the inmates returned to their assigned cells. Sergeant Michon indicated the cell doors were closed during the count. Sergeant Michon went to each cell in the dormitory with a dormitory roster (*a report showing the name and DC number for each inmate, listed by assigned cell and bunk*) and visually verified each inmate was accounted for in their assigned cell. This was accomplished by each inmate sitting up on their assigned bunk and presenting their identification card while verbally stating their name and DC number. At each cell Sergeant Michon verified the listing for each inmate in relation to their bunk assignment. After Sergeant Michon performed this task, Officer Carmichael visually counted the number of inmates in each cell to verify the count inside the dormitory. Officer Carmichael went to each cell and looked through the window to perform this task. Sergeant Michon indicated the roster verification was correct and each inmate assigned spoke to him during this task. Sergeant Michon indicated when count cleared at 9:46 p.m., it was so close to lights out (10:00 p.m.), so he did not allow the inmates back out their cells. Officer Carmichael exited the dormitory and ended his shift at 10:00 p.m.

Sergeant Michon indicated he did not open Inmate Helms and Inmate Fenner's cell during the night until after Formal Count at [REDACTED]. At approximately 5:00 a.m., Inmate Helms went the officer's station and informed Sergeant Michon his cellmate was dead. Sergeant Michon called for [REDACTED] reference to an [REDACTED]. The first officer to respond was Officer Stephen Deal.



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Officer Deal entered the dormitory and made contact with Inmate Helms in the sally port and asked Inmate Helms which cell the inmate was in. Inmate Helms answered F4-209 and added "my roommate is dead and it's my fault." Officer Deal asked Inmate Helms why he thought it was his fault, and Inmate Helms stated "because [REDACTED]." Officer Deal placed Inmate Helms in hand restraints and escorted Inmate Helms to "G" dormitory to be stripped searched. During the escort to "G" dormitory, Officer Deal asked Inmate Helms what time the incident occurred and Inmate Helms indicated between 12:30 a.m. and 1:00 a.m. When Officer Deal asked why Inmate Helms had done it, Inmate Helms answered because his roommate was going to kill him (*Helms*). Officer Deal performed a strip search of Inmate Helms in the confinement wing and then had Inmate Helms redress in the same clothing. After the strip search Inmate Helms was taken to the security building and placed in a holding cell. Officer Deal remained with Inmate Helms and videotaped the inmate until the investigation was complete.

Captain Swain was notified by F-dormitory Sergeant Phillip Michon about an inmate who had approached the officer's station and stated, "His roommate was dead." Captain Swain instructed Officer Stephen Deal to respond to F-dormitory. Captain Swain and Officer Darrel Driver also responded. When Captain Swain entered, Officer Deal was restraining Inmate Kyle Helms. Officer Deal told Captain Swain when he entered the dormitory Inmate Helms approached him and stated, "I killed my roommate, I did it." Captain Swain looked at Inmate Helms and asked if he had killed his roommate. Inmate Helms replied, "I did." Captain Swain responded to wing 4, cell 209. The cell door was open. When Captain Swain entered the cell, it did not appear an altercation had occurred. Captain Swain observed Inmate Steven Fenner, on the lower bunk, lying on his back and tilted slightly on his right side. Inmate Fenner's head was facing away from the cell door with a blanket covering his entire body with the exception of his forehead. Captain Swain pulled the blanket down and observed [REDACTED]. Inmate Fenner was [REDACTED]. Inmate Fenner [REDACTED]. Captain Swain stated [REDACTED] arrived on scene and [REDACTED]. Inmate Fenner was taken [REDACTED]. Crime scene tape was secured to the door of the cell and Officer Driver remained behind to maintain the integrity of the crime scene. [REDACTED] pronounced Inmate Fenner deceased at 5:37 a.m.

