



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

Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

GEORGE POWERS
W69648

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 23, 2015

DATE OF DECISION: September 2, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, the age of the inmate at the time of the offense, 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 in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 21, 2001, after a six-day jury trial in Bristol Superior Court, George Powers (age 17) was convicted of the second degree murder of 40 year-old Lisa Costa. He was sentenced to life in prison with the possibility of parole after serving 15 years of his sentence. In February 2005, his motion for a new trial was denied.¹

On June 7, 2000, in Taunton, 16 year-old George Powers and three juvenile friends were hanging out at Powers' house. Soon thereafter, they went to the home of one of the other juveniles, adjacent to Memorial Park. They knew an adult in that home would buy them some beer. All four were drinking beer, and Powers and one other juvenile were also

¹ *Commonwealth v. Powers*, 65 Mass. App. Ct. 1121, 2006 WL 572177 (unpublished decision).

consuming Klonopin pills. When they drank all the beer, Powers and one of his friends went to an elderly neighbor's house and took the one 40-ounce beer she had in her refrigerator. After splitting the beer, they decided to go to the friend's brother's apartment to see if he or his roommate had any drugs or alcohol they could steal.

Powers and his friend broke into the apartment and stole some items, including a .22 caliber rifle with a scope attached. They then went back to their other friends near Memorial Park. When they rejoined the others, Powers and another friend fired the gun into the woods near the park. Powers then took the gun, re-loaded it, and pointed into Memorial Park. At that time, Memorial Park was filled with people walking around, playing basketball, and otherwise enjoying the park. Powers looked through the scope attached to the rifle and said, "I'm gonna shoot at those people in the park." Powers then aimed and fired the gun. When Powers pulled the trigger, Lisa Costa was in the park with two of her daughters, ages 10 and 14, and her two year-old grandson. She was holding her grandson when she was struck by a bullet on her left side. Ms. Costa was taken to a nearby hospital but died from her injuries several hours later.

After Powers fired the rifle, two of his friends immediately ran away from the park, while he and another friend ran toward Ms. Costa. When police arrived to help and investigate, Powers, who police described as having a strong odor of alcohol coming from him, told them that he saw two people on the opposite side of the park run away from the scene. Powers gave detailed descriptions of what the "suspects" were wearing and the direction they went. After investigation, it was clear to officers that the area described by Powers was not the area from where the shots had been fired. Powers gave another description of the clothes the "suspects" were wearing. After a few hours, the police re-interviewed Powers, where he appeared to be more intoxicated than before. Powers gave the police yet another description of the "suspects." Based on this information, the police found and arrested an individual in the area that fit Powers' description. The police then brought the "suspect" in the cruiser to Powers for identification, where Powers said, "That is probably definitely him." When asked what he meant by that, Powers responded, "That's most likely your guy, you know, the one you're looking for, I'm almost positive, it could be him."

Police believed at that time that Powers was a juvenile who was extremely intoxicated, having difficulty standing, and nowhere near his residence. They placed him into protective custody, where he remained until his mother appeared at the police station. When the police attempted to question Powers again, he refused and requested an attorney. After investigation and information from the three juveniles that were with Powers when the victim was shot and killed, Powers was subsequently charged with and convicted of Lisa Costa's murder.

II. PAROLE HEARING ON JUNE 23, 2015

Attorney Ethan Stiles represented George Powers at his initial hearing before the Parole Board on June 23, 2015. Powers started the hearing by making an apology and statement of remorse to the victim's family. He said over the last 15 years, with the understanding that Ms. Costa cannot be brought back, that he has "changed my way of living" and taken every possible program to "be the best person I can be."

Powers told the Board about his current daily schedule stating that he works as the Houseman of his unit, is the Facilitator for Health Awareness, attends Alcoholics

Anonymous/Narcotics Anonymous, takes classes through the Boston University Program, and participates in the Correctional Recovery Academy's Graduate Maintenance Program.

When questioned about his many disciplinary reports over the years for fighting with other inmates, Powers admitted that it did not further his goal of rehabilitation. He said his adjustment to incarceration was "bad" and added "I wanted to change; I wanted to stay out of trouble, but it was hard." He described the most recent fight in which he was involved in 2014 saying it was a reminder how "even something that can start as a little thing, it has the ability to escalate and can have great consequences." He compared this recent altercation with his fights in the past and said that when he first went to prison he "made a conscious decision to not be a victim; and [he] did not want to be preyed upon. I was not trying to be seen as a tough guy, just not as someone to prey on." Powers admitted that such a posture did not work out well for him and, in fact, compounded the problem. He further agreed that his most recent fight in 2014 sends the message that "I need more work."

The Parole Board questioned Powers regarding his childhood history and relevant questions regarding his developmental history. Powers described his upbringing to the Board, stating that he was one of seven children, and the loss of an older sister when he was in the sixth grade had a significant impact on his life. He remembered trying alcohol for the first time at the age of nine and was drinking "a couple of times a week" by the age of 14, as well as "smoking marijuana and doing LSD." His father left the family when Powers was eight years old and he said that his father's departure, together with his sister's death, contributed to his desire to skip school, drink alcohol and engage in other criminal behavior. He grew more and more distant from his family the more he engaged in criminal behavior, and told the Board "I grew closer to the streets and my friends than my family." He skipped school frequently and got into trouble for truancy on numerous occasions. When not attending school, Powers and other truants would "hang around the park and play basketball; drink and smoke pot if we could get some" and "stole things we needed, like cigarettes." He dropped out of school around the tenth grade and started working. He worked at a pizza place, a pig farm, and a sheet metal company that fired him when he did not show up for work after a heavy night of drinking.

