Retired judge preserves life story of murder exoneree turned ‘brother’

By: Kris Olson    February 28, 2023

Whether the life story of Bobby Joe Leaster demanded to be told was never in doubt, says retired Superior Court Judge Christopher J. Muse.

But for a while, Muse resisted the idea that he should be the one to tell it. A book project seemed like a daunting task, even for someone who had authored plenty of opinions.

But little by little, Muse was nudged to reconsider. There was the prodding from good friends like former Supreme Judicial Court Justice Geraldine S. Hines and noted local educator Jerry Howland, who playfully suggested that Muse could be making better use of the pandemic, noting that Sir Isaac Newton had developed the theory and principles of calculus during the plague.

Then there were those inspirational true stories that kept popping up as Muse read along with his son’s school reading list, such as Bryan Stevenson’s “Just Mercy” or “The Other Wes Moore” by Maryland Gov. Wes Moore.

But the biggest reason one can now read Muse’s book, “Justice Under God,” is a sense of family obligation, and not just to Muse’s father, Robert F. Muse, but to Leaster himself.

“He became a member of our family, as close as any of my other seven brothers.”
Leaster served 15 years in prison for a murder he did not commit. But he emerged to work for decades with at-risk youth as one of Boston’s preeminent street workers.

In “Justice Under God,” Muse charts his and his father’s involvement in Leaster’s case from its earliest days, when the younger Muse was still making his pitch to join his father’s firm.

“Big Bob,” as he was known, was half-listening to his son while opening the mail, which brought news that he had been appointed to represent Leaster in his third trip through the habeas corpus process — something that would be unheard of today, Muse notes.

The father tossed the envelope at his son, offering a less-than-charitable assessment of Leaster: “He sounds like a crybaby,” Muse recalls him saying.

Still, Big Bob offered a crucial piece of advice that would set the course for their ensuing improbable success.

“Go meet with him in person,” the father instructed, something Leaster’s previous appellate counsel had failed to do.

In that initial meeting, “Bobby was convincingly sweet, gentle, kind — innocent,” Muse says.

When Muse reported his impression to his father, Big Bob delivered yet another piece of sage advice: They would never succeed in getting Leaster out of prison unless they could determine who really killed Levi Whiteside during an armed robbery at the Talbot Avenue Variety Store on Sept. 27, 1970.

Read Muse’s book for the full details of the twists and turns. But suffice it to say that an “inconclusive” test for gunpowder residue and some previously unexamined grand jury testimony played a role. So did a fateful decision to place Leaster under hypnosis.

Yet even after the considerable work to develop the alternate, more probable theory of the crime, the courts still denied Leaster relief.

“The courts did everything to protect the verdict back in the day,” Muse says.

After seeing Leaster lose his cool for the first and only time — “I just remember him saying, ‘How did I get a fair trial if I’m innocent?’” Muse says — Muse vowed to get Leaster a commutation.

Not incorrectly, Leaster assumed he would be required to express contrition for a crime he did not commit, which he was loath to do.

To overcome that hurdle, the Muses marshaled an all-star roster of legal luminaries to help make Leaster’s case.

Famed Boston civil rights attorney William P. Homans Jr. told the Parole Board Leaster’s was his “most troubling case.”

Highly respected Committee for Public Counsel Services appellate attorney Brownlow “Brownie” Speer testified memorably that “Bobby’s insistence on his innocence is not a stubborn one.”

Harvard Law School Professor Charles J. Ogletree also played a role.
Muse then parlayed a chance meeting on the street with journalist Bo Burlingham into a feature in the Boston Globe Magazine, written by Burlingham’s friend in the Globe’s newsroom, Charles Kenney.

On a whirlwind, watershed day for Leaster’s freedom, Muse drove first to The Globe’s distribution facility in Lynn to pick up an early copy of Kenney’s story, “Justice for Bobby Joe.” He then made a beeline to the office of the Parole Board to grab a copy of its 7-0 decision in favor of commuting Leaster’s sentence.

As Leaster was beginning to wind down his ensuing exemplary 30-year career working with at-risk youth, he began to tell people that he and Muse planned to use their retirement to write a book.

Muse began to collect the raw material for the project, recording weekly interviews with Leaster in the Boston office of Commonwealth Mediation on his iPhone.

Muse says he learned stunning new details about Leaster’s life. For instance, at the age of 10, Leaster, who was Black, witnessed a close relative get shot and killed by a white store owner who falsely believed that he had been trying steal a pack of cigarettes.

“That would have knocked my socks off for the rest of my life,” Muse says. “But it didn’t change Bobby’s love of the world.”

Muse also learned that Leaster had come close to dying from wounds he suffered when he was shanked in prison, which led to a six-day stay in Norwood Hospital.

Muse also recorded interviews with Leaster’s streetworker colleagues at Victoria’s Diner in Boston.

But then Leaster’s untimely death disrupted the book-writing process.

“I had neither the interest nor the emotional strength to continue on with this adventure that I was sharing with him,” Muse says.

What got him to pick up the computer again in the fall was a belated response to his inquiry about contributing to a scholarship fund established by an alumni association of Leaster’s segregated high school, Hopewell High School in Reform, Alabama.

That opened the door to talking to sources who knew Leaster in his younger years, helping Muse to regain his momentum and providing “good therapy” as he mourned his loss.

Muse sent initial drafts to a few volunteer editors — the red pen of his daughter, a writer for Jake Tapper at CNN, was particularly vicious, Muse says with a laugh.

Muse then funded an initial printing of more than 500 copies of the book and circulated them to people mentioned or who had taken an interest in Leaster’s case, along with prosecutors, public defenders and organizations such as the New England Innocence Project.

The heartwarming response — including from a lawyer featured in the book who planned to use it in a criminal procedure class he was teaching — has encouraged Muse to do a second printing. Those interested in receiving a copy should reach out to Muse by email at cjmuselaw@gmail.com.

What readers will gain, Muse hopes, is an appreciation for Leaster’s historic impact in thwarting the reinstatement of the death penalty in Massachusetts on multiple occasions and opening the door for exonerees to be compensated for years lost behind bars.
But mostly, it provides an introduction to a man Muse calls "the most extraordinary human being I've ever met in my life."

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