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THE NEW ORLEANS ADVOCATE

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LONGING FOR JUSTICE



Taj Sullen hugs Lurline LaBeaud-Duncan outside Orleans Parish Criminal District Court after separately seeking justice for their sons who were shot and killed in New Orleans. Sullen's son, Sabastian Henry, was killed in 2022. LaBeaud-Duncan's son, Gregory Heisser and his fiancée Darnisha DeSilva, were shot to death in 2018.

Long, chronic delays in the N.O. court system inflict years of anguish on families of murder victims

BY JILLIAN KRAMER and JEFF ADELSON | Staff writers

Taj Sullen watched them in the courtroom for years, always dressed in orange jumpsuits and bound in chains: the two men charged in her son's murder.

She came for their hearings, only to suffer through post-ponelements. She came for their trial, only to endure its cancellation.

Every time, Sullen had only the small comfort of knowing that, even if not yet convicted, the men were still in jail.

That changed one morning last year on yet another futile visit to the court.

Sullen, wearing a shirt with the words "Justice 4 Sabastian," did not see one of the men in the courtroom. Instead, she encountered him in a hallway there — unshackled, free.

He had posted bail.

Shocked, she fled from the courthouse with clenched fists and hurried down its steps.

On the sidewalk, she began to cry.

A woman approached. She wore a shirt with her own murdered son's name printed across the front. Another bereaved mother stuck, like Sullen, for years.

"Can I give you a hug?" the woman asked.

Sullen leaned into her arms. The woman whispered three words:

"Don't give up."

➤ **Graphic: Tracking the progress of murder cases,** PAGE 11A

➤ **A mother's agonizing wait for justice,** PAGE 10A

➤ For more on this series, go to nola.com

Sullen's anguished wait for justice is not a story of one case gone awry.

It's a portrait of a punishing, systemic breakdown in New Orleans that stalls murder cases longer than almost anywhere else in the country.

A Times-Picayune analysis of tens of thousands of court records for 916 murder and manslaughter defendants over the last decade shows that Orleans Parish Criminal District Court takes nearly three years, on average, to close its cases from arrest to disposition — triple the time that authorities on courts set as the goal to resolve felonies.

In the last decade, the analysis shows, only 49 cases, or about 1 in 13, closed within that one-year mark.

Thirty-nine cases idled for more than six years.

The chronic delays have no one cause or culprit. The city's murder cases are often impeded by a multitude of serious, unchecked issues.

Staffing shortages. Funding gaps. Neglected DNA tests. A debilitating backlog at the state's only mental health hospital for criminal defendants. Judges inattentive to the chronic swirl of dysfunction and its cost.

Similar problems exist in courts across Louisiana, which are among the slowest in the country. But nowhere are the consequences more stark than in New Orleans,

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PACs are fighting to swing N.O. elections

Bolstered by controversial new rules, committees raise huge sums of cash

BY JAMES FINN | Staff writer

Campaign money gathered by political action committees is pouring into New Orleans' mayoral and other municipal elections this year at a pace and scale rarely seen in the city.

The deluge follows steps Louisiana lawmakers took this spring to change rules on the committees, which raise money and make contributions to political campaigns. The changes are the latest in a string of court orders and policy shifts at the state and federal level that have handed wealthy donors more tools to influence politics.

Records show five political action committees have raised \$418,000 and counting in recent months to benefit candidates in

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Landry says LA DOGE can streamline government

Led by governor's ally, initiative stresses business-minded approach

BY ALYSE PFEIL | Staff writer

Gov. Jeff Landry says Louisiana government has a lot to learn from private business.

"We're trying to turn the aircraft carrier," he said. "It's about shifting the culture."

One of his strategies to do that is LA DOGE, an initiative that Landry began a decade ago as attorney general and revived late last year. He rebranded the program to echo President Donald Trump's effort, originally led by Elon Musk, to slash spending.



Landry

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LONGING FOR JUSTICE

JUSTICE

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the state's most murderous city, and one of the most violent in the country.

“The amount of time it takes to close a homicide case in New Orleans is an unconscionable failure,” said Jesse Manley, interim executive director of Court Watch NOLA, a nonprofit that has tracked the court’s progress for nearly two decades. “And everyone in our community — victims, defendants and concerned citizens — is paying the price for delayed justice.”

The breakdown traps families of murder victims in a grinding cycle of trauma and grief as they return again and again to courtrooms, desperate for closure.

Meanwhile, murder defendants, presumed innocent by the law until proven guilty, are stripped of their right to a speedy trial and consigned long-term to jail cells.

And New Orleans residents bear the heavy financial burden of so many delayed cases, including the costs of incarcerating defendants pretrial — millions per year.

