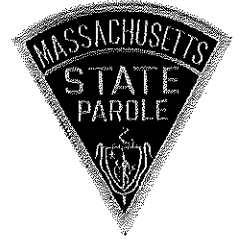


*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road  
Natick, Massachusetts 01760*

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**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**HECTOR SANTIAGO**

**W63057**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 30, 2018

**DATE OF DECISION:** October 23, 2019

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, and Lucy Soto-Abbe,<sup>1</sup> Paul Treseler

**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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On July 29, 1997, in Suffolk Superior Court, Hector Santiago pleaded guilty to the second degree murder of 3-month-old Tyler Kearney and was sentenced to life in prison with the possibility of parole.

On November 27, 1995, Hector Santiago, age 18, was living in a Dorchester apartment with his girlfriend and her two children, infant Tyler Kearney and a 2-year-old. Shortly after 8:00 a.m., Mr. Santiago's girlfriend left for work, and he was entrusted with the care of the two children. Mr. Santiago's girlfriend told him that the infant had been fed and his diaper changed. Still, Mr. Santiago was angry that he had to care for them. According to Mr. Santiago, Tyler

<sup>1</sup> Board Member Soto-Abbe was no longer a Board Member at time of vote.

<sup>2</sup> One Board Member voted to deny parole with a review in two years.

woke up cranky that morning. Mr. Santiago, therefore, believed that his girlfriend had lied to him about feeding and changing Tyler, which made him angrier. Although Mr. Santiago attempted to feed and change him, Tyler remained fussy. When Tyler would not stop crying, Mr. Santiago violently shook him and punched him, three or four times, on the side of his head. Mr. Santiago slammed Tyler's head against the foot board of the bed and then threw him onto the bed. Mr. Santiago went to heat a bottle and, when he returned, found that Tyler had stopped breathing and was otherwise unresponsive. Mr. Santiago eventually called 911, but Tyler died later that day.

Mr. Santiago was arrested that day and, when initially questioned, admitted to shaking Tyler and "accidentally" banging his head on the footboard of the bed. However, an autopsy revealed numerous skull fractures and concluded that the infant died as a result of blunt force trauma to the head through the use of severe force; thereby, ruling out the "accidental" banging of Tyler's head. Following his conviction, Mr. Santiago filed a motion to withdraw his guilty plea. The motion was denied without a hearing. He then filed a second motion to withdraw his guilty plea with the assistance of counsel. On May 19, 2004, the order denying the amended motion for new trial was affirmed. Further appellate review was denied on June 30, 2004. *Commonwealth v. Hector Santiago*, 61 Mass. App. Ct. 1105, 808 N.E. 2d 332 (2004).

## **II. PAROLE HEARING ON OCTOBER 30, 2018**

On October 30, 2018, Hector Santiago, now 41-years-old, appeared before the Parole Board for a review hearing. He was represented by Northeastern Law Students Elizabeth Reinhardt and Hakeem Muhammad. He had been denied parole after his initial hearing in 2010, and after his review hearing in 2013. In his opening statement to the Board, Mr. Santiago apologized to the Kearney family for his crime. When Board Members questioned him about his childhood, Mr. Santiago said that he had been raped and physically abused from age 5 to age 14, at first by his mother's boyfriend. He was then physically abused by his grandfather and then raped and sexually abused by a family friend. Mr. Santiago claimed that he used alcohol, crack cocaine, LSD, and other drugs as a way of dealing with the trauma from the abuse.

When the Board questioned him about the events leading up to the governing offense, Mr. Santiago said that he had been up all night on drugs. When he arrived home at 6 a.m., his girlfriend asked him to babysit her children. He became enraged when the baby started crying, so he threw him on the bed. Mr. Santiago punched the infant several times in the head with a closed fist, causing multiple skull fractures. He was not sure if he broke the baby's ribs when he shook the baby, or when he tried to perform chest compression. Mr. Santiago explained that at the time of the murder, he felt like his girlfriend was cheating on him. He also believed that she was taking advantage of him, by making him feed and change the baby, and admitted that he took out his anger on Tyler. Mr. Santiago also admitted that he lied to police about the murder, and that he continued to lie at his initial hearing.

Upon questioning, Mr. Santiago reported that he has completed Correctional Recovery Academy, Restorative Justice Program (32 weeks), Emotional Awareness, and Alternatives to Violence. He has been sober for 23 years and reports that he attends Alcoholics Anonymous/Narcotics Anonymous regularly. Since his incarceration, Mr. Santiago has earned a Bachelor's degree from Boston University and has attained a welder's certificate. He has worked in the N.E.A.D.S. dog program and has been employed as an upholsterer and a janitor.

Mr. Santiago asked the Board for a step-down to minimum security and, then, a release to a Long-Term Residential Treatment Center for one year.

Mr. Santiago's sister testified in support of parole and read a letter of support from his daughter. Three friends of Mr. Santiago also testified in support of parole. The Board received letters of support and opposition. The mother and father of the victim, as well as the mother's husband and the victim's aunt, testified in opposition to parole. Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole and submitted a letter of opposition. Boston Police Commissioner William Gross also submitted a letter of opposition.

### **III. DECISION**

It is the opinion of the Board that Hector Santiago has not yet demonstrated a level of rehabilitation that would 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 forming this opinion, the Board has taken into consideration Mr. Santiago's 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. Santiago's risk of recidivism. After applying this standard to the circumstances of Mr. Santiago's case, the Board is of the unanimous opinion that Hector Santiago is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Santiago's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Santiago 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.*

  
Pamela Murphy, General Counsel

10/23/2019  
Date