

**CURE-ARM INC.**  
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**Steering Committee Coordinator**

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" O P I N I O N   P A P E R "

Juvenile Injustice

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What follows is an "OPINION Paper" presented by CURE-ARM, Inc., in regards to the situation with juvenile offenders convicted of first degree murder in light of the recent decisions in Miller v. Alabama and Diatchenko v. District Attorney.

Please leave your comments here on this topic. CURE-ARM really would like to hear from you. This social justice issue has wide-reaching ramifications.

Thank you for your time and anticipated involvement.

Sincerely Yours,



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CURE-ARM, INC.  
Opinion Paper

JUVENILE INJUSTICE

The Parole Board has spoken. Joe Donovan, a juvenile convicted 21 years ago, is to be paroled for a murder all agree the record shows he did not in fact commit, nor knew was to be committed. But not to be free immediately; his custody will be extended two more years, presumably just to be sure he is rehabilitated enough not to recommit a murder he hadn't.

Such is the topsy-turvy governance and criminal justice in a state that in 1972 passed a prison reform law mandating rehabilitation treatment - under Massachusetts laws of legitimate (licensed) rehabilitation counseling. The Alice-in-Wonderland Joe Donovan parole decision did, therefore, have an adult reason hidden behind it: the parole board based its assessment upon the illegality of an absent licensed rehab assessment, quite naturally, therefore, coming to a criminally irresponsible decision.

But why, after twenty-one years of Department of Correction mandated rehabilitation treatment, did not the Parole Board have the benefit of such a legitimate social science case file assessment? - Quite simply because the corrections department excludes licensed rehabilitation counseling and, it follows, its programming. The courts, state and federal, have found over two decades that the department has been guilty of denying rehab treatment, flatly charging it with violation of the state and federal Constitution.

Given this bad-habit history of corrections, and of contempt of the courts, who can blame the Parole Board for going along with the charade of due process and ethical treatment protocols? Their rationales suit the law-and-order retributive spirit of the times, not to mention the political and financial expediencies of its special interest groups, who profit handsomely from the nation's 70 billion tax-dollar prison industry. For without the legitimate social science case assessments, no one knows anything, what's to know of his lawabiding chances absent this?

Joe Donovan did not kill anyone - he got in a fist fight with one person, when suddenly his 15 year old companion fatally stabbed the other person. The person he fought with, a foreign exchange student, advocated for his parole, and the family of the murdered companion exchange student also advocated for his parole. You see, they are Norwegians, whose country does not abide a prison-industrial complex, does not consider felons subhuman products for profit.

But their advocacy could only express the redemptive promise of their victimization.

However, in another juvenile convicted parole consideration case, the victim's mother has not been able over the decades to find such healing for the brutal murder of her 17 year old son, Edward Sullivan, by the juvenile Steven James - though she "tried everything." She attended therapy, she fervently practiced her Catholic religion, she enrolled in college to earn a master's degree in marriage and family therapy, she became a licensed social worker, and spent years writing

a book to express the pain and loss - One Cold Night In February - but has not been freed from the burden and agony of "other people's decisions" managing her victim advocacy - the courts, the prosecutors, the prison officials, and of course the Parole Board - all of whom routinely call her forward to be witness to their undertakings these 21 years so that her victim's rights can be fully satisfied through this torment of "other people's decisions."

I propose a saving way for this afflicted woman, a healing through real work and accomplishment. She is to be provided with all means to apply her licensed social work profession to the legitimate casework evaluation of this case and Joe Donovan's case. Give her the paroled freedom to be a worker of Truth, to evaluate all aspects of the process, submit her findings to peer review, and thereby establish a legal, professional record for all to see, not excluding the "investigative journalists" who can then finally report it to the public.

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