

# Con man's fatal mistake

## Wife paid hit men to kill him, cops say

By JERRY CAPECI

Daily News Staff Writer

After conning virtually everyone he ever met, Peter (Apollo) Frappollo knew he had finally met his match — a younger woman he married in Tennessee during one of his many stops in the federal witness protection program.

"I'm getting a divorce. She's gonna take me for everything I got," Frappollo said last year in a frantic call to his son Paul in New York. "I got serious problems and I need help. You have to come down here."

The elder Frappollo, a former associate of Colombo capo Michael Franzese, had conned small businesses, Las Vegas casinos, the mob and the feds during his 66 years.

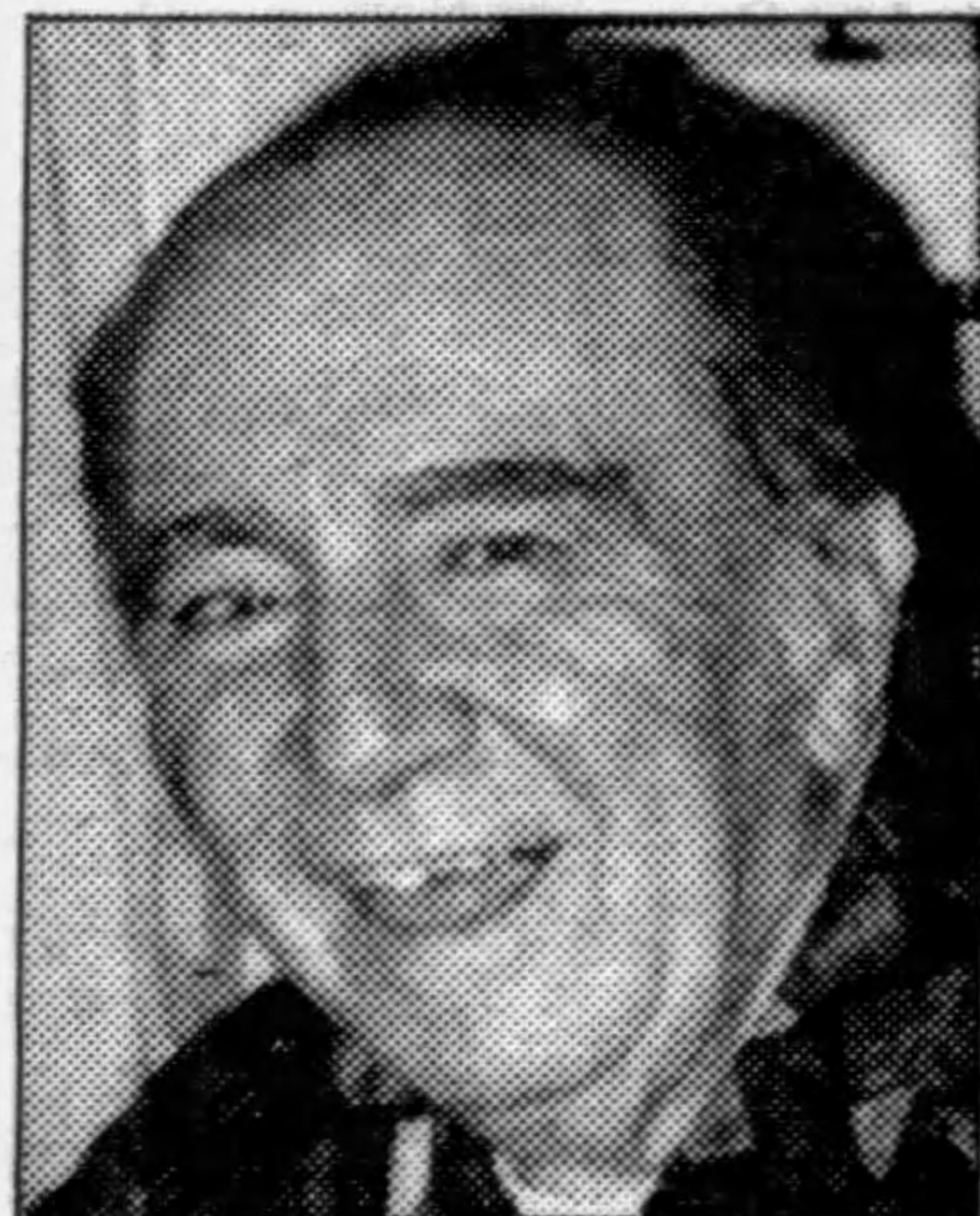
He didn't know just how right he was about Brenda Burns, his wife of eight years, say authorities in Camden, Tenn., a small, sleepy town of 5,000 on the Tennessee River about 80 miles west of Nashville.

