

The Plaquemines GAZETTE

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BELLE CHASSE, LA

50 CENTS

Ballay wins DA Race by 14 Votes, But Palazzo not Ready to Concede

By Justin Walton

reporter@plaqueminesgazette.com

By a mere 14 votes, incumbent Charles Ballay was able to just barely inch out Leo Palazzo to remain Plaquemines' District Attorney for the next 6 years. Ballay collected 2,574 votes over Palazzo's 2,560.

However, due to the election results being so close, Palazzo is not yet willing to concede to Ballay.

"This race is not over," Palazzo said in an update posted on his campaign's Facebook page. "On top of this historically small margin, numerous voting irregularities have been reported that we are bringing



Pictured is District Attorney Charles Ballay and family the night of the election.

DA RACE – PAGE 2

All 5 Millages on December 5 Ballot Fail

By Justin Walton

reporter@plaqueminesgazette.com

In addition to choosing Charles Ballay as the next District Attorney for Plaquemines, residents were also given the opportunity to vote on 5 millages put on the ballot by the Plaquemines Parish Government at the December 5 runoff election.

None of them passed although the EMS proposed tax was defeated by less than 60 votes.

What those millages were and the numbers from the De-

MILLAGES – PAGE 14

Recent "Uptick" in COVID-19 Cases Causing Problem for Medical Center, Schools

By Justin Walton

reporter@plaqueminesgazette.com

Plaquemines— which has generally been able to avoid the worst effects of the COVID-19 virus burning through the country—just experienced a recent uptick in "new cases" and 1 additional death, the first of its kind since July.

Specifically, there has been a rise of COVID-19 cases in the southern end of Plaquemines, causing the Plaquemines Parish School Board to shift to online learning for both South Plaquemines Elementary School and South Plaquemines High School.

"It was decided [on the morning of December 4] that

COVID – PAGE 14

Belle Chasse High staff shows appreciation to local veterans



Pictured, from left: Elise Comiskey, Kevin McCabe, Mike Cronin, Jemi Carlone, Vet Amy Eberle, Brendan Gonzalez, Heather Lawson and Josh Euper. Photos by Paul Wolf

Belle Chasse High School's annual, beloved Our Veterans, Our Heroes Program has been postponed due to COVID-19, but that didn't stop BCHS from finding a way to show their appreciation for local Veterans in Belle Chasse on Friday, November 20.

Principal Jemi Carlone and Assistant Principal

Heather Lawson along with the entire Social Studies Department (Paul Wolf, Josh Euper, Mike Cronin, Elise Comiskey, Brendan Gonzales, Kevin McCabe) spent the day driving to the homes of more than 50 military servicemen to show them they were not forgotten this year. As a token of gratitude, the Veterans re-

ceived a yard sign, a thank you card from a student, a cookie, and a balloon.

It was a heartwarming, yet bittersweet day for both the Veterans and BCHS as the Vets Day Program is beloved by all who attend every year. BCHS hopes to be able to honor the Veterans on the rescheduled date of February 12, 2021.



WWII Veteran Charles McCarty

Jonathan Jason about to Start "New Trial" after Supreme Court Ruling

By Justin Walton

reporter@plaqueminesgazette.com

Jonathan Jason, a Plaquemines Parish resident from Ironton who was found guilty of 8 sex crime charges on Jun 19, 2019, is about to start a "new trial" for those charges.

Jason's original guilty verdict was handed to him by a 10-2 non-unanimous jury; this kind of "split-jury" guilty verdict, only legal in Louisiana and Oregon at the time, was ruled unconstitutional by the U.S. Supreme Court back in April 2020 in their Ramos v. Loui-

TRIAL – PAGE 2

MAILING INFO HERE

LAANG 159th Flight Members Help with Zeta Recovery



159th Fighter Wing Warrior Flight Members from Louisiana Air National Guard at Woodlands Trail during their weekend clearing trails and bird research areas of fallen trees resulting from the impacts of Hurricane Zeta.

A volunteer work weekend couldn't have come at a better time for Woodlands Conservancy. Over the weekend of November 14 and 15th, 159th Fighter Wing Warrior Flight members volunteered for debris removal and trail clearing at Woodlands Trail in Belle Chasse.