Officer Darrell Driver responded to "F" dormitory with Captain Swain in reference [REDACTED]. When Officer Driver arrived at "F" dormitory, Officer Deal had an inmate in hand restraints in the sally port. Officer Driver went to cell F4-209 and observed an inmate on the bottom bunk, lying on his back, covered with a sheet from the waist down. Officer Driver had the inmates in the quad return to their cells and began locking their cell doors. When the inmates were secure, Officer Driver started an Emergency/Crime Scene Log for cell F4-209. [REDACTED] the assistance of security staff removed the body from the cell and the cell door was secured. Crime scene tape was placed over the door and Inspector Hugh Kopp placed a seal on the cell door. Officer Driver maintained the security of the cell until 10:04 a.m., when FDLE Crime Scene Technicians Halley Hill and Jennifer Kay along with



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Medical Examiner's Office Investigator Rebecca Reid entered the cell to process it. When the scene was completed the cell was secured again and sealed with evidence tape. The Emergency/Crime Scene Log was turned over to the Inspector's Office at its completion.

[REDACTED]

[REDACTED]

[REDACTED] and responded to "F" dormitory in reference [REDACTED]. When they arrived at the cell, they noted the inmate was lying on the bottom bunk wearing only boxer shorts. The body was partially covered with a sheet from the knees down. [REDACTED]. The

[REDACTED] pronounced the inmate deceased [REDACTED]

Sergeant Jimmy Crawson initiated crime scene security of the deceased inside [REDACTED]. Sergeant Crawson noted Inspector Hugh Kopp placed a security seal on the door entering the room at 5:54 a.m. At 6:00 a.m. Sergeant Crawson was relieved by Officer Steven Garland who maintained the log of who entered the room until the deceased body was removed by Brown's Funeral Home.

Captain Trampus Gray asked Inmate Helms "how this came about." Inmate Helms stated he and his roommate (Inmate Fenner) were having problems and not getting along. "The victim had had his boyfriend come and beat him up." Captain Gray asked if this had been reported to staff. Inmate Helms stated it occurred a couple of days ago, and it was not reported. Captain Gray asked Inmate Helms what led up to the incident. Inmate Helms stated an argument had ensued with Inmate Fenner. Inmate Fenner threatened to have him killed. Inmate Helms tried to talk things out but Inmate Fenner told Inmate Helms he was going to speak with someone the next day to have him killed. Inmate Helms stated, "What happened, happened."

On June 6, 2013, Inspector Hartwell and Inspector Kopp attempted to interview Inmate Helms post-Miranda and he declined to provide a statement.

Inspector Janine Knight reviewed the telephone calls placed by Inmate Helms on June 4, 2013. In one of the telephone calls Inmate Helms told his father, Andy Ray Fox, about having been in an altercation with "one of the coons" inside the dormitory. Inmate Helms claimed his roommate had went to them and claimed Inmate Helms was choking, beating him up, and putting his hands on him (*Fenner*). Inmate Helms explained his roommate was a child molester and a homosexual who "likes niggers." [REDACTED] At the end of the conversation, Inmate Helms stated, "I hope I don't have to slap the fire out of my roommate tonight."



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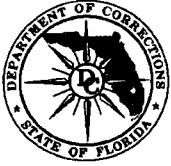
On June 6, 2013, Inspector Louis Cordova took twenty-one (21) digital photographs of Inmate Kyle Helms (*suspect*). The digital photographs were obtained in the holding cell located in the security building at Northwest Florida Reception Center. Inmate Helms [REDACTED]. Inspector Cordova seized into evidence the clothing items on the person of Inmate Kyle Helms. The clothing items consisted of the following: Blue pants, T-shirt, boxer briefs, and one pair of tennis shoes. Inspector Cordova then made contact with [REDACTED]. [REDACTED] was asked to respond to the holding cell in the security building at Northwest Florida Reception Center and obtain fingernail clippings of Inmate Helms. [REDACTED] in the presence of Inspector Cordova, obtained fingernail clippings from the left and right hands of Inmate Helms. All of the above mentioned items of evidence were turned over to Inspector Hugh Kopp for placement in evidence storage.