The time it takes to dispose of homicide cases is “simply too long,” said Orleans Parish District Attorney Jason Williams. “It’s too long for grieving families and too long for my prosecutors.”

To streamline prosecutions, Williams formed a team of attorneys focused only on homicide cases. It is making strides in resolving cases expeditiously. But a significant backlog of hundreds of cases persists.

The Times-Picayune’s findings, Williams said, call for “a system-wide endeavor” to confront the underlying reasons why so many cases are plagued by delays.

Two months ago, The Times-Picayune sent Chief Judge Tracey Flemings-Davillier questions about its findings. The court declined to comment. Hours after the investigation published online, Judicial Administrator Robert Kazik sent The Times-Picayune a written response defending the court. He described an intricate, “time-consuming and convoluted” legal process, citing many factors “outside the judiciary’s control.”

Authorities nationally expressed dismay about the pace of homicide cases in New Orleans.

David LaBahn, a veteran prosecutor and president of the Association of Prosecuting Attorneys, called the failure “just a really huge level of awfulness.”

Why New Orleans lags behind

Chronic delays have long beset Louisiana’s courts, where cases begin to stall almost as soon as a suspect is arrested.

Louisiana gives prosecutors up to 120 days after an arrest to indict a homicide suspect.

Over the past decade, New Orleans prosecutors have filed homicide charges at a median of 106 days — nearly the full legal limit.

Backlogs deepened during the pandemic, when lockdowns ground court systems to a halt and exposed long-standing vulnerabilities. But even before COVID, New Orleans’ case-processing times lagged.

In a study of 2018 data from nearly 100 jurisdictions across the country, the National Center for State Courts found that homicide cases resolved in about 468 days. At the time, the typical homicide case in New Orleans took twice as long.

Many of Louisiana’s largest courts appear to have overcome pandemic-related challenges. But not New Orleans.

Jefferson Parish resolves its typical homicide case a full year sooner than its neighbor. Caddo Parish in northern Louisiana is slightly faster than New Orleans. East Baton Rouge Parish, which overtook New Orleans as the slowest court system during the pandemic, is now nearly 18% quicker at closing its homicide cases.

New Orleans is an outlier even among jurisdictions with similarly high murder rates.

Baltimore disposes of homicide cases in half the time it takes New Orleans. In Cleveland, cases take only a third as long as they do in the court at Tulane Avenue and South Broad Street. Even Houston and Miami, which are considered among the slowest court systems in the country by criminal justice experts, close homicide cases faster than New Orleans.

Structural failures drive the delays that grip New Orleans.

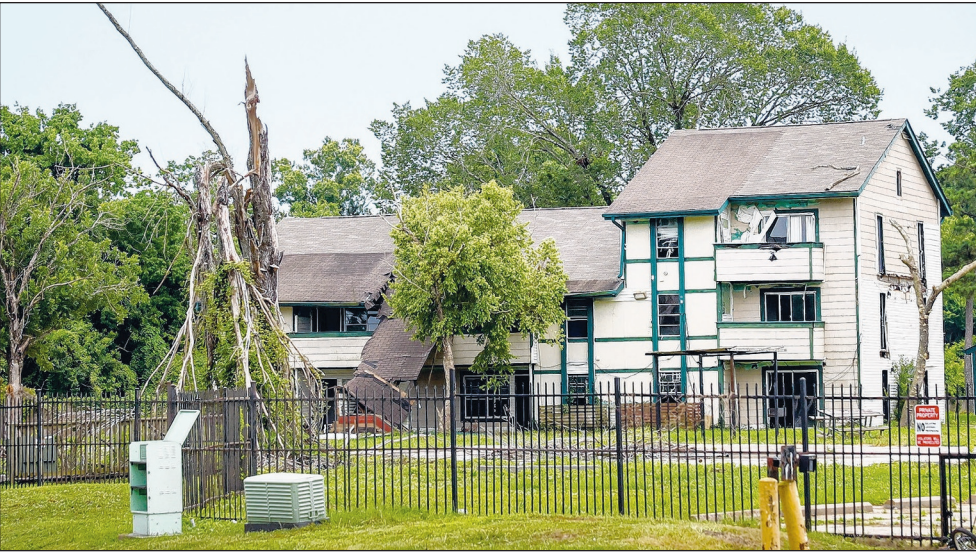
Unlike many other Louisiana cities, New Orleans relies on the State Police Crime Lab to test samples in homicide cases. Recent data showed it took an average of 441 days for the lab to deliver results.