"We are helping clean the nature trails following the hurricane damage," said Jonathan Lyons, Warrior Flight member. "It means a great deal to me. I love helping the community and giving back if I can." Lyons, a Westwego native, joined the unit in December 2019.

"Today, they're working on our bird-banding net lanes along the trails," said Katie Brasted, Woodlands Conservancy Executive Director. "It is absolutely fabulous to have a group that, I know, will do a great job. They're dedicated, used to working hard, long hours and they don't give up."

The organization began in 2001 and started managing the Belle Chasse property in 2004. Katie said, since then, the park has gradually seen an increase in daily attendance, with that number climbing to an average of 147 visitors per day since the onset of the Pandemic. "Many people need

a place where they can come outside and socially distance while enjoying a recreational activity," she said. "It's been really great to have a dependable crew help us to make the trail continue to be accessible

WOODLANDS – PAGE 2

WOODLANDS

CONTINUED FROM THE FRONT PAGE
for the community.”
This park plays an important role to the community, as well as the migratory birds that call this location home. The trail clearing allows the park to remain open for the community and wildlife to enjoy what it has to offer.

“80 percent of the forested wetlands in the Mississippi River Delta area have been lost to development. This lo-

cation is really important as a stopover habitat for migratory birds,” Katie said. “In addition to a great habitat for migratory and resident wildlife, it serves as a wind buffer during storms – it is also capable of storing 32 million gallons of water when we have significant rain events.”

Assisting the local community is a critical state mission for the Louisiana Air National Guard to foster relationships and protect what matters.

Corey Gardner, MSgt, LAANG, (far left) stands alongside the Louisiana Air National Guard 159th flight members during their weekend at Woodlands Trail.



DA RACE

CONTINUED FROM THE FRONT PAGE
to the attention of the appropriate officials.”

In response, Ballay explained that he is confident in the results from December 5.

“The people of Plaquemines have spoken. And, as I see it, it does not matter whether you win by 1 vote or 1,000 votes; a win is a win,” Ballay said. “The election results are valid, and we’re ready to move on and get back to work.”

For a DA race that has been contentious from the very start, this is a very fitting way for it to end—or not end.

“Based on how [Palazzo] has been running his campaign, it’s not surprising that he would [contest the results],” Ballay added.

The DA race began with a crowded field; three other candidates (Palazzo, Gibby Andry, and Terry

Sercovich) were all hoping to capitalize on a perceived demand for change from residents and to knock off the incumbent—and over 40-year veteran of the DA’s office—Ballay.

Each candidate criticized Ballay for being too soft on “violent and repeat” offenders, his reckless spending of money (exemplified by the new \$5 million DA Office building he had built), and—most notably—his lack of integrity. The one point that the other candidates really focused on was the fact that Ballay was running for a third term. On multiple occasions, the challengers pointed out that Ballay promised he would only serve two terms when he first ran for DA in 2008.

“I’m glad the residents were able to recognize that this was about how effectively [my office] has run the criminal justice system in Plaquemines,” Ballay

said. “These issues [the other candidates] attacked me on were just off base and factually unsupported.”

However, after the November 3 election, it seemed the challengers might be correct in their assessment of residents’ desire for change. Only 35% of those who voted chose Ballay. Meaning, 65% of the residents chose one of the challengers—with Palazzo coming in 2nd with 28%, earning him a spot on the December 5 runoff election.

And the heated competition from the November 3 section of the DA race only intensified as the race narrowed to just two candidates. Both Ballay and Palazzo spent a significant amount of money on multipage ads in The Plaquemines Gazette, roadside posters, and large billboards. Palazzo focused the messaging of his cam-

paign to criticize the fact that Ballay had been in the DA’s Office for “over 40 years” and that now was the time for “real change.” Ballay chose to counter the attack by stating it was “his experience” that made him the more qualified candidate for DA.

And while the results would indicate that the residents valued Ballay’s experience more than Palazzo’s promise for change, the narrow 14 vote margin and the 65% of voters who chose someone other than Ballay on November 3 show that Plaquemines might be more amenable to change than a first impression might reveal.

“It was because turnout was so low on December 5,” Ballay said of the results. “The [COVID-19 pandemic] still had people worried about their safety and people were interested in other things. Also, there wasn’t a presidential

election on the ballot like on November 3.”