She allegedly hired her husband's own New York bodyguards to kill him for \$10,000 on the installment plan — with \$1,500 down and a promise of \$800 a month.

The hit men had been brought to Camden by son Paul for the purpose of protecting his father, who was in the midst of a messy divorce and had suffered a stroke in the months before the men fatally slit his throat last December.

Michael Spadafina, 35, and Vito Licari, 43, received sentences of 25 years to life last month, even though Licari pleaded guilty and was the key witness at Spadafina's three-day trial.

Burns, 49, is set for trial



**CON MAN CONNED?** Prosecutors say Peter (Apollo) Frappollo (l.) was killed by his bodyguards after they were paid by Frappollo's wife Brenda Burns (r.), who faces fall trial. The bodyguards were convicted.



this fall on murder charges.

Licari, a former drug abuser who has tested positive for HIV, is set to testify again for Benton County prosecutors Gus Radford and Todd Rose.

Free on \$25,000 bond, Burns retains custody of 7-year-old son Michael, her only child with Frappollo. She operates a motel she and her husband purchased from her parents after her marriage to Frappollo. She declined comment.

Custody of Michael, money and control of the motel were her motives for murder, according to the prosecution.

"She despised him," Licari testified at a preliminary hearing. "She didn't want

him around her child. She didn't want to pay a \$50,000 divorce settlement."

After his father's call, Paul Frappollo gave Spadafina \$1,500 to watch over his ailing dad beginning last fall. Licari, who had met Spadafina in an upstate New York prison, joined his pal in Camden a few months later.

For a few weeks, the two men and the elder Frappollo "ran around cashing bad checks for a living," Licari testified.

But Southern charm and a promise of \$10,000 was too much for the New York career criminals to resist, said Licari.

Licari testified that the murder plot was in place for

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Paul Frappollo

weeks but went into high gear on Dec. 13, the day that Burns got hold of a \$5,000 check made out to Frappollo. The check came from an insurance scam that Frappollo had pulled.

She forged Frappollo's name, cashed the check and handed Spadafina the \$1,500 down payment for the murder, Licari testified.

They picked up Frappollo, went drinking for a while and then put their murder plot in motion while ostensibly driving him home — with Spadafina behind the wheel and Licari in the backseat, behind Frappollo.

At a pre-arranged signal, when Spadafina said, "Now would be a good time," Licari said he threw a 2-foot-long rope over Frappollo's neck and tried to strangle him, but couldn't.

"He ain't dying," Licari told Spadafina.

Spadafina stopped the car, ran around and opened the passenger side door and slashed Frappollo's throat "two or three times" with a 15-inch kitchen knife, said Licari.

After dumping the body in the woods, they washed the car and drove to the motel, where Burns washed out their bloody clothes, said Licari.

Burns' lawyer, Andrew Frazier, told the Daily News that Licari was a drug-using violent career criminal who had given different accounts of the killing at various times and was unworthy of belief against his client.

"He testified in one hearing that they didn't agree on a price [for the killing] until the job had been done. Now that's absurd," said Frazier.

"I know she's guilty," said Paul Frappollo, who had spoken to his dad a day or two before his death but didn't learn of the killing until Christmas morning.

"We found out when we called to wish him a merry Christmas," he said. "She never even called to say he was dead. I never should have let him stay there. I never should have left him there with her."

