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DECISION

IN THE MATTER OF

GARY POWERS

W37204

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 4, 2017

DATE OF DECISION: March 6, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 17, 1979 in Worcester Superior Court, Gary Powers pleaded guilty to second degree murder and was sentenced to serve life in prison with the possibility of parole. 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 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 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

¹ Deborah Tedesco was also charged in connection with Michael's death.

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 Michael was bleeding from his intestines and had suffered several hematomas on both sides of his brain. There was 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 or what had caused the fatal head injury.

II. PAROLE HEARING ON APRIL 4, 2017

Gary Powers, now 60-years-old, appeared before the Parole Board for his review hearing on April 4, 2017. He was not represented by counsel. He had been denied parole after his initial hearing in 1994, as well as subsequent hearings in 1997, 2002, 2007, and 2012. In Mr. Powers' opening statement, he offered an apology to the father of Michael Tedesco.

During the hearing, Board Members indicated they remain disturbed as to why it took Mr. Powers almost four decades to fully disclose the totality of abuse he inflicted daily (over the course of several months) on two-year-old Michael Tedesco, ultimately resulting in his death. Mr. Powers spoke about the torture he inflicted upon the victim for months, which included burning him with cigarettes about his buttocks and rectum, pulling and twisting his penis and scrotum (resulting in permanent marks and lesions), and punching him in the stomach. Mr. Powers admitted to the Board, "The night before Mike's death, I hit him over the head with a board...the broad side." He said that his actions were in response to feeling constricted in his relationship with the victim's mother; thus, he projected his frustration and anger onto Michael. When asked why, Mr. Powers stated that "he felt trapped into being around him." He indicated he was incapable of exhibiting self-control leading up to the murder of Michael, and he was heavily smoking marijuana in order to dull his pain. Mr. Powers indicated that at previous hearings, he tried to hide the depth of his involvement and was unwilling to own up to his criminal conduct. He explained that he finds the matter very difficult to discuss since it shows a very ugly side of him.

The Board discussed Mr. Powers' institutional adjustment since his last hearing. He is currently incarcerated at MCI-Shirley, where he works in the Companion Program within the Health Services Unit. He has successfully participated in programs, including those

recommended by the Department of Correction in his risk reduction plans. Since his hearing in 2012, Mr. Powers participated in various programs, including Active Listening, Toastmasters, Religion, and several Cognitive Skills Workshops.

The Board considered testimony from the victim's father and the victim's aunts, all of whom expressed strong opposition for parole. A letter of opposition was submitted by the Office of Worcester County District Attorney Joseph D. Early Jr. In addition, Worcester County Assistant District Attorney Michelle King spoke in opposition to parole.

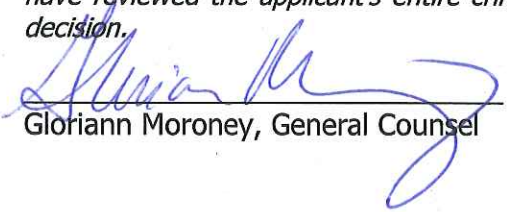
III. DECISION

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. Mr. Powers tortured a child for months and then murdered him by beating him, causing injury to the brain. For almost 4 decades, he has yet to fully disclose his culpability. Mr. Powers lacks insight and exhibits limited remorse. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Power's 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 unanimous 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 five years from the date of this hearing. During the interim, the Board encourages Mr. Powers to continue working towards 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.


Gloriann Moroney, General Counsel

3/6/18
Date