

# Not guilty

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badness she had," said Ruffin-Brand's mother, Pandora Clayborn-Floyd, 61, of Chicago. "I'm glad that everything is over. She's suffered enough. She doesn't have to suffer anymore."

Ruffin-Brand, who was charged with first-degree reckless homicide, has been in jail since the Jan. 1 stabbing.

Ruffin-Brand and other witnesses testified that

she stabbed Brand after he pushed her as she intervened in a fight between him and Ruffin-Brand's brother, Shem Clayborn. Their conflict — and hours of arguments and physical confrontation before it — began when Clayborn's girlfriend came to the home at 1307 S. Seventh St., to tell Ruffin-Brand she had sex with Brand last summer.

While prosecutor Joel Urmanski focused his closing argument on the moments immediately before the stabbing, defense attorney Brian Kinstler spoke at length on the years of abuse preceding it. Ruffin-Brand and seven other witnesses called by the defense described how Brand punched, kicked, hit and threatened to kill Ruffin-Brand on a daily basis, and routinely forced her to have sex against her will.

"I think Charlene is a hero to me. I don't know if I could possibly survive under those circumstances, keep a job under those circumstances, keep my mouth shut under those circumstances, put up with the constant abuse," Kinstler told the jury. "It's a miracle that Charlene Ruffin-Brand is still alive."

He reminded jurors of Ruffin-Brand's repeated statement that she thought her husband was farther away when she swung the knife. She testified that in the past she armed herself with whatever was nearby — a knife, a fork, a pen, a hot sauce bottle, a lamp — and swung it at Brand to keep him away.

"She thought she could keep him at bay like she always did, because she always had to," Kinstler said.

State statute says force likely to cause death can be used in self-defense only if the person "reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself."

To convict Ruffin-Brand the jury would have had to decide beyond reason-

able doubt she acted with criminal recklessness that she knew "created a risk of death or great bodily harm" and showed "utter disregard for human life." They could have convicted her of second-degree reckless homicide, a lesser offense, if they didn't feel the actions showed "utter disregard."

"I think they had the wisdom to see what actually happened, put the pieces of the puzzle together and realize whatever happened that night, Ms. Ruffin-Brand acted reasonably and in self-defense," Kinstler said after the verdict.

Urmanski, an assistant district attorney, had asked the jury in his closing if the stabbing Ruffin-Brand described as a "reflex" allowed enough time for her to formulate fear of "death or great bodily harm," as required to justify self-defense. Ruffin-Brand had testified she was not afraid of Brand when she stepped between him and Clayborn because there were other male relatives in the house. And her male cousin was trying to restrain Brand as he came at her.

"In that one fleeting instant ... did she reasonably fear that she would be injured in such a way that she would die ... or have some other serious bodily injury?" Urmanski said. "She chose the knife. It's a reckless decision."

Ruffin-Brand had testified Brand was rushing toward her with his fist cocked as she stumbled backward and grabbed the knife from the kitchen sink. In the moments before Brand had pushed her three times and she pushed him back twice.

Urmanski acknowledged the years of prior abuse but argued Ruffin-Brand did not have reason to swing the knife toward Brand.

"I'm very disappointed. At the same rate, I understand the jury's verdict, even if I disagree with it," Urmanski said afterward. "I thought going into this that the real difficulty is she was a long-term vic-

tim of abuse, and the defense was allowed to present episodes from 1995 all the way to the present, so the biggest difficulty was going to be (for the jury) to try and separate themselves from the emotion of it."

Kinstler called witness after witness — including Ruffin-Brand herself — to tell of the abuse Brand inflicted during the 14 years of their on-again, off-again relationship.

Two women who worked with Ruffin-Brand at J.L. French Co. and lived near her testified that she came to work with finger marks on her neck. Both said Ruffin-Brand told them Brand held her down by the neck as he forced her to have sex.

One of the women told of a time she called 911 after hearing Brand threaten to kill Ruffin-Brand during a backyard argument, and the other described confrontations initiated by Brand at both workplaces. Four police officers testified about domestic disturbances between the two over the last eight years.

Clayborn-Floyd, who was among the numerous family members who watched every day of the trial, said the descriptions came as a shock.

"I never knew any of that," she said. "I never knew that he was so vile like that."

Ruffin-Brand testified that Brand — a gang member nicknamed M.D., short for "Mad Dog" — drank heavily every day and controlled where she went, how she dressed and who she talked to.

Kinstler said Ruffin-Brand will now go home to a new life.

"She has undergone a really amazing transformation from a prisoner in her own home and out to a woman that I think has a new outlook on life," he said after the trial. "I think she's free now in a way that she was not free before New Year's Day."

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