Crime Laboratory Analysts Haley Hill and Jennifer Kay, of the Florida Department of Law Enforcement, responded and processed the crime scene and body. Their report indicated they documented, photographed, and searched for and collected items of evidentiary value, along with searching the scene for biology type evidence.

Forensic Investigator Rebecca Reid with the Medical Examiner's Office for the 14th Judicial District responded to document the deceased's body and the scene for her office's investigation. Ms. Reid indicated there [REDACTED] in her scene evaluation. Paper bags were placed over the hands of the victim for possible trace evidence. The body was then prepared for transportation. The Medical Examiner's Office accepted jurisdiction and arranged for the victim's body to be transported by Brown's Funeral home to the Medical Examiner's Office. During Ms. Reid's examination and photographing of the deceased's body, Inspector Hartwell took digital photographs of the body for investigative reference.

On June 6, 2013, inspectors conducted recorded interviews with all of the inmates assigned to "F4" dormitory at NWFRFC. With the exception of the inmate interviews listed separately none of remaining inmates could provide any direct information as to events leading up to the event or information about the homicide itself.

Inmate Steven Haulk #347059 indicated while [REDACTED] on Tuesday (*June 4th*), he overheard Inmate Fenner telling Inmate Jermaine Harris #306314 about Inmate Helms physically abusing Inmate Fenner and Inmate Harris said he would take care of it. Inmate Harris initiated a physical altercation with Inmate Helms on June 4th. During the fight, Inmate Helms failed to fight back and had been verbally harassed over covering instead of fighting. Inmate Helms had been trying to get Inmate Fenner to move out of their cell due to Inmate Fenner being in prison for child molestation because Inmate Helms hated child molesters. Inmate Helms had been yelling at Inmate Fenner and calling him



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names but Inmate Haulk had not seen any physical abuse. Inmate Haulk advised Inmate Helms to stand up for himself in regards to Inmate Harris or it would get hard on Inmate Helms.

Inmate Haulk's cell, F2210, was located beside Inmate Helms' and Inmate Fenner's cell F2209. After lights out, Inmate Haulk heard two loud bumps coming from Inmates Helms' and Fenner's cell. Inmate Haulk said it was loud and not like the usual sound of Inmate Helms jumping down from his bunk. Inmate Haulk did not hear any other sounds during the night.

Inmate Johnny Martin #113027 indicated Inmate Fenner had confided in him about Inmate Helms being verbally abusive and "smacking" him around in their cell. Inmate Fenner said Inmate Helms had done this because he hated child molesters. Inmate Fenner would always end the discussion in a joke so Inmate Martin was unsure exactly how serious Inmate Fenner was. Inmate Fenner did not ask Inmate Martin to intervene or do anything to Inmate Helms. Inmate Helms did not harass or "mess with" any other child molesters in the dormitory and Inmate Martin felt Inmate Helms only harassed Inmate Fenner was because he was old and weak. Inmate Martin had heard Inmate Helms had been in an altercation but was not a witness. Inmate Martin did not hear any sounds of struggle in the dormitory during the night.

Inmate Edwin Capo #X41687 knew nothing about problems between Inmate Helms and Inmate Fenner. Inmate Capo did not hear any sounds of struggle or fighting during the night. After the doors were opened in the morning, Inmate Capo said Inmate Fenner was still lying on his own bunk covered with sheets. Inmate Helms was standing at the cell door with his foot propped up on the wall. Inmate Capo said it seemed strange because Inmate Helms would normally be downstairs watching TV in the morning.

