

Lawsuit against former CCHS principal set for trial

■ But without an attorney, it is doubtful whether local minister will get his day in court

By Tommy Campbell
The Choctaw Sun

BUTLER — A trial has been tentatively set for the week of Feb. 27th before Circuit Judge Stuart DuBose in a civil lawsuit filed by a former janitor at Choctaw County High School.

Michael Angelo Ruffin, of Lisman, was arrested on Aug. 1, 2001 after then-CCHS Principal William Weakley pressed charges against Ruffin in the Municipal Court of the City of Butler claiming that Ruffin slapped him on the hand during an incident in Weakley's office.

Ruffin was suspended from his job pending an investigation, but later, in mid-September, the charges were tossed out after Weakley petitioned the court for dismissal of the complaint.

Even though the charges were dropped, the Choctaw Co. Board of Education did not reinstate Ruffin — who is also a minister — to his position at CCHS, but opted to offer him similar employment at either Butler Elementary Lisman Jr. High School. Both of those schools have since closed, having been merged into the new Choctaw Co. Elementary School.

Ruffin declined to accept the board's offer, and on Dec. 13, 2001, filed a "general negligence" lawsuit in the Circuit Court of Choctaw County claiming that it was Weakley who assaulted and battered him during the alleged incident, and sought damages from both the Board of Education and Weakley.

In that complaint, which presents only one side of the legal argument, Ruffin contends that Weakley assaulted and battered him, without any just cause or provocation. Ruffin claims that Weakley hit, choked, beat and bruised him, and asks for a monetary judgment against Weakley to include court costs, interest, and fees.

He also alleged that the Board of Education breached its duty to "exercise reasonable care and acted negligently, wantonly and carelessly in the hiring and training of its employee ..." (Weakley) in that the board failed to fully investigate what Ruffin said was Weakley's "propensity to commit and his commission of violent

acts."

Ruffin claims that, as a result of the board's failure to perform a full background check on Weakley, that he (Ruffin) was "caused to suffer injuries and damage", including medical expenses, lost wages, disability, and pain and suffering and asks that the Court award him a monetary judgment.

In early January, 2002, the BOE — through its lawyer at the time, J. Perry Newton — contended that, as of Aug. 1, 2001, the BOE had not formally hired Ruffin as a janitor for the 2001-2002 school year. The board admitted that, at the time of the incident, Weakley was employed as principal of CCHS, but denied several other claims made by Ruffin.

In addition, Newton stated in the board's response, as a local agency of the State, the Board of Education is immune from liability for the alleged actions due to the "doctrine of sovereign immunity" as stated in the Constitution of the State of Alabama.

Further, Newton's reply went on to say, Ruffin is barred from recovering restitution from the BOE because he failed to take advantage of administrative remedies which were available to him, namely, submitting his claim to the State Board of Adjustment.

On Dec. 19th, 2001, less than a week after the lawsuit was filed, Weakley was fired as principal of the county's largest public high school on grounds of insubordination, willful failure to comply with board policy, failure to perform duties in a satisfactory manner, and other "good and just" causes, including using improper and excessive physical force against students and faculty members, and using improper language and verbal abuse against faculty, students and parents while on the CCHS campus.

Weakley's dismissal came on the recommendation of then-Supt. of Education Dr. John Myrick — after two days of back-to-back meetings — that the board cancel his employment contract effective immediately. The board voted 4-1 to approve Myrick's recommendation.

Weakley became principal of CCHS at the beginning of the 2000-2001 school year when he

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-- Michael Ruffin

was hired to replace former principal Jesse Taylor.

On Jan. 3, 2002, Weakley filed his own response to the lawsuit, denying "each and every allegation" made against him by Ruffin.

That fall, in September of 2002, Weakley's lawyer — Dennis Stevenson — filed a motion to withdraw as counsel for his client based on Weakley's failure "to meet his financial obligations" to the attorney. That motion was granted by then-Circuit Judge Harold Crow on Sept. 19th.

In late 2005, the BOE filed for and in early 2006 was granted a motion for "judgment on the pleadings," whereby the school board was effectively dismissed from the lawsuit.

"The Choctaw Co. Board of Education is no longer involved in this lawsuit," the board's current attorney, Fred Bowling, told the *Sun* this week.

On March 30, 2006, Ruffin sent a handwritten letter to the Court asking Judge Crow to reconsider the motion based on Ruffin's contention that he "did not have proper or concerned representation," a motion that Crow later denied.

On Feb. 28, 2006, Ruffin's attorney, Joseph W. "Rick" Hutchinson, filed for and was granted permission to withdraw from the case by Judge Crow.

