

Michigan prosecutors bring new charges against 14-year-old Nathaniel Abraham

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Within days of Nathaniel Abraham's sentencing on a murder conviction, prosecutors in Oakland County, Michigan have brought new charges against the 14-year-old. Abraham was convicted of second-degree murder last November in the 1997 shooting death of Ronnie Greene Jr., 18, outside a Pontiac convenience store. At the time of his arrest Abraham was 11, but the prosecutors decided to try him as an adult, making him the youngest person ever to be tried as an adult for murder in the US.

On January 13 Abraham was sentenced to detention at a juvenile facility, the W.J. Maxey Boys Training School, where he will likely remain until age 21, subject to periodic reviews by the court.

The Oakland County Prosecutor's Office has now filed misdemeanor assault and battery charges against Abraham in connection with an incident that allegedly took place at the Children's Village juvenile detention facility, where the youth was imprisoned for the past two years. According to the prosecutors, on January 13, the day before his sentencing hearing, Abraham was involved in a fight with two other boys during a basketball game.

Abraham appeared for a pre-trial hearing before Judge Eugene Moore this past Thursday (January 20) in connection with a breaking and entering charge that predates the shooting death of Ronnie Greene. Abraham pled guilty to that charge, and the judge sentenced him to placement in a juvenile facility, a moot sentence since Abraham is already detained at W.J. Maxey.

The new charge of assault and battery related to the alleged incident at Children's Village has been adjourned until February 22.

Justifying his decision to use a basketball fight as the basis for new charges against Abraham, Oakland County Prosecutor David Gorcyca declared, "We just cannot ignore every criminal act he may commit until his sentence is over."

From a legal standpoint, the decision to pursue criminal charges for an alleged basketball spat between teenagers is absurd. It is, on its face, cruel and vindictive, and highlights the fact that the state of Michigan and Oakland County are engaged in a vendetta against young Abraham.

It also says a great deal about the motives that have driven the entire case against Abraham. The inflated character of this new charge is in keeping with the original decision to try Abraham for first-degree murder, and prosecute the 11-year-old as an adult.

Numerous mental health professionals, for both the prosecution and defense, testified at trial and at the sentencing hearing that

Abraham functioned at the mental level a six- to eight-year-old at the time of his arrest. He has severe emotional and learning disabilities and was designated as emotionally impaired and placed in special education by the Pontiac School District by the second grade. His mother Gloria Abraham, a single parent often forced to leave her children alone while she worked, had repeatedly sought help for son, to no avail.

During the trial, defense lawyers presented an overwhelming case that there was insufficient evidence to substantiate a murder charge, let alone a murder charge against a mentally disabled child. (See: Michigan murder trial of 13-year-old: Testimony undercuts prosecution case [4 November 1999]) The jury rejected the charge of first-degree murder, but found the youth guilty of second-degree murder.

The prosecutor's office is angered and frustrated over the sentence handed down January 14 by Judge Moore, who sentenced Abraham as a juvenile. As a result of Judge Moore's sentence the state must release Abraham by age 21, and cannot transfer him to an adult prison. Abraham's case will be reviewed at six-month intervals by Judge Moore, who also has the authority to release him earlier.

Abraham was tried under a 1997 Michigan law that gives the state the power to prosecute children of any age as adults for serious and violent offenses. Under the law the judge had essentially three options in the sentencing phase of the trial: sentencing Abraham as a juvenile, sentencing him as an adult—which meant sending him to prison for up to 25 years—or handing down a so-called "blended" or delayed sentence, under which Abraham would be held in a juvenile facility until age 21, at which time he would either be released or sent to adult prison. The prosecutors pressed for the third option.

Under the terms of the so-called "blended" sentence, it would be up to the court to determine whether Abraham, at age 21, had been rehabilitated and should be released, or had not been rehabilitated and should be sent to prison. Such a sentence would significantly weaken the jurisdiction of the juvenile courts and undermine the special protections which that system is supposed to provide to young offenders. It would overturn one of the most important provisions of juvenile justice—the requirement that a child be released by age 21.

When the Abraham case acquired national publicity—the trial was broadcast on the Court TV cable station and CBS News' 60 Minutes program aired an interview with Abraham—the

prosecution decided to push for a “blended” rather than adult sentence. They did so under conditions of considerable sympathy for Abraham and public concern over trying a child as an adult for murder. But a “blended” sentence, despite the seemingly innocuous term, would have accomplished the main goal of the prosecution—undercutting the historical and legal distinction between the juvenile and adult justice systems and opening the door for routinely prosecuting children as adults.

