



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

GEORGE POWERS

W69648

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 25, 2019

DATE OF DECISION: March 23, 2020

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

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 a suitable candidate for parole. Parole is granted to Interstate Compact-Virginia, but not before an additional 12 months in lower security from the date of decision and subject to special conditions.

I. STATEMENT OF THE CASE

On June 21, 2001, after a six-day jury trial in Bristol Superior Court, George Powers 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. In 2005, his motion for a new trial was denied.¹

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

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 Ct. 1121, 2006 WL 572177 (unpublished decision).

consuming Klonopin pills. After they drank all the beer, Mr. 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 it, 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.

Mr. Powers and his friend broke into the apartment and stole some items, including a .22 caliber rifle with a scope attached. Then, they went back to their other friends near Memorial Park. When they rejoined the others, Mr. Powers and another friend fired the gun into the woods near the park. Mr. Powers then took the gun, re-loaded it, and pointed it in the direction of the park. At that time, Memorial Park was filled with people walking around, playing basketball, and otherwise enjoying the area. Mr. Powers looked through the scope attached to the rifle and said, "I'm gonna shoot at those people in the park." Mr. Powers then aimed and fired the gun. When he 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, where she died from her injuries several hours later.

After an investigation, as well as information from the three juveniles at the park at the time of the murder, Mr. Powers was subsequently charged with, and convicted of, Lisa Costa's murder.

II. PAROLE HEARING ON JUNE 25, 2019

Mr. Powers, now 37-years-old, appeared before the Parole Board for a review hearing on June 25, 2019. He was represented by Attorney Jason Benzaken. He was denied parole after his initial hearing in 2015. In his opening statement to the Board, Mr. Powers extended his deepest apologies to the victim's family, as well as his own. In expressing his remorse to the victim's family, Mr. Powers stated, "I think of how much she could have been a source of love and strength for her family in hard times, I am sorry for that." When Board Members questioned him about the crime, Mr. Powers stated that he was with older friends whom he wanted to impress, and that he had been drinking and had taken two Klonopin pills. When a Board Member asked if the outcome would have been different that day if he was not drinking or doing drugs, Mr. Powers explained that he made many negative decisions that day and stated that "ultimately, I'm the one that pointed the gun, and I'm the one that fired the gun."

When questioned about any disciplinary reports since his last hearing, Mr. Powers informed the Board that he incurred two. One was dismissed, and the other resulted in a guilty finding of disrupting the orderly running of the institution. Mr. Powers explained that his father abandoned the family when he was 8-years-old. He stated that he had no role models and started using drugs and alcohol at an early age. However, he has reportedly been sober for 19 years. Mr. Powers informed the Board that, in January 2018, he lost part of his finger. When he was offered pain medication, he refused, recognizing that he was a recovering addict and acknowledging that he would need to monitor this issue for life. Mr. Powers spoke of his incarceration as a time for his brain to develop and a place where he learned a great deal of skills.

When Mr. Powers discussed his programming efforts, he told the Board that he completed 60 programs, in total, and 20 programs since his last hearing. He earned his degree in Liberal Arts through the Boston University Program, graduating with honors. He informed the

Board that he intends to pursue a Master's Degree. Mr. Powers completed additional programming, including (but not limited to) Restorative Justice, Anger Management, and Criminal Addictive Thinking. He also maintained regular attendance in order to address substance abuse issues. Mr. Powers stated that he is employed as a janitor, and also works as a barber. He completed 1000 hours of training and, upon successfully completing his exams, he earned his barber's license. Mr. Powers is also part of the American Vets program and is presently the primary handler of his first dog.

Mr. Powers' mother, brother, and two partakers spoke in support of parole. A Victim Services Unit representative read a statement in opposition to parole from the victim's daughter. The victim's son-in-law and two daughters also spoke in opposition to parole. Assistant District Attorney Jason Mohan testified in opposition to parole. The Board considered numerous letters in support of, and in opposition to, parole.

III. DECISION

George Powers shot and killed Lisa Costa in July of 2007. Mr. Powers was 16-years-old at the time of the offense. He has made enough rehabilitative progress to make his release compatible with the welfare of society.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Powers' risk of recidivism. After applying this standard to Mr. Power's case, the Board is of the unanimous opinion that George Powers merits parole at this time. Parole is granted to Interstate Compact-Virginia, but not before an additional 12 months in lower security from the date of decision and subject to special conditions.

SPECIAL CONDITIONS: Interstate Compact-Virginia, approve home plan; Waive work for two weeks; Must be at home between 10:00 p.m. and 6:00 a.m.; Electronic Monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in

accordance with agency policy; Report to assigned MA parole office on day of release; No contact with victim's family; Mental Health Counseling for adjustment/transition; AA/NA at least 3 times per week.

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

3/23/2020

Date