



Written by [Thomas R. Eddlem](#) on June 29, 2009

Crime and No Punishment in Massachusetts

The Massachusetts state legislature must have failed to pass a 142-strikes-and-you're-out legislation just days earlier. The liberal legislature deems such legislation too harsh on misunderstood criminals, who deserve just one more chance.

The criminal in question, Derek M. Lindsay, was the berserker dad who made national news in May 2007 after he got into a fight with parents and police at a McDonald's playground after telling his kid to push the other kids out of the way to get to Ronald McDonald. But that was among his least serious offenses. More recently, he had been [charged in March of this year with attempted murder](#) for stabbing someone at a local tattoo parlor.



So naturally, the local judges let this model citizen go free back into society back in March. Thus, his 143rd arraignment this week.

Throughout Massachusetts, but particularly in the City of Taunton, such events are commonplace. Here's another example. Back in 2005, retired Taunton Police Officer [David W. Smith confessed](#) to raping his seven-year-old step-daughter almost every night for a full year. What kind of a prison sentence does nearly 365 counts of child rape count for in Massachusetts?

If you guessed "zippo," you'd be correct.

Not only was Smith set free, he cut a plea deal with the district attorney to keep his police pension. He did get four years probation for the plea, which ended last month, but another part of the plea deal was that he doesn't have to register as a sex offender. His record is clean, as far as the State of Massachusetts is concerned. Officially, he was never in prison and never convicted of a crime. It doesn't matter that he willingly confessed to the crime.

The district attorney at the time, Paul Walsh, argued for the plea bargain on the basis that the seven months Smith had spent in prison awaiting trial was all he would have served had he been convicted under current Massachusetts sentencing guidelines anyway. Walsh was [voted out of office in the 2006 elections](#), but he was right on that point.

Cities and towns throughout Massachusetts have posters in almost every municipal building all but advertising that sex criminals in the Bay State serve virtually no jail time. On the bulletin boards of police offices, libraries, city and town halls, as well as other places, are stapled up pictures of the towns' "level 3 sex offenders" along with a catalogue of their crimes and dates of convictions. Many of these sex offenders, who are free to prowl throughout the community, are guilty of six or seven serious sex offenses with minors — often in subsequent years. Within a few years of a conviction (or less), they are set free to prey once again.



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The State Sex Offender Registry Board [states](#) that a “level 3” offender is one where “the risk of reoffense is high and the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active dissemination, it shall give a level 3 designation to the sex offender.” They’re released into society even though the state [admits](#) to the world that “the risk of reoffense is high” and the criminal remains dangerous.

That State Sex Offender Registry Board also tells me there are some 33 such “level 3” offenders — not counting people like Smith and his ilk — in my little city of 60,000. Thus, it’s not surprising that there were [two arrests in my hometown on child rape charges this past week alone](#).

Police are clearly doing their jobs here. They’re catching the crooks. Prosecutors usually do their jobs. They’re convicting the crooks. But the judges let them go every time.

And it’s not surprising that the frustration of the local police, some of whom I know personally, is reaching a breaking point. Consider this [segment from the Brockton Enterprise story](#) on Lindsay:

“How many times do you actually have to be convicted before someone says, you need to take a break for a while and go to jail and think about what you’ve done?” said Taunton police Lt. Paul Roderick.

Middleboro police Lt. Peter Andrade blamed “liberal Massachusetts courts” for repeat offenders such as Lindsay.

“It’s not just (Lindsay), it’s just about anyone who commits a crime in Massachusetts,” Andrade said.

The cops have been reduced to the role of running an overnight bed-and-breakfast for these crooks before they’re taken over to the court in the morning and set free. A free meal and taxi service, nothing more.

The criminal justice system in Massachusetts protects the criminals, ensuring they can prey again and again upon society without any retaliation. The state would probably be safer for decent people right now if they traded in their police and judges for lynch mobs. Yes, it’s that bad.

[Taunton](#), though a city, comprises 48 square miles and has the feel of five different small towns. Taunton is a city with a history to be proud of: it was founded in 1637, was narrowly passed over in [King Philip’s War](#) (King Philip nearly burned the nearby community of Middleborough to the ground), is the hometown of Declaration of Independence signer Robert Treat Paine, boasts its own revolutionary-era “Liberty and Union” flag, saw the ending of Shay’s Rebellion on Taunton Green, and is known as the “silver city” for the more than 40 silver manufacturers that once had shops in the city (and is still the headquarters of Reed & Barton).

And liberal judges are killing Taunton. They’re letting repeat criminals roam the same streets where my three children would like to be able to walk and play in safety — but can’t.

In Massachusetts, laws are on the books that allow reasonable sentences for crimes. But courts follow “sentencing guidelines” that cut these sentences to a tiny fraction of what’s in the state criminal code. And judges have almost unlimited discretion to cut the sentences further, discretion they inevitably use. For example, the [state criminal code allows punishment for rape of a child under 16](#) with life imprisonment.

Moreover, the whole liberal Massachusetts judge phenomenon is not limited to the state’s domination by the Democratic Party. Most judges have been appointed by Republican governors, who sat in the



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governor's chair for 14 of the last 16 years. The majority of the same Massachusetts Supreme Judicial Court that five years ago discovered that John Adams had put same-sex marriage into his 1780 Constitution had been appointed by Republicans. The judge that approved the David W. Smith plea deal, Fran Marini, was a "conservative" Mitt Romney appointee and a former minority leader of the State House of Representatives. It's bipartisan idiocy.

The state legislature has thus far declined to eliminate that much-abused discretion as well as the ridiculous sentencing guidelines.

Instead, powerless communities are turning to building up their police forces into small armies and [using video surveillance as a panacea](#). Taunton already has well over 100 police. But neither more police nor turning the city into a Jeremy Bentham-style [panopticon](#) would solve the problem.

So what if the police can catch felons a few minutes or hours earlier? The felons will still be set loose upon society in the morning. But the government would have more power over citizens in the process, which is a key liberal goal.

This is the kind of society liberals plan for all of America.

The voters could wake up and toss out the state legislators who continue to allow sentences other than those on the books to be served. But Massachusetts voters are sedentary liberals, and show no sign of waking up. But that's the only practical possibility, and it's the only way ordinary citizens can expect to have an impact upon making their communities safer.



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