

# YOUTHFUL OFFENDER TRIED AND FOUND GUILTY AS AN ADULT DESPITE EVIDENCE OF HIS INNOCENCE

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## Judge's Sentencing Effectively Nullifies Jury's Decision

There are, undoubtedly, some violent juveniles who should be treated as adults by our criminal justice system. Minors whose intent is clear and who are aware of the consequences of their violent actions must be controlled, and keeping them under lock and key is the only way we know to insure the safety of our communities. We have found no sure way to rehabilitate these children and society has a right to protect itself from them. However, if children are to be treated as adults, then they should receive the same fair treatment and protection under the law as adults who are accused of crime. Unfortunately, that has become more and more difficult in light of the violence in schools that has taken place in the last two years.

Such was surely the case with Nathaniel Abraham, who was recently convicted of second degree murder. Our pre-trial jury research showed that despite the evidence and the law, a jury in suburban Oakland County, Michigan, just North of Detroit, was likely to convict 13-year-old Nathaniel Abraham of something to keep him off the streets. Although he had never before even been arrested, Nate's "brushes" with the law had been heavily publicized just prior to trial and during voir dire one prospective juror admitted talking to others on the panel about what he had read. The tragic killings at Columbine and other schools around the country had exacerbated the growing sense among the white, middle class, mostly conservative citizens of suburban Oakland county that kids were out of control and something had to be done about it. That something, as it turned out, was to vote to lock up a 13-year-old boy for up to 40 years even though, as most commentators observed, the evidence did not support the verdict.

Nathaniel Abraham was just 11 years old when a bullet from a .22 caliber rifle he was firing in a field near his home, hit 18-year-old Ronald Greene in the head, killing him instantly. In convicting the boy, the jury ignored the fact that Nate didn't even know Ronald Greene, and there was no motivation for the killing. Nate had been out in a field shooting at some trees at about 10 o'clock at night. He was almost 70 yards from where Ronald Greene was standing. The rifle he fired was 20 years old, had no stock, so it could not be properly aimed, and the muzzle was deformed so it could not shoot straight. A world champion marksman testified that he could hit a target with it maybe once in a thousand times, if he was lucky. Most important, the trajectory of the bullet, which was at about a 45 degree downward angle, showed that the shot probably ricocheted off a tree Nate was shooting at when Greene was killed. Otherwise, the victim had to be walking across the street with his head down at a strange angle, which the jury apparently believed.

The jury ignored all this crime-scene evidence and the fact that the court-appointed psychiatrist found Nate to have the mentality of a 6 to 8 year old at the time of shooting, clearly indicative of diminished capacity, no matter how you define it. Instead, the jury focused on the Prosecutor's mantra, which she said proved Nate's intent to kill: "He said he was going to shoot somebody, he got a gun, he got the bullets, he practiced with the gun, and then he shot Ronnie Greene." The fact that Nate had tried to sell the rifle the day before the shooting did not stop the jury from finding criminal intent, although how they thought Nate would have carried out his 'plan' after selling the gun is unclear. And the fact that Nate's friend had said he was laughing and kidding around when he said he was going to kill somebody was also dismissed by the jury.

In the end, the evidence didn't matter. As prosecutor, Lisa Halushka, said in her brief closing rebuttal: "Ronnie Greene deserves justice whether or not the bullet that killed him was fired from the gun of someone other than Nate Abraham or from the gun of Nate Abraham." While that blatantly biased statement shocked many in the courtroom, the jury agreed; the evidence didn't matter. His sentence could be up to 40 years for what was, at most, the negligent discharge of a firearm if you believe someone with the mentality of a 7 year old can be negligent. Fortunately, the Judge did not. He overturned the jury's verdict and sentenced Nate to confinement in a juvenile facility until he is 21 years old.

Litigation Strategies provided pre-trial jury research, opening statement consultation, and jury selection assistance to defense attorney Geoffrey Fieger.

- Strategic Research
- Witness Preparation
- Demonstrative Exhibits



Contact Dr. Louis Genevie at (212) 489-4949

