

13-year-old child sentenced as an adult in Michigan

Larry Roberts
19 February 1999

On February 11, 13-year-old McKinley Moore from Highland Park, Michigan became the first child in the history of the state to be sentenced as an adult.

The young boy was sentenced by Wayne County Family Court Judge Freddie Burton Jr. for the July 19, 1998 shooting of 55-year-old Calvin Whitlow, a Detroit barber. The boy received what has been termed a "blended sentence," combining adult prison time with juvenile rehabilitation. Under the ruling McKinley will be held in a juvenile prison until he is 19 years old. At that time a final decision will be made on whether to keep him in jail until he is 21 or send him to prison for life. Judge Burton ruled that if Moore is charged with a single violation during the next six years, or commits a new crime, he could be brought back to court and immediately sentenced to prison for life as an adult.

Moore, who stands 4 feet 9 inches and weighs only 70 pounds, has severe learning disabilities and borderline retardation, with an IQ of 55. In March of 1997 Moore was suspended for fighting in school, and tutored at home by a teacher sent by the school district until June 1997. When school reopened the following September he did not return and no one tried to find out why. By the time of the shooting he had not attended school for over a year.

Twelve years old at the time of the shooting, Moore confessed to chasing Whitlow after leaving a restaurant at 1 a.m. and shooting him in the back of the head at close range. In December he pled guilty to second degree murder.

McKinley Moore is the first child to be sentenced under the Michigan Juvenile Justice Reform Act, passed in 1997, which allows prosecutors to try children as adults with no minimum age limit. Most states in the country have passed similar new laws, a reversal of a century of judicial standards that treated

the state as the parent of last resort. The separate juvenile court system was intended to rehabilitate children, a view that has been largely replaced by the misanthropic philosophy promoted by the law-and-order advocates of both the Democratic and Republican parties.

In 10 US states, including Michigan, prosecutors have the power to move juvenile cases into adult courts. Forty-eight states have laws authorizing the prosecution of children as young as 14 as adults. Michigan is one of two states that have no minimum age limit. Nathaniel Abraham, a 12-year-old boy from Pontiac, Michigan, is the youngest child in the country to be charged as an adult for first degree murder and could be sentenced to life in prison without parole.

Moore's accomplice, 16-year-old Gregory Petty, also of Highland Park, was convicted as an adult last month of first degree murder and faces a possible sentence of life in prison without parole at a sentencing hearing March 12. According to reports, Petty, 15 years old at the time of the crime, told Moore to follow Whitlow to see if he had money. In a statement to police, Moore said Petty gave him the gun and told him, "Kill him or I'll kill you."

At the hearing the judge chastised McKinley Moore's mother, Caron Moore, 27, blaming her for her son's conditions. Social workers discovered that the Moore family lived in a three-bedroom, dilapidated home occupied by 20 members of the family, including seven adults, nine cousins and four siblings. The home was rat and roach infested. "If the law allowed, there would be an opportunity to sentence two people today," said Burton, referring to the boy's mother. "There is no way that young man could have received the nurturing or support he needed."

But the conditions under which McKinley Moore

grew up and lived were not unusual for residents of Highland Park, presently the poorest city in Michigan. Once the corporate headquarters for Chrysler Corporation, Highland Park has experienced a severe economic decline in line with the massive downsizing carried out by the Big Three automakers since the 1980s. Almost half of this city's residents live below the federal government's official poverty line. According to the 1997 US Census report, Highland Park has a poverty rate of 39.37 percent, with a median household income of less than \$14,000 a year. The official poverty rate for a family of four is \$13,600.

According to the framers of the new legislation under which McKinley Moore was sentenced, Moore and Gregory Petty are the type of children these laws were intended for, those who carry out violent, heinous crimes. But while by all accounts Moore and Petty are severely troubled youth, they are the victims of a system that breeds poverty and all of its associated ills.



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