

THE DEATH OF HERBERT EARL  
AND  
THE CONSUMATE CON ARTIST

by Timothy J. Muise

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Herbert Earl had served over forty (40) years in prison when he was diagnosed with stage-four terminal cancer. Herbie had been convicted of extremely serious crimes some forty years ago, but in the later part of his incarceration, after doing some really hard time, Herbie returned to his faith; The Catholic Church. He was able, prior to the cancer diagnosis, to participate in the Sacrament of Reconciliation and make his confession. The slate was clean between Herbie and God and he was "made new" because Jesus had died for Herbie's, and our, sins.

The truly sad part of this story, complicated by a host of evil players, is that Herbie received an even harsher sentence than his criminal conviction when he became ill. He was "sentenced" to be hidden away in the Secure Nursing Facility (SNF) here at MCI Shirley, which is run by Deputy Superintendent Karen L. DiNardo; one of the "evil players" I referred to. You see in the SNF Herbie would be hidden away from all of his friends, he would never again be allowed to celebrate Mass in the prison Chapel, which he had done each and every week since coming back to the Church, and would be subjected to abhorantly abusive treatment at the hands of twisted security staff members who should never be assigned to work around the weak and helpless.

In the last days of his life Herbie Earl was suffering with excruciating pain. The medical staff refused to up his pain medications as Herbie had, years earlier, been caught with some morphine tablets in his cell. Each and everyday Herbie grimaced in pain and was forced to suffer like no human being should be allowed to suffer; security staff had injected themselves into the medical care of Herbert Earl. This is illegal but happens daily here where prison authorities feel they are above the law.

Deputy Karen DiNardo made her "rounds" one day, issuing hollow promises and affording tongue-in-cheek answers to the sick and dying, and Herbie called her to his bedside. He asked if he could be sent to the "End Of Life" unit at the Lemuel Shattuck hospital where they could properly manage his severe, excruciating pain. Deputy DiNardo, the consumate con artist, engaged in her standard operating procedure confidence game. She told Herbie that she would "write him a letter" so that he could request such placement. You ask, "What's the con?", well you see Deputy DiNardo is the Deputy of Classification as well as SNF Supervisor and all she would need to do is pick up a telephone and Herbie Earl would be transferred over to Shattuck in a day or two, but because she has become so jaded over the years, so used to judging men by their crimes, she layed it on thick to old Herbie and went with the old "letter con". Herbie was not buying it. A copy of Deputy DiNardo's letter is attached; shame on her.

This is where I come into the story. Herbie Earl reached out to me and asked me to see if I could help him get to the End Of Life Unit. This was the request of a dying man, a man I wheeled into that long-overdue confessional, and I had to at least try. He showed me Deputy DiNardo's letter and said, "I don't trust her Timmy. I need your help." He had more confidence in me than I have in myself. And so I took the DiNardo letter and viewed first hand what the consumate con artist had actually put in writing; it was like a letter from Hitler to Heinrich Himmler about the

welfare of the Jews when you read from my "DiNardo Experienced" prison perspective; so sad.

That same day, April 8, 2015, I wrote to Deputy Commissioner Thomas Dickhaut and asked if he could arrange to have Herbie moved to the End Of Life Unit. He had run the HSU up at Souza-Baranowski and I felt he may see fit to help a dying old convict out. On April 16, 2015, I received a response to that letter to Thomas Dickhaut from his sister, MCI Shirley Superintendent Kelly Ryan, which read in part, "I thank you for your concern, as you are aware, inmate Earl is receiving 24 hour medical care." Didn't she even read my letter? I am also attaching a copy of Ms. Ryan's, one of nepotism's finest, for your review as well as a copy of my letter to Deputy Commissioner Dickhaut. Herbie died April 17, 2015.

Evil is alive and well in our world, we see it on the news each and everyday. Too bad God is also alive and far more powerful. Herbie Earl made his amends and came before his God humble and contrite. Hopefully one day Deputy DiNardo may come before her God with that same condition, but I am not too confident about that. What I am confident about is that in this world, a world of time tested lessons, what "goes around comes around." It's not too far fetched that someday Ms. DiNardo may be stricken with a serious illness, and she may need compassionate care. It is also not too far fetched to think that by that time she may have driven off anyone in her life due to her being the consummate con man (woman) and that she may have no one to advocate for her End Of Life care. Some may say, "A plague be upon her!", but I do not. I say may that humble and contrite spirit that came upon Herbert Earl be upon her and that she chooses to confess and repent. God will forgive you for any bridges in Brooklyn, fine "Swampland in Florida, or letters to the commissioner you may have sold in your life.

