

M E D I C A L R E L E A S E B I L L
C O M I N G U P F O R A V O T E
W E N E E D Y O U R S U P P O R T ! ! !

Senate Bill No. #1213, sponsored by Senator Patricia Jehlen, calling for the "Medical Release" of seriously ill prisoners who no longer pose a threat to society is coming for a vote on the Senate floor in late July 2011. The time is NOW to contact your local state senator and urge them to support this long-overdue measure. Cost effective housing of these wastefully incarcerated men and women in managed care & home residence settings will save the taxpayers of the Commonwealth millions of dollars while instilling hopes and compassion into a prison system devoid of such needed public safety elements.

If you do not know who your state senator is you can find out by using the following information;

<http://www.malegislature.gov/People/FindMyLegislator>

State House Phone = (617) 722-2000

Senate Clerk = (617) 722-1276

House Clerk = (617) 722-2356

If you would like to get involved with more commonsense prison reform measures/ideas please contact;

Timothy J. Muise, #W-66927

MCI Shirley

P.O. Box 1218

Shirley, MA 01464-1218

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

PLEASE SUPPORT THE Compassionate/Medical Release of prisoners here in the Commonwealth of Massachusetts. Call your Senator Today!

T H A N K Y O U ! ! !

TJM/11

THE SENATE VOTES ON THIS BILL ON JULY 26, 2011

**Bill Text for SB1213 (SD1794) of 2011-2012 Session
An act to provide for medical release of inmates.**

Prime sponsor: **Senator Patricia D. Jehlen (D)**

HAVE YOUR FAMILY CONTACT THEIR STATE SENATOR!

SECTION 1. Chapter 127 of the General laws is hereby amended by inserting after section 119 the following section:-

Section 119A. (a) Whenever the physician of a state correctional facility certifies that a prisoner held therein is suffering from an irreversible or terminal medical condition, disease or syndrome, whether due to advanced age or otherwise, and is so debilitated or physically incapacitated that the prisoner is incapable of presenting a threat to himself or others to a reasonable degree of medical certainty, the commissioner may grant the prisoner a medical release upon the commissioner's determination that if the prisoner is released, he will live and remain at liberty without violating the law and his release will not be incompatible with the welfare of society. The commissioner shall facilitate appropriate community placement for prisoners granted a medical release.

(b) The authority to grant a medical release rests solely within the discretion of the commissioner. No prisoner has the right to medical release or to a medical evaluation to determine eligibility for such release. The commissioner shall adopt policies and procedures necessary to implement the medical release of prisoners.

(c) Except as otherwise provided in this section, a person granted a medical release shall be subject to the laws governing parole as if such person were a parolee. The parole board shall impose terms and conditions for such release within 30 days before the commencement of the release. The parole board may revise, alter or amend such terms and conditions at any time.

(d) A person granted medical release under this section shall be under the jurisdiction, supervision and control of the parole board in the same manner as a person under parole supervision. The parole board may establish conditions of release, on an individual basis, to ensure public safety. A person granted medical release who violates a condition of parole supervision shall be subject to section 149 of chapter 127 of the General Laws.

(e) Notwithstanding any general law or special law to the contrary, no physician or employer of a physician providing a medical diagnosis pursuant to this section shall be held liable, either as an institution or personally, for issuance of a medical diagnosis under this section, if the diagnosis was made in good faith. All such parties, if they have operated in good faith, shall be totally immune from civil or criminal liability as a result of fulfilling this section.

We need you to contact your local senator and urge them to support this bill. Please see the reverse of this document to find out how you can support this measure.

THIS BILL CAN BE PASSED WITH YOUR HELP!!!

PLEASE SEE REVERSE

You can contact the Author of this bill at;

Honorable Senator Patricia D. Jehlen
67 Dane Street
Somerville, MA 02143

or at her office;

Honorable senator Patricia D. Jehlen
State House
Room 513
Boston, MA 02133
(617) 722-1578
Patricia.Jehlen@state.ma.us

You can find out who your local State Senator is by going to;

www.mass.gov/legis

or by calling;

Senate Clerk William f. Whelch = (617) 722-1276

WE NEED YOUR HELP TO GET THIS BILL PASSED!!!

