

For almost 3 years this court, the State Attorneys office and Shamir Suber's attorneys have been focused on protecting the rights of and insuring a fair trial for Shamir Suber. As well it should have been. Nevertheless, it strikes me as ironic that we know so much about who Shamir Suber is and so little about Sarah Phillips-a fine young lady relegated to the status of an incidental obstacle in the path of Shamir Suber's headlong flight from the police and accountability.

Sarah Marie Phillips was born here in Orlando on January 24, 1981 and was the first grandchild of Patti and my parents. Sarah was a bright, enthusiastic, loving child with a quick sense of humor. She could be as stubborn as her father and as steady and committed as her mother. From the time she entered pre-school she began to collect friends, most of whom she kept until her senseless death.

I wrote a letter to Sarah shortly after her death and would like to share it with you now:

Dear Sarah,

*I'm sorry I wasn't there for you that night-I know I promised I always would be, no matter what. Ever since the day you were born 21 years ago and I ran around telling everyone that you **really** were a beautiful baby I have tried to be a good father. I'm so sorry that sometimes I came up short, and that I let you down or disappointed you. Thank you for never pointing it out. Thank you for letting me believe that you believed I was the smartest and best Dad in the world. Thank you for all the times you came home and found me in front of the TV and you came over to me and took my hand and gently rubbed the back of it with your thumb, and told me about your day or told me what was on your mind. Thank you for the gift of all of your friends. They are a great comfort to your mother and me. Thank you for the Falcon Award. Thank you for the Honor Society. Thank you for Orchestra. Thank you for fried rice. Thank you for jalapenos with cream cheese and cheddar. Thank you for pretending to like oysters. I will remember many things you said or did until the day I die. Like the time I told you that you could go to school at Harvard in Boston and you replied, "Will Mom be there?" Like the time I was channel surfing and came across the Spanish channel and I asked you, a fresh Spanish student, what they were talking about. After listening for a few moments you said, "Well, one thing is for sure. They're not talking about school supplies!" I remember how excited and happy you were when you got your car and how scared your mother and I were at the same time. I remember how mad I got when I punched a hole in a stereo speaker while installing it in your car and how you laughed and made me laugh. I remember you and Liz making a banner, bringing it to John's high school baseball game and doing a chant for him. He was the only benchwarmer with his own cheering section. I remember how proud Mary was to be one of the "group" when you and your friends allowed her to tag along. I'll never forget all the Friday afternoons that you worked with me at the store; each and every minute was truly "quality time." I remember late nights struggling through physics with you, relearning statistics and proofreading countless papers.*

Thank you Sarah, for 20 years of love and joy, and a lifetime of memories. And now Sarah, it is your turn to be there for your mother and I as we struggle to bring meaning to your death. Sleep tight, Roo. Don't let the bedbugs bite.

Dad

When Sarah finished high school and entered the University of Central Florida she had not decided on a major as yet. Her mother and I encouraged her to take as long as she liked to find her passion. Her first semester she managed a 4.0. I remember telling her that it was poor strategy to set such an impossibly high standard so early in her college career. After 2 years of nibbling here and there, she chose a career in nursing and began working for acceptance into the School of Nursing with an eye to becoming a "contract" nurse. This would satisfy her sense of community service as well as her love of travel and adventure.

This brings us to December 13, 2001. Sarah was returning home after going to the movies with several of her friends. They had just finished their fall semester and were beginning their well-deserved Christmas break.

At about 1 o'clock my wife Patti was stirred from her sleep, waking me in the process. She observed that Sarah would be home soon. We both were soon back asleep. An hour later the doorbell rang. Our dog Abbey took off barking to the front door as Patti and I were startled awake. Patti wondered aloud why Sarah would come to the front door-perhaps her gate control was not working. We both went to the front door, me holding Abbey as Patti opened the door.