Attachment 1 = Consumate Con Man's Letter

Attachment 2 = Muise letter to Dickhaut

Attachment 3 = Letter from Kelly Ryan

Authored by:

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God rest the soul of Herbert Earl.



April 6, 2015

Carol Higgins-O'Brien  
Commissioner  
DOC Central Office  
50 Maple Street  
Milford, MA

Hebert Earl W34929  
MCI-Shirley  
P.O. Box 1218  
Shirley, MA 01464

Dear Commissioner Higgins- O'Brien:

Due to Herbert Earl being medically incapable of writing this letter, Deputy DiNardo did compose the following for inmate Earl following a conversation on April 2, 2015.

I am currently living in the skilled nursing facility at MCI-Shirley due to a diagnosis of bone cancer. I have chosen not to pursue any further medical treatment for my issues. I am in terrible pain and have developed a deep bed sore on my lower back. Each time medical staff tend to me I suffer a great pain. I have begged the Doctor to send me to the Lemuel Shattuck so that I can be administered additional pain medication to alleviate this pain. Would you please allow me to obtain additional pain medication to assist me.

Your assistance in this matter is appreciated.

Sincerely,

Hebert Earl

Cc: Stephanie Collins, Assistant deputy Commissioner  
Dr. Angeles, MCI-Shirley  
File

PS: NICE BRIDGE IN BROOKLYN FOR SALE - CHEAP!

ATTACHMENT 2

Timothy J. Nuisse, w00927  
MCI Shirley  
PO Box 1210  
Shirley, MA  
01464-1210

April 8, 2015

Thomas E. Dickhaut  
Deputy Commissioner  
Department of Correction  
50 Maple St., Suite 3  
Milford, MA 01757

PRIVILEGED MAIL

Re: "END OF LIFE CARE" for HERBERT EARL (W34929)

Dear Deputy Commissioner Dickhaut:

Today, Wednesday, April 8, 2015, I was blessed to be part of a Catholic Mass up in the MCI/SKF here at MCI Shirley. I am the Catholic Chaplain's clerk and was assisting with the Mass. While in the MCI a Catholic prisoner who I have known for many years asked me for help. I was shocked at how much his physical appearance had deteriorated since I last saw him; he is suffering from the ravages of cancer. This man, Herbert Earl (W34929) begged me to contact someone who may be able to get him transferred to the Lenox Shattuck hospital's "end of life" unit where his intense pain could be better managed. I told him I would do what I can.

I reach out to you due to my knowledge that you oversaw, as superintendent, the MCI at MCI. I know you made recommendations that men there be sent to Shattuck when the level of their illness required such. As such I would ask that you intervene in the Herbert Earl situation and see to it that such a sound decision is made in his case. Mr. Earl was skeptical, to say the least, about how his best interests were being considered here.

Mr. Earl and I were never close, but he is my Catholic brother and I felt I had to at least honor his dying request. My true hopes and prayers will be that you can intervene.

Thank you for your time and anticipated prompt attention. I am,

Respectfully yours,



Timothy J. Nuisse

Cc: file



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

DANIEL BENNETT  
Secretary

*The Commonwealth of Massachusetts  
Executive Office of Public Safety & Security*

*Department of Correction*

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CAROL HIGGINS O'BRIEN  
Commissioner

KATHERINE A. CHMIEL  
THOMAS E. DICKHAUT  
PAUL L. DIPAOLO  
Deputy Commissioners

KELLY A. RYAN  
Superintendent

April 16, 2015

Timothy Muise W66927  
MCI-Shirley / C-2  
P. O. Box 1218  
Shirley, MA 01464

Dear Mr. Muise:

Your letter to Deputy Commissioner Thomas Dickhaut dated April 8, 2015, regarding inmate Herbert Earl, was referred to me for reply.

I have reviewed your letter and be advised that Deputy DiNardo had drafted a letter for inmate Earl based on a conversation they had during rounds. Mr. Earl had yet to make a firm decision on whether he wished to forward this request.

I thank you for your concern, as you are aware, inmate Earl is receiving 24 hour medical care.

Sincerely,

Kelly A. Ryan  
Superintendent

HERBERT EARL DIED APRIL 17, 2015  
IN EXCRUATING PAIN

cc: Thomas Dickhaut, Deputy Commissioner  
File #5296  
File