To get further involved you can also contact:

state prisoner: Timothy J. Muise, #W66927
MCI Shirley
P.O. Box 1218
Shirley, MA
01464-1218

TJM/2011

WHAT PURPOSE DOES IT SERVE TO KEEP A MAN
WITH FULL BLOWN DEMENTIA IN PRISON???

* * * * *

James "Ali" Flowers was born in Estill, Mississippi, on February 11, 1948. At the age of 18 he came to Springfield, Massachusetts, in the hope of finding a better opportunity, only to be coopted into participating in a robbery/murder by some older and more savvy men. For his part in this tragic crime Ali recieved the highest form of punishment in this state at that time - a natural life sentence. At this date Ali has served 42 years in prison.

Today Ali lays in a bed in the HSU at MCI Shirley unaware of who his is or where he is. He suffers from full-blown dementia. He is unable to talk, walk, or feed himself. An old friend of his, a true Saint among men, feeds him his puree of gruel and changes his soiled diapers. Ali says not a word, but smiles quite a bit, but it is painfully clear that he knows not what planet he is on.

It is so disheartening to see someone who has forgotten how to chew their food. Who laughs at white noise on the TV or at the flushing of a toilet. He is not crazy, no not at all, he is just suffering from the end stages of an illness so many of our elderly are forced to endure. What is different about Ali? Well he is still being punished for a crime he committed 42 years ago, but does not know it. This continued barbaric punishment is costing the Massachusetts taxpayer untolled sums but its cost in social failure is much more damaging. What is the purpose of costly punishment if one does not know they are being punished? How does it serve society to keep a man like ali Flowers in prison?

Some years back a friend who has known Ali for 38 years found him living like an abused animal, like a puppy in an illegal puppy mill. The nails on both of Ali's big toes were approximately 5' long and as he walked you could hear them clink along the floor. He had not taken a shower in 18 months. He had food hidden in his pants which you could tell had been there for months. He was kept in a glass observation "bubble" and people, both staff and patients, would point in and laugh at him. Is this justice? Is this how the most civilized nation on earth is supposed to trewt its prisoners? You know in your heart that this is wrong. What can you do about it? Please read further.

Massachusetts state senator Patricia Jehlen has filed Senate Bill No. #1213, "An Act for the Medical Release of Prisoners". This bill would allow men like Ali to be released to more humane and cost-effective care. You can support this measure by urging your local State Senator to vote in favor of Senate Bill #1213. To find out who your local senator is please go to;

mass.gov/legis

or call

(617) 722-1276

You can also get further involved by contacting me at;

Timothy J. Muise, #W66927
MCI Shirley
P.O. Box 1218
Shirley, MA 01464-1218

T H A N K Y O U !!!

THE SHIRLEY 500

by Timothy J. Muise

* * * * *

I am not much of a race fan as are many men here in prison. You see a lot of guys catching the NASCAR races in their cells when they are on, but I am just not one of them. I love sports like baseball, football, and hockey, but the only kind of racing I was ever really into was the drag racers and funny cars. Since coming to MCI Shirley though I have been forced to become a race fan. Not the typical "fanatic" that the word fan is abbreviated from, but more of an angry "fanatic" about the type of racing I am subjected to. The Shirley 500 consists of about 100 wheelchairs which race to the chow hall here three times a day, and trust me when I tell you it can be just as dangerous as the real thing.

The top "muscle cars" have big weight lifters as their motors. You see here at ShirleyWorld they allow more mobile prisoners to push the wheelchairs of the less mobile ones as a job. Now if you have good "sponsorship" and can get you one of these turbo charged pushers, possibly someone who bench presses 400, you can pass some of the lesser chairs with relative ease. We have all sorts of race car operators, there is the one legged Dale Earnhart, Jr., the 500 pound Jimmy Johnson, and the tripaligic Mario Andretti. They jockey the track here for position and every once in a while a "fan" like myself may get run over or bumped by a speeding vehicle. It is more like a demolition derby than a circle track event as the fans are right on the track with the cars and it makes for interesting mobility.

