

**THIS MAN SHOULD BE ALLOWED TO
COMMUTE HIS FIRST DEGREE
“MURDER SENTENCE”**



**OR
SHOULD BE ALLOWED TO
“DIE WITH DIGNITY”**

WHO IS HUBERT SMITH?

Hubert Smith was born in North Carolina. He grew up in a household of severe domestic turmoil. Hubert's father attempted to murder his mother with a shotgun. This traumatic experience subconsciously haunted Hubert for decades after the event, an event that propelled him to be sent to Massachusetts to live with his grandmother.

Hubert has an older brother and sister from a different father than his, as well as a younger brother and sister he has never met. This fractured family unit shaped Hubert in ways that he did not understand until much later in life - while incarcerated in the Massachusetts prison system for murder! Hubert, or "Smitty" as he is known to his friends, has been serving a "LIFE = without-the-possibility-of-parole" sentence since 1978.

Smitty came to Massachusetts on the heels of about ten years of being subjected to the domestic violence perpetrated upon his mother by his father. Even though his upbringing was violent, Smitty still wanted to return to his family, the family he grew to know, good or bad, in North Carolina. This desire drove Smitty to act out in all kinds of inappropriate manners with the intended design to force his grandmother to return him to his parents. This did not happen and the separation anxiety from the fractured family unit manifested itself in abandonment issues of the deepest kind. These deep rooted feelings of abandonment lead Smitty to the streets where he substituted his "street family" for his absent family of origin. The streets of Boston, during the era of forced busing, were not friendly ones for many African American youth. Smitty again felt alienated, a seeming outsider, and this inward directed anger was the norm amongst his street family/peers. This anger and alienation culminated in the murder of a delivery driver. The details have meaning, but it is possible that Smitty's role in this tragic event may be lost without the full description, and that will be afforded in the available supportive materials.

THE TRANSFORMATION

By anyones account the Massachusetts prison system was a rough place in 1978. Walpole state prison had been the "murder capital" of prisons in the United States, with the highest per-capita rate, and upon his arrival in that even more unfriendly world Smitty had to question his path. "How did I end up here?" The answer was not immediately forthcoming, but only as desperation can do Smitty sought the answer to some of the riddles of his life. In the mid 1980's Smitty began to get truly honest with a prison counselor. Through this honest interchange some light began to be shed on the path that lead him to the darkness of his current life. A simple question posed to him by the first caring outsider he ever came across drove him to learn all he could about himself. That simple question was, "How did you get here?". It was a watershed moment for him. The emotional anesthetization he had experienced since the first glimpses of domestic violence he witnessed began to clear. His heart became full with an emotion that was quite foreign up to this

point. That emotion was the joy of hope. Smitty became self-aware. He discovered that in order to atone for his past he had to take hold of his future. The path he would need to travel in order to do that would be one of role model and positive leader to his new community of peers. His role in prison groups was that of an organizer. He tried to inject sanity into an often insane world. He cared for the men that came in after him and saw that there was a possibility that he could be the man his youthful desires told him he could. His freedom became secondary and in becoming secondary hope of that freedom grew. Hubert Smith was on his way to becoming that extraordinary prisoner that could be granted a sentence commutation. His freedom could be gained and he could make true amends for the mistakes of his past. Hope had replaced hopelessness.

HOPE IS REPLACED WITH HOPELESSNESS

The freedom that came with Smitty's realization that he could live a productive life in prison and work toward eventual freedom propelled him into a new dimension. When he learned to put his needs behind the needs of others, and behind the requirements of his faith, he was blessed with a whole new direction. Then, as surely as in a car crash, things hit the wall at full speed. This life "train wreck" came in the form of the election of Republican William Weld as Massachusetts Governor.

Thus began the era of "Returning to the Joy of Breaking Rocks", and "Prisons Like Tours Through the Circles of Hell", which Mr. Weld so boldly professed. Furloughs were ended. Commutation began to evaporate. Programs, education, and community involvement all but disappeared. Smitty fought hard to retain the full level of dignity which he had fought so hard to develop, but as the years wore on his soul was becoming eroded. He had been originally sent to prison AS punishment, now he was in there FOR punishment. Punishment in the form of ever increasing abuse and restriction. Inflictions of emotional abuse and spiritual depletion took place daily. Smitty was strong, and kept his head up, but it seemed that the boot of his captors was stomping him down. Sometimes literally.

