

A Black Gun Owner Will Give Birth in Prison After Brandishing Her Weapon to Protect Her 2-Year-Old

[Via Reason:](#)

“Siwatu-Salama Ra is a 26-year-old black mother who watched in horror as an angry assailant—a neighbor with whom Ra had a dispute—deliberately crashed her vehicle into Ra’s car while Ra’s two-year-old daughter was playing inside. Ra removed her unloaded, legally purchased handgun from the glove box and brandished it, scaring the neighbor off.

The assailant, Channel Harvey, was never charged. Ra was arrested for felonious assault. She is now serving a mandatory two-year-sentence, even though Michigan is a Stand Your Ground state and Ra was clearly defending her family on her own property.

Ra is pregnant, and she is expected to give birth in prison.”

Ra, an environmental activist from Detroit, never fired her weapon. Her attorneys [told](#) Democracy Now that she simply brandished the gun to frighten off a threat.

So how did Ra, who is expected to give birth in June, end up behind bars? It appears to stem in part from a flawed criminal justice policy. The *Detroit Metro Times* [reports](#) that Ra may have been prosecuted simply because Harvey filed a police report before Ra.

“...an attorney for Ra says a detective testified that it investigated her as the aggressor from the outset simply because the other party filed a police report several hours

sooner. In other words, whoever reaches the Detroit police first is considered the victim."

Still, one would think Michigan's Stand Your Ground law would offer protection to Ra. Yet it did not. Ra's attorney, Victoria Burton-Harris, said the result is a stark contrast to that of the 2012 slaying of Trayvon Martin, in which a "white-Hispanic" shooter was acquitted of using deadly force on a young black man because he feared for his life.

"George Zimmerman was allowed to be fearful and to act on that fear. He was allowed to take the life of an unarmed black child," she told the Metro News. "Juxtapose that next to my client who had a car coming at her mother, and that same car had just presented danger to her child. It was driven by the complaining witness, but Siwatu wasn't allowed to be fearful and rely on her government-licensed and sanctioned firearm to ward off her attacker."

The defendant suggested her race might have played a role in her conviction.

"The prosecutor convinced the jury and judge that I lacked fear and that's not true," Ra [told](#) the Metro Times. "I was so afraid, especially for my toddler and mother. I don't believe they could imagine a black woman being scared—only mad."

I don't discount the possibility that race played a role in Ra's conviction. She would hardly be the first black American convicted by a jury because of racism or racial stereotypes.

One of the facts I don't know is the racial makeup of Ra's jury pool. It has not been reported in any of the articles I've cited [or others](#) I have read. I reached out to Victoria Burton-Harris, Ra's attorney, but did not receive an answer on that point before the publication of this article.

(UPDATE: Victoria M. Burton-Harris, Ra's attorney, responded

to my email with the following: "The jury was quite diverse. African-American, Asian-American, Latino-American and Caucasian. The jury foreperson was a young, African-American male in his early twenties. There were many jurors over the age of 65 and retired.")

Regardless of the racial makeup of the jury, much of the blame appears to fall on bad law. In addition to a criminal justice system that plays "firstties" with criminal reports, Michigan's mandatory two-year sentencing for felony firearm convictions prevented the judge from using discretion in sentencing Ra, who had a clean record and is active in the community. Furthermore, jury members were not told that a guilty verdict automatically carries a two-year sentence. Knowledge of this could have influenced their decision to vote to convict.

Certainly, there are facts and circumstances we're unaware of that the jury was privy to. But regardless, there is something wrong about sentencing a woman to two years in prison for brandishing a weapon to defend her family and property.

Perhaps the NRA and Black Lives Matter can work together to find common ground and provide some needed solutions.