On-the-spot report from Michigan courtroom: Scenes from the murder trial of a 13-year-old

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Thirteen-year-old Nathaniel Abraham was led into a Pontiac, Michigan courtroom on Monday, October 18, as jury selection began in his murder trial. His slight, barely five-foot figure was shackled in layers of chains and handcuffs—a set of heavy chains wrapped around his waist, another set of chains connected to handcuffs on his wrists, and chains with handcuffs connecting his feet. The dismantling of the shackles took several, long minutes, requiring the child to turn toward a chair and lean forward while the sheriff unlocked his leg irons.

Nathaniel Abraham is being tried as an adult for a murder which took place when he was only 11 years old. Under a new statute that went into effect in the state of Michigan on January 1, 1997, there is no minimum age at which a child can be charged as an adult, and the decision to utilize this option is left up to the district attorney. Oakland County Prosecutor David Gorcyca has charged Nathaniel with first-degree murder as an adult for the death of 18-year-old Ronnie Greene, Jr. His case is being tried in the family division of the Oakland County Circuit Court. On Tuesday, Gorcyca again offered the defense a plea bargain of a "blended sentence," whereby Nathaniel would undergo rehabilitation for the next eight years, and at age 21 either be set free or sentenced to prison. Defense counsel has rejected this offer as it would still call for Nathaniel to be prosecuted as an adult.

The *Detroit Free Press* published a front-page photo of Nathaniel in chains on October 19. Nervous about the negative publicity potentially generated by such images, presiding Probate Judge Eugene Moore made the decision that Nathaniel's chains be removed just outside the door to the courtroom, and he is now being led into the trial each day by one of his attorneys. An Oakland County Sheriff is assigned to sit close by to guard Nathaniel.

Although aware that the proceedings concern him, Nathaniel appears disinterested and distracted, continually doodling on a pad in front of him and looking around the courtroom, occasionally glancing over to his mother and grandparents who have attended every day of the trial. At one point he turned to one of his attorneys and asked, "When can I go home?"

After Nathaniel's arrest for the October 29, 1997 shooting death of Ronnie Greene, a court-appointed psychiatrist estimated his cognitive abilities at that time to be only on the level of a six- to eight-year-old. Nathaniel's mother Gloria Abraham repeatedly sought help for her son prior to the shooting, after he had exhibited angry outbursts and a tendency towards depression. He was tested for learning disabilities and was found to have an IQ of 78 and the verbal skills of a kindergartener. In desperation, Ms. Abraham even tried to get the police to have him placed in juvenile detention. All of her efforts to find help for her son fell on deaf ears.

Tommy Williams, Nathaniel's surrogate grandfather since infancy, commented outside the courtroom, "Gloria tried so hard to get help. Why she wasn't able to get any is really the big question." Daniel Bagdade, one of Nathaniel's attorneys, said, "My concern about the mental health system is the fact that so many facilities are closed which were geared towards juveniles."

Last Tuesday morning, October 19, Geoffrey Fieger signed on as the lead defense attorney. By that time Court TV had already planned on covering the trial; however, the case had not received widespread national publicity. With the entry of Fieger, best known as the lawyer for assisted-suicide doctor Jack Kervorkian and for his unsuccessful bid as the Democratic candidate in the last Michigan gubernatorial race, the Abraham trial suddenly became a hot topic on television programs such as the Geraldo Rivera Show. One could rightly ask why it was Fieger's celebrity in large measure—and not the fact that a mentally impaired child was being tried as an adult for first-degree murder—that focused the spotlight on the proceeding.

In the media commentary on the case thus far, it is noteworthy that with a few exceptions there has been no attempt to connect the tragic circumstances of the trial with the social conditions that prevail in Pontiac and make themselves felt in the courtroom.

