

Complicated Compound Bereavement

Murder/Suicide...Divorce

By: Craig Robertson

It was a Sunday afternoon in the spring. Rachel, and I were making mango salsa and margaritas. My small kitchen was wrecked, and Buddy Guy was playing in the background. Rachel loves Buddy Guy. It was sunny outside and I was in a good mood, soon to be engaged. The phone rang and the voice on the other end was unfamiliar and trembling. It was Robert Neely, Dianne Neely Plyler's father.

“Does Craig Robertson the attorney live here?”

It does not take long for a young divorce lawyer to learn to hate hearing from clients at home.

The Friday before had been fairly typical. I had Dianne's temporary hearing in Canton at 9:00 o'clock. Like most mothers, Dianne's biggest concern in the divorce was for her little boy, Alex. I had not been prepared to present testimony because we were confident that we would settle, even if just on a temporary basis. We had been engaged in some settlement discussions before the temporary, but nothing had been completely worked out, and Dianne was nervous. Our Judge insisted that we talk, as he always does, and as a result, an Agreed Temporary Order was executed and filed before lunch.

Dianne was a pleasant twenty-nine year old woman, two years older than me at the time. She took blood thinner for a medical condition. Dianne had been a registered nurse at St. Dominic Hospital in heart surgery for about five years. Her husband was a nurse, too. They had each been married before, but Alex was their only child. Alex loved trains. They would sometimes take him in the afternoons to see them rush by.

Dianne's husband had stabbed a man many years before the couple met, but there had never been physical violence between the parties. Dianne thought she could "fix" him, but had now come to the decision that she wanted to end the relationship. Our petition for divorce was based on cruelty, which is always difficult to prove. Of course, no one knew what he had planned, but in looking back, it is clear that he forecasted his actions.

"I hope you die first so I can piss on your grave," he once told Dianne.

He threatened to take full custody of Alex on a regular basis. One evening he called and said that he was going to make out a will, asking Dianne if she knew how much social security she would draw if something happened to him. He alluded to suicide on several occasions, and was constantly trying to get Dianne to come to the house, attempting to use Alex as a tool to manipulate her. Ruby Neely, Alex's maternal grandmother and present co-guardian, remembers him saying that the day of court would be the sorriest day they had ever experienced. At the time, these statements seemed to be just the ranting of a person in the midst of divorce, encompassing the verbal domestic abuse that caused Dianne to seek to dissolve her marriage. Counsel opposite knew Alex's dad was upset, but everyone gets upset when it comes to divorce. Everyone says things they do not mean.

One afternoon following the parties' separation, Alex's father called Dianne at work. He asked Dianne if she had heard about an incident at a daycare in Jackson where the father shot the mother, their kids and then himself. He said "You never know-that could happen anywhere," and hung up. Alex was visiting with his father at the time, and Dianne was planning to pick him up shortly thereafter.

A few hours later he called again, telling her that she was a sorry excuse for a mother, and that she had ruined Alex's life. He claimed Alex had become despondent and would not

play soccer. He was going to get full custody of Alex; she was a bitch and a bad influence on Alex. He wished her blood clot would go to her brain and she would become a vegetable for the rest of her life. Meanwhile, Dianne could hear Alex crying in the background calling for his mommy. He finally let Alex talk to her and she told him she loved him very much. Alex begged for her to come get him, and Dianne instructed Alex to ask his daddy. At first he refused, later recanting, saying that he would bring Alex to her at the hospital. She got her friend, Karen, to go to the parking garage with her where they would meet. Alex and his father passed right by them, but Alex's dad acted like he did not see her. He called on her car phone and accused her of not being where she said she would be. Dianne then told Alex's father she was coming to his house to get the child. Karen rode with her. When they got to the house, Alex's father was standing in the front yard- a wild look in his eyes. She asked for Alex and was told he was riding his toy car around the block. Alex was only three at the time and Dianne did not approve. Alex's dad then remarked to Karen that she was living dangerously, riding to the home with Dianne. Karen questioned him about what he meant, and he just laughed and said, "Oh, the way she drives."

He told Dianne to get out of the truck, that they needed to talk. Dianne tried to get out but Karen held her arm. When Alex came around the block Dianne got out and he ran to her. She scooped up her son and they left, not bothering to get his clothes. Alex's dad called back on her car phone, again wanting to talk. He called her again when she got to her parents' house and said that for Alex's sake, her physical health and his mental health they needed to get this divorce over.

The police report states Robert Neely was with his daughter at the couple's house collecting her things pursuant to the Temporary Order. On the way to the home, Robert and Dianne both mentioned that they had a bad feeling about the day, but being so close by, they

decided to go ahead. They almost turned back. Alex's father must have been having second thoughts, too. Before their arrival, he called Ruby and asked if they had left. When she told him they had, he said something about needing to go out for a while. Ruby claimed that her husband and daughter should be there momentarily. His voice had been calm and collected. This must have been when he finally made up his mind. He called his parents and asked if they loved him, but heard the truck drive up while he was still on the phone. The Plylers must have sensed that something was wrong because they left their home and headed for Jackson immediately following the telephone call.

Alex's father walked out the door past Robert with the weapon concealed, went to the passenger side of the truck and shot Dianne several times, the first at point blank range to the head. He then went back around to the front yard and announced, "I told you, you would be sorry."

He pulled the trigger once more. A picture of Alex was taped to his chest. The autopsy revealed that he was full of beer, cocaine and Valium.

