

Michigan judge rejects early release for Nathaniel Abraham

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Nathaniel Abraham, the Pontiac, Michigan youth who was arrested in October 1997 at age 11 and convicted of second-degree murder in November 1999, has been told by a judge that he will not be released from maximum security prison until he reaches 21 years of age.

Abraham's trial three years ago generated considerable national and international publicity, as he was at the time the youngest child in the country to be charged with first-degree murder. His prosecution and conviction set a dangerous precedent for the criminalization of children, because under Michigan law he could have been sentenced as an adult with a maximum sentence of life imprisonment. Oakland County Probate Judge Eugene Moore, however, sentenced Abraham to detention in a juvenile facility, to be released no later than when he reached the age of 21.

Now Judge Moore has made it clear that there is no chance for an early release. Abraham, who is now 16 years old, was told by Judge Moore at an August 20 hearing, "I want to make it clear today. You're not getting out until you're 21." Referring to his sentencing hearing in January 2000, Moore added, "I apologize if I didn't make that clear two-and-a-half years ago.... The important thing is not when you are getting out, but how you get positive instead of negative reports," referring to a recent report on his progress at the W.J. Maxey detention center.

The judge's statements caught both Abraham and his attorney, Daniel Bagdade, by surprise. Bagdade told the WSWs that Moore had contradicted everything he had said earlier. "I was shocked. He never said Nate would be at Maxey until he was 21. In fact he was apologetic," stated Bagdade, who said he found Moore's comments disturbing. "We were always under the impression that if he met certain goals and achieved those goals he would be eligible for independent living."

"This has always been my assumption," said Bagdade, "and I also checked this with the people at Maxey and the Family Independent Agency (FIA), who all believed the judge was saying the goal was to work and progress, using programs designed to help Nate that would take him toward

independent living. Now the judge is saying his stay at Maxey is absolute. At no time did he ever use this term before, or say that he would be at Maxey until he is 21."

Bagdade said the statement was at odds with the program Moore himself set in place for Abraham at Maxey. Bagdade recounted a hearing that took place a year earlier, when Moore became extremely agitated after hearing a report from a Maxey staff member that the directors planned to carry out budget cuts that would have affected several of the programs Moore had set out for Nathaniel.

"The judge ordered Maxey to provide those programs and that they be maintained," stated Bagdade. "Those programs to be cut were part of the design for Nate to progress out of Maxey and into a semi-independent and later independent living. So last year the judge is chastising Maxey for not maintaining their programs, and now he is chastising Nate for wanting to get out of Maxey."

Every six months a hearing is held to provide Moore with a progress report on Nathaniel. At the recent hearing, case worker Annette Henderson gave Abraham a negative report. She said that, unlike previously, Nathaniel was focused on himself and on getting out of Maxey, instead of concentrating on the programs she said were designed for him. "Nate became complacent, and believed he had arrived," stated Henderson. "His attitude became poor and his motivation and interaction with peers decreased."

While Henderson's report of Nate was not good, she told the judge she was "somewhat surprised" that he had decided not to release Nathaniel from Maxey until he is 21.

In his defense, Nathaniel also told the judge he thought it would not take him until he is 21 to be ready to move out of Maxey. "I'm dealing with people's personal feeling about me," he said. "It rubs off on me sometimes. I know there are things I need to work on. It won't take me four years to complete this program."

Daniel Bagdade added, "What do you expect of a 16-year-old who has been in the system for the last five years? What kid would not be thinking about getting out? Any 16-year-old would be thinking the same thing."

At the hearing Bagdade raised concerns about Maxey, a notoriously understaffed and under-funded institution that has a history of problems. Bagdade told the judge that Abraham is being treated differently than other residents at Maxey because of his notoriety. “He is going to be there because he is Nathaniel Abraham and that concerns me,” Bagdade told the judge. “If he doesn’t make it, that’s one thing. But he should be given the chance.”

William Lansat, an assistant attorney for Abraham involved in filing an appeal motion for an overturn of his conviction, told the WSWs Bagdade was not asking for Abraham to be immediately released, but that there be a stepping down process that would allow him to be released early, as is normally done in cases involving youth.

“Normally when kids are committed to FIA (Family Independent Agency) or Maxey,” said Lansat, “the normal progression is—and they can keep them until they are 21, but normally they don’t—unless there are extraordinary circumstances, rarely does someone stay in Maxey until they are 21. That is not to say that he would not be released without court supervision or under court advisement, but normally they keep kids until they are 19. Only under certain circumstances they keep them until they are 21.”

Lansat said what is extraordinary about Abraham’s case is that he came into the system at such a young age. Most kids go to Maxey around the age of 16 or 17. But Nathaniel has been held since he was 11, and by the time he is released at age 21 he will have been imprisoned for 10 years—almost half his life.

“They are not asking for anything other than that they treat Nathaniel as any other case,” stated Lansat, noting that one of the purposes of the programs is to prepare a young person to re-enter society.

Judge Moore, a Republican from one of the wealthiest districts in America, Oakland County, is under considerable pressure to show that he is not caving in to liberals by being soft on Abraham. The change of heart on Moore’s part is significant. Moore sentenced Abraham as a juvenile, despite a jury conviction of second-degree murder, rejecting the Oakland County Prosecutor’s Office campaign to have the 13-year-old sentenced as an adult.

At the January 2000 sentencing hearing Moore attacked the national rush to convict children as adults and opposed the intent of the law passed in Michigan in 1997 that allows prosecutors to charge children as adults with no lower age limit. Moore said that the “system failed” Nathaniel and his mother, Gloria Abraham, who desperately tried to get help for her troubled son—including mental health assistance—but was turned away.

Moore also opposed the prosecutor’s request for a “blended sentence,” in which Abraham would have been

sentenced as a juvenile, but could be re-sentenced as an adult, including to life imprisonment, if he made any missteps during his incarceration.

Nathaniel Abraham is now much taller than he was five years ago when he was charged in the shooting death of Ronnie Greene Jr. At his trial, he was so small his legs didn’t reach the floor as he sat in the courtroom. Abraham was shown to have an IQ of 75, and function at the level of a 6- to 8-year-old when he was 11 years old. He seemed unaware at the time of the seriousness of the charges being brought against him, asking his attorney at one point during the trial: “When can I go home?”

A review of the evidence at Abraham’s trial, attended by this reporter, demonstrated that the prosecutors failed to prove beyond a reasonable doubt that Abraham was responsible for the tragic death of Ronnie Greene Jr., or that the shooting was pre-meditated murder, as charged by the prosecutors. [See “Michigan murder trial of 13-year-old: Testimony undercuts prosecution case”] Among the evidence revealed at trial was the fact that the bullet found in the victim’s head was never established to have come from the gun fired by Abraham.

The trial revealed that Abraham was a troubled child from an impoverished family, with developmental problems and mental health needs—but he was not a murderer.

The prosecution, conviction and sentencing of Nathaniel Abraham expose a system incapable of dealing with serious social problems. There are presently 6.6 million Americans either in jail or involved in the criminal justice system, the overwhelming majority of them poor. Many have mental health issues similar to those of Nathaniel Abraham, and end up in jail rather than receiving the treatment and assistance they desperately need.



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