



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

DANIEL MCDONOUGH

W37603

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 7, 2017

DATE OF DECISION: May 2, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole to sober housing, with special conditions.

I. STATEMENT OF THE CASE

On May 17, 1977, in Suffolk Superior Court, Daniel McDonough pleaded guilty to second degree murder. He was sentenced to life in prison with the possibility of parole. Mr. McDonough was also convicted of unlawfully carrying a firearm, for which he received a state prison sentence of 3 to 5 years, all to run concurrently with his life sentence. There were no appeals on this matter.

On Monday, July 5, 1976, at about 1:00 a.m., Patrolmen Tom McDermott and Fred Lane responded to 141 Portland Street, the parking lot opposite Downey and Judges Café. Upon arrival, the officers found 39-year-old Francis D. Manning (Michael Manning) lying on the ground between two cars. He was unconscious, with an apparent gunshot wound to the mouth. Earlier, Mr. Manning had attended a concert on the Esplanade with friends before consuming a few drinks at Downey and Judges Café. When they proceeded to leave the Café at approximately 1:00 a.m., Mr. McDonough's friend came out of the bar and yelled something

like "wait a minute." As they approached the car, Mr. McDonough was in possession of a firearm. He pointed it at Mr. Manning in an attempt to rob him. When Mr. Manning stated that he had approximately 20 cents, Mr. McDonough shot him and fled. On July 9, 1976, Mr. Manning succumbed to his injuries.

On August 30, 1976, authorities were notified that Daniel F. McDonough (aka John Petler) was under arrest in San Francisco, California for armed robbery.

II. PAROLE HEARING ON SEPTEMBER 7, 2017

Daniel McDonough, now 72-years-old, appeared before the Parole Board for his review hearing on September 7, 2017. He was not represented by counsel. Mr. McDonough had been denied parole after his initial hearing in 1995 and, again, after a subsequent hearing in 1998. Mr. McDonough waived his hearings in 2002, 2007, and 2012. In 2017, however, he requested reconsideration, as he felt he was finally ready and had addressed the Board's previous concerns. In Mr. McDonough's opening statement, he offered an apology to the family of Francis Manning. Additionally, he apologized to the witnesses for the trauma that they experienced. When discussing the murder of Mr. Manning, Mr. McDonough was unclear as to why he shot him, but indicated that he was in a drug and alcohol induced blackout. He acknowledged that his criminal record is lengthy and that it directly correlates to his substance abuse. He explained that he committed the armed robberies to support himself financially and to feed his addiction.

Throughout the course of his hearing, Mr. McDonough discussed his addiction and how it affected his life. Mr. McDonough took his first drink at age 10 and, soon after, began skipping school and stealing. At age 12, he was committed to the Department of Youth Services. He abused alcohol and drugs in order to self-medicate, as he was trying to dull the pain from the emotional and physical abuse he experienced early on. Through his work in AA, he found redemption and relies heavily on the philosophy of 12-Step and Big Book. According to Departmental records, there is no indication of alcohol/substance use in over 30 years. The Board discussed Mr. McDonough's positive institutional adjustment; he has remained disciplinary report free for over three decades. Mr. McDonough is currently incarcerated at MCI-Norfolk, where he works as a block runner. He has successfully participated in programs covering a variety of topics, including those recommended by the Department of Correction in his risk reduction plans. Mr. McDonough has participated in several programs, including: Correction Recovery Academy (CRA), Criminal Addictive Thinking, Violence Reduction, and General Maintenance Program (GMP).

The Board considered testimony from Mr. McDonough's nephew, who expressed strong support of parole. Suffolk County District Attorney Conley's Office submitted a letter requesting that strict conditions be imposed, if the Board were inclined to grant parole.

III. DECISION

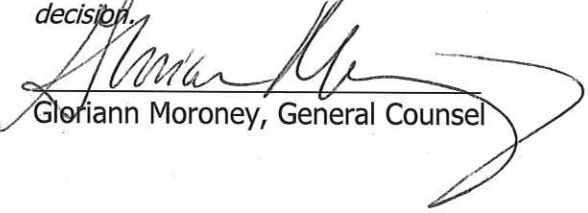
The Board is of the opinion that Mr. McDonough has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. He has availed himself to rehabilitation. He has completed

numerous programs to include CRA and is currently in GMP. He has maintained employment throughout his incarceration, coupled with a positive adjustment.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. McDonough's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. McDonough's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. McDonough's case, the Board is of the unanimous opinion that Daniel McDonough is a suitable candidate for parole to a sober house, with special conditions.

SPECIAL CONDITIONS: Waive work for 2 weeks; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have mental health counseling for adjustment and transition; Sober House residential program; AA/NA at least 3 times/week with a sponsor; May have contact with nephew [name].

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Gloriann Moroney, General Counsel

5/2/18
Date