

DETROIT: VICTIM WAS 13, SUSPECT IS 14 AND JUDGE IS OFF THE CASE

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After several hearings about whether to allow the alleged confession of a 14-year-old boy into evidence in the teen's adult court trial for a gang-related killing, a Detroit judge decided she simply couldn't decide.

Wayne County Circuit Judge Cynthia Gray Hathaway told attorneys expecting to hear her decision last week that she was removing herself from the first-degree murder and attempted-murder trial for personal and professional reasons, and her decision was "in the best interest of justice."

Presiding Judge Edward Ewell said Thursday that Hathaway said "she couldn't be fair" because of the young ages of the defendant, **Caleb Sosa**, and victim, 13-year-old Christian Sanchez Slater.

Through a clerk, Hathaway declined comment Thursday.

Defense attorney Lillian Diallo said the judge indicated that "she just couldn't listen any more."

"It was too emotional for her," Diallo said.

The case was re-assigned to Judge Michael Hathaway - Cynthia Hathaway's former husband - who will meet with attorneys today to schedule times to rehear evidence about the confession and set a potential trial date.

Over several months, Judge Cynthia Hathaway had heard from four witnesses - three Detroit police officers and the defendant's mother - about **Caleb**'s statements Feb. 13 allegedly denying any involvement in the killing, and March 7, when he allegedly admitted killing Christian, whom he described as a friend.

During the nearly 9 hours of statements, Detroit Police Sgt. Gary Diaz wrote them down, and they were signed by **Caleb** and his mother, who testified Sept. 28 that she could not read English, according to court records.

The fatal shooting occurred between 2 a.m. and 3 a.m. Feb. 11 outside a southwest Detroit home. Police, family and other witnesses said Christian was not a gang member but was caught in a gang-related dispute involving a 19-year-old friend, who was shot and wounded during the incident.

Because the 19-year-old, known publicly only as A.B., couldn't identify who shot him, the key evidence against **Caleb** is his alleged confession.

The statement was not electronically recorded, though the Detroit Police Department had promised last year to record such statements, especially by juveniles, as part of a settlement of a lawsuit involving a man wrongly imprisoned after falsely confessing to a rape-murder in 1994.

Caleb , an eighth-grader who turned 14 on Jan. 27, faces a mandatory sentence of life in prison without parole if convicted of first-degree murder.

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ILLUSTRATION: Photo

CAPTION: Judge Cynthia Gray Hathaway will be replaced in the murder hearings by her ex-husband.

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