

# 30 years in prison for crime committed by 12-year-old

## US society punishes its most vulnerable

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**19 February 2005**

On February 15, Christopher Pittman was convicted in Chester County, South Carolina, of the November 2001 murders of his grandparents. Pittman has admitted to the crime, which was undeniably violent and brutal. Pittman fired on the two with his father's shotgun as they lay sleeping in their beds, then set their home on fire and fled the scene in his grandfather's truck with cash and weapons.

What is most shocking in this case, however, is not the brutal nature of these murders. Defendant Christopher Pittman, now 15, was only 12 years old at the time, but was tried as an adult. After an 11-day trial he was convicted of premeditated murder and sentenced to 30 years in prison, the minimum sentence. He could have been jailed for life.

The 12-member jury rejected the defense argument that the young Pittman was unable to know right from wrong because he was under the influence of the antidepressant Zoloft, manufactured by Pfizer Inc. The drug has been linked by some studies to suicidal and violent tendencies when taken by children. Since last year, it has carried warning labels about possible increased suicide risk for young people.

However, focusing on the drug's effect really misses the point. While the defense presented some compelling evidence that the antidepressant drug may have influenced Chris Pittman's behavior, the overriding issue was not his medicated state, but the fact that he was a child at the time of the murders. A 12-year-old does not have capacity to plan and execute premeditated murder with the same comprehension of his actions as an adult. The civilized reaction to a juvenile committing such actions would be to offer psychiatric treatment and rehabilitation, not retribution.

But prosecutors were intent on discounting age as a factor in this case. Utilizing the specious and legally unsound argument that the violence of the crime proved the guilt and premeditation of the defendant, they have attempted and—barring a successful appeal—succeeded in railroading this boy to prison. John Justice, 6th Circuit solicitor in the

case for three years before resigning due to ill health, characterized Pittman as “diabolical” in his planning of the crime and said he had “no regrets” over seeking adult punishment.

Continually emphasizing the violent nature of the crime throughout the trial, prosecutor Barney Giese tried to paint the young defendant as an individual possessed by incomprehensible wickedness who needed to be put away. “What could be more evil,” Giese asked in his opening statement, “than taking a shotgun to some 60-year-olds laying in bed asleep?”

Giese told the jurors, “Ladies and gentlemen, this is not a trial about Zoloft. Chris Pittman is on trial. The state asks you to focus on Christopher Pittman and what Christopher Pittman did that night.”

The defense, on the other hand, sought to convince jurors that Pittman was temporarily insane due to the medication. “Zoloft triggers violence,” defense attorney Andy Vickery told jurors in his opening statement. “The doctor gave a mind-altering drug to a 90-pound 12-year-old. He did not have an evil mind. He had a mind that had been tampered with chemically.”

The defense team—primarily composed of lawyers from Texas and California who have experience opposing pharmaceutical companies in civil suits involving antidepressants—put all its efforts into this line of defense. They argued that Zoloft, prescribed for Pittman for depression two weeks before the killings, sparked the violence against his grandparents. When relatives noticed he was becoming more agitated and “wired,” he went back to the doctor, who increased his dosage.

However, details revealed at trial about the 12 years of Pittman's life leading up to the 2001 killings paint a picture of an extremely troubled child long before Zoloft was prescribed. He grew up in central Florida, living with his father after his mother left them. He ran away from his father's home, at one point tried to commit suicide and spent

time in a psychiatric hospital. He eventually came to live with his paternal grandparents in South Carolina.

The day before the murders, Christopher got into a fight with a second-grader on a school bus, reportedly trying to choke him. He was verbally rebuked—and most likely paddled—by his grandparents in punishment for his actions. The prosecution contends that the boy's rage over these disciplinary measures drove him to plan and execute his grandparents' murder.

If this account of Christopher's short, disturbed life is true—with or without the effect of the antidepressant medication—there is all the more reason why this child is in need of psychiatric help, not incarceration.

But in closing arguments, prosecutor John Meadors asked jurors to concentrate on the fact that Pittman's troubled youth resulted in "malice, meanness and wickedness," and that this malice was "expressed through a .410 shotgun." According to this twisted line of argument, a history of childhood psychiatric problems should not be considered a mitigating factor, but rather grounds for convicting the teenager of premeditated murder as an adult!

Christopher Pittman is one of the youngest defendants ever tried in an adult court for murder. One of the most publicized cases in recent years was the 1999 murder trial in Pontiac, Michigan of Nathaniel Abraham, who was 12 years old when he was charged with murder, and only 11 at the time of the crime for which he stood accused.

In that case, the defense countered the prosecution's arguments that Nathaniel had acted as an adult by bringing in expert witnesses who testified that the mental capacities of children—in fact the physical development of their brains—differentiates them from adults in terms of their ability to understand the consequences of their actions. [See "Forensic psychiatrist speaks on the Abraham case: 'When Nathaniel needed a system there was no system there for him'" and "Closing arguments due in murder trial of Nathaniel Abraham" ]

The scientific evidence notwithstanding, all US states allow juveniles to be tried as adults for some offenses. In line with the national "get tough on crime" trend dominating the judicial system in the 1990s, many states adopted tougher sentencing guidelines for juveniles and have sought more prosecutions of teenagers as adults.

In South Carolina, and 22 other states, there is no minimum age for a child to be tried as an adult in a murder case. Twenty-two states set a minimum age of 13 or older for a juvenile to be tried for murder as an adult; six other states do not allow it. According to the National Center of Juvenile Justice, in 1999 judges sent about 7,500 juvenile cases to (adult) criminal court.

The crude argument utilized in many of these cases is as

follows: if the crime is an "adult" crime, then the child should be prosecuted as an adult. Tommy Pope, 16th Circuit Solicitor in York County, South Carolina, said that he would have sought an adult prosecution of Christopher Pittman if the crime had taken place in his jurisdiction: "He was operating in an adult world," Pope said. "He didn't hide in his tree house or ride off on his bike."

Chris Pittman's family had hoped that the jury in his case would not buy into such arguments. "I felt like we had at least a 50/50 chance," the boy's aunt, Melinda Pittman Rector, commented the day after the guilty verdict. "I never expected the verdict they handed."

In his instructions to the jury, Judge Daniel Pieper—who had rejected a motion to transfer the case to Family Court—said that South Carolina law presumes children under 14 lack the ability to understand right from wrong, and that to render a guilty verdict jurors would have to decide that prosecutors had overcome that hurdle.

When the jury of nine women and three men entered the courtroom, after deliberating for seven hours, they stood stone-faced before the guilty verdict was read, not making eye-contact with the family. It is a disturbing commentary on the influence of these retrograde, law-and-order views that none of the jurors summoned the principles to reject the prosecution's line of argument.

Juror Christine Peterson, a 54-year-old banker from North Charleston, and grandmother of a 12-year-old, said jurors were initially divided on the impact of Zoloft as well as Pittman's age. "It bothered me a lot," she told the Associated Press. "It was not an easy decision. But everyone kept saying, 'Look at the evidence. Look at the evidence.' " Eventually, she and the other holdouts came around to the prosecution's point of view. "He didn't have a stable home life, but that doesn't excuse what he did," she said.

Christopher Pittman will spend the next two years at a South Carolina Department of Juvenile Justice facility. After turning 17, he will be transferred to an adult Department of Corrections facility, to serve the remainder of his 30-year sentence.



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