When Powers spoke about the crime, he admitted that he "callously murdered a woman in front of her children." He described the crime in a manner that was consistent with all the facts as they were presented at trial. He added that he "had never touched a gun before, never used one and had to figure out how to use it. It took a while to fire." He told the Board how he looked through the scope on the gun and said "I'm gonna shoot someone -- [I] pointed, aimed at the people in the park and fired. I had a complete disregard for human life; I was selfish." Instead of running away, Powers ran to the victim, talked to her, left to go get her some water and called 911. Once the police arrived, Powers began the process of distancing himself from the crime and deflecting attention away from him. He fabricated lies for the police about possible "suspects." He continued to drink and smoke marijuana until he was arrested after being seen retrieving the gun and ammunition from the place where he hid them earlier.

A Board Member questioned Powers regarding his alleged gang affiliation which he strongly denied. He explained that he liked a particular band and the art associated with that band, so he got some tattoos. Years later, a corrections officer saw Powers' tattoos and found

that the band was on the FBI recognized gang list. Powers was subsequently listed as part of a Security Threat Group (STG). The band's songs feature lyrics that encourage violence against women and children. Powers said that he fought the classification very hard and went through a renunciation procedure.

Four family members spoke in support of Powers' parole; his mother, brother, aunt, and cousin. Each described the role they would play in helping Powers transition into the community. One family member spoke poignantly about punishment, rehabilitation, change and success.

There were six statements in opposition to parole for Powers. Four members of Lisa Costa's family spoke to the Board in strong opposition to parole, suggesting that he was given a life sentence and should therefore have to serve the life sentence. One of these speakers was one of the victim's older daughters, who assumed the parenting responsibilities for her younger siblings after their mother was killed. The Board commended her for her courage to step into such an important care-giving role after the murder, where most people would have turned their backs and walked away. A Board member told her "your mother would be proud of you." A member of the Victim Services Unit read a statement into the record written by a fifth family member of Ms. Costa. Bristol County Assistant District Attorney Daniel Hourihan also spoke in opposition to Powers' parole and reminded the Board that "this was one of the most troubling, disturbing murders. It was an absolutely senseless killing of a completely innocent person committed by an offender who attempted to shift blame to other people," and tried to distance himself from the killing.

George Powers, visibly moved by the statements of the victim's family and comments from Board Members, told the Board through tears that although he did not know a lot about the victim, "through Jericho Circle, a restorative justice program, I met families of murder victims and learned a lot about the impact murder has on families. Indirectly, I have learned a lot about Ms. Costa; that she was a good woman who would give you her last five dollars; that she was a family woman who loved her children and her entire family. Today, I learned a lot. Regardless of your decision, I need this. This is my only opportunity to apologize to the family. I take full responsibility. I am sorry." He then read a final statement, again apologizing to the victim's family and highlighting his positive changes. Attorney Stiles closed the hearing by addressing the disciplinary reports, drawing attention to Powers' rehabilitative efforts as evidenced by substance abuse programming and educational achievement, and suggesting that the goals of incarceration have been met.

Psychiatrist Richard Barnum did not testify at the hearing but submitted a report regarding his psychiatric evaluation of George Powers. The purpose of the evaluation was to provide the Board with Powers' overall developmental and mental health history, with particular reference as to how he may have changed during his time in prison, what risks he may pose if released on parole, and what his specific mental health treatment needs would be if he were paroled.

III. DECISION


At 16 years-old, while under the influence of drugs and alcohol, George Powers callously and cold-heartedly pointed a loaded gun into a crowded park, aimed, and intentionally fired the

weapon at Lisa Costa. As Powers said himself, he "had complete disregard for human life" when he fired the loaded weapon into the park. Since his incarceration, he has made slow progress toward rehabilitation and freely admitted that there is more work to be done in all areas of self-improvement, including anger management, substance abuse, criminal thinking, and the negative effects of criminal behavior. Powers age and stage of development was considered when evaluating the precipitants, motivation and details of this murder. The Parole Board is of the opinion however, that Powers has not progressed in his rehabilitation to the level that would merit parole release.

Despite the violence reduction and conflict resolution programs that Powers has completed and continues to participate in, he is still willing to engage in physical altercations with other inmates. This lack of self-control is concerning to the Board and shows that Powers still has some criminal thinking and lacks appropriate impulse control. As pointed out by a Board Member, Powers' actions speak louder than his words. Despite studying conflict resolution through the Alternatives to Violence program (AVP) and acting as a Facilitator for AVP, Powers was still involved in fights at the ages of 27, 28, and 31. Given this inability to avoid violence when presented with conflict, the Board is hard pressed to say that Powers does not present a danger if released on parole at this time.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that George Powers does not merit parole at this time because he is not rehabilitated. The review will be in four years from the date of the hearing, during which time Powers should commit to a fuller rehabilitation that addresses non-violent conflict resolution, criminal thinking, and substance abuse. Powers should also maintain a positive adjustment and avoid disciplinary reports.

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.


Michael J. Callahan, General Counsel

September 2, 2015
Date