Smitty's defense mechanisms kicked in. He rebelled against the abuse and was sent to lock-ups, other institutions, and driven away from that hope he had gained. The system, and all its tools, had built a new house of hopelessness out of shell that was now the DOC. Hubert Smith slowly started to become a casualty of the systemic failure. He held his head high, but his heart cried with frustration. Eventually he is transferred to MCI Shirley Medium, what can only be described as the "armpit" of the system. Smitty saw young men here that needed the guidance and wisdom of a sage convict. He worked to establish a runners club and was successful, but new administrators would cut the days or operation, rendering it ineffective. Smitty worked to form a "Lifers' Group" through which he hoped to reach the young men. No such luck. The boot of his oppressor was again squarely upon his head. The mental

battle started to become more than he could bear. He sought counseling but it did not quiet the demons. He self-medicated, but that only postponed the misery. He had to find another way. He needed peace.

TO DIE WITH DIGNITY

Hubert Smith is a man of faith. He believes in a higher power in this vast universe. Some things ring true in his soul, he knows they are the desires of his maker, and these feelings direct his actions. His maker, as he understands him, would never sanction Smitty taking his own life. This is not an option. True dignity is one of the few things Smitty has been able to hold on to through all the loss he has experienced in this system. The hopelessness that is his world has still not been able to strip him of those last few vestiges of self. Smitty wants that peace he once had, peace that came from a life of hope, and he believes the only way he can get it is through giving the state the price they wanted in the first place - **his life!**

Hubert Smith would like to volunteer for **LETHAL INJECTION!** Why should he be forced to live in this world of hopelessness? Let us explore how a man who had so much hope, a renewed faith so to speak, got to the point where he no longer wanted to live.

As the corrections system around him started to deteriorate, morphing into some evil hate machine, some personal tragedies started to affect Hubert's psyche. On December 26, 2007, his beloved grandmother passed away. She was, and in a strong way still is, Smitty's rock. With his physical environment in shambles this spear to his heart in the form of loss, afforded a darker vision of his future. He saw men who had truly changed their lives, men who became true role models to their peers, denied commutation. Men who were the quintessential definition of commutation worthy were denied. Smitty saw his chances of seeking deserved freedom through this route evaporating. He still has a criminal appeal pending so his heart was not too heavy at this point. There was true shreds of hope left, you see Smitty owns being the actual killer in his case, and was involved in a felony murder situation. He does not diminish his role, but under Massachusetts law he still had a good chance of receiving justice, or so he thought. In 2010 Hubert Smith's final criminal appeal was lost. That light at the end of the tunnel, which appeared as a flicker, was extinguished for good. Smitty would now have to spend untold further DECADES living in a system that does not allow you to evolve or reach your potential. That quest for self-actualization that is the essence of rehabilitation has died. With its death so came the death of Smitty's hope. The lessons that he learned from his grandmother, those of betterment of self through service to others could not be applied in this world depleted of caring, substance, and hope. Smitty knew that he could no longer live in this world without dragging down his peers. He wanted out. He wants to give the state their

due = HIS LIFE!

Does this sound outrageous? Do you think it is too much to ask to not be subjected to a cruel and unusual punishment such as is today's Massachusetts corrections system? In the Commonwealth of Massachusetts it is the law, as a matter of fact it is a constitutional mandate, that prisoners be rehabilitated - ALL PRISONERS! Rendering the commutation process in Massachusetts farsical and virtually non-existent is a crime! What Governor William Weld did, ignoring the legal mandate of his office to rehabilitate, trumping the judicial and legislative branches of government with his executive powers, was TREASON. Dooming men like Hubert Smith to a life in a hopeless system directly affects the level of public safety. The high recidivism rates in this state are a result of the hopelessness in the prisons. The hopelessness the first degree, life without parole, prisoner feels trickles down to ALL prisoners. You see the "Lifer" is at the top of the food chain in prison. Men serving shorter sentences are directly impacted by the lifer's attitude. 97% of the men and women in Massachusetts's prisons will be returning to the streets of our cities and towns some day. Men who came in low level drug dealers and petty thieves will leave these institutions murderers, yes **murderers**, due to the hopelessness that the failed system instills. Hubert Smith is a prime example of that failure, of that hopelessness, and who can blame him for seeking a dignified way out? Smitty would rather have poison injected into his veins than to live any longer under this soul depleting oppression.