When I walked through the razor wire of ShirleyWorld I had no idea that there were so many seriously handicapped prisoners here in Massachusetts. No I am certainly referring to this Shirley 500 in a "tongue in cheek" manner, and mean no disrespect to men who are forced to use a wheelchair, and anyone who knows me knows that I fight very hard for the rights of the disabled and elderly in prison, but in order for me to cope with such a sad state of affairs I have to look at this madness with a humorous eye. Can you believe that more than a hundred men are forced to do their time here in the Commonwealth confined to a wheelchair? It is just crazy. Now I am not saying that all of these men pose no threat to the safety of the public, but please trust me when I tell you that the vast majority of these guys are about as harmless as the teeth on a goldfish. The taxpayer is footing the bill for serious medical care, medical care that always has the astronomical attachment of "security costs", and there can be no doubt that there are better ways to serve the public as far as these men are concerned.

Two of my personal friends are forced to use wheelchairs. Both of them are war heros who served their countries proudly. One has been in prison for 38 years and the other for 41. 38 & 41 years straight! These men are dying in the hospital unit here and are not forced to participate in the Shirley 500. They are subjected to a different kind of race - the Death Penalty 500 - this is the race where they are forced to wait until they die in prison, this fine state's version of the death penalty. It might take 50 or 60 years,

Joe and Lefty have waited 38 and 41 years respectively, but trust me again when I tell you that this death penalty is just as sure as lethal injection, the gas chamber, or the firing squad. Each year that passes it becomes more and more expensive to give these elderly and debilitated prisoners care. They are no longer any type of threat to society and fall into the safest release demographic, but the big money business of the prison industrial complex does not care. More prisoners means more jobs and they are not in the business of letting prisoners go, quite the contrary. But the fact cannot be escaped (no pun intended) that they do not really have the power to decide who stays or goes, the citizenry does. and how do we exercise that power? By voting for progressive measures that make sense and employ moral conviction and compassion.

Massachusetts State Senator Patricia Jehlen has sponsored Senate Bill No. #1213, "An Act to Provide for the Medical Release of Prisoners". The time for this common sense, no brainer, bill has come and we need your support to get it passed. Please contact your local state senator and urge them to vote in favor of this much needed measure. tell them you are sick of paying for the Shirley 500 and that you want your tax dollars better served. You can find out who your local state senator is by going to the following;

www.mass.gov/legis

or by calling

(617) 722-1276

Please help us to bring common sense and compassion back to the prison system here in Massachusetts.

If you would like to get further involved in this or other prison reform causes please contact me at;

