

**Subject:** [npap] Town of Ayer and insurers pay millions to estate of wrongly convicted man  
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## Town of Ayer and insurers pay millions to estate of wrongly convicted man

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(John Tlumacki/Globe Staff)

During 2001 press conference, Kenneth Waters laughed with his sister, Betty Anne, after his murder conviction was vacated.

**By Jonathan Saltzman, Globe Staff**

The town of Ayer and five of its insurance companies have agreed to pay \$3.4 million to settle a civil rights claim filed by the estate of the late Kenneth Waters, who spent more than 18 years in prison for a murder he did not commit before his sister earned a law degree and helped free him through DNA evidence.

Lawyers for the town and for Waters's estate told US District Court Judge George A. O'Toole Jr. this morning that a sixth insurance company, Western World Insurance Group, has declined to settle but that negotiations are continuing.

As is customary, none of the defendants who settled admitted liability. Nonetheless, Waters's sister, Betty Anne Waters, 54, of Middletown, R.I., said the agreement that was hammered out Monday night vindicated the years she spent trying to win her brother's freedom and clear his name.

``It's been half of my life, exactly," she said after the brief court hearing. ``I'm still very emotional. I can't quite feel that it's over. It's been a long 27 years."

Kenneth Waters was convicted in 1983 of first-degree murder and armed robbery in the slaying three years earlier of Katherina Brow, a woman who frequented the diner where he worked in Ayer. She was found stabbed to death in her trailer home, which was robbed of cash and jewelry.

Betty Anne Waters, a mother of two with a GED who waitressed for extra money, went to college, got her law degree, and started representing him herself. In 2001, Kenneth Waters was freed from state prison after she uncovered DNA evidence that proved his innocence.

But he only enjoyed six months of precious freedom. He died of a head injury on September 19, 2001, when he fell from a 15-foot wall in Rhode Island while taking a shortcut on the way to a Chinese restaurant.

Kenneth Waters's story and his sister's crusade will be dramatized in a movie expected to be released soon. The two-time Academy award-winning actress, Hilary Swank, portrays Betty Anne Waters.

If Kenneth Waters's estate and the last insurance company cannot reach an agreement, O'Toole plans to hold a brief trial next Thursday on damages that the firm will pay.

Barry Scheck, a founder of the Innocence Project based at the Benjamin N. Cardozo School of Law in New York, who helped Kenneth Waters win his freedom and is among the lawyers representing the estate, said the settlement with the town and the company was a ``good resolution of this case."

Joseph L. Tehan Jr., a lawyer for the town, declined to comment after the hearing.

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