We were startled to see a young Florida Highway Patrol officer standing at our front door. He stood-almost at attention-in his crisply pressed brown and tan uniform. He asked if we were the parents of Sarah Phillips. Before he was even done speaking Patti blurted out, "Is she okay? Is Sarah all right?" He said that there had been an accident, and that we should come with him. Patti collapsed. By this time our other two children, John 17 and Mary 10 had joined us at the front door. They just stood there looking bewildered. Patti continued to plead for information. The young officer just repeated that we must come with him. I asked where she was-he said at Florida Hospital on Lake Underhill. I told him that Patti would go with him and I would follow behind in our car. We dressed hurriedly. Patti left with the patrolman. I told John to take care of Mary and that I would call him shortly.

As I drove to the hospital I tried very hard to keep my mind empty, to not reason. To reason would be to conclude that Sarah was gone.

I arrived at the hospital and parked near the emergency room. As I entered I headed toward a couple of swinging doors that obviously led to the treatment area. A young nurse sprang from behind a desk and asked where I was going. I told her my name. She gave me a "so what" look. I then said that my daughter was here and gave her name. She said, "Wait please" she picked up a phone and dialed and then spoke softly. Soon another nurse appeared through the double door.

I followed her through the emergency room doors and then she opened another door, through which I could see Patti sitting, with her hands clasped in her lap, rocking back and forth, and crying uncontrollably. There was a man sitting beside her with his hand on top of her clasped hands. She glanced up at me and told me what I already knew. "Sarah is gone." I sat on her other side and put my arm around her.

Soon a young doctor came in and pulled a chair over in front of Patti and me. She said Sarah had died, almost certainly instantly, of blunt force injuries to the back of her head as a result of the crash. I asked how the other 3 girls were-she said that Sarah was alone.

Soon someone from the Medical examiners office came and asked to speak to me. I followed him out to the corridor. He handed me a plastic baggie with several pieces of jewelry in it. I slipped it into my pocket. He asked if we wanted to see Sarah, and also to identify her. He said he would come back in a few minutes. I went back to the waiting room, resumed my place next to Patti and quietly asked her if she would like to see Sarah. She thought for a short time and then said she preferred to remember Sarah as she was. Shortly thereafter the man from the Medical Examiners office returned and I got up and followed him down the corridor. I had no idea what to expect.

We came to a treatment room with the curtains drawn; he stopped and stuck his head through the curtain, and in response to an unseen signal he drew the curtains open and motioned for me to come in. As I walked into the room I could see a couple of people standing to the side, almost at attention. Their eyes showed no emotion. My eyes were drawn to a gurney where Sarah laid with a clean white sheet pulled up to her chin. Her arms were at her sides, outside the sheet. She appeared to be asleep. Except for a small scrape on her forehead, she looked the same as she had the previous afternoon.

As I walked to the right of the gurney I put my hand on hers, bent over and kissed her forehead. As I withdrew I could see traces of dried blood around her ear. I whispered "Good-bye Roo." into her ear and collapsed to my knees.

What Sarah looked like that night is in sharp contrast to what her autopsy showed. While on the surface it appeared that her injuries were slight, the autopsy revealed catastrophic injuries to her skull, brain, brainstem, spine and spinal cord. She never had a chance.

The timeline of the occurrences of the next few months will never be fixed firmly in my mind. A number of images and memories are burned into my brain and they seem as vivid as they were a few days after they occurred with the exception of where they lie in the sequence of time:

- Her phone rang late one night and I felt that **she** was on the other end, and I was afraid to answer it and instead disconnected it when it stopped ringing.
- Sarah's friend Kendra, who we did not know before, had volunteered to sing *Amazing Grace* at Sarah's funeral, a hymn of particular significance for Patti. Patti had simply asked if anyone could sing one evening at the gathered crowd at our house and Kendra had stepped forward. When she approached the pulpit and cleared her throat, we had no idea what to expect. She began a little nervously, and as she settled down she gave one of the most beautiful renditions of the hymn I had ever heard. When she began the second verse her voice wavered a bit, and tears began to trickle down her cheeks. She gathered herself, once again, and finished the song, leaving almost everyone in the church wiping away tears.
- When Sarah's brother John and I went to the salvage yard to recover Sarah's belongings from her mangled car, we found a blood-soaked shopping bag with a baseball trivia book inside-undoubtedly a Christmas gift for me.
- Sarah's Birthday Party on January 24th, a little over a month later, complete with cake and ice cream and several of Sarah's friends-but no Sarah.
- Sarah's challenging fall semester at UCF as she was trying to gain admittance to the School of Nursing. Her success, as evidenced by her acceptance, arrived by mail after her death.
- A jury summons that came for her several months later.
- Sarah's blood test for drugs and alcohol (all negatives) was available within a matter of weeks while Shamir Suber's was not available for month and months.

