

Michigan jury finds 13-year-old Nathaniel Abraham guilty of second-degree murder

By Kate Randall
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After 15 hours of deliberation, a Pontiac, Michigan jury on Tuesday found 13-year-old Nathaniel Abraham guilty of the second-degree murder of Ronnie Greene. Abraham was found not guilty of three lesser crimes—assault with intent to murder his neighbor Michael Hudack and two felony weapons charges.

As the verdict was announced, Abraham trembled and cried and asked his lawyers what had happened. Nathaniel's mother Gloria Abraham burst into tears and left the courtroom, not stopping to speak to reporters.

Robin Adams, Ronnie Greene's mother, said she did not want to see Nathaniel go to prison. "He needs to be nurtured and helped," she said. "If he goes to prison for life the only thing that will come of it will be anger. It's a tragedy for all of us."

Nathaniel was only 11 years old when he was arrested in October 1997, and is the first child to be tried under a 1997 Michigan law that sets no minimum age for the prosecution of juveniles as adults for serious and violent offenses.

The jury rejected a conviction on a first-degree murder charge, which could have meant a sentence of life imprisonment without parole. The maximum sentence for the second-degree murder conviction is life imprisonment with the possibility of parole.

Sentencing is up to Judge Eugene Moore, who could sentence Nathaniel as either a juvenile or an adult, or render a "blended" sentence, whereby he could be held in a juvenile facility until he reached the age of 21, at which time he would be evaluated and possibly sent to an adult prison. The sentencing hearing is scheduled for December 14.

Defense attorney Geoffrey Fieger denounced the verdict as one born of "anger, resentment and rage." He said such a verdict was "incomprehensible in a civilized society" and warned that the US was "moving in the direction of the past when children were brutalized."

Fieger will ask that the judge set aside the conviction as a "repugnant verdict." Should the judge uphold the jury's verdict, the defense plans an appeal.

The defense attorney said that in calling for the verdict to be set aside, he would raise an obvious inconsistency--the fact that the jury found Abraham guilty of second-degree murder but acquitted him on the related weapons charge of reckless abuse of a firearm.

The prosecution sought to portray Nathaniel as a cold-blooded killer who did not rest until he satisfied his desire to kill. But the defense effectively argued that the prosecution had failed to prove any motive or intent on the part of Abraham, who did not even know 18-year-old Ronnie Greene. Fieger contended that the defendant, who at the age of 11 functioned at the mental level of a six- to eight-year-old child, did not have the mental capacity to plan and execute such a crime. He had an IQ of 75 as well as serious emotional and learning disabilities.

The prosecution added the charge of attempted murder of Abraham's neighbor Michael Hudack in an effort to support its claim that Nathaniel had set out to "shoot somebody." The fact that the jury did not find Nathaniel guilty of this second charge is significant, because it calls into question the concocted scenario that the prosecution presented at trial.

The defense contended that Nathaniel was truthful when he told the Pontiac police he was shooting at trees on the night of October 29, 1997, and not aiming at Greene or any other individual. Evidence was also introduced that the shot may have come from a .22 caliber rifle fired from a party taking place behind the store.

The defense marshaled substantial evidence that Greene's death was a tragic accident, resulting in all likelihood from an 11-year-old's mischief with a rifle. Fieger cited the original police report that stated that Nathaniel was standing more than 200 feet away from Greene, separated from him by a cluster of trees.

An expert marksman testified that the .22 caliber rifle Nathaniel was firing had no stock and a damaged barrel, making it next to impossible to accurately aim at a target. Also, the shooting took place at night, after 10:00 p.m. Testimony was as well presented that Nathaniel attempted to sell the weapon the day before the shooting, hardly the actions of someone plotting a murder.

The autopsy report presented as evidence at trial underscored the physical implausibility, if not impossibility, of Abraham having deliberately fired at Greene. It concluded that the bullet which killed Greene entered through the top of his head. The obvious explanation for this trajectory is that the bullet deflected off a tree.

Refuting the charge that Nathaniel attempted to murder his neighbor Michael Hudack, it was revealed that Hudack never reported the supposed murder attempt to the Pontiac police. When Hudack demanded that Nathaniel give him the rifle the following day, and scolded him for shooting it the night before, Nathaniel retrieved the gun and handed it over to Hudack. It was not until the following day that Hudack contacted the police.

In his concluding statement to the jury, Geoffrey Fieger denounced the 1997 Michigan law as a barbaric attack on children, and, more generally, on democratic rights. He characterized the prosecution case as a contrived and perverse attempt to condemn a child to a lifetime in prison in order to pursue a brutal law-and-order agenda. He appealed to the jury to take a stand in defense of children and against the growing government assault on human rights and human decency.

To return a guilty verdict on second degree murder the jurors had to agree that Nathaniel intended to kill or do great bodily harm, or created a high risk of death or great bodily harm. In reaching this conclusion, the jury apparently discounted the holes and contradictions in the prosecution case and put aside Nathaniel's age and mental capacities.

The twelve-person jury, plus two alternates, was comprised of nine women and five men, including only one black. Included among these jurors was a teacher, other workers, professionals, small business owners and retirees. They were evidently unmoved by Fieger's appeal on democratic and humanitarian principles.

Jury foreman Dan Stolz said, "We came to the conclusion that a seven-year-old has ability to form intent, maybe not the ability to form premeditation, in terms of a series, a series of events, but that they did have the capability of forming intent."

"Ronnie Greene was standing there," Stolz continued. "The gun just doesn't raise itself up automatically. He had to point the gun and he had to physically pull the trigger and there was an intentional action on that part." This statement merely affirms that Abraham deliberately fired a rifle, a fact that was not in dispute, but which, in and of itself, quite obviously does not constitute proof, beyond a reasonable doubt, of murder.

Only half an hour before the jury announced that it had reached a verdict, it requested transcripts of the testimony of three mental health professionals who characterized Nathaniel's mental state and his ability to form intent. The testimony requested included that of two defense witnesses, Margaret Stack and Kathleen Sullivan, as well as prosecution witness Lynn Schwartz. Judge Moore told them the transcripts would be ready Wednesday morning, but the jury chose not to wait to reexamine this testimony before returning their second-degree murder verdict.

Oakland County Prosecutor David Gorcyca, who was responsible for bringing the adult charges against Nathaniel, thanked the jury after the trial. He said that his four-year-old twins understood the difference between right and wrong, and "that's the bottom line." When a reporter for the *World Socialist Web Site* asked him at what age a child does not understand the adult definition of right and wrong, he stated, "There is no adult definition of right or wrong."

The conviction of Nathaniel Abraham sets a dangerous precedent for the criminalization of children. It no doubt will be cited by the Michigan authorities as a validation of the 1997 law. With 46 states having recently changed legislation to allow juveniles to be tried as adults, prosecutors and politicians across the country will be encouraged to push for similar prosecutions.

This case is one of the most malignant expressions of the growing brutalization and dehumanization of American society, and it lays the groundwork for even greater attacks on democratic rights. Ultimately, it is not only children who will pay the price. This verdict sets the stage for a build-up of the police powers of the state to be directed against all workers.

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