# City ends some free, no-name HIV tests

By MARK MOONEY

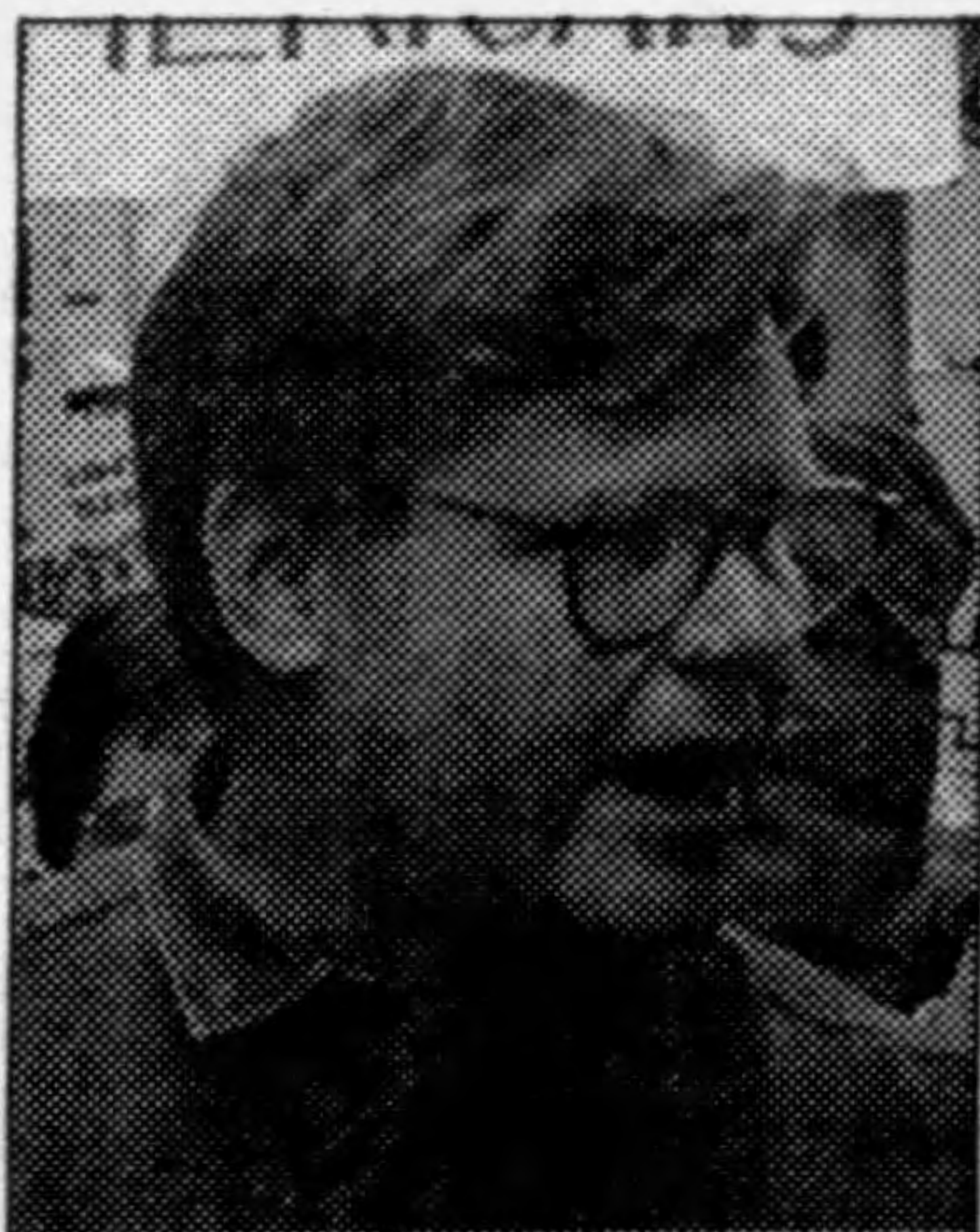
Daily News Staff Writer

The Health Department has informed doctors it will no longer carry out free — and anonymous — HIV tests for patients who have private insurance or Medicaid.

The policy was changed despite a budget deal with the City Council that restored funding for the HIV tests.

The action angered City Councilman Tom Duane (D-Manhattan) and AIDS activists who charged that it will result in far fewer people being tested. Private labs require names for billing purposes. Many people are afraid of having any record that they've been tested for AIDS, which they fear could end up costing them jobs, housing or insurance coverage.

"What this is going to do is diminish access to testing and



**COUNCILMAN** Tom Duane speaks out against test halt.

drive the cost up," said Mike Isbell, director of public policy for the Gay Men's Health Crisis. "And it makes it next to

impossible to do anonymous testing. If private doctors have to use private labs, the billing rules require the name of persons be forwarded."

Duane said funding for the tests was restored "precisely so people would have a free and clear option to use the city's lab," which keeps the tests anonymous.

The funding totaled \$350,000 for the salaries of 16 technicians who analyze the blood samples.

Health Department spokesman Sam Friedman said that the old policy was meant to insure confidentiality since the patient's name was not even known by the technicians carrying out the test — and to encourage people to get tested.

It wasn't completely clear why the policy was changed. Friedman said the department decided to de-emphasize

anonymity in the tests in favor of having potential AIDS patients become involved with a doctor early in the diagnosis. However, many people who used the free testing service in the past did so through their private doctor.

Since 1985 the city has performed 669,000 of the tests for free. Last May alone, it ana-

lyzed more than 10,000 blood samples sent to the city's lab by private doctors.

Friedman said those who still want anonymous testing can go to one of the city's eight anonymous test sites. But Isbell said those sites also were targeted by budget cuts last month, and the clinics have delays of up to a month.

## Presbyterians tap new leader

CINCINNATI — A retired Texas journalist was elected moderator yesterday of the 207th General Assembly of the Presbyterian Church.

Marj Carpenter, 68-year-old elder with the First Presbyterian Church in Big Spring, Tex., called for the denomination to pay more attention to carrying out its mission throughout the world and less to what she called smaller individual issues.

The Associated Press