

New film shows sibling love, injustice of death penalty

Sr. Rose Pacatte | Oct. 19, 2010 NCR Today

In 1983 a young, good-natured tough kid named Kenny Waters was arrested and convicted for a crime he did not commit: the murder a woman in Ayers, MA.

'Conviction' is a new film based on a true story about Kenny, played by Sam Rockwell, and his sister. It opened nationwide Friday.

(A heads up. This review is a big spoiler, but readers can surmise how the film will end because otherwise there is no story.)

Kenny and his sister Betty Anne (Hilary Swank) grew up very close, spending time in foster homes and in the care of their grandfather. Their mother was an alcoholic and busy giving birth to several other children by another father.

In the movie we see that one state trooper in particular, Nancy Taylor (Melissa Leo) wanted to convict Kenny at any cost -- even without hard evidence.

She and the police chief threaten Kenny's girlfriend -- the mother of his child -- and other friends to give false testimony. Kenny is arrested during his grandfather's funeral and convicted to life in prison.

Betty Ann, who never finished high school, is now married and a mother of two sons. She is absolutely convinced that her brother is innocent.

There is no money for Kenny's appeals. Betty Ann makes a decision that turns her life and that of her family upside down. Over the next eighteen years she gets her GED, bachelor's degree and finally a law degree. She becomes her brother's attorney.

In collaboration with Barry Scheck (Peter Gallagher) of [The Innocence Project](#) [1] and Betty Ann's good friend from law school, Abra (Minnie Driver), they set out on the difficult and frustrating bureaucratic journey to discover lost evidence, appeal to have DNA tested and convince the state's attorney -- Martha Coakley -- to reopen the case.

Even when the DNA evidence proves Kenny is innocent, Coakley is reluctant to release him because she believes he is guilty of other charges.

This suspicion was based on the fact that as children Kenny and Betty Anne used to break into people's homes and hang out. Kenny seems to have continued this practice and there was evidence he had been in the murder victim's home. Betty Anne and her team prevail, however, and Kenny is finally released from prison.

At the end we learn that, eight years after Kenny's release, Betty Anne wins a multi-million dollar settlement from the state for his wrongful conviction.

What the film doesn't mention, however, is that Kenny did not live to see this last victory. He died from injuries sustained in a fall only six months after his release from prison.

Tony Goldwyn, grandson of movie mogul Samuel Goldwyn of MGM fame, (and the bad guy Carl Bruner in the 1990 film 'Ghost') takes a no frills approach to directing this excellent A-list cast that delivers convincing yet restrained performances. 3

In a way I am surprised that 'Conviction' made it to the big screen because it could easily have been a made-for-television movie. On the other hand, the saga of the gross injustice meted out to Kenny to pamper the ego of some in law enforcement deserves the high profile that a national film release can give it.

It is interesting that the statute of limitations had run out on Nancy Taylor's acts of suborning perjury and intimidating witnesses; she was never prosecuted. Kenny instead, -- and by extension his family and the citizens of Massachusetts -- paid a high price for sheer frivolous malice.

Kenny was no saint. But though he was a brawler, he was not a bad man. Fortunately, Massachusetts does not have the death penalty or Kenny Waters would not have lived to see his release from prison and his conviction vacated. If someone had not misplaced the evidence from his trial, it would have been destroyed after ten years.

Since 1989 when DNA testing began there have been 258 post-conviction exonerations in the U.S.; 17 of the people accused served time on death row.

On Sept. 24 I listened [to a conversation on NPR](#) [2] about the death penalty in California and whether or not the means of execution are cruel and unusual.

Executions had been halted in that state when a death row inmate, Michael Morales, filed a suit. [On the same day I heard that](#) [3] a judge ruled that executions could continue.

Hearing those on the program talk about building a new 'lethal injection facility' was bone chilling.

There are over 700 inmates on death row in California.

The death penalty is cruel, unusual, and unnecessary. It takes away a life and it harms everyone connected to it. I wonder how many schools the state of California could build with the money spent on the new death house.

'Conviction' never preaches.

The title challenges the convictions of each character in this drama as well as the overarching and unjust conviction of Kenny Waters -- and the numerous other unjust convictions our legal system has brought down.

The film relies on the intelligence, heart, and conscience of the audience to do the right thing.

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[1] <http://www.innocenceproject.org/>

[2] <http://www.npr.org/templates/story/story.php?storyId=130093657>

[3] <http://www.npr.org/templates/story/story.php?storyId=130111404>