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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2011/02/15/massachusetts-prison-whistleblower-is-punished-and-silenced/>

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by [James Ridgeway and Jean Casella](#) | February 15, 2011

The saga of Timothy Mui, the Massachusetts prisoner who was punished after he exposed an alleged sex-for-snitching ring inside MCI Norfolk, has taken yet another turn for the worse. Once he made his accusations known, Mui was thrown into solitary confinement. He was brought up on disciplinary charges and given additional time in solitary. Last week, Mui was shipped off to another prison, MCI Shirley. There has been no investigation, and now the primary whistleblower has been removed from the scene and effectively silenced.

As we [described in an earlier article](#), Mui last fall asked Deputy Corrections Commissioner Paul DiPaulo to investigate corrections officers whom he claimed were running a sex-for-information racket. Certain prisoners, he said, were being placed on one tier where they were free to have sex, provided they turned snitch and supplied the guards with information on other prisoners. Failure to do so, according to Mui, could result in various forms of retaliation, including placement in the general population, where they would likely become targets for assault.

Mui wrote letters to Solitary Watch as well as to friends and family in Massachusetts, asking them to support his efforts. The prison intercepted his mail, declared it contraband, and put him into solitary confinement which by the way, the Massachusetts Department of Corrections says does not exist in its system. They call it a Special Management Unit, and say that Mui was placed there on pending investigation status.

Once in solitary, Mui was brought up on disciplinary charges and accused of engaging in or inciting a group demonstration or hunger strike, based on statements he had made in a letter about a planned protest outside the prison. On investigation, that charge was dismissed but in a triumph of semantic contradiction, Mui was found guilty under a disciplinary code in which attempting to commit or making plans to commit the offense shall be considered the same as the commission of the offense itself.

Mui's student attorneys, from Harvard Law School's Prison Legal Assistance Project, appealed the charges, pointing out that he was found innocent of one charge only to be found guilty of the same charge stated in a different way. Their appeal was to no avail.

Next, Mui was subjected to a reclassification hearing, in which MDOC officials decided to send him to another prison. Again defended by student lawyers, he argued that he should be allowed to remain at Norfolk, where he is active in the Lifers Group and the inmate council and has built the best life he can behind bars. The reclassification board voted unanimously to move him to MCI Shirley, in what Mui described in a letter as a retaliatory transfer.

Meanwhile, details of the alleged sex-for-information racket at Norfolk have surfaced in a separate civil complaint being filed in federal district court in Boston by Celestino Colon, a former Norfolk prisoner who is now at North Central Correctional Institution in Gardner, Massachusetts. He charges that various guards at Norfolk, along with former Commissioner of Corrections Harold W. Clarke and other Department of Corrections officials, violated his civil rights and denied him protections under the Prison Rape Elimination Act.

Colon and Mui were both members of an inmate council, and the sex-for-information ring Colon describes in his suit appears to be the same one Mui wants investigated. Colon's complaint, a copy of which was obtained by Solitary Watch, describes a labyrinthine scene in which correctional officers had sexual relations with prisoners, whom they then set up in various housing units, into which they pimped other prisoners so they could all have sex. The quid pro quo was that the prisoners with benefits, were expected to inform on the general population. Colon claims he briefly participated in this set up, but when he tried to get out he was threatened, coerced, pressured to have sex against his will, and eventually transferred out of Norfolk.

Last month, Mui wrote to the Civil Rights Division of the U.S. Department of Justice asking for a federal investigation a request that was rejected on grounds that the DOJ does not investigate the personal grievances of a single individual, but only situations in which there is a systematic pattern and practice of rights violations. This would require that additional prisoners come forward something that seems less than likely considering what happens to inmate whistleblowers.

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served

as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets [@solitarywatch](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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To correct an error in this article (paragraph 4 & 5), Timothy Muise, my brother, was found guilty of both engaging in or inciting a group demonstration or hunger strike as well as attempting to commit or plan that same offense. Massachusetts case law states that one cannot be found guilty of duplicative charges: committing an offense and attempting to commit the same offense. This point was part of Tims appeal of the guilty findings and, along with other arguments in his appeal, showed that the entire decision was seriously flawed. His appeal was denied immediately upon receipt by the DOC.

Thank you for the correction, Sandra. (Those disciplinary forms from the DOC are quite a challenge to read.)

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