As Ballay noted, Turnout on December 5 was significantly lowered from the November 3 election. Only 5,134 residents voted in the runoff (an “unofficial turnout” of 33.0%)—compared to the 10,517 who voted on November 3 (an “unofficial turnout” of 69.2% of all eligible voters). Part of the reason there was such a large turnout for November 3 was the presidential election also on the ballot.

Other results from December 5:

- Plaquemines residents voted on 5 millages put on the ballot by the Plaquemines Parish Government. There were potential millages for “Levees, Recreation, Council on Aging, Mosquito Control, and Emergency Medical Services.” All of them failed.
- A proposed amendment change that would

“allow out-of-state resident to serve on a public post-secondary board of supervisors,” failed miserably, with 80% of Plaquemines voters voting “against” and 20% voting “in favor.” Statewide, 76% of Louisiana voters voted “against” and 20% voted “in favor.”

- In the runoff for Public Service Commissioner of District 1, 72% of Plaquemines voters chose Republican Eric Skrmetta over Democrat Allen Borne Jr. (who got just 28% in Plaquemines). Overall, Skrmetta overcame Borne in the “multiparish” race—each candidate got 62% and 38% of the vote respectively.

- For Republican State Central Committee Member - 1st Senatorial District, Division H, Plaquemines voters chose “Mike” Bayhem over Walter Burtanog IV. Bayhem received 89% of the vote while Bayhem got just 11%.

OBITUARIES

Evelyn Adams Jacksina



Evelyn Adams Jacksina passed away on November 25, 2020 after battling a neurological disorder for 20 years, at the age of 84. Beloved wife of Fire Captain “Dutch” Leroy Jacksina for 61 years. Mother of Donna Shuff (Merle), Rebecca Toups (Mark), Laura Jacksina, and late Robin Wood (late Jess). Grandmother of Jared Riggs, Narah Yowell (Shannon), Holly Chotto, Aaron Toups, and Aubrey Jacksina. Great-grandmother of Loralie, Noelle, Edwin, Joshua, Jacey, and Masen. Daughter of the late Aubrey “Pete” Adams and Rose Guidry Adams. Sister of Deanna Reine, Rosabelle Berger (late Billy), and Aubrey Adams, Jr. (Mary). Also survived by a host of nieces and nephews. A native of Cut Off, LA and resident of Belle Chasse, LA. Evelyn attended school at Holy Name of Mary in Algiers and graduated from Behrman High School. She was a homemaker and professional seamstress having won awards five years in a row at the annual Plaquemines Parish Orange Festival. She was an avid bowler and achieved 500 series and 50 over average. Evelyn was a faithful parishioner of Our Lady of Perpetual Help Church, was an active member and past president of the altar society for many years and received the Order of St. Louis Medallion. She even sewed all the church vestments and banners. She also worked with the St. Vincent de Paul charities and was chairman of the OLPH Fair crafting and donating 25 to 30 silk flower arrangements and working booths. She was generous and gave to over 30 charities. Dutch will remember her as a wonderful wife, having saved his life, and made him the man he is today. She was a loving mother and grandmother, and dear friend to all. She was always smiling, there for anyone when needed, and will be deeply missed by everyone. Special thanks to Concerned Care hospice for their care and support over the last 19 months. Relatives and family friends attended the Visitation and Funeral Mass. Interment: Our Lady of Perpetual Help Mausoleum. To view and sign the online guestbook, visit www.motheffunerals.com.

