



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Markoff's suicide: Denied justice or just us denied?

Posted by James Alan Fox, Crime and Punishment August 17, 2010 01:00 PM

According to Suffolk County Sheriff Andrea Cabral, detainee Philip Markoff was, despite his high profile and notoriety, treated no differently than any one of the other 90 men being held in the Nashua Street Jail awaiting trial for murder-- and rightfully so. There is, however, nothing at all ordinary about his suicide, down to the dramatic and puzzling message written in blood on his jail cell wall. Apparently, he couldn't just use a pen and paper like most others who leave behind suicide notes.

More unusual than the particulars of his suicide is the firestorm of controversy and the heavy dose of second-guessing from the public, the press and politicians alike that have remained after Markoff's departure. They want to know why he was not watched more closely, especially because of his previous suicide attempt and particularly on the occasion of what would have been his first wedding anniversary had his fiancé not broken off their engagement.

Of course, the suicide or suspicious death of any detainee or prisoner deserves thorough investigation and corrective action if problems are uncovered. A special responsibility of care comes with their involuntary custodial stays. But there is no legitimate reason why this episode should stir up extraordinary concern, certainly not just because Markoff's murder case was itself extraordinary and the focus of international attention.

Had this have been the suicide of any of the other pre-trial detainees at the Nashua Street Jail, no more than a brief mention would have appeared in the newspapers. It certainly wouldn't have made headlines across the county. TV stations wouldn't be have been camped out at the jail waiting to film the medical examiner's van carrying away the deceased or an investigator carrying array a bag of evidence. And there certainly wouldn't be such a fuss about whether the jail mishandled his care.

So why has there been such a strong reaction to this episode? Would not the state be equally denied it's opportunity to mete out punishment were it a different detainee who had chosen to exit jail in a pine box rather than face the jury box? Would not some other victim's family have been equally robbed of a trial?

Certainly, this is not how the wheels of justice should stop no matter who the defendant. Of course, the same could be said for offenders who commit suicide at the crime scene or who are killed by the police in a shoot-out. We never seem to hear complaints about justice denied in these other situations. How many families down in Manchester, Connecticut are bemoaning the missed opportunity to see Omar Thornton stand trial mass murder?

At the end of the day, justice in Markoff's case was, in all likelihood, not denied. Given the compelling evidence, Markoff may have seen the proverbial writing on the wall long before he scrawled his own and decided to become his own executioner. With all due respect to their public expression of frustration over being denied a trial, the family of Julissa Brisman does still have the ultimate form of closure -- the one believed to have killed their daughter will never walk free. All that is missing is to hear the word guilty coming from the lips of a jury foreperson. Given their loss and grief, the family's understandable desire to know all the details associated with their daughter's death should come courtesy of the District Attorney now that the case of the *Commonwealth of Massachusetts v. Philip Markoff* is officially closed.

The biggest difference, if not the only difference, about Markoff's suicide is that the rest of us are denied the opportunity to follow intensely yet another intriguing murder trial, especially one involving all the sordid details associated with Philip Markoff's alleged crimes. It would have been a media circus with the eyes of the nation, if not the world, focused on Boston.

Truly, the only ones left in the lurch by Markoff's death are those who looked forward to the trial for whatever fascination or entertainment value it would have provided. Justice was not denied, just us.