How can we, as caring members of society, allow this to happen? As of late there has been a rallying cry for parole reform. Many folks feel that there was an overreaction to the killing of a Woburn police officer by released prisoner Dominic Cinelli. As a result of Cinelli's crime, a crime that was a product of the hopeless corrections system, the Governor forced the resignation of the sitting parole board. People who understand the public safety value of an effective parole board were outraged and are calling for much needed reform and cooler heads. The real tragedy here is that they are missing a HUGE factor that has played a role in all the systemic failures, that being **THE FARSICAL NATURE OF THE COMMUTATION PROCESS and THE HOPELESSNESS IT INBEDS IN THE CORRECTIONS SYSTEM!!!** These reform minded community leaders must amend their cause to include commutation reform. If they do not we will have many more Dominic Cinellis, and the summers of murder in the Mattapan corridor will get more violent. Our streets will be more and more dangerous. **YOU** will be at risk! We need your help. We are formally asking you to get involved. Hubert Smith is far from the atypical example. His case study displays the failure of hopelessness that is Massachusetts corrections. We need to bring the hope back to the effort for effective safety in the Commonwealth of Massachusetts. We need to ensure that men in our prison system are allowed to rehabilitate, that they have hope, and that the men returning to our cities and towns pose no threat to the safety of the public. Please help us to do this by contacting the people on the following page.

W E N E E D Y O U R A S S I S T A N C E

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YOUR AGENCY IS ONE OF THE FIRST WE ARE CONTACTING SEEKING SUPPORT FOR THIS LONG-OVERDUE COMMUTATION REFORM PROJECT. THE WORK YOU HAVE BEEN DOING TOWARD PAROLE REFORM IS IMPRESSIVE, BUT THE KEY COMPONENT WE FEEL YOU ARE MISSING IS THE DIMINISHED PUBLIC SAFETY THAT IS A RESULT OF THE HOPELESSNESS CREATED BY THE FARFARICAL AND VIRTUALLY NON-EXISTENT COMMUTATION PROCESS.

THIS ISSUE IS OF SUCH PARAMOUNT IMPORTANCE THAT I AM HEREIN REQUESTING A MEETING WITH MEMBERS OF YOUR ORGANIZATION. CERTAINLY WE CAN COMMUNICATE BY MAIL, BUT NOTHING IS MORE EFFECTIVE THAN AN ENGAGING BACK-AND-FORTH, LIVE DISCUSSION ABOUT PLANS AND OTHER PERSPECTIVES. I WOULD ASK THAT SOMEONE FROM YOUR ORGANIZATION COME TO MCI SHIRLEY TO MEET WITH ME IN THE VISITING ROOM. YOU CAN FIND THE FACILITY VISITING ROOM REGULATIONS AT: mass.gov/doc

PLEASE CONTACT ME DIRECTLY AT:

Hubert Smith
MCI Shirley
P.O. Box 1218
Shirley, MA
01464-1218

* * * * *



M.C. Shirley Med.
Family Reunification Day



Art Day II

PROGRAM APPLICATION FORM

Date: _____

Institution: MCI SHIRLEY

Program Title: FAMILY REUNIFICATION DAY

Program Start Date: _____

Supervising Staff: Name & Title: Christine Brockelman, Director of Treatment

Staff Facilitator(s): Name & Title: Deacon Art Roger, Catholic Chaplain

Volunteer Facilitator(s): Name: _____

Target Population: MCI SHIRLEY CHRISTIAN COMMUNITY

Referral Process: Sign-Up with Catholic Chaplain's Office

of Participants: 100 Open or Closed Enrollment: OPEN

Length of Session: 4hrs # of Sessions per Week: _____ Total # of Sessions: 1

Materials/Supplies: Sound Equipment and CD Player, All supplied by Catholic Chaplain's Office

Funding Source: _____ Associated Costs: _____

Space Requirements: MCI SHIRLEY VISITING ROOM

Please attach applicable item:

Curriculum: Yes No Lesson Plan: Yes No

Agenda: Yes No Rules: Yes No

Approval: Yes No

Superintendent

Date

Approval: Yes No

Director, Program Services

Date

Approval: Yes No

**Deputy Commissioner, Classification, Programs
and Reentry Division**

Date

PROGRAM NARRATIVE

Program Description: (Outline of the curriculum, agenda and/or lesson plan to include a description of how the program supports the Department of Correction's mission, vision and core values. In addition, please attach a copy of the full curriculum, agenda and/or lesson plan). This spritual topic based group discussion program will adhere to a religious theme to be selected by the keynote speaker. Small and large group reflections will engage the participants to explore the foundations of healing in a responsible, respectful, honest, and caring environment. This healing process is invaluable in serving the victims of crime through the deep understanding of the rehabilitative process it affords the family of offenders, who live with crime victims in the community. There will be a "Breaking of the Bread" segment which instills the importance of sharing as the "Family of Christ. This effective form of programming will promote public safety and work to reduce recidivism. (see Attached Program Agenda)

Specify the treatment model (ie: group, one on one, discussion based etc.) utilized in the service delivery. Group Discussion - Topic Based - Spiritual

1) "Psychospiritual Perspective Method"

Joan Borysenko, PhD.

a) Healing the Child Within, from Guilt is the Teacher, Love is the Lesson.

b) Healing the Shame that Binds You, from Guilt is the Teacher, Love is the Lesson.

