

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**GARY POWERS**

**W37204**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 28, 2022

**DATE OF DECISION:** September 29, 2022

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

**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 the 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 not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On April 4, 1979, two-year-old Michael Tedesco died as a result of sustained beatings and torture at the hands of Gary Powers. On July 17, 1979, in Worcester Superior Court, Mr. Powers pleaded guilty to murder in the second degree and was sentence to life in prison with the possibility of parole.

The year before the murder, Gary Powers met Deborah Tedesco, the victim's mother.<sup>1</sup> In January 1979, Mr. Powers began to beat Michael because the child would do things "wrong." Over the course of the next four months, the beatings escalated. He started out 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. Mr.

<sup>1</sup> Deborah Tedesco was also charged in connection with the victim's death.

Powers 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, but spanked him repeatedly when the child could not be trained in the time frame Mr. Powers thought acceptable. When the spankings did not achieve the desired result, Mr. Powers squeezed and twisted the child's penis. In a later statement to the police, Mr. Powers said 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 in his nasal cavity. Later, an autopsy revealed that Michael bled from his intestines and suffered several hematomas on both sides of his brain. There was severe bleeding in the tissues around his testicles, his scrotum 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, Mr. Powers did not offer any truthful explanation as to how Michael died or what caused the fatal head injury.

## **II. PAROLE HEARING ON APRIL 28, 2022<sup>2</sup>**

Gary Powers, now 65-years-old, appeared before the Parole Board for his review hearing after serving 43 years of a life sentence. He was not represented by counsel. Mr. Powers had been denied parole after his initial hearing in 1994, and after his review hearings in 1997, 2002, 2007, 2012, and 2017. In his opening statement, Mr. Powers acknowledged the heinous murder he committed, stating that he would exchange his life for that of the victim.

Board Members questioned Mr. Powers about his refusal to accept responsibility for the offense until 2012. Mr. Powers responded that he was the type of person who ran away from his problems, and that he wasn't dealing with his own issues. When questioned about the 2017 parole decision, Mr. Powers replied that the Board hadn't considered the positive steps he had taken, such as earning his GED and maintaining employment while incarcerated. The Board reminded Mr. Powers of the shocking nature of his offense, as well as his failure to complete any programming in recent years. Mr. Powers reported that he "lost hope in doing more programs" since his last parole denial. He acknowledged, however, that he could have put more effort into his rehabilitation.

The Board expressed concerns that Mr. Powers lacks empathy, citing an evaluation that deemed him "completely devoid of conscience." Although the Board recommended the Restorative Justice program as a way to better understand the point of view of his victim, Mr. Powers resisted this suggestion, stating that he has been forgiven by himself and by God.

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<sup>2</sup> The entire video recording of Mr. Powers' April 28, 2022 hearing is fully incorporated by reference into the Board's decision.

The Board considered testimony in support of parole from Mr. Powers' brother. The Board considered testimony in opposition to parole from the victim's father and aunt. The Board also considered testimony and a letter of opposition from the Worcester County District Attorney's Office.


### **III. DECISION**

The Board is of the opinion that Gary Powers has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On April 4, 1979, Michael Tedesco, two-years-old, died from four months of beatings and torture at the hands of Mr. Powers. The facts of the murder are shocking and disturbing. He continues to present as devoid of any emotion or understanding of the severity of his actions, despite his statements of apology. The Board remains concerned that he still cannot discuss the extent of his culpability, especially where he did not accept responsibility for the offense for thirty years. He has not done any programming since 2012. His limited empathy and lack of insight are inconsistent with meaningful rehabilitation.

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. Powers' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Powers' risk of recidivism. After applying this standard to the circumstances of Mr. Powers' case, the Board is of the opinion that Gary Powers is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Powers' next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Powers to continue working toward his full rehabilitation.

*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.*

  
Pamela Murphy, General Counsel

9/29/22  
Date