Moreover, according to the 1997 Michigan law, had Abraham received a “blended” sentence and subsequently been convicted while in juvenile detention of a crime punishable by a year or more incarceration, the judge would have been required automatically to implement the adult sentence for second-degree murder: 8 to 25 years imprisonment.

In his sentencing opinion, Judge Moore said that to sentence Abraham as an adult would mean giving up on the juvenile justice system. He pointedly criticized the 1997 Michigan law under which Abraham was charged as “fundamentally flawed,” and urged the state legislature to reassess it.

Moore has come under attack for handing down a juvenile sentence in the case, both from the prosecutor's office and the local press, particularly the *Detroit News*.

Given the legal issues involved, and the political context of the case, the prosecution's motives in slapping a new charge on Abraham, seizing on a basketball scuffle as the pretext, can be clearly divined.

First, by filing this new charge prosecutors are seeking to build up a case against any early release of Abraham from juvenile detention. At the same time they are making an implicit criticism of the sentence handed down by the judge. To the extent that they can create a public image of Abraham as an incorrigible criminal and sociopath, they believe they can substantiate their depiction of the teenager as a menace to society and vindicate their contention that such children should be subject to adult prosecution and incarceration.

That a young life is being cruelly sacrificed to advance this agenda is, apparently, of no concern to Oakland County Prosecutor David Gorcyca, Assistant Prosecutor Lisa Halushka and the political forces who stand behind them. One thing can be said about their latest move: it thoroughly exposes their public claims to be deeply concerned for the well-being of Abraham.

This new charge also makes clear the course of action the prosecutors would have pursued had they obtained the “blended” sentence they were seeking. They would have seized on any pretext to convict Abraham of criminal actions during his stay at the juvenile facility in order to compel the judge to sentence him to adult prison.

The bizarre and almost incomprehensible brutality of the campaign waged by the Oakland County Prosecutor's Office against Nathaniel Abraham cannot, in the end, be explained simply or even primarily from the personal character traits of the prosecutors. The viciousness of these individuals, and their apparently inexhaustible capacity for marshaling the police powers of the state against those least able to defend themselves, reflect a definite political agenda and the outlook of definite social forces.

There is a growing consensus within the political and media

establishment in the US that virtually all limits to the repressive powers of the police, the courts and the prisons must be eliminated. This agenda entails the criminalization of large sections of society—in particular the poor and working class youth. The law-and-order frenzy—which has long been embraced by both big business parties—in turn reflects the moods, fears and interests of the most powerful and wealthy layers of society.

Judge Moore commented in his sentencing opinion: “We live in one of the wealthiest counties in the entire nation.... Individually and collectively many enjoy great wealth and prosperity. Why, then, can't we boast of having the best services for children in the country?”

Indeed, Oakland County boasts a median household income of \$55,263 and an official unemployment rate of 2.8 percent. But behind these averages lie conditions of ever-widening social and economic inequality. While in the affluent community of Bloomfield Hills less than 1 percent of children live in families below the poverty level, in Pontiac, where the Abraham family lives, more than one-third of children live below the government's official poverty line.

The greater the chasm between the wealthy elite and the great majority of the population, the more those at the top see their stock portfolios expand from the wave of speculation and swindling on Wall Street, the more they fear the gathering anger of the masses below—the more they have an interest in denying that social conditions play any significant role in fostering crime. It is, they insist, all the result of morally degenerate individuals, who just happen to populate the lower rungs of the social ladder. The only answer is the billy club, the jail cell and the gallows!

In the case of Nathaniel Abraham the prosecutors asked the judge and jury not only to put aside the child's age and mental condition, but also the difficult conditions of his upbringing in an impoverished Pontiac neighborhood.

Such immense levels of social inequality as prevail in America today are ultimately incompatible with democratic rights. To maintain the status quo, those at the top must turn to ever more overt methods of repression, and promote the ideological nostrums of Social Darwinism, racism, religious bigotry and every other form of backward thinking to provide the rationalization for their escalating assault on the democratic rights of the majority.

See Also:

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

[14 January 2000]

13-year-old convicted of murder in Michigan: Harsh truths about a repugnant verdict

[23 November 1999]

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

[29 October 1999]



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