To attend the trial, one must pass through a security checkpoint at the Oakland County Circuit Court building, which is located only a short distance from devastated areas of Pontiac, a city hard-hit by plant closures in the auto industry and blighted by poverty and crime. Down the hall from the

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courtroom where Nathaniel's trial is being held youth who have been ticketed for underage smoking or picked up for shoplifting have their cases heard. On any day you see these young people walk by with their parents, on their way to a hearing where they will receive a $50 fine or a court order to attend an anti-smoking class. Nathaniel could receive a sentence of life imprisonment, but the atmosphere inside the courtroom does not always reflect the seriousness of his predicament. The prosecution and defense dispute a legal point at one moment, then joke with each other at the next. The families of Nathaniel Abraham and Ronnie Greene find little to laugh about during the proceedings.

Assistant District Attorney Lisa Halushka, the lead prosecutor in the case, is aggressive and enthusiastic. One gets the impression that the young attorney is quite conscious of the precedent-setting nature of the case, and sees her role in it as a chance to make a name for herself among those leading the "war against crime." Before questioning each potential juror, she asks: "Do you know that this is a murder trial? And that this gentleman [with a sweeping hand gesture to Nathaniel Abraham] seated at the end of the table is charged with murder and assault with intent to commit murder? How does that make you feel?" She aims to identify and seat on the jury those individuals who are not uncomfortable with the idea of prosecuting a mentally-impaired 13-year-old as an adult. One wonders how young a defendant would have to be to make Ms. Halushka uncomfortable.

The jury selection process in this case, although somewhat repetitive and tedious, has provided an insight into the opinions of a cross-section of the Oakland County population towards this case. While many people might choose to go about their business and ignore the disturbing issues raised by it, those individuals who find themselves—by virtue of chance—in the potential jury pool are forced to consider their attitudes.

In the *voir dire* phase of the trial, each potential juror is brought separately into the courtroom and seated in the middle of the jury box, and then questioned by the prosecution and defense. One juror, a fourth grade classroom teacher, obviously uneasy about the prospect of sitting on the jury, said, "I question whether a person so young should be on trial as an adult. I know children make mistakes, serious mistakes. It doesn't mean you should write them off for life."

In response to a question from Lisa Halushka: "Are you saying that your sympathy would affect your ability to render a fair verdict?" another juror replied, "I would have a hard time returning a verdict of guilty because I have in the back of my mind that he is a child."

Most of the jurors do not appear enthusiastic about the prospect of imprisoning a 13-year-old child. One juror said, "I see him as a child, that's what makes me uncomfortable." Another said, "It disappoints me that a 13-year-old would be on trial. The younger they are the more it upsets me; it's more emotional to me at that young age."

What seemed to predominate among those jurors who indicated opposition to the proceedings was a certain bewilderment and incomprehension as to why this was all happening, understandable given the naked malice of the proceedings, verging on the absurd. Without an understanding of the class relations and intensifying social polarization in America, it is hard even for those more informed and humane segments of the population to make sense of such a situation.

One juror was visibly agitated as she took her seat in the jury box. When asked by the prosecution how she felt about trying an 11-year-old for murder she responded, "If he committed an adult crime, he should be treated as an adult. If he stole candy, he should be treated as a child. It doesn't matter if he's six or sixty-six. I would convict a three-year old for murder." After questioning by Fieger, it was revealed that this woman's best friend's sister was brutally murdered. Her attitude resembles that of the law-and-order advocates whose answer to every social problem is a call for more repression.

This juror expressed in the most obscene way the attitude of the prosecution in this case: Something is wrong with society and someone has to pay for it. Discounted are the age of the accused, his impaired mental state, the economically disadvantaged conditions of his upbringing and the difficulties his mother faced raising him under conditions where she could find no help.

Jury selection in the case is expected to be completed within the next several days, and opening arguments should take place at the end of this week or the beginning of the next. Anyone seated in the courtroom, or following the trial on television or in the press, should asked him or herself: shouldn't it be the system itself on trial here, and not 13-year-old Nathaniel Abraham?

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