

Twelve year old awaiting murder trial as an adult - Nathaniel Abraham to receive psychological counseling after year's delay

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At a hearing November 9 Nathaniel Abraham--the youngest child in the Michigan, and possibly the US, to be charged as an adult for first degree murder--was awarded the right to receive regular psychological counseling while he awaits trial. Although the boy has been confined for more than a year, since he was arrested at the age of 11, he has never received adequate psychological counseling.

After hearing testimony from Nathaniel's counselor, as well as a psychologist who evaluated the 12 year old, Judge Eugene Moore of Oakland County Probate Court supported the recommendation for individual and group therapy sessions, as well as therapy with his family.

The seventh grade student has been held in Children's Village, a high-security juvenile detention center in Pontiac, Michigan, since his arrest on October 31, 1997. While he is enrolled in school through the center, the highly structured system has not provided psychological therapy except during those periods in which Nathaniel has had conflicts with the authorities.

Abraham, who is four foot nine inches tall, was led into the courtroom handcuffed, with his legs shackled. He wore a red prison uniform, which indicated that he had been disciplined at the detention center. According to the report read in court by Oakland County Assistant Prosecutor Lisa Halushka, Nathaniel was suspended following a fight with another resident, thereby losing the right to wear the standard blue uniform.

Abraham has been charged with the premeditated murder of 18-year-old Ronnie Green, who was struck in the temple by a single bullet while standing outside a Pontiac convenience store. Nathaniel has admitted firing a gun at trees, but claims that the shooting of Green was accidental. Abraham was 180 feet from

Green at the time he was shot, standing behind a thicket of trees that blocked a clear view of the store.

Despite the fact that psychological testing after his arrest proved that Nathaniel has severe mental impairment and functions on the level of a child half his age, Halushka opposed both the request to move Abraham to a better facility for treatment and the request that he receive appropriate counseling.

Daniel Bagdade, the attorney for Abraham, explained that the only treatment offered to Nathaniel consisted of drug therapy. Nathaniel was frightened by this type of treatment and would not accept it. 'He panicked, clammed-up,' Bagdade explained. 'It's not unusual. His mother was not there, I was not there. He thought they were going to stick needles in his arm. He didn't know what to expect. I would react the same.'

Bagdade also said that Nathaniel's discipline problems were not unusual, given the nature of the problems he faces: 'He is the youngest and smallest child in the institution and he has to defend himself. He is also struggling with emotional problems. If you consider the length of time he has been interned and the lack of treatment, he is actually doing fairly well.' Bagdade added that the purpose of this hearing was to bring Nathaniel's need for psychological counseling to the attention of the court, to take notice that he was not receiving such treatment at the detention center, and to consider the argument that his condition would continue to deteriorate until he received it.

Dr. Margaret Stack, a consulting psychologist for the Oakland Probate Court, testified that without regular counseling sessions Nathaniel would develop an anti-social character disorder in trying cope with his difficulties. 'He should be directed in his behavior to

other people.' said Stack. 'He also needs to be directed at constructing a self-image based on positive values, not ones based on gaining control over other people.' She noted that Nathaniel has a close family, pointing to his mother and grandmother in the audience, and indicated that more contact with his family would be crucial in preventing a further deterioration in his mental health.

Suggesting that therapy was a privilege to be earned, Halushka asked, 'Doesn't there need to be an acknowledgement of negative behavior before treatment can take place?' In reply, Dr. Stack explained that the prosecutor had it backwards: without therapy Nathaniel's psychological state would continue to deteriorate, further undermining his ability to understand the significance of the tragedy that had occurred.

Judge Moore rejected the defense proposal to move the boy to another location, but ordered that the necessary counseling be provided at Children's Village. The proposed treatment recommended by Dr. Stack called for three individual sessions and four group sessions a week, followed by a session with his family once every three weeks.

After the hearing, Abraham's other attorney, William Lansat, commented that while the ruling will provide for an improvement in the conditions Nathaniel faces, the level of treatment he will receive is still less than adequate. 'While the judge agreed to allow him to have therapy, he actually needs more. What Nathaniel really needs is intensive psychological counseling,' said Lansat.

The trial is not expected to go to court until next spring. The Oakland Prosecutors Office is seeking to overturn a ruling which bars it from introducing the confession police extracted from Nathaniel while he was being held for questioning in the shooting of Green. Judge Moore had agreed with the defense contention that Nathaniel could not have understood he was waiving his Miranda rights when he signed a confession prepared by police.

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