

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT  
NO. 09-10479

COMMONWEALTH

v.

PHILIP MARKOFF

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**NOLLE PROSEQUI**

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Now comes the Commonwealth in the above-captioned matter and upon notification of the death of the defendant and pursuant to Mass. R. Crim. P. 16(a) files a Nolle Prosequi. As reasons therefor the Commonwealth asserts that:

1. On June 18, 2009, the Suffolk County grand jury returned the above-numbered indictments against the defendant charging him with 1<sup>st</sup> Degree Murder (G.L. ch. 265, s. 1), two counts of Armed Kidnapping (firearm)(G.L. ch. 265, s. 26), Armed Robbery (firearm)(G.L. ch. 265, s. 17), Armed Assault with intent to Rob (firearm)(G.L. ch. 265, s. 18(b)), and two counts of unlicensed possession of a firearm not at home/work(G.L. ch. 269, s. 10(a)).
2. The indictments arise out of the April 14, 2009 murder and attempted armed robbery of Julissa Brisman, the April 10, 2009 armed robbery of Trisha Leffler, the April 16, 2009 armed robbery of a third victim in the state of Rhode Island, and related firearm offenses.
3. On August 15, 2010, while awaiting trial in the custody of the Suffolk County Sheriff's Department at the Nashua Street Jail in Boston, sheriff's deputies found

the defendant deceased in his cell. The Medical Examiner has determined that the manner of death was suicide.

4. The Commonwealth has recently obtained a copy of a certificate of "Proof of Death" issued by the Office of the Chief Medical Examiner for the Commonwealth of Massachusetts (attached exhibit) attesting that the defendant died on August 15, 2010.
5. As the defendant is deceased, the Commonwealth cannot proceed with the prosecution of the above entitled matter.

Respectfully Submitted  
For the Commonwealth,

DANIEL F. CONLEY  
DISTRICT ATTORNEY

By: \_\_\_\_\_  
Edmond J. Zabin  
Assistant District Attorney  
Homicide Unit  
One Bulfinch Place  
Boston, MA 02114  
(617) 619-4242

Dated: September 16, 2010

**CERTIFICATE OF SERVICE**

I, Edmond J. Zabin, Assistant District Attorney, County of Suffolk, Commonwealth of Massachusetts, do hereby certify that on September 16, 2010, I served the Commonwealth's Nolle Prosequi, on the defendant by sending it via email, to attorney John Salsberg, Esquire, Salsberg & Schneider, 95 Commercial Wharf, Boston, MA 02110.

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EDMOND J. ZABIN  
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Homicide Unit  
One Bulfinch Place  
Boston, MA 02114  
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The Commonwealth of Massachusetts  
Office of the Chief Medical Examiner



**PROOF OF DEATH**

The OCME has accepted jurisdiction over the body of Philip  
Markoff and certifies that the decedent was pronounced  
dead on August 15, 2010.

Signed Lisa Riccobene  
Representative of the OCME

Print Name Lisa Riccobene

Date September 15, 2010

OCME

Seal

MASSACHUSETTS RULES OF CRIMINAL PROCEDURE

Rule 16. DISMISSAL BY THE PROSECUTION

(Applicable to District Court and Superior Court)

(a) Entry of a Nolle Prosequi. A prosecuting attorney may enter a nolle prosequi of pending charges at any time prior to the pronouncement of sentence. A nolle prosequi shall be accompanied by a written statement, signed by the prosecuting attorney, setting forth the reasons for that disposition.

(b) Entry of a Nolle Prosequi During Trial. After jeopardy attaches, a nolle prosequi entered without the consent of the defendant shall have the effect of an acquittal of the charges contained in the nolle prosequi.