

# Trial date set for 14-year-old Michigan youth charged with first-degree murder

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The recent decision of the Michigan Supreme Court not to hear an appeal clears the way for a trial in the case of Nathaniel Abraham, who was charged with first-degree murder at age 11 in 1997. Nathaniel will be the first person prosecuted for a crime allegedly committed at the age of 11, making him the youngest ever. His trial date is set for September 21.

Nathaniel's lawyers had taken his case to the State Supreme Court following a decision by the Michigan Court of Appeals to allow a "confession" extracted from their client by police without the presence of an attorney. If convicted of the crime, Nathaniel could be sentenced to life in prison without parole. Michigan presently does not allow the death penalty.

Nathaniel Abraham is accused of having shot and killed 18-year-old Ronnie Greene outside a store in Pontiac, Michigan on October 29, 1997 with a .22 caliber rifle. According to his attorneys he was playing with the gun firing randomly at trees in an open field a block from his house. One of the shots apparently hit Ronnie Greene.

At the time of police interrogation, Nathaniel signed a form waiving his constitutional rights to an attorney and to remain silent. His mother was present, but was never told that a homicide case was being investigated. Nathaniel admitted to police that he had fired the gun.

Following the first hearing on May 7, 1998 in Oakland County Probate Court, Judge Eugene Moore threw out the confession on the grounds that Nathaniel could not have understood what it meant to waive his Miranda rights. He is mentally impaired and functions with an IQ of 78.

Angered by the judge's decision, Assistant Prosecutor Lisa Tomko filed the case before the State Court of Appeals, which is dominated by politically conservative judges. One of the justices, Judge Talbot,

was appointed twice by Republican Governor John Engler. It is this court that has ruled the confession admissible as evidence.

In making the ruling, it is significant that great emphasis was placed by the judges on the fact that Nathaniel's mother was present at his questioning. In other words, the court wants to have it both ways: for the purposes of interrogation Nathaniel is a minor, but for the crime of murder he can be tried as an adult. "I find it incomprehensible," commented Daniel Bagdade, one of the attorneys for Nathaniel Abraham.

In refusing to review the case, the Michigan Supreme Court has endorsed the Court of Appeals decision. Their decision is significant in light of the right-wing reforms being instituted throughout the US judicial system, and it has particularly dangerous implications for America's youth. The United States was recently condemned in a 556-page report by the human rights organization Amnesty International for its treatment of juveniles. The US is the only major industrialized country that allows juveniles to be executed and sentenced to life in prison.

Nathaniel's case is being used by the state to set new precedents for lowering the age by which children can be tried as adults. The distinctions established over a century ago between child and adult offenders are in the process of being eliminated. Nathaniel's prosecution was made possible by revisions in Michigan state law. The Juvenile Justice Reform Act of January 1997 allows prosecutors to determine, based on the severity of the crime, whether or not youth can be tried as adults. It is the harshest law against children of any state in the nation.

From the very beginning, the Abraham case has been used by right-wing forces in an attempt to criminalize the poorest sections of the population. Prosecuting

attorneys have sought to present Nathaniel Abraham as one would a demented serial killer, ignoring his severe emotional problems and the fact that he grew up in a single-parent family under impoverished circumstances. Even the mother of the victim of the crime, Mrs. Robin Adams, who faced the tragic loss of her own child, has criticized the state's actions. In an interview with the *Detroit Free Press* she stated, "I wouldn't want him [Nathaniel] in prison for the rest of his life, unless it was clear he could not ever change."

Barely 5 feet tall and less than 100 pounds at the time of his arrest, Nathaniel has spent close to two years at Children's Village in Pontiac, Michigan, often held in chains. It was only after the first year of confinement that he was allowed counseling. It also cannot ruled out that the state took months in making its prosecutorial decisions so Nathaniel would be older at trial, appearing in court as a young adult rather than an 11-year-old boy.

If convicted, Nathaniel Abraham faces the possibility of being jailed at a new prison opened by the state this past July. Commonly referred to as the "Punk Prison," it is privately run by Wackenhut Corrections Corporation. With a total capacity for 450 youth, it is surrounded by two exterior chain-link fences that have rolled razor wire with an array of razor wire stacked between them. Under the new Michigan law, 80 juveniles have been sentenced as adults and many will spend their first years at this dismal institution before being transferred to an adult facility.



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