

Michigan judge sentences 13-year-old Nathaniel Abraham to juvenile facility

Kate Randall
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Thursday afternoon in Pontiac, Michigan Judge Eugene Moore sentenced 13-year-old Nathaniel Abraham to detention in a juvenile facility, with placement supervised by Michigan's Family Independence Agency. He will be held until the age of 21, at which time he will be released. Nathaniel has already been held for more than two years at the Children's Village juvenile detention facility in Pontiac.

In handing down the juvenile sentence, the judge rejected the prosecution's request for a "blended" or delayed sentence, whereby Nathaniel would have been held in juvenile detention until the age of 21, with the possibility at that time of being sent to an adult prison if the court ruled that he had not been rehabilitated. Assistant prosecutor Lisa Halushka argued that because there was no guarantee that Nathaniel could be rehabilitated during this period, the court should reserve the right to send him to an adult prison.

Nathaniel Abraham was convicted last November 16 of second-degree murder in the October 1997 shooting death of 18-year-old Ronnie Greene outside a Pontiac convenience store. He was the first child to be tried under a 1997 Michigan law that sets no minimum age for the prosecution of juveniles as adults for serious and violent offenses. He was only 11 years old at the time of his arrest and functioned at the level of a six- to eight-year-old, with serious emotional and learning disabilities.

The prosecution and conviction of Nathaniel as an adult set a dangerous precedent for the criminalization of children. According to Michigan law the judge could have also sentenced Nathaniel as an adult, with the maximum sentence of life imprisonment.

In his sentencing opinion, Judge Moore commented, "The legislature has responded to juvenile criminal activity not by helping to prevent and rehabilitate, but

rather by treating juveniles more like adults. Is this a good option? Is our adult system successfully rehabilitating people? Do our jails release productive, reformed citizens? We all know the answers to these questions."

The judge alluded to the origins of the juvenile justice system more than 100 years ago, whose "advocates recognized that children were different from adults. They were still young, immature and not fully developed." He cited how in the 1980s, in response to a rise in juvenile crime, state legislatures had moved to enact more punitive laws aimed at treating children more like adults, thus undermining the juvenile justice system.

"I think the law Nathaniel has been charged under is fundamentally flawed... I urge the legislature to reassess this law. I urge the legislature to lean toward improving the resources and programs within the juvenile justice system rather than diverting more youth into an already failed adult system."

In his statement to the court arguing against the imposition of a delayed sentence, defense attorney Geoffrey Fieger said that no other civilized society in the Western world would prosecute an 11-year-old child as an adult for murder. He said the prosecution's methods "curry favor with a certain section of the population" which seeks a sadistic treatment of youth.

Fieger said that the evidence presented at trial had not substantiated the conviction of second-degree murder, and the defense has asked that the verdict be set aside. He said that this was, at best, a case of reckless discharge of a firearm. Testimony and evidence demonstrated the great improbability that Nathaniel deliberately fired at Ronnie Greene. An autopsy report concluded that the bullet which killed Greene entered through the top of his head, most likely having

deflected off a tree.

Witnesses presented at the sentencing hearing, including several for the prosecution, substantiated the defense contention that Nathaniel was still, two years after the shooting, functioning at a mental level well below his 13 years. The defense had argued at trial that Nathaniel did not have sufficient mental capacity to form the motive or intent for premeditated murder, as contended by the prosecution.

Prosecution witness Susan Peters, a probation agent for the Michigan Department of Corrections, commissioned by the court to prepare a pre-sentencing evaluation in the case, recommended the “blended” sentencing option, although she had never before evaluated an 11-year-old for such a sentence. She admitted under defense questioning that she was aware that by the second grade Nathaniel had been placed in special education and had been designated as emotionally impaired by the Pontiac School District.

Clinical psychologist Beverly Greene, Nathaniel's current therapist at Children's Village, also testified for the prosecution. She supported the delayed sentencing option, although she said that Nathaniel's judgment and reasoning skills were characteristic of a child of a much younger chronological age, six years or less.

The defense called Jerome Miller, director of the National Center on Institutions and Alternatives. He said that the adult prosecution and sentencing of children “reflects an attitude the county has taken of looking at predatory juveniles coming down the pike,” and that there is no evidence that trying children in adult courts does anything to deter crime. He said sentencing Nathaniel as an adult would be setting him up for failure.

“This boy is not an incipient psychopath. He needs love and nurturing. He has a loving mother,” Miller continued. “He needed some control, and his mother did try to get him some help. He was a troubled kid, not an inherently violent and hurtful young man.” Miller also commented that contrary to the name, Children's Village, where Nathaniel has been held for the past two years, is a euphemism for a children's jail.

Geoffrey Fieger commented that the system had taken away the social safety net that should protect children like Nathaniel, and that because of a lack of funds, parents like Gloria Abraham were forced to leave their children home alone. He said that instead of

recognizing Nathaniel Abraham as a troubled child in need of help, the prosecution chose to depict him as a “cold-blooded killer.”

Judge Moore has recommended that Nathaniel be placed in the Boys Training School. He cannot be transferred from the facility without a court order following a hearing, and notification of the prosecutor and defense. As part of Nathaniel's sentence, the court will conduct six-month reviews of his progress, the first of which will take place on July 20.



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