Timothy J. Muise, #W66927

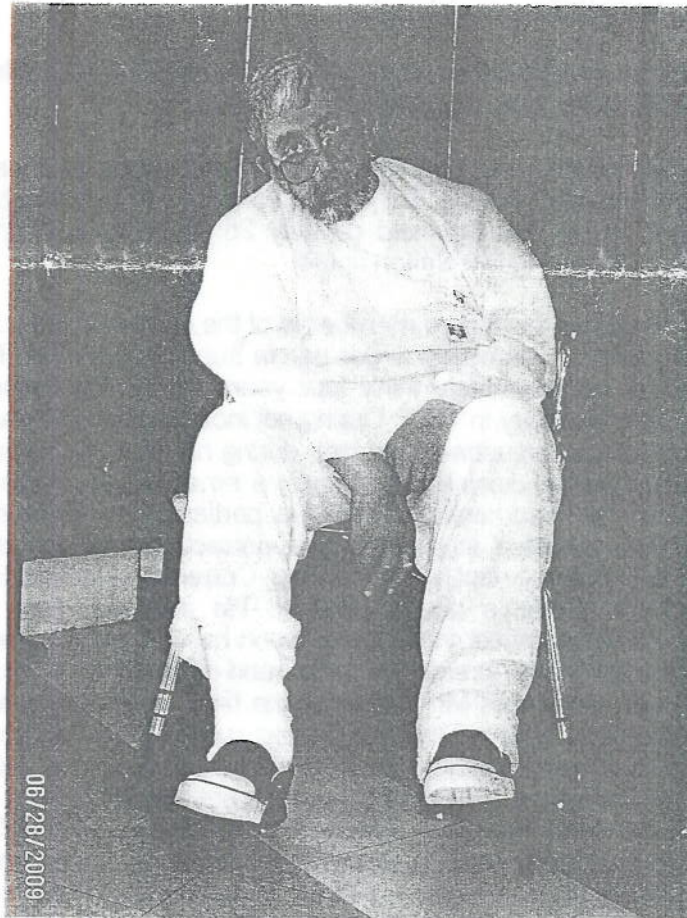
MCI Shirley

P.O. Box 1218

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T H A N K Y O U F O R Y O U R S U P P O R T

THE CASE FOR MEDICAL RELEASE



FRANK SOFFEN
MCI-NORFOLK - SUMMER, 2009

THE
TIME IS PAST FOR MASSACHUSETTS
TO
JOIN THE THIRTY-SIX OTHER STATES WITH
MEDICAL RELEASE PROGRAMS

ABOUT FRANK SOFFEN

Frank Soffen is a 70 year-old offender serving a life sentence for second degree murder. He has served a total of 37 years on that sentence in the Massachusetts Correctional System. During his incarceration, Frank was housed in minimum security facilities. He also participated in the state furlough program and successfully completed dozens of 12, 24, 48 and 72 hour unescorted furloughs into the community. Presently, Frank suffers from a number of very serious medical conditions. He has had four heart attacks; suffers from kidney and liver failure as well as other ailments. He is confined to a wheel chair, and requires assistance.

At the present time, Frank is housed at the Massachusetts Correctional Institution in Norfolk. There he resides in the Hospital Services Unit, Assisted Living Facility.

As previously demonstrated by his successful participation in dozens of unescorted furloughs, and his placement at minimum security facilities, Mr. Soffen poses no threat to public safety whatsoever. In fact, at his most recent parole hearing, held on July 25, 2006, one distinguished parole board member who voted in favor of paroling Mr. Soffen noted:

"For the following reasons, this Board member is of the opinion that Mr. Soffen should be released back into the community under parole supervision. First, Mr. Soffen has been incarcerated for approximately thirty four years on this sentence., a sentence which gave him parole eligibility in 1987. During his incarceration, he has displayed an overall positive institutional adjustment. In fact, during his thirty four years in custody, he has only incurred twelve disciplinary reports, a small number given the years of incarceration. During his incarceration, during a particularly volatile situation at the institution, Mr. Soffen assisted in protecting a correctional officer who was being attacked by a fellow inmate. In fact, at his hearing, Correctional officer Scarpachi, now retired, supported Mr. Soffen's parole request. He indicated that while he was employed as a correctional officer in Walpole prison he was stabbed two times by an inmate. Mr. Soffen volunteered to enter the block and diffuse the situation according to Mr. Scarpachi. He did not know Mr. Soffen at the time, and credits Mr. Soffen with saving his life. Second, he is now 67 years-old and suffers from major medical issues including suffering four heart attacks. He is unable to walk on his own and uses a wheelchair on most occasions. Physically, he does not appear to be a threat. He has a proposed home plan with his son in Springfield, Massachusetts and has extended family who were present at the hearing. and will be supportive in the community. Third, Mr. Soffen has displayed an excellent pattern of behavior during his 34 years of incarceration. He spent over three years in pre-release and successfully completed furloughs during this time. Finally, Mr. Soffen appeared remorseful for his actions and apologized to the victims' families throughout the course of the hearing. It appears that he understands the gravity of his offenses and the depth of the harm that he inflicted upon the family members of the victims.

For all of those reasons, this Board member is of the opinion that Mr. Soffen is a viable candidate for parole release at this time".

Unfortunately, despite the aforementioned favorable statements from a member of the state parole board, Mr. Soffen was denied parole and incredibly, given a five year review date.

PLEASE SUPPORT
MEDICAL RELEASE
FOR
FRANK SOFFEN