2) "Stress, Appraisal, and Coping"

Richard S. Lazarus, Ph.D. & Susan Folkman, Ph.D.

If applicable, specify the theory or research on which the treatment model is based, include information on program efficacy if available.

The healing avenues afforded through the Group Discussion Model utilized at the Family Reunification Day, avenues that enhance interpersonal relationships and optimize reparation efforts, instill pro-social, empiracaly study proven, peer cooperation techniques, which will work toward reducing negative attitudinal perspectives, while restoring self-esteem through the accountability process. When the Family Reunification Day Program was held at MCI Norfolk it was embraced & heralded by staff, families, and the prisoner participants. (Psychospiritual Perspective Method, J.Borysenko, Ph.D.) Specify the dynamic criminogenic risk factors/behaviors (ie: pro-criminal thinking, pro-criminal beliefs/attitudes, impulsivity, poor coping skills, relationships with criminal others, poor problem solving skills, egocentrism, low frustration tolerance) that are targeted by the program.

The healing afforded through the Family Reunification Day Program directly confronts beliefs & attitudes surrounding pro-criminal thinking, inadequate problem solving skills, while addressing low frustration tolerences and the seperation anxiety that stems from the fractured family/societal unit
(Stress, Appraisal, and Coping: R.S. Lazurus, Ph.D., & S. Folkman, Ph.D.)

Describe what impact the program will have on:

- Institutional operations (ie: staffing, space requirements, associated costs)

Minimal staffing requirements (two corrections officers) will be needed due to the attendance of the Catholic Chaplain, the approved volunteers, and the keynote speaker. The visiting room will be utilized during a "non-visit" period. The costs of food and drink will be covered by the guests using vending machine cards.

- Victims of crime, the community, family members of offenders, staff (ie: possible objections to the program)

The victims of crime are served through the community healing and reparation techniques this valuable program will teach. There should be minimal objections to this program due to the many positive benefits which are fully in line with the departments mission, vision, and core values.

- Climate of the institution

Family Reunification Day will improve the climate of the institution due to the positive healing effect it will have on offenders. When offenders are afforded meaningful avenues to work toward self-actualization they affect the overall attitude of the facilities population.

- Volunteer availability

The requested volunteers have already confirmed their availability.

Is a deduction from sentence (earned good time credits) recommended for successful participation in this program? If so, justify why earned goodtime is appropriate and how much earned goodtime should be awarded per month?

No earned good time will be awarded.

Program Goals/Outcomes: (Identify the intended program goals/outcomes).

Family Reunification Day is a healing endeavor designed to heal the offenders, offenders families, and the victims of crime and their families by addressing criminal thinking, self-esteem issues, low frustration tolerances, and separation anxiety related problems that stem from the fractured family/societal unit. Offenders will come away from the program with a renewed sense of responsibility derived from the positive interactions of the groups, while being restored with self-esteem through true feelings of being accountable for their criminal actions. A greater understanding of the serious ramifications of crime will be afforded, thus enhancing interpersonal relationships and making efforts for reparation more sincere and effective. Such reparation efforts benefit victims of crime.

Rehabilitative Benefits/Spiritual Value: (Describe the immediate and future rehabilitative benefits and/or the spiritual value for the offender).

Immediate rehabilitative benefits:

Renewed self-esteem and responsibility. New sense of "I Can!" which directs the rehabilitative desire in the incarcerated. The reduction of negative thought processes will immediately impact adjustment to societal norms. The sense of renewed self-esteem will have an immediate impact of the attitudes of the program participants peers, fostering a positive rehabilitative environment in the facility.

Future rehabilitative benefits:

Personal accountability for actions forcing pro-social thought processes that correct criminal thinking and allow for successful reentry and reparations. Pro-social thinking replaces anti-social criminal thinking, increasing the public safety through the release of prepared offenders upon completion of their sentences.

Spiritual value:

The connectedness that comes from this healing endeavor instills a sense of the larger family of man. When an offenders heart becomes full with the spirit of healing he can achieve more than ever before. Seeds will be planted at this program that will bloom brightly during the reentry process. The positive affect this will have toward increasing the public safety cannot be gainsaid.

