

Lobbyist McDonough could face new, stringent probation conditions - The Boston Globe

Aram Boghosian for The Boston Globe

Richard McDonough in 2011.

Richard McDonough, the lobbyist convicted of public corruption, succeeded in getting out of prison early after completing a drug-rehabilitation program — but he could face some tougher new probation conditions he did not expect.

US Senior District Judge Mark L. Wolf has set a hearing for next week to consider imposing new, stringent probation conditions for McDonough, including conditions that he stay away from alcohol; participate in a rehabilitation program, and be subjected to alcohol and drug tests (which he pays for); not reside in any premises where alcohol is present; stay away from any establishment whose primary purpose is selling alcohol; and not associate with any individual who is consuming alcohol or using a controlled substance not prescribed by a doctor.

The new conditions would be a significant change for McDonough, 71, who must complete two years of supervised release, or probation, upon his release from prison custody on Tuesday.

But Wolf is considering imposing the conditions after finding that McDonough may have lied to prison

officials and fabricated a history of alcohol abuse so that he could get into a coveted rehabilitation program that would allow for his release from prison a year early.

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Wolf noted in a court filing Thursday that, "The court does not have authority to review and, if justified, reverse the [Bureau of Prisons'] decision to reduce McDonough's sentence." However, the judge has control over McDonough's probation conditions, and the judge said "the court is considering imposing the . . . conditions, among others relating to substance abuse."

The hearing is slated for Jan. 4, the day after McDonough's release from prison custody.

McDonough was sentenced to seven years in 2001 for helping to orchestrate a scheme to funnel kickbacks to former House speaker Salvatore F. DiMasi, in return for his support for a \$17.5 million state contract for a Burlington software company. DiMasi was sentenced to eight years in prison.

In November, Wolf agreed to release DiMasi, 71, from prison early, under a compassionate release program that allows for the release of sick, elderly prisoners. DiMasi battled cancer twice while in prison and he has trouble eating without a feeding tube. His release was recommended by prison officials and local prosecutors.

Wolf said in court filings, though, that he noticed while reviewing the case that McDonough was allowed to participate in the rehabilitation program and will be released from prison custody a year early. He has already been released to home confinement while receiving outpatient alcohol treatment, and he begins the probation term on Jan. 4.

Wolf said McDonough never disclosed a history of alcohol and cocaine abuse when he was sentenced in 2011; Wolf would have factored that decision into his sentence, and he could have required intense alcohol addiction treatment. But the judge questioned whether McDonough fabricated his history so that he could gain acceptance into the rehabilitation program.

After a hearing in November, Wolf questioned whether Bureau of Prisons officials followed proper protocol in confirming McDonough's history of alcohol abuse. Prison officials responded that they would not alter their decision to release McDonough early, however. McDonough's lawyer, Martin Weinberg, said all proper procedures had been followed for McDonough to gain acceptance to the rehabilitation program.

Wolf said in a court filing Thursday: "The court will conduct a hearing to determine whether the conditions of McDonough's supervised release should be modified to include conditions concerning substance abuse."

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