

MORE DRACONIAN CHANGES ATTEMPTED

"Public Safety Backslide Continues"

THE NORFOLK CHRONICLES

by Timothy J. Muise

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What follows is a letter I have directed to DOC "Regulations Counsel" (another in the long list of attorneys on the DOC dole) Jennifer Staples concerning some more restrictive changes the Department of Corruption is attempting to make to the Massachusetts Code of Regulations. I only cover two (2) areas of great concern to me, but The Lifers' Group, Inc. has gone into detail concerning the proposed changes.

We are asking readers of this blog to attend the hearings on these changes at the John McCormack Office Building, One Ashburton Place, at 10:AM (Boston, MA), on the dates of 09/27/16, 09/29/16, 10/04/16, and 10/06/16 (all at 10:AM). A list of the specific regulations being discussed on a specific date follows as well.

The DOC will just not admit that the "tough on crime" era abuses do nothing to promote public safety, and in fact, increase recidivism and crime. They just want to promote the "State Jobs Program" that is the DOC and continue to strap the taxpayer with outrageous salaries and long-term retirement/medical care packages.

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LEGISLATORS RETURNING TO NORFOLK

PHASE III PROJECT MOVES AHEAD

THE NORFOLK CHRONICLES

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Members of both the Massachusetts House and Senate will be attending The Lifers' Group, Inc. meeting on Tuesday, September 20, 2016, at MCI Norfolk. The Phase II Project, where prisoners will once again be taken to the State House to testify, will be one of the main topics. We will let you know how it all goes. FREE SPEECH LIVES!!!

More To Come...

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September 9, 2016

Jennifer Staples
Regulations Counsel
Department of Correction
Legal Division
70 Franklin Street
Suite 600
Boston, MA
02110-1327

LEGAL MAIL

Re: PROPOSED REGULATION CHANGES / PUBLIC HEARING(S) - WRITTEN PROXY

Dear Attorney Staples,

Please consider this my formal "written proxy" as a submission to the Public Hearing(s) being held on proposed DOC regulations changes. Please also consider this my formal "presentment" as I plan to pursue litigation if the department proceeds with two (2) specific proposed regulatory changes. They are as follows;

1.) 103 CMR 403 "Inmate Property": If any changes are made to this regulation barring one prisoner from being in possession of the "legal materials" of another prisoner I plan to pursue litigation in accordance with the precedent caselaw set in Johnson v. Avery, 393 U.S. 483 (1969); Houghton v. Shafer, 392 U.S. 639 (1968), and Lewis v. Casey, 518 U.S. 343, as this would cause "actual injury" in the denial of access to the courts due to the fact that the DOC does not provide trained law clerks who are skilled in "writ writing" and oral argument. My right, and the rights of other prisoners, to legal counsel will be violated under the provisions layed out in Bounds v. Smith, 430 U.S. 817 (1977).

2.) 103 CMR 483 "Visiting Procedures": If any changes are made to this regulation which would force visitors to be "pre-approved" I plan to pursue litigation as it violates my First Amendment to the U.S. Constitution right of free speech as well as violates the First Amendment rights of any potential visitor who may wish to visit me an engage in such free speech. I am a prisoner rights activist with numerous electronic communications on the world-wide-web. readers of my written activism work have come to the prison(s) spur-of-the-moment to engage me in free speech. Any such changes requiring pre-approved visitors would chill our free expression and is actionable under Overton v. Bazzetta, 539 U.S. 126 (2003), as it would chill mt free association/free expression, as well as violates my "state created right to rehabilitation as detailed in M.G.L. c. 124, ss. 1 et seq. My right to free expression, free association, and rehabilitation

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DOC Legal
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would be chilled by any such regulation which would require visitors to be pre-approved.

As such I ask that your office remove any language which would bar one prisoner from possessing another prisoner's legal materials or which would require that visitors be pre-approved before they can visit a prisoner in DOC custody. Please recognize the litigation costs the department will have to endure if you proceed on a path to employ these unconstitutional/illegal regulatory changes.

Thank you for your time and anticipated prompt attention. Please confirm receipt of this communication.

Respectfully Submitted,



Timothy J. Muise
Activist
facebook.com/curearminc

betweenthebars.org/blogs/101/timothy-j-muise

Cc: file
ACLU of Massachusetts
Lifers' Group, Inc.

CMR Public Hearing Dates

All hearings begin at 10:00 a.m. at the McCormack Building, Ashburton Cafe Function Room, 1 Ashburton Place, Boston, MA 02108

September 27:

- 103 CMR 155 - Inmate Case Records
- 103 CMR 410 - Sentence Computation
- 103 CMR 411 - Deduction From Sentence Policy
- 103 CMR 420 - Classification
- 103 CMR 462 - International Transfer Policy
- 103 CMR 916, 917, and 918 - County Standards

September 29:

- 103 CMR 157 - Access to and Dissemination of Evaluative Information
- 103 CMR 180 - Research and Evaluation
- 103 CMR 481 - Inmate Mail
- 103 CMR 482 - Telephone Use and Access
- 103 CMR 483 - Visiting Procedures
- 103 CMR 485 - Volunteers and Volunteer Programs

October 4:

- 103 CMR 405 - Inmate Funds
- 103 CMR 455 - Correctional Industries
- 103 CMR 464 - Employment Programs Outside a Correctional Facility
- 103 CMR 471 - Religious Services
- 103 CMR 478 - Library Services

October 6:

- 103 CMR 403 - Inmate Property
- 103 CMR 430 - Disciplinary Procedures
- 103 CMR 431 - Observation of Behavior Reports
- 103 CMR 491 - Inmate Grievance
- 103 CMR 505 - Use of Force
- 103 CMR 457 - State School/Hospital Programs

Jennifer Staples, Regulations Counsel

D>O>C> Legal

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All written testimony and comments SHOULD be submitted by 5:00 PM on 9/27/16