Norman Leon Whinery



Norman Leon Whinery, of Tickfaw, LA, and formerly of Belle Chasse, LA; passed away at Ochsner Medical Center - Baton Rouge on Wednesday, November 25, 2020, at the age of 84. He was born on October 21, 1936 in Mound City, KS, the son of the late Fred E. Whinery and Martha Huffman Whinery. Norman was a Senior Chief Retired US Navy Photographer and the former owner of Lee’s Hamburgers in Belle Chasse. Norman is survived by his wife, Janet Evans; daughter, Julie Kravet (Jeff) of Terrytown, LA; grandchildren, Nick Kravet (Kasey) of Gretna, LA, Elisia Frugé (Matthew) of Terrytown, LA, and Jenn Benoit (Chet) of Belle Chasse, LA; great grandchildren, Adalynn, Kaden, Alaynna, Liam, and Emmie; brother, Don Whinery (Rhonda) of Montgomery, TX; sister, Nina Seibert (Jim) of Carbondale, IL; nieces, Gayla Whinery of Pflugerville, TX and Lisa Crawford of Benton, AR; step sons, Danny Evans (Jo Marie) of Marrero, LA and J.J. Evans (Maggie) of Berwick, LA; step grandchildren, Becca and Derrick Evans; as well as his best friends and “partners in crime,” Fred Webster and Dennis Luther both of Lafayette, LA. In addition to his parents, Norman was preceded in death by his first wife of 49 and a half years, Jacquelyn Bianchini Whinery, and his best dog friend, Buddy. The family would like to express their sincere gratitude to the medical team at North Oaks Medical Center in Hammond, LA Shawn Dearie and Tanya for their care and concern; the North Oaks ER Hospital for their wonderful care; as well as Ochsner Medical Center - Baton Rouge. Services will be held privately. Family and friends are encouraged to send condolences and share memories online. Honorary Pallbearers: Fred Webster Sr., Joseph Jesus Olivo, Dennis Luther, Nick Kravet, Danny Evans and J.J. Evans. An online guest book is available at www.harrymckneely.com.

TRIAL

CONTINUED FROM THE FRONT PAGE

siana decision. In their “Opinion of the Court” (delivered by Justice Neil Gorsuch), one of the justifications for this ruling was that non-unanimous juries were adopted for explicitly “discriminatory reasons” against African Americans.

Justice Brett Kavanaugh, in his own concurring opinion, pointed out that the 1898 constitutional convention (where non-unanimous juries in Louisiana were first legitimized) “expressly sought to ‘establish the supremacy of the white race.’”

“The words of these old [constitutional conventions] that still impact our legal system are hard to get passed. In this instance [and others] the purpose was to diminish the power of Black Americans. But all that’s changing, all that’s in flux,” 25th Judicial District Court’s Division B Judge Michael Clement said, noting the Supreme Court was still in the process of deliberating whether or not their ruling in Ramos v. Louisiana should be applied “retroactively” in Edwards v. Vannoy. Meaning, the Supreme Court has not yet decided that non-unanimous guilty verdicts are unconstitutional for those who, unlike Jason, no longer had the ability to appeal their verdicts.

“In my legal experience, prosecutors don’t like going before juries that require [unanimous decisions]. Going forward, I think it will be much more difficult for prosecutors to obtain guilty verdicts,” he added.

Following the Supreme Court’s decision, Jason’s attorney Brad Scott filed an appeal to the court on May 4, 2020 arguing Jason should be given a “new trial” on the basis that “the jury was non-unanimous for every single count for which Mr. Jason was convicted.”

And on May 27, 2020, Clement agreed with Scott and granted Jason a new trial.

As of now, Jason is re-undergoing the long pre-trial process, only appearing in court by Zoom video calls from the Plaquemines Parish Detention Center.

Scott could not be reached for comment regarding how confident he feels about the defense’s position heading into the “new trial.”

The prosecutor in this case, First Assistant District Attorney for Plaquemines Robert White, believes he’ll be able to secure a guilty verdict should Jason’s “new trial” go before another 12 person jury.

At the time of Jason’s original conviction, a law requiring unanimous jury verdicts for felony convictions in Louisiana had already been put into place. But because the charges against Jason occurred prior to January 2019, that law did not apply to Jason’s trial.

According to a report by The Promise of Justice Initiative, there are over 1,500 other Louisiana inmates still in prison by the decisions of a non-unanimous jury. Eighty percent of these inmates are Black.

Clement stated that he didn’t know of any other non-unanimous guilty verdicts in Plaquemines that might qualify for a new trial.

Clement expects that the “new trial” will be held, barring major complications, sometime in March or April 2021. If there is another split (or “hung”) jury at that time, the prosecution will have the choice to “dismiss” the case or “re-try” Jason.

The Plaquemines Gazette will be following this “new trial” as it develops. Be on the lookout for more updates in the coming months.

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