



The Commonwealth of Massachusetts
Executive Office of Public Safety

Parole Board

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DECISION

IN THE MATTER OF

GARY POWERS

W37204

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 24, 2012

DATE OF DECISION: May 3, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, the nature of the underlying offense, the institutional and criminal records, supporting documentation and following a public hearing where the views of the public were expressed orally or in written submissions, the inmate's parole request is denied. The decision is unanimous, and the review of that decision will be in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Gary Powers appeared before the Massachusetts Parole Board on April 24, 2012, for his fifth review hearing. In 1994, 1997, 2002, and 2007, the Board denied parole. On July 17, 1979, Mr. Powers pleaded guilty to second-degree murder and was sentenced to serve life in prison. He has not filed any post-conviction appeals.

On April 4, 1979, 2-year-old Michael Tedesco died as a result of sustained beatings and torture at the hand of Mr. Powers. The year before the murder, Mr. Powers met Deborah Tedesco, the victim's mother.¹ The two began dating and eventually moved in together.

In January 1979, Mr. Powers began to beat Michael because the child would do things "wrong" and, over the course of the next four months, the beatings escalated. He started out

¹ Deborah Tedesco was also charged in connection with Michael's death. She pleaded guilty to manslaughter for failure to protect the child and was sentenced to serve eight to ten years in prison.

slapping the child with an open hand and progressed to punching him with a closed-fist at full force. At one point, he beat Michael with a belt because the child did not properly learn his numbers. He repeatedly held the child's mouth shut, until his lips became raw, because Michael would not chew with his mouth closed. He tried to potty train the child, and spanked him repeatedly because the child could not be trained in the time frame that Mr. Powers thought was acceptable. When the spankings did not achieve the desired result, Mr. Powers squeezed and twisted the child's penis. In a later statement to police, Mr. Powers stated that he could not understand why, despite the beatings, the child would not learn what he was teaching.

On April 2, 1979, Michael developed a fever. He was still sick the next day. On April 4, 1979, the child stood up briefly and began having seizures. He was taken to the hospital by ambulance and died that day. Upon arrival at St. Vincent's Hospital, the child presented with two black eyes, abrasions around his left ear, and an ulceration around his rectum. His lips were raw and his gums had degraded so much that there were two openings into his nasal cavity. Later, an autopsy revealed that Michael was bleeding from his intestines and had suffered several hematomas on both sides of his brain. There was also severe bleeding in the tissues around his testicles, his scrotum had swelled to three times the normal size, and there was a circumferential lesion all the way around his penis. The ultimate cause of the child's death was blunt injuries to the side of the head with subdural hematomas.

During the course of the police investigation, Mr. Powers gave a number of statements as to how Michael had sustained such numerous and extensive injuries. While he eventually admitted to repeatedly beating the child, he did not offer any truthful explanation as to how Michael actually died and what had caused the fatal head injury.

II. PAROLE HEARING ON APRIL 24, 2012

Gary Powers appeared for his fifth parole hearing. He has served 33 years of his life sentence. At his three previous hearings, he resisted taking responsibility for the murder and the torture inflicted on the child in the months before the murder. He blamed Deborah Tedesco, Michael's mother, for causing the injuries that resulted in death.

In its 2007 decision after the last hearing, the Parole Board wrote the following: "Mr. Powers suggested that the child's mother admitted to assaulting Michael on the night prior to his death; Mr. Powers continues to portray himself as a victim and has yet to come to terms that he is fully responsible for the murder; he has not completed any meaningful rehabilitation programs nor has he worked at any institutional jobs in the past three years."

At this hearing, after three decades of lying, he finally admitted to the murder. Mr. Powers said, "I didn't take responsibility before, but I caused the death; no one else but me." He admitted that, at prior hearings, "I did shift blame to Ms. Tedesco." He admitted that "I tortured him; I burned him with cigarettes; I pulled on his penis; I beat Michael for months because I couldn't face my responsibilities."

In trying to explain his conduct, Mr. Powers said, "I had a break with reality; I was smoking marijuana very, very heavily; I was running away from problems." Mr. Powers was asked about causing injuries to the child's penis, scrotum, and rectum. He said, "I was trying to get him to respond, to get some reaction." When asked, Mr. Powers said, "I am not a sex offender; sex offender treatment never occurred to me."

When asked about the child's reaction to the torture, Mr. Powers said, "Sometimes he cried and screamed; that gave me a sense of accomplishment; that gratified me, satisfied me; I was acting out the pain I had endured."

Board Member Bonner referred to testing and an evaluation of Mr. Powers conducted at Bridgewater State Hospital: "it found you had no ability to empathize with another person; the results lead to the conclusion that you do not have a conscience; I don't know if a person can develop a conscience" as an adult.

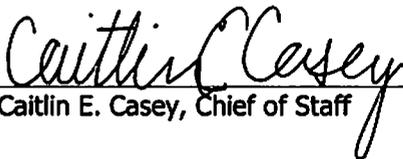
Mr. Powers has 13 disciplinary reports, and has had primarily good conduct over the last 15 years. His program participation was very poor until recently. Since his 2007 hearing, Mr. Powers has completed several programs, including Alternatives to Violence (several phases), and Men's Work. He participates in religious activities.

Only one supporter was present: Mr. Powers' brother, who did not testify. Michael Tedesco's father testified in opposition. Worcester Assistant District Attorney Michelle King spoke in opposition. She provided the Board with facts related to the events, and pointed out that Mr. Powers has spent most of his 33 years without any program participation, other than taking some programs as his parole hearing date approached.

III. DECISION

Gary Powers tortured a child for months and then murdered him by beating him about the head causing injury in the brain. For nearly three decades, he lied and denied inflicting the fatal injuries. At this hearing, for the first time, he accepted responsibility for the murder; he still did not reveal what he did and why he did it. For most of his incarceration, Mr. Powers has avoided program participation and shunned rehabilitation. He would be likely to re-offend if paroled and his release is not compatible with the welfare of society. Parole is denied with a review in five years.

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 each member of the Board has reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Caitlin E. Casey, Chief of Staff

5/3/13
Date