Ruffin's lawsuit has been set for trial and rescheduled several times over the past six years, including three separate occasions in the past year alone, and the minister says he is tired of the delays.

"I have rights, but those rights are being denied to me," he told the *Sun*.

Ruffin says he wants and is entitled to his "day in court," but added that a succession of lawyers has promised him that they would represent him in the case but so far, in his words, have left him "high and dry" and without current legal counsel.

"I am sad to say that the system has not treated me fairly because even now — after six years — this case has still not been heard," Ruffin said. "I guess they are not concerned with the 'janitor's story' but seem to be more interested in keeping the Board of Education out of a lawsuit."

On several occasions, Ruffin said, the defendants have not shown up for court, and he himself was not notified that a trial date had been set until "the day before," on some of those trial dates.

At this time, Ruffin does not have an attorney to represent him, and unless he can obtain the services of a lawyer, it is doubtful whether a jury trial will be held on Feb. 27th, the *Sun* has learned.

If Ruffin were to drop his request for a jury trial,

he would not have to be represented in court by an attorney and the matter could be heard by Judge DuBose in what is known as a "bench trial", a source told the *Sun*.

"I just want to know why it took the court five years to even call me in, and then to call me in unprepared and on short notice, just so that Judge Crow could tell me that I could not sue the Board of Education because of a certain law?" Ruffin asked. "I feel that it is a judge's job to do what is just and right. I believe I am being discriminated against by the court and by the Board of Education."

Ruffin contends that all parties involved knew that his job was "on hold" pending the outcome of the lawsuit.

"There were two reasons why I did not accept a transfer to Butler Elementary or Lisman Jr. High," he told the *Sun*. "First of all, I knew I was innocent, I liked my job at CCHS and didn't know anything about those other facilities, and, second, being a man of integrity, I had too much respect for the other janitors to take one of their jobs. So it was agreed that we would wait until the outcome of this trial."

Ruffin said that at the time of the incident, he was working on his "tenured" year with the School System, and had not been told that he would not be re-hired.

"The only way my con-

tract could be cancelled or my job terminated is that another janitor had more seniority than I did, or that I was found guilty of a crime in a court of law," he asserted.

Ruffin said that when Judge Crow set the case for trial in August of last year, he showed up at the Courthouse at the appointed time, expecting a trial to be held.

"However, Mr. Weakley was not present so no trial was held," he said. "Judge Crow then called me before the bench and asked me what it was that I wanted. I said I wanted a trial by jury, so he set another trial date for Nov. 27th. Again, Mr. Weakley did not show up. After waiting for several hours, I believe the judge should have done the right thing and ruled in my favor by default, but he did not. He kept asking me why I was there and what I wanted, and I kept saying to him that I want what I have wanted for six years: a trial by jury."

According to Ruffin, he was told by Judge Crow that he could not sue the Board of Education because it was Mr. Weakley who had hired him, and not the Board.

"But a principal cannot hire anyone without the Board's consent, and in fact, I was not hired by Mr. Weakley but by the former principal, Jesse Taylor," he said. "I worked at CCHS for more than two years before Mr. Weakley got there. I really believe what this is all about is that nobody, and I mean nobody, cares about the 'janitor's' side of this story."

Ruffin maintains that he has a right to face both Weakley and the Board of Education in court, even though the BOE is apparently no longer a defendant in the case.

"I have a right to this,

but there cannot be a trial if they keep on failing to show up. It is not my job to get them here. That is the court's job. I am tired of being told that a trial will be held and then getting there and waiting for hours only for a judge to say they can't have the trial because the other side didn't show up," he said. "I am being given the runaround and I am tired of it."

Ruffin said that he did not file the lawsuit to hurt anyone.

"I am a man of God and I have no animosity in my heart toward any man," he said. "I have no interest in suing this man personally. I don't want anything from him or his family, but I do believe the Choctaw Co. Board of Education owes me what is rightfully and lawfully mine .. my job and all of my back pay. It is not about money, it is about principles and what is right in the eyes of God and the laws of the State of Alabama."

Ruffin admitted that he does not have the money with which to hire an attorney to represent him, but believes that he can adequately represent himself at the trial if given the chance.

"It is time for this injustice to be over! I call on those in positions of authority to do the right thing, bring this trial to court, and let the truth be told so that this can be settled. Six years is long enough to wait for justice and a decision on my job."

(**ED. NOTE:** The *Sun* made several attempts to contact Mr. Weakley for his comments, but we received no response to letters sent to his last known address in north Alabama.)

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