Meanwhile, dozens of homicide cases each year have been slowed



STAFF PHOTOS BY SOPHIA GERMER

Taj Sullen's Marrero living room is filled with memorials to her son Sabastian Henry, who was shot and killed in 2022.



Sabastian Henry was found shot and killed in 2022 at this abandoned apartment complex in Algiers.

Her brother was shot and killed outside a bodega in Algiers. Police arrested Damya McInnis for the murder. But by the time the case reached trial nearly six years later, a key witness had died, and her testimony was lost.

The jury convicted McInnis of aggravated battery and obstruction of justice, but couldn’t reach a verdict on the murder. A retrial is scheduled for Nov. 17.

During the trial, prosecutors played surveillance camera footage that captured the killing so clearly that jurors could see smoke rising from the body of Bush’s brother after he was shot.

The jury’s indecision shook her, Bush said. “It felt like we watched him die on that video for no reason,” she said.

Delays also carry broader consequences. They damage “the reputation of the justice system,” said Dunlea, the criminologist. Witnesses become reluctant to participate in a system “they don’t perceive as able to help them,” she said.

Others may lose faith in the system’s ability to deliver justice.

Bokio Johnson was arrested for murder on March 23, 2022, after prosecutors say he gunned down the man accused of slaying his two children the year before. Prosecutors had not yet brought that man, Hollis Carter, to trial.

“Perhaps my client thought the justice system was moving too slowly,” his defense attorney yelled during closing arguments last June.

Hours later, the jury found Johnson guilty of the lesser charge of manslaughter.

Delay as a defense

In 2012, Court Watch NOLA identified a “culture of continuances” in New Orleans’ criminal justice system. About two-thirds of the nearly 3,000 court settings its volunteers observed that year didn’t move forward as scheduled.

The watchdog reported that delays were “primarily driven” by defendants and their attorneys.

Defense attorneys may request continuances for strategic reasons or out of necessity. Orleans Public Defenders have faced significant resource constraints, including in 2012, when the agency was forced to lay off one-third of its staff, said Danny Engelberg, chief public defender.

Public defenders juggle more than 100 felony cases at once, he said.

The stakes of a murder conviction — mandatory life in prison — also demand that attorneys “leave no stone unturned,” a process that can involve months of investigation, expert consultation and legal back-and-forth before a case can be resolved, said Engelberg.

The adversarial legal system also encourages defense attorneys to play the long game. They may slow walk cases hoping prosecutors lose interest or that time yields a better plea deal for clients without credible claims of innocence, said John Fuller, a private attorney.

Even so, that pace can frustrate defendants.

On a recent morning, Kendall Harrison waited in shackles for two hours to address Judge Darryl Derbigny.

A nonunanimous jury convicted Harrison of second-degree murder

by a ballooning waitlist for the Eastern Louisiana Mental Health System, where defendants deemed unable to stand trial are sent for treatment.

Records also show deep dysfunction in New Orleans’ court, including some judges who struggle to enforce what experts say are the most basic and crucial principles of case-processing efficiency: setting firm hearing and trial dates.

The typical homicide case in New Orleans has more than 30 hearings. In the most extreme example, one case included 132 hearings over nine years, according to court records.

Trial dates are also routinely reset. For example, on a recent day, one judge had 11 trials on his docket. None began.

Nicole Waters, director of data, analytics and forecasting for the National Center for State Courts, said the most efficient courts set meaningful events and limit postponements called “continuances.” Each continuance, a study by the center found, delays a case by three weeks.

New Orleans homicide cases have 11 continuances, on average.

Matthew Derbes, chief of the district attorney’s homicide unit, which launched in 2023, said the system’s stop-and-go rhythm is “frustrating for us and more importantly, the families.”

They get “emotionally geared up for trial,” he said. “They’re waiting for justice, waiting for justice — and then we have to make that phone call and tell them we’re delayed.”

National standards set in 2011 call for resolving 98% of felony cases within a year.

While the majority of states have adopted case-processing time goals, Louisiana has never made them law, and an effort last year to enact them failed in the state Legislature.

Over the last decade, only 7.45% of New Orleans homicide cases were closed within a year. In fact, it was more likely for a case to take five or more years to resolve than one.

At least nine cases left open last year were a decade old or older. The oldest open homicide case was 16 years old.

The older cases get, the harder they are to try.

“Jurors are skeptical of old cases, even if [their age] isn’t our fault,” said Forrest Ladd, an Orleans Parish assistant district attorney.

‘There’s just no justice for me’

More than a year after Sullen embraced another grieving moth-

er outside of New Orleans’ courthouse, the case of the men accused in her son’s killing remains open, caught in a tangle of delays and institutional inertia.

