

Murder trial of Michigan child to begin October 18

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The trial of 13-year-old Nathaniel Abraham, one of the youngest children in the US ever prosecuted for first degree murder, is set to begin October 18. The youngster, arrested at the age of 11, is being tried under a 1997 Michigan law that sets no minimum age for the prosecution and sentencing of juveniles as adults. If convicted, Nathaniel could face life in prison without parole.

The trial was previously scheduled to begin on September 21 but defense attorneys requested an adjournment because two of their key witnesses were not available. Oakland County Probate Judge Eugene Moore denied their request, but Nathaniel's attorneys won a favorable ruling from the Michigan Court of Appeals that allowed a four-week delay.

Nathaniel Abraham is accused of shooting and killing 18-year-old Ronnie Greene in Pontiac, Michigan on October 29, 1997. According to his attorneys, Nathaniel, who has severe learning and emotional disabilities, was playing with a rifle and randomly firing it at trees in an open field a block away from his home. Apparently one of the shots struck Greene who was leaving a store across from the field.

These circumstances, plus the fact that Nathaniel did not know Ronnie Greene, show there is no legitimate basis to prosecute the youth for first degree murder, which implies premeditation. But prosecutors are determined to try Nathaniel on the highest murder count. "They want to set a precedent for adult prosecutions and adult punishments of juveniles," the boy's attorney, William Lansat, told the *World Socialist Web Site*.

The youth has been held in a juvenile detention facility for nearly two years. Although a judge has ordered that he be given regular counseling he has received little, since the facility is designed to

temporarily hold juveniles, not provide them with long-term treatment. The youth, who is barely 5 feet tall and weighs less than 100 pounds, is reportedly often kept in chains.

The beginning of the trial has been repeatedly delayed as Oakland County prosecutors successfully fought to include an alleged confession made after the shooting. In May 1998 Probate Judge Eugene Moore threw out the confession, ruling that the youngster could not have understood his rights, including his right to remain silent and have an attorney present, during a police interrogation. Psychologists showed that Abraham only had the cognitive abilities of a six- to eight-year-old, with an IQ of 78. Moreover, the judge said Nathaniel's mother, who accompanied her son during the questioning, would never have waived his rights had the police told her they were investigating a homicide.

On April 1 the Michigan Court of Appeals reversed the lower court's findings and ruled that Nathaniel's statements that he had fired the rifle could be introduced at the trial. At the time Assistant Oakland County Prosecutor Lisa Halushka commented, "No one expects a defendant to have a lawyer-like understanding of their rights." The same court then upheld first-degree murder charges against the youth.

Abraham's attorneys appealed the higher court's decision to the Michigan Supreme Court but the justices refused to hear the case. The defense attorney's then requested that Judge Moore delay the boy's trial while they asked the US Supreme Court to rule on the admissibility of Nathaniel's statements to the police. Moore denied the request.

As inhumane as Nathaniel's circumstances are, his is not an isolated case. Over the last decade tens of thousands of children under the age of 17 and as young

as 10 have faced the terrifying and degrading experience of being processed through America's criminal justice system. In 10 states, including Michigan, prosecutors now have the authority to move a juvenile case into criminal court. Most states require that the child be at least 14, but in Michigan and Nebraska there is no minimum age.

In 36 states, and the District of Columbia, state legislatures have passed laws to exclude all 17-year-olds and in some case all 16-year-olds from the juvenile courts. Three of these states—Indiana, Vermont and South Dakota—allow 10-year-olds to be prosecuted as adults. In other states the legislatures have passed "three strikes and you're an adult" statutes, automatically sending juveniles with records to the adult criminal justice system.

Vindictive politicians and prosecutors have sought to boost their credentials for being "tough on crime" by demanding that prepubescent children "do adult time for adult crimes." In doing so, they want to overturn the separation of the juvenile and criminal justice system, which dates back to the nineteenth century. The social reformers who championed the setting up of a separate juvenile justice system recognized that children did not have the same physical and mental faculties as adults. They believed that children who had suffered from neglect, poverty and violence were victims themselves and that they required understanding and rehabilitation, not punishment and incarceration.

Like Nathaniel Abraham, who grew up in a city hard-hit by auto factory closures, decaying schools and deteriorating neighborhoods, the vast majority of the children who are being dragged through the criminal courts today are precisely such victims.



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