

Michigan court to allow 11-year-old's confession, upholds first-degree murder charge

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Nathaniel Abraham, now 12 years old, is one of the youngest people in the United States to be tried as an adult on murder charges. On April 1 the Michigan Court of Appeals reversed a lower court's findings and will allow the child's "confession" to be used against him at his trial. The same court also ruled to uphold first-degree murder charges against the youth. If convicted, he faces life in prison without parole.

Nathaniel is being tried as an adult under the provision of a state law that came into effect in January 1997. The statute sets no minimum age for offenders. Currently state legislators are pushing to bring back the death penalty in Michigan, which has banned it for the last 153 years.

The latest ruling asserts that Nathaniel understood his rights when he told police he fired a gun outside a Pontiac, Michigan store on October 29, 1997. One of these shots killed 18-year-old Ronnie Green as he was leaving the store. Nathaniel Abraham was only 11 years old at the time of the shooting.

The appeals court decision reverses the finding of Oakland County Judge Eugene Moore last May that the youngster could not have understood his rights when he confessed to police about firing the .22 caliber rifle. At the time the judge ruled that Nathaniel could not clearly have understood his Miranda rights, including the right to remain silent.

The latest court's opinion "placed great significance" on the presence of Nathaniel Abraham's mother during police questioning. With his mother present, the child waived his rights and allowed police to question him. Attorneys for Nathaniel Abraham say they will appeal to the Michigan Supreme Court to have the confession thrown out.

Assistant Oakland County prosecutor Lisa Halushka commented: "No one expects a defendant to have a lawyer-like understanding of their rights." But at the time of his arrest and "confession" Nathaniel Abraham was functioning well below the abilities of even an 11-year-old. A psychological evaluation in 1994 rated him with the cognitive abilities of a six- to eight-year-old, with an IQ of 78.

Nathaniel's mother, Gloria Abraham, struggled to raise her child on a limited income in an economically distressed neighborhood in Pontiac. Nathaniel began to show psychological problems earlier in life, and she sought help and counseling for him from the age of eight, but received little assistance from Michigan authorities.

The claim of the court that an 11-year-old child could have a "grasp of his rights" is hard to accept under any circumstances. But Nathaniel Abraham is clearly mentally disabled, in addition to his disadvantaged upbringing.

This is not, however, an isolated case of judicial brutality. According to a report by the human rights group Amnesty International, "Betraying the Young--Children in the US Justice System" (November 1998), incarceration is being increasingly utilized in relation to juveniles. "This is a matter of grave concern because of its inherent risks to the physical and mental integrity of children, and its potential for negative influence, rather than rehabilitation.

"Thousands of children in the USA accused or convicted of criminal offenses are subjected to human rights abuses ranging from brutal physical force, lengthy periods in solitary confinement and long periods in jail before trial, to imprisonment with adults.

"Many custodial facilities for children in the USA are overcrowded and unable to provide adequate mental health and other important services. In recent years there have been reports that staff in juvenile facilities have punched, kicked, shackled, sprayed with chemicals and even used electro-shock devices against children in their care.

"The US has consistently refused to implement fully the protection of the human rights of children provided by international law."

In violation of international standards, the US is one of the very few countries that executes people for crimes they committed when they were children. Three such prisoners--all of them mentally impaired--were executed in the US in 1998.



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