

## Environmental cont. from p. 20

cause, rather than a genuine, if mistaken, attempt to address any imminent problem arising from carbon emissions. However the transcripts of the recordings made by Kennedy show that during the course of briefings on 12th April one of the appellants, Spencer Cook, and indeed another person who was never prosecuted, show they placed great emphasis on the objective of the intended actions. This was to bring about an enormous reduction in carbon emissions by keeping the power station closed for seven days. In other words, this material tended to show that this was not a mere publicity stunt. It is also clear that during the course of the briefings those who were present were advised that they did not need to get involved if they did not wish to do so. The importance of safety and non violence and the avoidance of criminal damage to property were underlined. (¶15)

...  
In summary these convictions were quashed because of the failure of the Crown to make proper disclosure of material relating to the role and activities of the undercover police officer, Mark Kennedy as well as of materials which had the potential to provide support for the defence case or to undermine the case for the prosecution. These materials were pertinent to a potential submission of abuse of process by way of entrapment and in any event they had the capacity to support the defence of necessity and justification. The trial was rendered unfair and the convictions are unsafe. Accordingly they were quashed. (¶32)

Five official investigations were launched in the wake of the public revelations about Kennedy's infiltration of environmental groups for seven years and his active role in planning and preparing for the power plant protest.

Kennedy has reportedly resigned from the Metropolitan Police.

### Sources:

[David Robert Barkshire and Others vs The Queen](#) (Court of Appeal (Criminal Division), 7-20-2011)

[Ratcliffe power](#) station protesters cleared on appeal, BBC News, July 19, 2011

[Cleared power](#) station activists tell of fury over 'rigged trial', *London Evening Standard*, July 25, 2011

[Undercover officer](#) spied on green activists, *Guardian* (London), January 9, 2011

[7-year snitch](#): 'Flash' the activist is a secret cop, *The Sunday Times*, December 19, 2010

## 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, despite being denied the right to have DNA 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 (you can read it at, [www.justicedenied.org/robertwaterhouse.htm](http://www.justicedenied.org/robertwaterhouse.htm)). 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.

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,



Robert B. Waterhouse,  
December 16, 1946 -  
February 15, 2012.  
(Florida DOC)

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. [Click here](#) to read the article.)

## "Kirstin Blaise Lobato's Unreasonable Conviction" Updated Second Edition

The revised and updated second edition of *Kirstin Blaise Lobato's Unreasonable Conviction* by Justice Denied's editor and publisher Hans Sherrer is now available. The second edition includes more than 70 pages of new information, including the filing of Ms. Lobato's Nevada state *habeas corpus* petition, which is pending.

Kirstin Blaise Lobato was 18-years-old when charged with the first-degree murder of Duran Bailey in Las Vegas in July 2001. She was convicted in October 2006 of voluntary manslaughter and other charges. Her case is an example of the perfect wrongful conviction:

- She had never met Mr. Bailey and she had never been to where he was killed..
- At the time of the murder in Las Vegas she was 170 miles north in the small rural town of Panaca, Nevada where she lived with her parents.
- No physical, forensic, eyewitness, or confession evidence ties her to the crime.
- There is no evidence she was anywhere in Clark County (Las Vegas) at anytime on the day of the murder.

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