

7-27-2015

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Recommended Citation

Roger Williams University School of Law, "Newsroom: Waters '98 on Tempest Verdict Reversal" (2015). *Life of the Law School (1993-)*. 493.

https://docs.rwu.edu/law_archives_life/493

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Newsroom

Waters '98 on Tempest Verdict Reversal

Betty Anne Waters '98 on the Rhode Island Superior Court's reversal of the 1992 murder conviction of Raymond D. "Beaver" Tempest Jr.

From Rhode Island Lawyers Weekly: "Ruling seen as must-read for defense, prosecution: 'Brady' rules reexamined in Tempest verdict reversal" by Pat Murphy



July 23, 2015: Judge Daniel A. Procaccini made headlines across the nation earlier this month when he vacated the 1992 murder conviction of Raymond D. "Beaver" Tempest Jr.

While the ultimate fate of Tempest remains uncertain given the state's intention to appeal the decision, the Providence Superior Court judge's [79-page opinion in *Tempest v. State*](#) is being considered a must-read for defense attorneys and prosecutors looking for a thorough, wide-ranging analysis of the typical grounds for post-conviction relief.

Procaccini found that prosecutors in two instances violated Tempest's due process rights under [Brady v. Maryland](#) by failing to disclose exculpatory evidence. In addition, the judge found that members of the Woonsocket Police Department fed witnesses information through suggestive questioning, leading to the presentation of false testimony at trial.



Betty Anne Waters [RWU Law '98] of Bristol was a member of a pro bono team of five lawyers from three states who fought to convince Procaccini that their client had been wrongfully convicted.

Waters rejects the notion that there's a fine line between proper police practice and suggestive interview tactics.

"The police know when they are suggesting and when they're not," **Waters says**.

Boston attorney Michael Kendall, who led the pro bono effort, understood he faced long odds in persuading a judge to overturn his client's conviction 23 years after the trial of a 33-year-old murder.

"The state fought us every step of the way," says the McDermott, Will & Emery attorney.

Providence attorney Jason Knight, who wasn't involved in the case, thinks Procaccini's decision contains no shortage of instructive material that lawyers can use in future cases. [...]