

LOGAN & ASSOCIATES
ATTORNEYS AND COUNSELLORS

POST OFFICE BOX 8028
BLOOMFIELD HILLS, MICHIGAN 48302-8028

TELEPHONE (248) 418-2300

FACSIMILE (248) 418-2307

Administrator@LoganAssociates.com

February 24, 2010

Mr. Charlie Crist, Governor
State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399-0001

**RE: *People of the State of Florida vs. Joshua Earl Phillips;*
 Polk County Case No.: CF99-04685A-XX
 *Florida Dept. of Corrections Inmate Number: J11775***

Dear Governor Crist:

I am certain you are aware of the above referenced case. I was in Florida visiting my mother at the time the defendant was arrested and I followed the case in months and years that followed. I was always troubled by the harsh treatment the defendant received from the Florida criminal justice system, particularly in light of the offender's age at the time of the offense. I understand that the statutes required the sentence, but even now, more than 10 years later I still find it hard to believe that a jury or a court in any jurisdiction could believe that a 14 year old child could form the criminal intent to commit such a capital crime. Even assuming that forming the intent is possible and did occur in this case, I do not believe a child could possibly understand the ramifications of such an act given the immaturity of the average 14 year old adolescent.

Over the years, as I have read various articles and seen different commentaries on this case, I remain constantly amazed at the high level of emotion generated by the case generally and the harsh sentence in particular. I cannot reconcile nor do I pretend to understand the vindictive attitudes so many people possess about this defendant, particularly in light of his age at the time of the offense.

Please understand that it is not my intention to minimize or diminish the serious nature of the offense committed by the defendant. The crime was incredibly violent and the emotional pain and anguish of Maddie Clifton's family is immeasurable by any standard. That being said, I do not believe a civilized society can condone such an irrational sentence imposed on a 14 year old minor child.

I am not entirely unfamiliar with the justice system and I have learned during the past 25 years that the courts have little to do with justice and more to do with the politics of crime and punishment. No elected official wants to be seen as being "soft on crime" and sweeping criminal reform statutes in this nation have reflected the "tough on crime" attitude. Being tough on crime and ensuring the safety of our society is of paramount importance to be sure, but laws regarding sentencing guidelines crafted to punish the most violent offenders in our society must be designed to allow for movement where children who commit crimes are concerned. I'm certain that juries are carried away in the cascade of emotional fire that flows from cases involving violent crimes, whether committed by children or adults. However, that river of fire must be banked and cooled by a thousand restraints to prevent a manifest injustice to the most vulnerable among us, our children.

Mr. Charlie Crist, Governor
State of Florida
February 24, 2010
Page 2

**RE: *People of the State of Florida vs. Joshua Earl Phillips;
Polk County Case No.: CF99-04685A-XX
Florida Dept. of Corrections Inmate Number: J11775***

The irony in this case is that the brutal nature of the crime, the murder of an 8 year old child, caused the defendant to be charged as an adult and sentenced as an adult to protect "children" when the offender himself was a child. Who is charged with protecting *this* child or at minimum finding out what caused him to commit such a violent crime at such a young age? Because of the required sentence imposed after the defendant's conviction, apparently there was no point in making even a cursory attempt at determining that nature of his motivation or if this was a child that could ever be saved or rehabilitated to become a productive member of society.

As I have aged I believe my vision has cleared and it was aided by raising two children and by paying close attention to their actions, social behavior, interaction with their friends and their approach to problem solving. My observations have taught me that children live in a self-centered universe and they only see things in terms of how it affects them, not the world around them. They do not lack the tools to make informed choices, but they do lack the experience and skill to use these tools. Isn't this why our society spends the first two decades of children's lives teaching them how to use these undeveloped tools? Children of such a young age cannot possibly understand the far reaching consequences of their behavior because these are lessons that can only be learned in the laboratory of time.

I don't pretend to be a social scientist or skilled in adolescent development, but I am a well educated man and my experience and exposure has taught me that most children, regardless of socio-economic status or geographical location, can exhibit monstrous traits of cruelty as well as extraordinary acts of kindness. It is our responsibility to mold and form our children's character and help them learn the appropriate values and concentrate and strengthening character traits that make our children become valuable members of society and I believe this goal is accomplished by wisdom, patience and example. Harsh punishment for children has very little lesson value and therefore is not a deterrent. Young adolescent minds are undeveloped at least and underdeveloped at best and therefore unable to process and store information in a useful manner, our wisdom gives us the patience to teach them and help them understand as they mature.

In all my years I have never written a letter such as this, but I was compelled to do so since I believe that clemency for this offender is appropriate and long overdue. I did not write this letter in haste nor was I influenced by any friends or family members of the defendant nor am I familiar with any of the offender's friends, relatives, acquaintances or supporters. My motivation is fueled by my desire to see reconciliation of a compound error that I believe can still be corrected.

Thank you for your time and consideration, I appreciate its value.

Sincerely,

Kevin W. Logan

JMJ