Inmate Harold Hand #786903 indicated Inmate Helms told him about messing with Inmate Fenner because Inmate Fenner was a child molester. Inmate Helms had not said anything about hitting or physically abusing Inmate Fenner. Before lights out, Inmate Hand had seen Inmate Helms who seemed quieter than usual. Inmate Helms had spoken with Inmate Hand's cellmate, Timothy Rose #133326, for a long time before lights out but he did not know what they talked about. Inmate Hand did not hear any disturbances after lights out.

Inmate Jeffrey Yates DC# R19407 indicated on the night of June 5, 2013, at approximately 9:00 p.m., Inmate Helms asked him "if you committed a murder inside a prison, would you go to death row?" Inmate Yates told Inmate Helms, "I don't know you will have to ask someone else." Inmate Yates stated "I didn't think nothing of it, because him and his roommate never argued or anything." After Inmate Yates went to bed on the night of June 5, 2013, he did not hear, or see anything out of the ordinary.

Inmate Donald DeForrest #041317 indicated Inmate Helms had said Inmate Fenner had been lying to other inmates about Inmate Helms physically abusing Inmate Fenner. Inmate DeForrest had not seen Inmate Helms physically abuse Inmate Fenner. Inmate Helms said Inmate Fenner was a liar because Inmate Helms could not abuse Inmate Fenner because he (*Fenner*) was an old man. Inmate Helms



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asked for advice after the fight on Tuesday, about how to handle the situation. Inmate Deforrest told Inmate Helms to fight back with the inmate that had attacked him. Inmate Deforrest told Inmate Helms to fight back or Inmate Helms would have to pay someone for protection to survive. Inmate Helms said he could not share a cell with Inmate Fenner since Inmate Fenner had lied to the other inmates. Inmate Helms said he could not let the "old man" live in his cell. Inmate Deforrest indicated Inmate Helms might have said "I will kill the guy if he don't get out of my room," but Inmate Deforrest felt it was just an expression. Inmate Deforrest did not hear any sounds of an altercation the night of Inmate Fenner's death.

Inmate Jermaine Harris #306314 indicated Inmate Fenner approached him about a week ago, complaining about Inmate Helms [REDACTED] slapping, [REDACTED] his wrists, hitting him with towels, and jumping on him in their cell. Inmate Harris [REDACTED] Inmate Fenner's [REDACTED], and Inmate Fenner claimed Inmate Helms had caused it. Inmate Helms called Inmate Fenner names and abused Inmate Fenner because Inmate Fenner was a child molester. Inmate Helms did not harass or say anything to any of the other child molesters in the dormitory because Inmate Helms was afraid of them. Inmate Harris confronted Inmate Helms about Inmate Fenner's claims and told Inmate Helms it had better stop. Inmate Harris said Inmate Helms had "gotten into his face" but backed down saying he would leave Inmate Fenner alone. The night of Inmate Fenner's death, Inmate Harris said Inmate Fenner thanked him and said Inmate Helms was leaving him (*Fenner*) alone. Inmate Harris had seen Inmate Helms that night and Inmate Helms had given Inmate Harris a cup of coffee. Inmate Harris had not heard Inmate Fenner attempting to get any inmates to assault or kill Inmate Helms. Inmate Harris did not hear any sounds of an altercation the night of Inmate Fenner's death. Inmate Harris would not admit he had a physical altercation with Inmate Helms.

Inmate Gillard Smith #204589 indicated Inmate Smith had heard Inmate Fenner complain about Inmate Helms abusing him (*Fenner*). Inmate Smith [REDACTED] on Inmate Fenner's [REDACTED] supposedly caused by Inmate Helms. Inmate Smith had seen Inmate Helms sitting in the day room the night of Inmate Fenner's death. Inmate seemed fine and was watching TV. Inmate Smith did not hear any sounds of an altercation the night of Inmate Fenner's death.

