

In Memoriam: Robert B. Waterhouse, 1946-2012

By Robert Waterhouse

Ten years ago I wrote in *Justice Denied* about my namesake, Robert B. Waterhouse, who had been on the Florida Department of Corrections' Death Row since September 1980. On February 15 2012 he was executed, maintaining to the last that he did not murder Deborah Kammerer, and being denied DNA testing of evidence tested which might have proved his innocence (law enforcement authorities claimed the evidence had inadvertently destroyed).

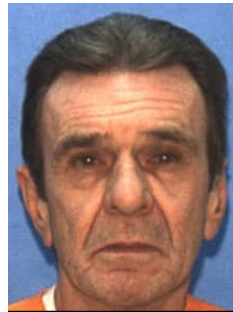
But I'm not writing about innocence or guilt here. I spelt out the "facts" of the case in my previous article. It's a sad but all-too-common litany of injustice on the part of the courts and the system, simply added to by the flurry of appeals as his execution date approached. In fact, his execution was delayed two hours while waiting for the final appeal to be inevitably denied. What was he thinking at that point?

This obituary of my friend will be short.

I met and corresponded with a man who, via his wife Frances (she married him when he was on death row), via the small monochrome TV in his cell, and via writing to people like me, somehow kept in touch with the outside world. He had strong likes and dislikes about politics, society, people and sport. We argued the toss on many occasions.

Former Police Chief Convicted of Falsifying Report To Protect Killer

It is well-known that with few exceptions a judge will give a much more lenient sentence to a law enforcement officer convicted of a crime than a regular citizen convicted of a comparable crime. One of the catastrophic consequences of judges failing to consider crimes by law enforcement officers as at least as serious as comparable crimes by other people in society, is that attitude contributes to wrongful convictions. A common feature of wrongful conviction cases is one or more officers involved concealed evidence of the person's innocence and/or committed perjury during their trial. Police officers can do that with impunity because they know there is an infinitesimal chance they will be prose-



Robert B. Waterhouse
(FL DOC)

Over the time I knew him he became more and more cynical. I was told he mistrusted his attorney and that he bickered with Frances, who offered him nothing less than unquestioning love. She worked all hours to support him, visiting every weekend.

I found it increasingly hard to write to him – to say anything that made sense. I have no idea what he thought of the letters or cards I sent each day during his final three weeks: he never replied.

Whatever this man may or may not have done, he was destroyed by the system long before that lethal injection. He was tortured in the name of justice, like every other death row inmate. Perhaps the worst torture, over 31 years of hell, is the hope that there might somehow be a reprieve.

I feel I let my friend down. In the final count, I was unable to help him. He went to his end, a sick man physically, jeered at by the pro-death lobby which had suddenly rediscovered his case. He needed a doctor, not an executioner. I miss him.

(JD Note: "The Robert Waterhouse Story," by Robert Waterhouse, was in *Justice Denied*, Issue 21, and can be read at, www.justicedenied.org/robertwaterhouse.htm



cut, and that even if they are they will likely be treated with kid gloves by the judge involved in their case.



Matthew Nestor arrives for his sentencing hearing on June 1, 2011 (AP, The Citizens' Voice, Mark Moran)

The adage that judges treat law enforcement officers with leniency was once again proven true on June 1, 2011.

Former Shenandoah, Pennsylvania Police Chief Matthew Nestor

was convicted in January 2011 by a federal jury of hindering an FBI investigation by falsifying a police report to conceal the names of several local high school football players who in July 2008 beat and kicked to death 25-year-old Luis Ramirez. Shenandoah is a small town in northeastern Pennsylvania. The FBI investigated Ramirez's death as a hate crime because he was an

immigrant from Mexico and Shenandoah is predominately white.

Nestor was prosecuted based on the U.S. Attorney's theory that he used his position as police chief to try and protect Ramirez's assailants from being identified and arrested for the fatal assault.

Two of Ramirez's assailants, Derrick Donchak and Brandon Piekarsky, were convicted in October 2010 of a federal hate crime and are serving nine-year federal prison sentences.

During Nestor's sentencing hearing federal prosecutor Myesha Braden [said he](#) "abused his position of trust. As chief of police, he had an obligation to see that justice was done, to see that the truth came out. ... He undermined that system of justice by filing a false police report. Officers need to know that if you fail to honor your oath ... there will be punishment and consequences." Although Nestor's convicted crime has a maximum sentence of 20 years in prison, the government sought a sentence of 57 to 71 months based on the federal sentencing guidelines for the severity of Nestor's crime.

Senior U.S. District Judge A. Richard Caputo rejected the government's recommended sentence of 57 to 71 months in prison, and instead sentenced Nestor to 13 months. Judge Caputo said the [guideline sentence](#) was "overly harsh," and that Nestor falsified the police report because he "was unable to separate himself as a human being from the fabric of his community and the friendships he had."

Shenandoah police officer William Moyer was convicted of lying to the FBI about what a 911 caller had told him on the night of the fight. During his sentencing hearing on June 1, 2011, the U.S. Attorney's Office argued that he should be sentenced to one year prison based on the federal sentencing guidelines. However, Judge Caputo rejected that as too harsh and instead sentenced him to three months in federal prison.

Sources:

[Ex-chief gets prison](#) in immigrant death cover-up, *Austin American-Statesman*, June 1, 2011.

[Two Former](#) Shenandoah, Pennsylvania, Police Officers Convicted of Falsifying Information About Hate Crime, U.S. Dept of Justice, Press Release, January 11, 2011.



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