Priest convicted of lewd conduct with teen-ager

By Bethany Dunbar
Free Press Correspondent

NEWPORT — The Rev. Michael K. Madden was convicted Wednesday of lewd and lascivious conduct with a teen-age boy, in a plea bargain that freed the priest from a sexual assault charge.

After a hearing Wednesday in which Madden pleaded no contest to the felony conduct charge, the priest said he hopes to continue preaching and would like to return to St. Paul's parish in Barton and East Albany.

Orleans County State's Attorney Jane Woodruff said the state will send a notice of Madden's conviction to the Rev. John Marshall, bishop of the statewide Roman Catholic Diocese of Burlington.

Marshall, who removed Madden from the parish after charges were filed against him in April 1988, was unavailable for comment Wednesday.

Vermont District Court Judge Dean Pineles gave Madden, 46, a deferred sentence, which means sentencing will be put off for five years while he is on probation. If Madden stays out of trouble, his conviction will be wiped off his record. Successful completion of a sex offender program and 50 hours of community service are among Madden's probation requirements.

Madden's decision to plead no contest Wednesday came on the second day of his trial. Tuesday, his lawyer asked that a mistrial be declared, saying a comment by the first witness might have prejudiced the jury.

Pineles ruled the comment was not serious enough to warrant declaring a

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mistrial, though neither he nor any of the lawyers involved in the case would discuss what the comment was.

Madden's trial was set to continue Wednesday morning when the lawyers negotiated a settlement that involved dropping a sexual assault charge and a second felony charge of lewd and lascivious conduct. Prosecutors charge Madden kissed and fondled the boy.

"He maintains his innocence," said Oreste Valsangiacomo Jr., Madden's lawyer.

Woodruff said she agreed to the plea bargain because Madden would be required to get treatment. She said the victim had no desire to see Madden serve jail time.

"His main concern is that Father Madden get help," said Woodruff, adding the boy also wanted "vindication." Strong support had been voiced for Madden by members of his parish, who said they did not believe the accusations against him could be true.

Woodruff added she also supported a plea agreement because, as with most sexual assault cases, the only witnesses were the defendant and victim.

"There's a high probability of a hung jury," Woodruff said.

In accepting the plea, Pineles emphasized that although Madden pleaded no contest, he was being declared guilty and must abide by the rules of probation.

"You will be required to successfully complete a sex offender treatment program. . . . It will be necessary to acknowledge a sexual problem," the judge said. "If you're not willing to do that, then I can tell you right now that you will not successfully complete that program."

After some hesitation and voicing some second thoughts, Madden said he had decided he would plead no contest.