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**The Crime**

On the morning of May 21, 1980, Katherina Reitz Brow was stabbed to death in her Ayer, Massachusetts, home. Her body was found at 10:45 a.m. — she had been stabbed more than 30 times and her linen closet had been ransacked. There were bloodstains throughout the house and the kitchen faucet was running. Her purse, some jewelry and an envelope where she kept cash were all missing.

**The Investigation**

Investigating officers responded to the victim’s house shortly after her daughter-in-law discovered her body. Crime scene investigators recovered hairs, blood and fingerprints in the house, including two fingerprints in blood — one on a toaster in the kitchen and the other on the running faucet — that were considered potentially tied to the perpetrator. The apparent murder weapon, a bloody paring knife, was collected from a wastebasket in the house.

Kenny Waters became a suspect because he lived next to the victim, with his girlfriend, Brenda Marsh. He worked at the Park Street Diner in Ayer, where Brow was a frequent customer. It was apparently known to diner employees that Brow kept a large amount of cash in her home.

Waters was questioned by police on the day after the crime and provided an strong alibi that he had worked until 8:30 a.m. on the day Brow was killed and a coworker had driven him home. He changed clothes and had been in the Ayer courthouse for a 9 a.m. appearance with his attorney. He said he left the courthouse after 11 a.m. and returned to the diner, where he stayed until 12:30 p.m. Officers examined his clothes and body and did not see any apparent blood stains or cuts. He was fingerprinted and questioned further but not charged. Four months later, officers asked Waters to submit to a voice stress test, which he did voluntarily and passed.

The case remained open for more than two years. In October 1982, a man named Robert Osborne, who was living with Marsh, Waters’ ex-girlfriend, approached the Ayer Police Department and allegedly offered to provide information on the murder in exchange for money.

Osborne said Marsh had told him that Waters confessed to her that he had killed a woman. It is unknown whether Osborne was ever compensated for the information he provided. Officers then interrogated Marsh and allegedly threatened to charge her as an accessory to murder and take away her children if she didn’t corroborate Osborne’s claim. She initially refused, saying Osborne’s statements were untrue. Eventually, however, she agreed to corroborate the details provided by Osborne. She told police that Waters had returned home on the morning of the murder with a long, deep scratch on his face. Based on these statements, Waters was charged with murder.

**The Trial**

Waters’ trial began in Ayer in May 1983. Although police had collected and analyzed fingerprint evidence in the case and had used fingerprints from the toaster and faucet to exclude Waters and several other suspects during the investigation, these records were apparently not provided by police to prosecutors. Therefore, the prosecution and defense proceeded with the trial under the false assumption that no fingerprints of value had been collected at the scene of crime.

The state’s case relied heavily on the statements of three witnesses. Marsh testified that she had seen the defendant with a scratch on his face and that he had admitted to her that he had killed Brow. Roseanna Perry, another former girlfriend of Waters’, also initially told police that she had no information about the crime but after more than three hours of interrogation and threats of arrest, told them Waters had told her something about stabbing a woman and stealing her money and jewelry. She testified to this statement. A friend of Brow’s who worked with Waters at the Park Street Diner said Waters had sold her a ring that had belonged to the victim. She said she paid $5 for the ring and gave it to police. Workers from the packing company where Waters had previously worked stated that a knife similar to the one found at the crime scene had gone missing. The knife was manufactured by the company where the victim’s husband worked, however.

A forensic analyst also testified for the state about test results on blood from the crime scene. Blood types O and B were found in the apartment. The victim was type B and Waters and the victim’s husband were both type O. The analyst told the jury that 48% of the population has Type O blood. The analyst also testified that three hairs collected from the crime scene — including one in the victim’s hand and one on the murder weapon — did not match the victim or Waters.

Waters raised an alibi defense, saying that he was at work at the Park Street Diner until 8:30 a.m. and then at court until 10:45 a.m. His time card from that week, however, had gone missing and wasn’t presented as evidence. Although it has been revealed that police indepently confirmed Waters’ work schedule during the investigation, this evidence wasn’t presented during trial.

Waters was convicted on May 11, 1983, and sentenced to life in prison.

**Appeals and DNA Testing**

Waters appealed his conviction several times between 1983 and 1999. Although Roseanna Perry recanted her trial testimony that Waters had admitted guilt, his appeals for a new trial and for federal habeas corpus relief were denied. Several times during this period, Waters and his representatives requested complete documents in the case from the Ayer police department, but were given the same incomplete documents used at trial. Critical evidence of Waters’ innocence, including the fingerprints and the timecards, was withheld.

After Waters’ conviction, his sister, Betty Anne Waters, sought to prove his innocence. She put herself through college and law school, all with the goal of exonerating her brother. In 1999, she located the Type O blood evidence collected from the scene of the crime and obtained a court order to preserve the evidence for possible DNA testing. In 2000, she began working with the Innocence Project on the case. Together Betty Anne Waters and the Innocence Project reached an agreement with the Middlesex County District Attorney’s office to allow a private lab to conduct DNA testing on the evidence. The results excluded Waters and the victim’s husband, proving that Waters was not the perpetrator.

**Reinvestigation and Exoneration**

In March 2001, the Massachusetts State Police Crime Lab verified the DNA results, and Waters’ conviction was vacated two days later. After nearly 18 years in prison for a crime he didn’t commit, Waters was freed while prosecutors considered whether to retry him.

The Middlesex County District Attorney’s Office opened a new investigation of the case to determine whether to retry Waters. The reinvestigation was led by a state police officer, who found the police reports to be incomplete, and contacted Ayer police officers who had been involved in the original investigation. At this point, for the first time, the police turned over complete records from the case — including a police report confirming Waters’ work schedule and extensive documentation on the fingerprint evidence that had been collected before trial.

On June 19, 2001, the District Attorney’s office dropped all charges against Waters and his exoneration became official. Sadly, after only six months of freedom, Waters died in a tragic accident on September 19, 2001. He was 47 years old.

Since his death, representatives of his estate have settled a civil lawsuit with the town of Ayer, and the case was the subject of a 2010 feature film, [“Conviction](http://www.innocenceproject.org/conviction).