

US Supreme Court rejects delay of murder trial for Michigan child

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The US Supreme Court Monday rejected the request of attorneys for 13-year-old Nathaniel Abraham for a delay in his murder trial, which is scheduled begin October 18 in Pontiac, Michigan. 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.

Nathaniel's attorneys asked the Supreme Court for a delay so they could appeal a Michigan Supreme Court ruling allowing prosecutors to introduce into evidence a confession extracted from the young boy while in police custody in 1997.

In May 1998, Probate Judge Eugene Moore threw out the confession on the grounds that Nathaniel, who suffers from severe emotional and learning problems, could not have understood that he had waived his right to remain silent and to have an attorney present when police questioned him.

Prosecutors appealed to the Michigan State Court of Appeals, which then overturned Moore's decision last April. The Michigan Supreme Court, and now the US Supreme Court, have refused to hear the case and have thereby upheld the use of the confession. The office of Supreme Court Justice John Paul Stevens issued the high court's decision Monday without comment.

Nathaniel is one of the youngest children in the US to face first-degree murder charges. He is accused of shooting and killing 18-year-old Ronnie Greene in Pontiac on October 29, 1997. According to his attorneys, Nathaniel, whom psychologists say had the learning abilities of a six- or seven-year-old at the time, 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.

All the circumstances surrounding the event, including the fact that Nathaniel did not know the victim, show there is no basis for the charges of premeditated murder. But prosecutors in Michigan, anxious to prove that they are "tough on crime," are determined to try the youth on the highest charges and impose the stiffest sentence possible.

The prosecution of children as adults is part of a national trend. According to the director of the National Center for Juvenile Justice, by the end of 1996, 49 states had passed similar laws authorizing the prosecution or sentencing as adults of children as young as 14. More than 10,000 children a year pass through the adult criminal justice system.

In 10 states, including Michigan, prosecutors, instead of judges, have been given broad powers to decide whether juveniles should be tried as adults. Florida pioneered this practice, known as the "prosecutorial discretion waiver," in 1981 and uses it most frequently. According to a study released September 28 by the Justice Policy Institute, in 1995 Florida prosecutors sent 7,000 juveniles to adult courts, out of a total of 9,700 nationwide. The study concluded that the practice fails to reduce crime, is implemented in the main against minorities and is increasingly being used in nonviolent cases.

In legislation which recently passed the House of Representatives, sponsored by Congressman Bill McCollum of Florida, federal prosecutors would be given non-reviewable discretion to try youths as young as 13 in adult court for violent and nonviolent offenses. A ballot initiative in California next year is also seeking to give prosecutors such powers.



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