

A N O P E N L E T T E R T O N A O K A C A R E Y

C O N C E R N I N G

J U V E N I L E S S E R V I N G L I F E W I T H O U T P A R O L E

\* A F T E R \*

"D i a t c h e n k o v . D i s t r i c t A t t o r n e y"

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Due to one of the numerous and consistant failures at MCI Shirley (ShirleyWorld) we are unable to find the correct address of Attorney NAOKA CAREY who worked for "Citizens For Juvenile Justice". As such we are forced to choose the remedy of posting this "OPEN LETTER" to Attorney Carey.

I ask that the readers of my blog please see to it that this letter finds it's way to Attorney Carey.

END THE "MADNESS" IN MASSACHUSETTS

FREE THE JUVENILE OFFENDERS

FREE SOCIETY OF THE BURDEN OF HATRED!

Offered by:

Timothy J. Muise  
Coordinator  
Steering Committee  
CURE-ARM, INC

**CURE-ARM INC.**  
**Timothy J. Muise**  
**Steering Committee Coordinator**

September 1, 2014

Naoka Carey  
Attorney at Law  
Citizens For Juvenile Justice  
101 Tremont Street  
Suite 1000  
Boston, MA 02108

LEGAL MAIL

Re: MILLER Vs. ALABAMA and CURENT STATE OF JUVENILE JUSTICE

Dear Attorney Carey,

I am currently the Steering Committee Coordinator for CURE-ARM, Inc., and have been asked to reach out to you to express our group's opinion about how the juvenile justice issue, after Miller v. Alabama, is taking a wrong turn here in Massachusetts.

Diatchenko v. District Attorney does not go far enough in protecting the Massachusetts juvenile lifers, both first and second degree, under the fact that they have never been evaluated by a licensed clinical professional, as required by law in the Commonwealth, but have in fact been "evaluated" by DOC employees and Parole Board employees who are not licensed and cannot make accurate rehabilitation assessments.

The decision that just came down in Commonwealth v. Bryce Noonan, 2014 Mass. Super. LEXIS 95, Opinion No. 127473, creates all kinds of bad law, and I believe this is the result of the case being devoid of the solid argument that neither the Parole Board nor the Department of Correction use "licensed" rehabilitation counselors, such as LICSW's, who's work is peer reviewed and done under accredited licensing standards. Most lawyers have neglected to include this in their arguments, as well as, and possibly more importantly, have neglected to mention that in this fine state all prisoners have the RIGHT to rehabilitation; a state created right under G.L. c. 124, § 1(e). The lack of this argument is killing us in the courts. Your organization must bring this argument to the forefront.

Further, in cases of extreme cruelty and atrocity, deliberate premeditation, and felony murder, how can a "juvenile brain" be expected to formulate, understand, cognate, and apply the mental state and elements of these legal theories if the Miller court rules they cannot even comprehend "consequences"? No juvenile, or any defendant under the age of 22, should be held accountable under those theories and in fact the mitigation of the Miller court accepted "Brain Science" would devoid any possibility of applying those theories to such offenders.

Your organization must take the lead in the court of public opinion, as

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Citizens For Juvenile Justice  
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Timothy J. Muise  
CURE-ARM, Inc.

well as in the courts of law, on these topics, as CPCS, PLS, and the Children's Law Center have thus far fallen short; I make this plea of you today.

I work closely with two (2) juvenile offenders who fall under the Miller court findings. I also work closely with two (2) juvenile offenders who pled guilty to "second degree" murder in order to avoid the now unconstitutional sentence of life without parole for juveniles. They would like to meet with you, to share stories, and as all are members of the American Veterans In Prison group here we could do it under the auspices of that forum. Please let me know?

CURE-ARM wants to work with you and your group. You have contacted me back in 2009 when I was on the Board of Directors of the Lifers' Group, Inc., at MCI Norfolk. You were impressed with a piece I had appear in the newsletter of the National lawyers Guild, Mass Dissent. I jusy had another piece appear (on the topic of Miller v. Alabama) in the September 2014 issue of Mass Dissent and would ask you to review it at: [www.nlgmass.org](http://www.nlgmass.org), or email NLG Massachusetts Director Urszula Masny-Latos for a copy at: [nlgmass@igc.org](mailto:nlgmass@igc.org). You should also be aware of the other work we are involved with. You can find out at the following electronic addresses;

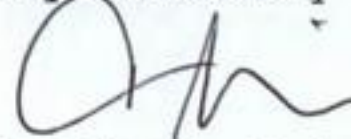
<https://www.facebook.com/curearminc>

<https://www.facebook.com/BreadandWaterPrisoners>

<http://betweenthebars.org/blogs/101/>

Thank you for your time and anticipated willingness to work with CURE-ARM, Inc. As co-founder and Steering Committee Coordinator I have full authority to present our position(s) and do so in urgency and true dedication. My hopes will be to hear back from you veru soon. I am,

Very Sincerely Yours,



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Cc: file

enclosure