

7-29-2010

Newsroom: RWU Law Tackles Wrongful Conviction

Roger Williams University School of Law

Follow this and additional works at: https://docs.rwu.edu/law_archives_life

Recommended Citation

Roger Williams University School of Law, "Newsroom: RWU Law Tackles Wrongful Conviction" (2010). *Life of the Law School (1993-)*. 61.

https://docs.rwu.edu/law_archives_life/61

This News Article is brought to you for free and open access by the Archives & Law School History at DOCS@RWU. It has been accepted for inclusion in Life of the Law School (1993-) by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

Newsroom

RWU Law Tackles Wrongful Conviction

Betty Anne Waters '98, subject of the upcoming Hilary Swank film, "Conviction," headlined a special forum at RWU Law on the problem of wrongful convictions.

The Providence Journal on July 30, 2010, published a story titled, "[Forum at Roger Williams University studies ways to avoid wrongful convictions](#)," by Katie Mulvaney:

BRISTOL, July 29, 2010 — Someone stabbed Katharina Brow 30 times and beat her over the head with a toaster as she recovered from a heart attack in her trailer in Ayer, Mass., in 1980. Blood at the scene indicated Brow had scratched her assailant.

The police questioned Kenneth Waters, an ex-convict who lived nearby, but found he had an alibi: he had worked at a diner and appeared in court the day of the murder. He was free of scratches.



Two and a half years later, detectives again homed in on Waters after his former girlfriend told the police he showed up drunk with a scratch on his face that day in 1980. The police soon charged Waters with robbing and murdering Brow.

His sister, Betty Anne Waters, remained convinced he would be acquitted at a trial, despite another former girlfriend implicating him. A police officer had seen him without a scratch on his face, his timecard showed

he was at work and a fingerprint found on the toaster excluded him as a suspect. Then, his timecard got lost.

“Even with that, I thought the jury was listening,” said Betty Anne Waters, who today lives in Bristol. Instead, the jury convicted Kenneth Waters of the crimes. He was sentenced to life in prison.

Betty Anne Waters [’98] shared her brother’s story and that of her 19-year quest to free him with police officers, prosecutors, defense lawyers and judges **Thursday at a forum at Roger Williams University School of Law on wrongful convictions.** She told of enrolling in the Community College of Rhode Island as a high-school dropout and of **later earning a law degree from Roger Williams to keep afloat her brother’s hope that she would win his freedom.**

In 2001, she did just that, clearing him with DNA evidence retrieved from a curtain at Brow’s house that was tucked for more than a decade in a box in Massachusetts. And while Betty Anne Waters’ story will be the subject of a major motion picture, “Conviction,” to be released this fall, on Thursday she used her tale to educate the law-enforcement community on the costs of convicting the wrong person.

Putting an innocent person behind bars allows a guilty person to walk free, said Waters, who will be played by Hilary Swank. No one else has been charged with Brow’s murder.

At the forum, the 100-plus people in attendance heard from Stephen Saloom, a policy director at the Innocence Project, an advocacy organization that has exonerated 255 people using DNA; Rhode Island State Police Capt. LeRoy Rose; and Deputy Attorney General Gerald J. Coyne. The session was organized by the state police in conjunction with the attorney general’s office and the law school.

“The last thing any of us want is to put the wrong person behind bars ...” Rose said. “We know we’re not going to eliminate mistakes, but we want to minimize mistakes.”

Rose spoke of the implications of damaging the public’s confidence, referring to a Hopkinton police chief’s conviction in the 1980s for fabricating evidence. “The evidence is either there, or it’s not there,” he said, adding, “We want the right guy behind bars and we want to do it ethically.”

He cautioned the police to avoid getting tunnel vision and to keep an open mind. He noted that Jeremy Motyka initially had an alibi in Angela Spence-Shaw’s slaying in Little Compton in 1999, but Motyka is now serving life without parole for the crime. “It was a great day and a great example of keeping an open mind.”

Coyne addressed the difficulty prosecutors face due to the “CSI effect,” which raises jurors’ expectations about evidence presented at a trial. He urged police officers to review and report on cases after the fact to gauge where improvements could be made. And, he said, don’t assume a person is guilty because he or she insists on getting a lawyer. Don’t, he said, yield to political pressure to solve a case.

He further pressed officers to keep careful logs of witnesses’ evolving statements. “Never try to hide the full breadth of what they say.”

Finally, Coyne said, reform of police practices and policies will have to come from the law-enforcement and legal community itself, because courts rarely weigh in on such issues any more.

For full story, click [here](#).