

The case of Nathaniel Abraham

Trial delayed as state appeals ruling on murder confession

American court tries twelve-year-old as an adult

By Larry Roberts
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On May 7 an Oakland County, Michigan judge ruled that the prosecution could not use the confession which police extracted from Nathaniel Abraham, a twelve-year-old learning-impaired child who is being tried as an adult for first degree murder in Pontiac, Michigan. The decision by Probate Judge Eugene Moore means the trial, which was set to begin Monday, May 11, will be postponed for three months as prosecutors appeal the ruling.

The sixth-grade student is the youngest child ever to be tried as an adult on a murder charge in Michigan, and possibly throughout the country. If convicted he could be sentenced to life in prison without parole.

Nathaniel is accused of the October 29, 1997 killing of 18-year-old Ronnie Greene. According to his attorneys Nathaniel was playing with a .22 caliber rifle and firing randomly at trees in an open field a block from his house. One of the shots apparently hit Ronnie Greene as he was leaving a grocery store at the edge of the field. These circumstances, plus the fact that Nathaniel did not know Ronnie Greene, show there is no legitimate basis to prosecute the youth for first degree murder, which implies premeditation. The prosecution's determination to try Nathaniel on the highest murder count is indicative of the state's right-wing, law-and-order political agenda.

Nathaniel was taken from his class at Lincoln Junior High School two days after the shooting and told by police that they wanted to question him about a gun. Before the interrogation, Pontiac Police Detective Brian York convinced Nathaniel, who was eleven at the time, to sign a police form waiving his constitutional

rights to an attorney and to remain silent. Although Nathaniel's mother was present, she was never told that her son was being questioned in connection with a homicide investigation.

At the May 6 hearing on the admissibility of the confession, Nathaniel's lawyers, Daniel Bagdade and William Lansat, argued that the youth could not possibly understand what he was signing, nor the fact that any statements he made could be used against him in court. They told the judge that he was incapable of understanding the Miranda warnings because he had learning and emotional disabilities which lead him to function at the level of a six-year-old. When Bagdade asked Nathaniel if he knew what the right to remain silent was, the boy responded in a soft voice, "Can't go no where?"

In throwing out the confession the judge said the Pontiac police "never told him that he was a suspect in a murder case. The mother said up front that if she had known he was a suspect in a murder case, she would never have signed the Miranda form."

The Oakland County prosecutors, who have portrayed Nathaniel as "a young kid out of control in the streets," were clearly disappointed by the judge's ruling, but said they would appeal it. Assistant Prosecutor Lisa Tomko defended the actions of the officers who interrogated Nathaniel as "just good police work."

Michigan now has the harshest laws against children in the nation. The Juvenile Justice Reform Act, sponsored by Governor John Engler, allows judges to try children as adults. The new law sets no minimum

age for prosecution as an adult.

The state government has also contracted with a private, for-profit prison company to build and operate a 468-bed "punk prison" to hold the increasing number of children tried and sentenced as adults in the state. Throughout the United States, the number of youths tried and sentenced as adults has increased by 70 percent in the last five years, according to the National Center for Juvenile Justice.

Nathaniel has had a troubled life, growing up without a father in one of the most impoverished areas of Pontiac, a city ravaged by the shutdown of auto plants and mass layoffs. His mother, Gloria Abraham, works long hours at night in a lab. She had repeatedly appealed, in vain, for assistance, when Nathaniel ran afoul of the law and became involved in the juvenile justice system as a result of a series of lesser incidents.

Reverend Robert Price, who heads a committee to support Nathaniel Abraham and his mother, told the WSWS, "Trying a child as an adult does not serve anyone any good. You can't make oranges apples and you can't make a child an adult. It is mind-boggling that this is happening to a 12 year-old boy. He was 11 at the time and not fully responsible for his actions.

"The Pontiac police got the confession illegally. They inferred threats, that if Nathaniel didn't do this, then this and that would happen. He was 11 years old, how could he understand what his Miranda rights were or anything else going on?

"I believe that Nathaniel was more of a victim than anything else. He had been in custody in the juvenile justice system. They were aware that he was a disadvantaged child with impairments and was prone to get in trouble again. If they had kept him in custody just a little bit longer and provided the rehabilitation and care that he needed, we might not be talking about this case right now."

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