During the Autopsy various items of evidence were received by Inspector Hugh Kopp, District 2 Evidence Custodian, from Ms. Kayla Hall, of the 14th District Medical Examiner's Office. None of the evidence was examined by Inspector Hugh Kopp. Finger nail clippings and clippers from the left and right hand of Inmate Steven Fenner; one pair of boxers from Inmate Steven Fenner body; two paper bags from the hands of Inmate Steven Fenner; and one original CD of one hundred three (103) digital autopsy photos of Inmate Steven Fenner were collected.

Inspector Hartwell and Inspector Kopp inventoried the property of Inmates Kyle Helms (*suspect*) and Steven Fenner (*victim*). Inmate property inventory reports were completed. During the inventory of Inmate



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Helms property, inspectors did not recover any items of evidentiary value. The property was turned over to the institution property section to be shipped to Inmate Helms' current institution for storage/return.

During the inventory of Inmate Fenner's property, inspectors recovered an undated handwritten letter, on notebook paper, inside Inmate Fenner's self betterment program paperwork. In the letter, Inmate Fenner indicated his "room partner" had been verbally abusive towards Inmate Fenner, due to Inmate Fenner's criminal history. The letter discussed how Inmate Fenner had gone to the wrong inmate trying to get his "room partner" to leave him (*Fenner*) alone. Inmate Fenner indicated his "room partner" had been physically abusive when they were alone in the cell together. Inmate Fenner was afraid to fight back because it might make the abuse worse and his "room partner" may hurt him (*Fenner*) seriously. The description of the events in the letter, matched recorded interviews of inmates housed in the dormitory with Inmate Fenner. The events described by inmates in the dormitory identified Inmate Kyle Helms as the "room partner" Inmate Fenner was discussing in the letter. The hand written letter matched the handwriting of other documents written and signed by Inmate Fenner.

On August 14, 2013, the autopsy report and case summary, from the Medical Examiner's Office for the 14th Judicial Circuit for Inmate Fenner, indicated the cause of death [REDACTED] with the manner being homicide. The report identified [REDACTED]. Examination showed [REDACTED] of the victim was noted.

On October 15, 2013, Assistant State Attorney Larry Basford requested inspectors to contact Clay County Sheriff's Office to obtain a copy of the case Inmate Helms was serving his current commitment for. Inspector Hartwell obtained a copy of the case along with crime scene photographs and Inmate Helms' interview with investigators.

On October 15, 2013, the Florida Department of Law Enforcement (*FDLE*) Crime Laboratory reported finding a second DNA profile, which did not belong to the victim, on the right hand swab of the victim. A request for DNA standards from the suspect was requested by the laboratory.

On October 17, 2013, ASA Larry Basford indicated the 14th Circuit State Attorney's Officer wanted to present the case to the Grand Jury for Prosecution.

On October 31, 2013, the nail clippings from the suspect and the victim, along with the paper bags placed on the victim's hands the day of the murder were submitted to the *FDLE* Crime Laboratory.

On December 4, 2013, *FDLE* Crime Laboratory Report indicated no foreign DNA on the nail clippings for Inmate Fenner (*victim*). The report also indicated a DNA standard profile was obtained for Inmate Helms (*suspect*) DNA through his nail clippings.



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On December 23, 2013, ASA Basford advised inspector's to attempt to gain voluntary DNA standards from Inmate Kyle Helms. On December 31, 2013 Inspector Ken Smith requested the standards from Inmate Helms and Inmate Helms declined to provide a sample.

VII. CHARGES

- Violation of § 782.04(1)(a)(1), Florida Statute, the unlawful killing of a human being when perpetrated from a premeditated design to effect the death of the person killed or any human being. **(Murder)**

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Bobby Hartwell the allegation against Inmate Kyle Helms for **Murder, in violation of § 782.04(1)(a)(1)**, be termed as follows:

- **Closed by Arrest**

The case conclusion will be termed as Closed by Arrest pending an indictment by the Grand Jury. The case will remain in open-inactive status until the Grand Jury's disposition is known. If the Grand Jury fails to indict, a report amending the conclusion in the approved case summary, will be added to the case before closure.