A triggerman shot Sabastian Henry in the head and chest on Feb. 18, 2022. Then, with the help of an accomplice, he dragged Henry’s lanky body into an abandoned Algiers apartment and ran.

Sullen’s sixth child died before his 21st birthday.

Police found what they believed to be the murder weapon and a witness who identified the accomplice only by a nickname: “Pap.”

On Feb. 21, 2022, officers arrested Brandon “Pap” Hamilton, who was indicted on a charge of obstruction of justice, and Alaric Smith, the alleged gunman, who was indicted on a charge of second-degree murder.

Weeks later, Sullen moved from Houston to a West Bank hotel. What was the point of signing a lease, Sullen remembers thinking, that she would have to break in less than a year?

But with every drive from a fruitless court hearing back to the \$115-a-night room that was rapidly draining her savings, Sullen began to doubt the case would reach a quick resolution.

For several months, the case passed between three judges. Then attorneys on both sides asked for seven continuances over the next 18 months. A trial date was set and canceled.

Sullen complained to the District Attorney’s Office. She asked private lawyers to intercede and push for a fast prosecution.

“Represent me,” she begged. “I must have rights, too.”

But they couldn’t help her, she said.

“If we have all this evidence,” Sullen said, “then why are all these trials getting set back?”

In the first two months of this year, untested DNA samples led prosecutors to reset five scheduled homicide trials, including the case of the men accused of killing Sullen’s son.

DNA swabs from the alleged murder weapon sat for nearly two years before a private lab, hired to help clear New Orleans’ backlog, tested them. Even then, prosecutors couldn’t move forward: It took State Police analysts, who retained custody of the evidence, another six months to file their report.

On a recent call with a prosecutor in March, Sullen learned the trial would be pushed back another six months to Sept. 8. The private lab’s DNA analyst wasn’t available to testify, the prosecutor explained.

“There’s just no justice for me,” Sullen yelled into the phone. “He’s getting more justice than me.”

Memories fade, cases falter

Delays don’t typically benefit the prosecution. Prosecutors lose zeal. Evidence is lost by human error and acts of God. Witnesses forget, recant, disappear or die.

“If you hang out with defense lawyers,” said LaBahn, the president of the national prosecutors association, “they will say a criminal case is just like a red wine: It gets better over time.”

In a trial that began last March, nearly five years after Alfred Simmons’ arrest for second-degree murder, a defense attorney scoffed at the scant details offered by a witness.

“My memory done fade away,” the witness said. “If y’all had put me on the stand two days after this happened, I would have told you. It’s been five years.”

In the last decade in New Orleans, homicide cases that took more than three years to go to trial were 60% more likely to result in a not-guilty verdict as cases that are put before a jury in less time.

Prosecutors also routinely dismiss their oldest cases as evidence weakens, said Rebecca Dunlea, a University of Massachusetts Lowell criminologist who studies prosecution and case efficiency.

In the last 10 years, New Orleans prosecutors dropped 66 homicide cases; nearly two-thirds of them were more than two years old. One was 13 years old; the only eyewitness had disappeared.

Prosecutors asked to reschedule at least 17 trials last year because witnesses were unavailable. Another nine trials were delayed when other cases took precedence on the court’s crowded docket.

But the consequences of delay aren’t always measured in case outcomes. Sometimes, they’re borne by families.

Linda Bush has lived the cost of delay not once, but twice.

Her nephew was shot dead during a robbery on Dec. 10, 2012, in Algiers. For three years, the case stalled until the alleged killer, Bobby James, filed a speedy trial motion. When prosecutors failed to bring him to trial within 120 days, he was freed from jail.

Then, he shot and killed a man in Metairie.

In Jefferson Parish, James was tried, convicted and sentenced to life in prison for second-degree murder in just over a year. New Orleans prosecutors dropped their case against him.

Another devastating call for Bush came on Christmas Day 2018.

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STAFF PHOTOS BY SOPHIA GERMER

Linda Bush plays with A'mir Bush, the grandson of Leon Bush, at McDonoghville Cemetery in Gretna last year. Leon Bush was shot and killed on Christmas in 2018.

LEFT, Linda Bush rests a hand on the family tomb at McDonoghville Cemetery in Gretna. Bush's nephew was shot and killed in 2012 and her brother in 2018.

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in 2014. His case was one of 40 sent back to New Orleans' criminal court for retrial after the U.S. Supreme Court outlawed split verdicts.

That was more than three years ago.

"I've been in this court since I was 17 years old," said Harrison, now 30, as he pleaded with the judge for a fast resolution. "I don't feel like I've been given a fair shake at all, your honor."

His case remains open.