As I struggled with what I was going to say to the court at this hearing I was struck by the extreme irony of the situation that confronts us in this case. Sarah Marie Phillips, a vital and contributing member of our community, who worked hard, played life by the rules and touched so many in a positive way has been taken from her family, her friends and her community and Shamir Suber who chose to live a life of crime, drugs and reckless disregard for others lives to strike again.

I also came to the realization that nothing that occurs here today affects my family or me. Shamir Suber has taken Sarah and cast our family into a life-long nightmare. We are finished with Shamir Suber and he is a non-entity to us. This awareness comes from recognizing that we do not seek retribution or revenge for what he has done. Our goal is, quite simply, removing him from society so that he cannot repeat what he has done to Sarah and our family.

This conclusion can only be justified if we determine that Shamir Suber is the same person he was on that night in December almost three years ago, and that we cannot be sufficiently confident that he will ever be any different. Considerable evidence exists that he will forever be as he was. Reckless, irresponsible, and hell-bent on the notion that the whole world revolves around his pleasures, needs and desires and that he bears no responsibility for his actions. If I may point out:

- There is a substantial list of interactions with the Criminal Justice System, beginning as a juvenile, where he was given the opportunity for a fresh start. Met, each time I am sure, with remorseful contrition, only to lapse into a recurring, consciously chosen life of alcohol, drugs and criminality.
- His attempts to blame his attorney for the hopeless legal situation he found himself in. A situation where Mr. O'Mara was forced to admit to his criminal activities that day in a desperate, and ultimately successful, attempt to avoid a potential life sentence. A skillfully executed defense despite the fact that Shamir Suber could not bring himself to admit to being a small-time drug dealer or to even admit he was intoxicated.
- His morning-after confession where he wondered why the police had chased him. The fact that he ran had nothing to do with being unlicensed, intoxicated, in possession of crack cocaine and leaving a confrontation where he had brandished a loaded rifle and threatened to kill.
- His letter to you, Judge Johnson, where he accused his passenger, Derrick Hill, of holding a gun to his head to compel him to run. The same letter in which he accused you of being in league with the police and me with Mr. O'Mara.
- His tearful testimony about it "being an accident"-as if he was powerless to stop what was to happen.
- His attempt to entice a plea-bargain by ratting on his cohorts with information about illegal guns and break-ins.
- His pleas that "he can't bring Sarah back" despite the fact that he was the sole instrument of Sarah's death.
- His tearful lament about his son, born while awaiting trial in jail, and how he couldn't spend time with him, even though he had, at one time, been charged with beating his son's mother while she was pregnant with that very child. All the while not even recognizing what he had done to our relationship with Sarah.

Shamir Suber's life has been a slow, steady and conscious descent to the underbelly of society. His actions were destined to culminate in an event such as the death of our sweet Sarah. While Shamir Suber would like for us to believe that he too is a victim in this case, I would remind the court that he was the master of events that day. The conscious and purposeful decisions he made throughout that day lead surely to the death of Sarah, as surely as if he had drawn a gun and shot her dead.

Mr. Wixtrom, Mr. Wooten and the State Attorneys office have done their job. They have steadfastly and passionately pursued the goal of protecting society by seeking to remove Shamir Suber from the streets for as long a time as possible. At this time we look to you, Judge Johnson, and recognize the awesome responsibility that rests on your shoulders. We all know that the decision you make today will largely decide whether Shamir Suber will ever be able inflict the life sentence he has visited on our family on some other unsuspecting family in the future. We are confident in and we rely on your strength and wisdom and we ask that you sentence Shamir Suber to the maximum sentence allowed by law.