



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

SUSAN FAPPIANO
F36675

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: March 27, 2012
DATE OF DECISION: April 19, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Roger Michel, Josh Wall. Lucy Soto-Abbe is recused and did not participate in the case.

DECISION OF THE BOARD: After careful consideration of all relevant facts presented, including the nature of the underlying offense, the institutional record, and the views of the public expressed at the hearing, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

Susan Fappiano, age 42, is serving a life sentence for second degree murder. Ms. Fappiano received this sentence in Hampden Superior Court on October 1, 1998, after being found guilty of second degree murder for her role in the beating death of her 15-month-old son Clyde Harper, Jr. At the same trial, Ms. Fappiano was convicted of assault and battery on Clyde by means of a dangerous weapon (a belt); five counts of wantonly or recklessly permitting another to commit an assault and battery on Clyde, Shy-la (3-year-old daughter) and Jeffrey (5-year-old son) causing bodily injury; and two counts of assault and battery by means of a dangerous weapon (belt or sandal) on Shy-la and Jeffrey. Ms. Fappiano has a 9 to 10 year from and after sentence for the ABDW on Jeffrey, and an additional 9 to 10 year sentence from and after the aforementioned sentence for the ABDW on Shy-la. Her boyfriend, Alberto Torres, was convicted of first degree murder for beating Clyde Harper, Jr. to death.

On August 16, 2007, the Appeals Court affirmed the trial judge's denial of a motion for a new trial. Commonwealth v. Fappiano, 69 Mass. App. Ct. 727, 734 (2007).

Susan Fappiano and her three young children lived in a Holyoke apartment with her boyfriend, Alberto Torres. Ms. Fappiano and Mr. Torres regularly beat the children. Ms. Fappiano called 911 on the evening of October 20, 1996, and reported that her fifteen-month-old son was not breathing. Police officers and emergency medical technicians arrived at the Holyoke apartment to find Clyde Harper, Jr. covered with bruises, not breathing, pulseless, and cool to the touch. Resuscitation efforts failed, and Clyde was declared dead at the hospital. Injuries to the infant included a spiral fracture to one leg that was between two and eight weeks old, bruises of various ages, a lacerated anus, a transected or completely severed small intestine, and a lacerated liver. Multiple blows of blunt force trauma caused the injuries. Medical experts concluded that a blow of "massive force" severed the bowel. Peritonitis resulted from the lacerated bowel. That infection caused the child a painful process of deterioration that would be easily noticeable to a caretaker. After many hours, the painful infection caused death.

The evidence at trial established that Susan Fappiano and Alberto Torres were both home with the children throughout the day and evening of October 20, 1996. Ms. Fappiano gave three statements to police on the night of October 20. In each statement she lied to protect herself and Mr. Torres. She never provided a truthful account of her actions or Mr. Torres' actions that caused the horrific injuries and resulted in a long and painful process of infection and death.

II. PAROLE HEARING ON MARCH 27, 2012

Susan Fappiano informed the Board that the events leading to her son's death are "vague" to her. She stated that she observed her boyfriend and co-defendant, Alberto Torres, stepping on her son Clyde, Jr., observed that Clyde, Jr. was no longer breathing, and called 911. Ms. Fappiano was unable to explain the numerous injuries to Clyde, Jr. as revealed in the autopsy report. Upon questioning by Board Members about her numerous versions of this horrific offense, she admitted that she has given several inconsistent statements and said she was threatened by Mr. Torres. She did admit that she "disciplined her kids in the wrong way." She described an "o.k." early childhood and advised that she dropped out of high school in her senior year because she was pregnant with her first child. She described her relationships with her children's fathers as "abusive." She denied that she ever had a substance abuse problem.

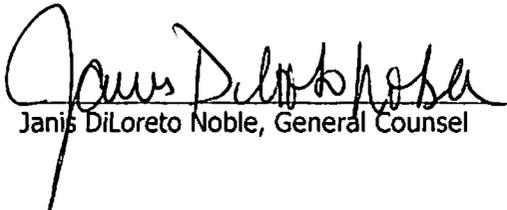
The inmate is now 42 and has been incarcerated for 15 years at MCI-Framingham. During her incarceration she resided in the institution's Barton Unit for seven years before moving to general population in 2007. At the time of her hearing, she had 12 disciplinary reports, with the last one occurring in 2011 resulting in a loss of visits. She completed several programs including; Trauma & Recovery, Correctional Recovery Academy, Victims of Violence, Domestic Violence Reduction, Group Residential Treatment Unit, as well as many educational programs. She is diagnosed with major depressive disorder. She is on psychiatric medication.

Hampden County Legal Counsel to the District Attorney Elizabeth Dunphy Farris testified in opposition to parole. No one spoke in support of parole.

III. DECISION

At sentencing, the trial judge stated that Ms. Fappiano "was conducting a torture chamber within her household." Given the frequency of violent beatings by both Susan Fappiano and Alberto Torres, it may never be known which person caused the injuries to Clyde Harper, Jr. The situation is further complicated by Ms. Fappiano's decision to lie repeatedly to police. At her parole hearing, Ms. Fappiano was unwilling to provide the details from October 20, 1996, and had no insight into her own immoral and criminal conduct on that day. Ms. Fappiano's lack of candor and insight demonstrate that she is not rehabilitated. She would be likely to re-offend if released and her release is not compatible with the welfare of society. Accordingly, parole is denied. Because Ms. Fappiano has considerable rehabilitative work ahead of her, a five year review is appropriate.

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.


Janis DiLoreto Noble, General Counsel

4/19/15

Date