F A M I L Y R E U N I F I C A T I O N D A Y
A T M C I S H I R L E Y
* * * * *
" A G E N D A "

DATE:

TIME: 1:PM to 5:PM

| <u>TIME</u> | <u>EVENT</u> | <u>PARTICIPANT(S)</u> |
|--------------|---|---|
| 1:00 to 1:29 | Set-Up/Seating of Families | Shawn F., Jerry C., Sean H. |
| 1:30 to 1:35 | Opening Prayer Keynote Speaker Intro | Tim M. |
| 1:36 to 1:45 | Program Intro | Joe Lab. |
| 1:46 to 2:10 | Keynote Topic Speech | Keynote Speaker |
| 2:11 to 2:30 | Small Group Discussions | All Participants |
| 2:31 to 2:50 | Break | All Participants |
| 2:51 to 3:15 | Large Group Discussion | All Participants |
| 3:16 to 4:20 | Breaking of the Bread Family of Christ | All Participants |
| 4:21 to 4:30 | Keynote Summary Closing Prayer | Keynote Speaker Ken S. |
| 4:31 to 4:45 | Goodbyes | All Participants |
| 4:46 to 5:00 | Clean-Up | Tim M., Billy B., Jerry C., Shawn F., Sean H., Joe Lab. |

FAMILY REUNIFICATION DAY
TREATMENT MODEL REFERENCES

* * * * *

1) PSYCHOSPIRITUAL PERSPECTIVE METHOD

Joan Borysenko, Ph.D.

From: Guilt is the Teacher, Love is the Lesson
by Joan Borysenko, Ph.D.

Warner Books, Inc.

666 Fifth Avenue

New York, NY

10103

ISBN #0-446-51465-9

2) STRESS, APPRAISAL, AND COPING

Richard S. Lazarus, Ph.D. & Susan Folkman, Ph.D

From: Stress, Appraisal, and Coping

by Richard S. Lazarus, Ph.D. & Susan Folkman, Ph.D.

Springer Publishing Company, Inc.

11 West 42nd Street

New York, NY

10036-8002

ISBN #0-8261-4191-9

F A M I L Y R E U N I F I C A T I O N D A Y
A T M C I S H I R L E Y
* * * * *
" S I G N - U P S H E E T "

Family Reunification Day at MCI Shirley is an adult event. Guests must be at least 18 years of age. The limit for guests is two (2) unless you arrange special permission from the Director of Treatment. The event will take place on _____, 2011, from 1:PM to 5:PM, and your gueats need to be in the visiting entry area by no later than 12:15 PM for processing.

NAME OF INMATE: _____ COMMITMENT No. _____

UNIT: _____ CELL #: _____

GUEST #1:

NAME: _____ D.O.B.: ____/____/____

RELATIONSHIP: _____

HAVE THEY VISITED MCI SHIRLEY PREVIOUSLY? YES ____ NO ____

GUEST #2:

NAME: _____ D.O.B.: ____/____/____

RELATIONSHIP: _____

HAVE THEY VISITED MCI SHIRLEY PREVIOUSLY? YES ____ NO ____

Stephen J. Pope



Professor

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Email: stephen.pope.1@bc.edu

Curriculum Vitae

Office Hours: Thursday 12:30-2:30 p.m.

EDUCATION

BA, Philosophy and Theology, Gonzaga University, 1977

MA, Divinity, University of Chicago, 1983

Ph.D., Ethics and Society, University of Chicago, 1988

Dissertation: "The Contributions of Contemporary Biological Anthropology to Recent Roman Catholic Interpretations of Love" (advisor: J. Gustafson)

BIOGRAPHICAL SUMMARY

Stephen J. Pope received his Ph.D. in theological ethics from the University of Chicago in 1988. He teaches courses on social ethics and theological ethics. He has written *The Evolution of Altruism and the Ordering of Love* (Georgetown, 1994) and *Human Evolution and Christian Ethics* (Cambridge, 2007), and he has edited *Essays on the Ethics of St. Thomas Aquinas* (Georgetown, 2001). He and his wife have three children and reside in West Roxbury, Massachusetts.

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DEPARTMENT OF THEOLOGY
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August 23, 2011

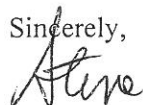
Timothy J. Muise, #W66927
MCI Shirley
PO Box 1218
Shirley, MA 01464-1218

Dear Tim,

Thank for the letter inquiring as to my interest in speaking at a future family reunification day at MCI Shirley. I would be happy and honored to contribute in whatever way I can to such an event. Thank you for asking.

Best wishes as you plan for the event. I look forward to hearing more about it.

Sincerely,



Stephen J. Pope
Professor of Social Ethics