

# Eight-year-old Alabama boy charged with murder

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In a case that highlights the decay of the American justice system, an eight-year-old boy was charged last Tuesday with the murder of a one-year-old toddler in Birmingham, Alabama. Due to his age, the child's name has not been released but he is being held in the custody of the state Department of Human Resources.

In events that can only be described as tragic, Kelci Devine Lewis, only one year old, was found unresponsive in her crib on October 12, and pronounced dead that morning at a local hospital. According to the Birmingham Police Department, she had suffered "severe head trauma, as well as major internal organ damage."

The toddler and her mother, Kattera M. Lewis, had been staying temporarily at the house of a family friend who had five children aged two, four, six, seven and eight. According to the police, all six children were left alone the night of October 11 with Lewis and her friend returning at 2 AM. Lewis disputes this account, claiming the children were left with an adult.

In addition to the murder charge against the eight-year-old, Lewis has been charged with manslaughter in the death of her daughter.

Emory Anthony, Lewis's attorney, disputed the charge against his client as inappropriate. "I think they are trying to allege that she was reckless or negligent in some particular way, and we'll have to deal with that. Of course, my client has a different story about what transpired," Anthony told a local news station.

Nothing further about the events of that night is clear except that when Lewis checked on her daughter in her crib the next morning, the child was found unresponsive, prompting Lewis to call 911.

The police assert from a statement of the six-year-old, which they deemed consistent with Kelci Lewis' injuries, that at some point during the night "the eight-

year-old viciously attacked the 1-year-old because the 1-year-old would not stop crying." It is not clear under what conditions or for how long the police interrogated the six-year-old.

The decision of the police to charge the eight-year-old child with murder, even if the alleged behavior is confirmed, is an affront to elementary conceptions of justice. Juveniles do not have the mental capacity to understand the implications of their actions to the extent required for moral culpability.

The charge of murder in particular, requires either "intent to cause the death of another person" or "extreme indifference to human life" under Section 13A-6-2 of the Alabama Criminal Code. Many children aged eight do not even have a full understanding of what it means to be dead, for example that it is irreversible, let alone that specific actions they take are likely to cause it in another.

The accused youth will be tried as a juvenile in Jefferson County Family Court and face punishment as potentially stiff as confinement until he is 21. Under Alabama law, a child must be at least 14 before being tried as an adult.

The phenomenon of charging children with murder is becoming increasingly common. Last month an 11-year-old boy in Tennessee was charged with murder for shooting a neighbor girl who would not show him her new puppies. In February of this year an 11-year-old Ohio girl was charged with murder for allegedly beating an infant she was helping babysit.

Notoriously, in August of this year, a Wisconsin judge ruled that two 13-year-old girls were to be tried as adults for the attempted murder of a classmate. In addition to being children, one of the girls was diagnosed with early onset schizophrenia and the other suffered from a delusional disorder. According to their

testimony, they carried out the stabbing in the belief that it would impress a fictional character who would then take them away to live in his mansion.

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Particularly since the 1980s, the US justice system has increasingly incarcerated children. A wave of law-and-order legislation has left the US with the highest rate of youth incarceration at 336 per 100,000, nearly five times the second-worst country, South Africa.

Like adult crime, juvenile delinquency is driven by deteriorating social conditions. Without access to mental health care, childcare or good housing, working-class children are increasingly placed in situations they cannot comprehend and are ill equipped to handle. The state takes the same approach to the children as it does to their parents, subjecting them to police violence and throwing them into overcrowded and underfunded jails and juvenile detention centers.

In the city of Birmingham where the toddler died, the poverty rate is over 30 percent. Lewis and her daughter were staying with her friend while waiting to be approved for Section 8 housing, which is the government program for very low-income housing assistance.

In an unintentionally damning statement, a former Juvenile Court prosecutor from Shelby County, Alabama, Lara M. Alvis, defended the charge of murder and told the *New York Times* that the prosecutor "either had to say 'we're not going to charge' or 'we are going to charge,' and once they say they're not, that's going to be a huge problem, because the child won't get any services by the state. With a child like this, if you don't get that child into the courtroom or into the system somehow, you're leaving a child out there."

Little more needs to be said about a state that considers a murder charge an improvement in a child's life.



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