

# Conviction

Review of the movie  
by Hans Sherrer

**C**onviction is a 2010 movie about Kenneth Waters' conviction for the 1980 murder of Katharina Brow in Ayer, Massachusetts, and Betty Anne Waters' belief in her brother's innocence that resulted in him being freed in 2001 after witnesses recanted and DNA tests proved he didn't commit the crime. *Conviction* has a number of bona fide stars, including two-time Academy Award winner Hilary Swank as Betty Anne Waters, Sam Rockwell as Kenneth Waters, and Minnie Driver, Juliette Lewis, and Peter Gallagher in supporting roles.

*Conviction* is Swank's third movie biopic of a woman. In 2007 she starred as teacher Erin Gruwell in *Freedom Writers*, and in 2009 she starred in *Amelia* as famed aviatrix Amelia Earhart. Swank strives for authenticity in her movies and this reviewer loved her in *Amelia*. So expectations were high for *Conviction*.

On the level of going through the motions to tell Kenneth and Betty Anne Waters story *Conviction* somewhat succeeds – but a PBS Frontline documentary would have done it more effectively.

On the level of being an entertaining movie with vivid performances *Conviction* fails miserably. Kenneth and Betty Anne are not likeable people. Kenneth is a violent thug who might have been saved from actually killing someone by being imprisoned 18 years for a murder he didn't commit. Betty

Anne isn't much better. She is a pushy and self-centered. Swank's portrayal of Betty Anne doesn't help humanize her, and you never get the sense that Swank is doing anything except posing throughout the movie. See Swank pout! See Swank get mad! See Swank look serious! See Swank talk with a fake Massachusetts accent! See Swank frown! And so on. The other actors likewise seem to be posing. They are all better actors than their performances in *Conviction*. There simply isn't a coherent vision or direction for the movie.

Even the choice of making a movie about Kenneth Waters' case seems a bit odd. Betty Anne Waters accepted her brother's word he wasn't guilty. It turns out that he was innocent, but if he had been proven guilty her years of effort would have been for naught. After all, psychopaths are so skilled at lying they can fool trained psychologists ... much less gullible relatives. It is foolish for anyone to invest years and years in working on behalf of a person convicted of a crime without a rational basis to think he or she didn't commit the crime. Yet *Conviction* attempts to idolize Betty Anne Waters precisely because she just felt in her heart that her brother wasn't guilty.

For reasons unknown the filmmakers chose not to include two important aspects of Kenneth's story, not even in scrolled text at the end of the movie. One is he died about six months after his release from prison as a result of injuries due to an accidental fall. The second is that Betty Anne is the administer of Kenneth's estate that in 2009 was awarded \$10.7 million by a federal judge as a result of a federal civil rights lawsuit against the City of Ayers and other defendants.

*Conviction* was a box office disappointment. It only grossed \$6.8 million in the U.S. while its production cost was \$12.5 million plus advertising and distribution expenses. *Conviction* was not nominated in any category for a Golden Globe or Academy Award.



Fortunately, there are a number of well-made movies about people working to free a wrongly convicted person. One of those is *The Wronged Man*, a 2010 Lifetime Movie Network production that stars Julia Ormond as paralegal Janet Gregory and Mahershala Ali as Calvin Willis. Gregory worked on Willis' case for about 20 years before DNA evidence proved his innocence of raping a 10-year-old girl in 1981. Gregory didn't know Willis before she began working on his case and became convinced of his innocence. She even raised the money to pay for the DNA testing that freed Willis. Ormond is compelling in her portrayal of Gregory and her decades long quest during which she kept forging ahead in spite of experiencing many disappointments. *The Wronged Man* has the feel of authenticity and character development that is lacking in *Conviction*. So if a person wants to see a recent movie about a woman working to free an innocent man, this reviewer suggests that *The Wronged Man* will be a much more satisfying experience than *Conviction*.

If a person wants to see a classic movie about a woman working to free an innocent man, you can't go wrong with *Call Northside 777*. That 1948 movie is a dramatization of the 12-year effort by Joseph Majczek's mother to find proof her son didn't murder a Chicago policeman in 1933. *Call Northside 777* stars Jimmy Stewart, Lee J. Cobb and Richard Conte.

*Conviction*, *The Wronged Man*, and *Call Northside 777* are available for purchase from Amazon.com and other retailers, and they can be rented from Netflix and other rental outlets.

**Conviction**  
Directed by Tony Goldwyn  
Screenplay by Pamela Gray  
107 minutes  
Released to theaters in October 2010  
Released on DVD/Blu-ray in March 2011

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rape charge, because "the prosecutor believed that justice had been served by the misdemeanor conviction only until defendant prevailed on appeal. ... the only inference from this fact is that the prosecutor changed her mind because defendant prevailed on appeal." Consequently, the trial judge had erred in determining that the facts and the law did not support a finding of "prosecutor vindictiveness" and dismissal of the rape charge. (*People v. Benjamin Puentes*, No H034546 (6th Appellate Dist Ct, 12-20-2010))

The Court ordered the reversal of Puentes' conviction and that the trial court dismiss the rape charge.

Sources:  
*People v. Benjamin Puentes*, No H034546 (6th Appellate Dist Ct, 12-20-2010)

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