CURE-ARM, Inc.

Donna Barnoski
President

P.O.Box 396, Billerica, MA 01821
susanmmortimer@hotmail.com

Susan Mortimer
Treasurer

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PAROLE OF JUVENILE ADULTS

"Degeneration of Criminal Justice"

CURE-ARM's Position on Juvenile Offenders
Serving Life Without Parole

by Timothy J. Muise

CURE-ARM (Citizens United for the Rehabilitation of Errants with Adherence to the Rehabilitation Mandate) is a special interest group which is dedicated to the reduction of crime through the reform of the Massachusetts criminal justice system and holding the Department of Correction to their legal mandate to rehabilitate

and what peer review of social scientists accredited it? That's science, that's the cherishing of learning.

Now it just so happened that Massachusetts in 1972 passed a penal reform law mandating rehabilitation programming, for precisely the reason of bringing science to bear on a failing penal system to curb crime.

It transpired that over the next 40 years that the Department of Correction (DOC) resisting employing accredited, licensed social science practitioners, and in spite of repeated state and federal court judgements against the DOC that it was depriving the prisoners of legitimate rehabilitation programming, the Parole Board continued to make assessments on parole eligibility without that accredited, licensed programming and evaluation.

Now the newly entitled once-juvenile offenders will be appearing before the Parole Board absent the same rehabilitative programming as all others before them, who suffered such abysmally failing re-entry experiences that the Parole Board was recently restaffed because of public outrage.

The corruption of process of such unconstitutionality is flagrantly instanced in the following court judgments over the years:

In 1993, Justice Liacos of the SJC issued a judgment and Order in the Hoffer case that the DOC must cease denying prisoners their statutorily entitled programming rights, that he now explicitly adjudged to be a liberty interest entitlement secured under the Massachusetts Constitution. The DOC not only assented to the judgment and Order, but also signed a settlement agreement to the effect, thereby contracting under the sacred American principle of property rights to such programming and its effects.

In 2001 the SJC confirmed a lower court judgment against the DOC in the Haverty case that it had violated the programming rights that Justice Liacos had specifically ordered them in 1993 never again to violate.

in 2011 the federal district court in the combined cases Tyree/Peterson reconfirmed that the DOC in Haverty had violated both the state and federal constitutional rights of the inmates.

Actually, there has been nothing new about the DOC ignoring or deceiving the courts. In 1995 in the case Superintendent v. Hill, three justices of the Supreme Court accused the DOC of misrepresenting that the inmates had such rights, explicitly admonishing them that such duplicity undermines the integrity of the judiciary.

The long and short of it is that for 40 years the DOC has publicaly represented that "bleeding heart liberals" have been responsible for the mismanagement of the penal programming - as in the infamous Willie Horton Case - when in fact it has been their own illegally substituted programmers, acting as accredited, licensed social scientists, who have failed the public in accurately assessing prisoners' competence to live in a free society, with the complicit assistance of the Parole Board to turn a blind eye to such a perversion of legitimate rehabilitative counseling assessments, upon

which they are obligated by law to abide by.

What legitimacy, then, can we expect of Parole Board compliance with the Supreme Court in Miller and the Supreme Judicial Court in Diatchenko and Brown to give "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" that the concurring justices in Diatchenko "underscore" as good faith compliance with the law?

Answer: **NONE!**

Timothy J. Muise
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