

Gold Coast Weekend Bulletin Article 16 March 2011

Some of us get all the lucky breaks in life; others get none. The movie "Conviction", doing the rounds in the cinemas right now, tells the true story of Kenny Waters, a poor white boy from rural Massachusetts who spent 18 years in prison for a crime he didn't commit. One of nine kids, Kenny grew up rough, largely neglected by his struggling, single mother. When he was 13, the State removed all nine children from her custody, and Kenny eventually landed in reform school. A string of bar fights and minor brushes with the law followed before he was eventually arrested in 1982 for the murder of his 48 year old neighbour in her trailer home. There were no witnesses or forensic evidence to link him to the crime, only the statements of a pair of disgruntled ex-girlfriends. But he was convicted and sentenced to life in prison. Kenny was 29 years old.

Fortunately for him, his little sister Betty Anne never accepted the verdict. For nearly 20 years she waged a legal battle to free her brother. Eventually, with the help of new DNA technology, she proved Kenny Waters was innocent of the crime.

On the 15th of March 2001, Kenny Waters was finally released. He was 47 years old. "I feel blessed," he said as he walked free. "I was one of the lucky ones."

Just six months later Kenny scaled a 15 foot wall one night, taking a short cut to his brother's house after having dinner with his mother, then fell from the wall and fractured his skull. He died several days later in a Rhode Island Hospital bed, his little sister Betty Anne still by his side.

Some people have all the luck.

The tragic tale of Kenny Waters was brought to mind this week with Monday's 20th anniversary of the release of the infamous Birmingham Six. Paddy Joe Hill, Hugh Callaghan, Richard McIlkenny, Gerry Hunter, Billy Power and Johnny Walker between them served a total of 96 years for a crime they didn't commit. The six were arrested in 1974, after they left Birmingham by train, shortly before two bombs exploded in downtown Birmingham. The Mulberry Bush pub and The Tavern in the Town were both destroyed in the blasts, killing 21 people and injuring more than 160.

All six men were convicted and sentenced to life imprisonment. They each spent 16 years behind bars before their convictions were overturned after new evidence revealed police fabrication and suppression of evidence. Forensic evidence purporting to prove two of the six had been handling explosives was found by the English Court of Appeal to be "wrong, and demonstrably wrong, judged even by the state of forensic science in 1974."

The Birmingham Six were released on the 14th March 1991.

Not long afterwards, I had a cup of tea with Johnny Walker in Brisbane. I took the opportunity to ask him a pretty silly question. Was he bitter about what happened to him?

His answer was as simple as it was poignant. "When I went into prison my baby daughter was two years old." Walker answered quietly. "When I came out she was a grown woman." He paused, a little misty-eyed, then added "How would you feel?"

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