

Pennsylvania boy, 10, charged as adult in murder case

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16 October 2014

A 10-year-old Pennsylvania boy has been charged with homicide and jailed for the October 11 killing of 90-year-old Helen Novak. The child, Tristin Kurilla, has been placed in an adult prison, the Wayne County Correctional Facility, without bail, where he is to remain until a court appearance scheduled for October 22.

Both Tristin Kurilla and Helen Novak were in the care of Kurilla's grandfather, Anthony Virbitsky, at the latter's home in Damascus Township, Pennsylvania, when the murder allegedly took place. Kurilla was staying with Virbitsky that Saturday while his mother was away at work.

The charges against Kurilla, one count each of criminal homicide and aggravated assault, are based on his confession, which was gathered by Pennsylvania state trooper John Decker. Decker claims the boy was "Mirandized" but declined his rights to an attorney and to not incriminate himself. Media accounts of the case have not questioned whether or not a 10-year-old is capable of understanding such concepts.

Kurilla's mother, Martha Virbitsky, brought him to the state police barracks at Honesdale, Pennsylvania, near Scranton, hours after Novak was found dead. In the statement gathered by Decker, both the boy and his mother say that Kurilla attacked Novak by placing a cane around the elderly woman's throat and then punching her several times. She died later after initially telling the boy's grandfather she needed no medical treatment, media accounts say. An autopsy found that the cause of death was homicide from blunt force trauma.

The boy said he had not meant to kill the woman, according to the trooper's account, but to "hurt her." He had visited her in her room when she became angry with him. He then "got mad and lost his temper."

A statement from Wayne County district attorney Janine Edwards said the boy faces charges as an adult because, according to Pennsylvania state law, murder charges cannot be filed against juveniles. Edwards said that imprisoning the boy was "not a choice I made," explaining that juvenile detention centers do not accept children charged with homicide. Kurilla is separated from the general prison population, Edwards said, but denied that he was in solitary confinement.

The boy's attorney, Bernard Brown, said he would file for a competency hearing, suggesting that Tristin Kurilla may suffer from mental health problems and is not fit to stand trial. He is also seeking to have the case transferred to juvenile court. If the case remains in adult court, Kurilla could face life imprisonment if convicted.

"The family is obviously an emotional wreck to have their 10-year-old removed from them and to know he is in a county correctional facility charged as an adult," Brown said. "Tristin really kind of doesn't have an idea of what is going on."

The shameful treatment of this evidently troubled child does not end with state police and the county prosecutor. Departing from the journalistic norm of protecting the identities of youth in criminal cases, media outlets in northeastern Pennsylvania have broadcast the boy's name along with a photograph. The image is that of a normal child, smiling back at the camera, blonde-haired and blue-eyed.

It is early to say what might have provoked the alleged crime, but Kurilla's mother and attorney have both said that he suffered from mental difficulties. Pennsylvania, like other states and the US federal government, has repeatedly slashed funding for mental health services both directly and through the starvation of the public school system, whose special education teachers and school counselors deal with the

psychological consequences of growing poverty and the boundless violence of the US government as they manifest themselves in America's children.

The circumstances of Tristin Kurilla's family are not known, but it is suggestive that his mother left him with a grandparent to go to work last Saturday, when the crime took place. On Monday through Friday, public schools provide the lion's share of America's childcare. On the weekends, working class parents must improvise. Often this childcare falls to grandparents.

The area where the Kurilla case is unfolding is characterized by poverty and long-term industrial decline. The Scranton/Wilkes-Barre metropolitan area has the highest unemployment rate in Pennsylvania, its past as a historic coal mining and silk milling area testified to by abandoned mines, factories, and shuttered storefronts.

Honesdale, where Tristin Kurilla is being held in jail, was once the terminus of the Delaware and Hudson Canal, whose 108 locks crossed over as many rugged miles to link Scranton's mines to New York City's factories and fuel the American industrial revolution. Working in those mines a century ago were boys Kurilla's age, their coal-dust-covered faces immortalized by Lewis Hine's photography, which in turn helped usher in Progressive Era legislation against child labor and for the development of a special justice system directed not at the punishment but the "correction" of working class youth.

Tristin Kurilla has been charged as an adult, but it should not be assumed that America's juvenile correctional system would spare him a tragic fate.

It is noteworthy that neighboring Luzerne County, just a half-hour's drive from Honesdale, is the home of the "Kids for Cash" scandal, which came to light in 2009. There, corrupt judges literally sold children to for-profit juvenile detention centers in exchange for millions in cash and Florida vacation homes.

Just over a month ago, and an hour to the southwest of Scranton, Jennifer Ann Whalen, 39, a single mother and nursing home aide, was sentenced to 12 to 18 months in jail for obtaining so-called abortion pills and providing them to her then-16-year-old daughter to end an unwanted pregnancy.

Northeastern Pennsylvania could by itself provide more than enough material for a modern-day Charles Dickens and a new *Oliver Twist*. But it is only one

small part of the American crisis.



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