When the police searched the house, they found that it was equipped for combat. In the living room, there was a black handled stainless steel steak knife lying on the coffee table. On the kitchen table among about seven beer cans laid another steak knife. In the walk-in closet off the master bedroom were several shotgun rounds and pistol ammunition boxes. A single shot twelve-gauge lay on the bed concealed by a blanket. Next to the bed on the nightstand was another black handled steak knife. Finally, the dining room contained the last of his arsenal: a loaded rifle covered by a blue towel in the corner. The rifle was armed with a twenty round magazine of steel piercing bullets, and it had a scope and custom cheek mount. Across from the rifle in the opposite corner of the dining room was a tablecloth that was covering a broken pile of

china and plates. The china had belonged to Dianne's grandmother. The suicide note revealed a bitter and angry man who chose to orphan his only child and blame others for his mistakes.

As I hung up the phone a wave of surreal panic flooded my mind. I shared the immediate concern of the Neelys, Alex. Within minutes I was on the phone with L.C. James, my boss who is considered to be among the best in the business. Together we formulated a plan, spending the next few days making sure that Alex was provided for and that the media did not misconstrue Dianne's story. We later dealt with Alex's permanent custody, Dianne's estate, insurance claims, social security, retirement benefits and the monitoring of Alex's guardianship.

Many attorneys feel that something like this could never happen to their clients. But the truth is, it does happen. We hear about homicide, suicide, and violence in the family everyday in the news. The question that must be asked is, what can we do about it? Can it be prevented?

One critical factor in prevention is awareness. Suicide is the eleventh leading cause of death in the United States and the third leading cause of death for the young. Homicide is not far behind. On average, one person every eighteen minutes kills himself or herself. White males are more likely to kill themselves than any other group, and there are over four male deaths by suicide for each female death by suicide, even though there are reportedly three female attempts for each male attempt. Five million living Americans are estimated to have attempted suicide, and divorce is the leading factor linked with suicide rates above all other physical, financial and psychological factors. According to several sources, a person may be suicidal if he or she:

- Talks about ending his/her life
- Has problems eating, sleeping or completing everyday tasks
- Has severe changes in conduct
- Distances oneself from loved ones and/or social activities
- Loses interest in life
- Legally prepares for death with a will or other final arrangements
- Gives prized possessions to others
- Has attempted suicide

- Unnecessarily puts oneself in dangerous situations
- Has suffered recent losses
- Is preoccupied with death and dying
- Loses interest in his/her personal appearance
- Increases drug or alcohol consumption¹

According to the American Bar Association Commission on Domestic Violence, each year one million women suffer nonfatal violence by a person with whom they are intimate. By other estimates, four million women in the U.S. experience a serious assault by a lover during an average year, and almost one-third of adult women experience at least one physical assault by a partner during adulthood. Intimates perpetrate over one quarter of all annual violence against women with only five percent of all annual violence against men being perpetrated by intimates.

According to Paul Davey, a therapist with the Adolescent Child and Family Clinic, the most dangerous time for a divorcing woman is in the few weeks prior to or a few weeks after the divorce. A divorcing man who does not want to end the marriage may direct his anger at the former spouse, killing her and in some cases the children for the ultimate revenge, then taking his own life to avoid the consequences of these actions. Statistically, women are usually the victims. Little is known about women who kill their husbands because it happens less frequently. When this does occur, however, there is almost always a history of violence in the relationship.

Perhaps the biggest victims of domestic violence, homicide and suicide are the surviving children. These little ones are left to deal with feelings of abandonment, anger, and questions about homicide and suicide. Mr. Davey describes these issues as complicated compound bereavement. Layers upon layers of guilt and grief may haunt the orphaned children of murder/suicide. Each child will need individual help. These issues are very big even for adults, and it is important that the child's guardian make room for the child to talk about his/her feelings. The child is likely to feel intensely affected and confused, and the guardian must be

¹ Please see American Association of Suicidology (www.suicidology.org)

careful not to superimpose his or her own feelings onto the child, as they may have stronger and very different feelings than the child.

Domestic violence certainly has lasting effects upon the family unit. Each year family members expose an estimated three million children to violence, and fathers who batter mothers are two times more likely to seek sole physical custody of their children than are non-violent fathers. Domestic homicide is often the culmination of an escalating history of abuse, be it verbal or physical, and eighty-eight percent of domestic violence fatalities had a documented history of physical abuse. Forty-four percent of victims of domestic homicides had prior threats by the killer to kill the victim or themselves, and thirty percent had prior police calls to the residence.²

In the aftermath of the Plyler case, I have often wondered if there was anything that we could have done differently. Looking back, Alex's dad forecasted his action loud and clear, but his threats seemed to be nothing more than the exclamations of a man who did not want to be divorced, regardless of his fault. He panicked, and he had access to guns. He wanted Dianne dead and he killed her. Obviously, we now know a great deal more than we did before Dianne's temporary hearing, and I have certainly learned many lessons about life and the practice of law from Dianne Plyler and her divorce.

Alex is now six. He did not attend the funerals for his parents. He lives in a loving home with his maternal grandparents, and he sometimes visits his father's parents. Ruby remembers the day of the funeral. She was sitting at the table with Alex. He was eating an apple, his bedtime snack. Alex said, "Nannie, I don't want to go to heaven."

"Why? Everyone wants to go to heaven."

"My daddy's going to heaven."

"How do you know?" she responded.

² Please see ABA Online Network for sources (<http://www.abanet.org/domviol/stats.html>)

He said, “My daddy told me that he and mommy were going to heaven to live with Jesus. I wish they would come back.”

“They did go to heaven to live with Jesus. When you die, if you believe in him you will go to heaven too. But you cannot come back.”

Alex changed the subject.