Of the 40 retrials ordered following the U.S. Supreme Court Ramos v. Louisiana decision in 2020, 11 have not reached a new verdict.

When judges don't move cases

Donald Sheppard sent his son, a talented musician, to New Orleans with a one-way bus ticket. Play your trumpet on Bourbon Street, he'd told his son, "and you'll never be broke."

By the time Ahmad Sheppard was shot and killed on June 14, 2013, in his Lower Garden District apartment, he'd earned a name for himself in the French Quarter and made his father proud.

For nearly a year, Sheppard watched as the case against his son's alleged killer limped through the court system. Finally, a stern order by Judge Benedict Willard appeared in the court record:

"Their (sic) will (sic) no more continuances."

Over the next three-and-a-half years, Willard granted at least 23 more continuances.

Eighteen trial dates were reset. Every postponement hollowed Sheppard, a social worker with a master's degree, a little further.

"I would go from prepared back into the valley of darkness and shadow of death. I couldn't deal with it," Sheppard said, until the only thing that eased his pain was crack cocaine.

When a trial finally commenced after more than four years, Sheppard was sober and helping military veterans, like himself, overcome addiction at a rehabilitation center in Arkansas. But the trial ended in a mistrial.

A year before the pandemic stunted the already yearslong case, the defendant, Travis Cochran was accused — and later convicted — of using his attorney's letterhead in a scheme to sneak contraband into the city's jail.

Cochran's attorney quit the case, forcing a fresh start with a new lawyer.

For years, a second trial didn't start. Even Cochran begged the judge for a resolution, calling the delays an "atrosis (sic) failure of the state" in a handwritten motion.

It took nearly 10 years for a jury to find Cochran guilty of second-degree murder.

"I said I would not die until I got justice for my son," Sheppard said



Donald Sheppard leaves the Orleans Criminal District Court building with Victim-Witness Advocate Melissa Lewis following the verdict of his son's murder in New Orleans, on Sept. 18, 2024. Ahmad Sheppard was shot and killed on June 14, 2013.

after the Sept. 18, 2024, verdict.

Research shows case-processing times cannot be attributed to any one factor, including court structure, staffing, case type or how work is divided. But authorities on courts say one party has disproportionate power to push cases forward: judges.

Over more than a decade as director of the research nonprofit Vera Louisiana, Jon Wool said he witnessed some of New Orleans' judges act in a way "inconsistent with any effort to move toward swift justice."

Three-hour workdays and court closures were routine, said Wool, who now volunteers with PAC for Justice, which aims to put progressive judges on New Orleans' benches.

That dynamic appears to bear out in The Times-Picayune's findings: Homicide cases in the court's slowest section take about twice as long to resolve as those in its fastest.

Derbigny presides over the court's slowest section. Cases in Willard's section take the second longest to resolve, on average. Both judges have been on the bench for more than two decades.

Neither Derbigny nor Willard responded to interview requests.

In May, the Louisiana Supreme Court appointed a temporary judge to Derbigny's section until Aug. 1 for reasons the court declined to provide.

Lawmakers who view New Orleans' criminal court bench as bloated tried last year to strip funding for the court's magistrate commissioners, in an effort to force its judges to work harder.

But the judges beat back the attempt, and lawmakers instead asked the Louisiana Supreme Court to appoint monitors to observe the court and compile reports.



The New Orleans Police Department investigates the scene of the fatal shooting of Monique Blunt at a gas station in the 6300 block of Elysian Fields in New Orleans on Nov. 27, 2021.

The high court denied The Times-Picayune's request to view those reports.

At least twice in the past 20 years, the Louisiana Supreme Court has tried to evaluate judicial staffing levels at lawmakers' request, but it's been stymied by unreliable data and a faulty formula for judging workload.

Last fall, the high court launched another attempt, commissioning a study with the National Center for State Courts. The results of the study are not yet known.

Locked in a cycle of delays

On another day in Willard's courtroom, a mother waited to see her infant's killer sentenced.

The judge was nearly 30 minutes late, delaying that day's entire docket.

"Are you OK?" a victim-witness advocate asked the mother.

"It's been three years," she replied. "Twenty more minutes won't hurt."

hearings.

But those trapped in the system's longest-running cases endure prolonged emotional stress. Many face job insecurity and financial hardships, as court dates consume entire workdays, said Alison Morgado, chief of victim-witness advocates at the District Attorney's Office.

"We're always going to emphasize they have a right to be present," said Morgado. "But I'm not going to drag a family out of their wage-paying job to sit [in court] for six hours" for nothing.

With every court hearing, families are also forced to relive "the worst thing that's ever happened to them," said Rae Taylor, a criminologist and sociologist at Loyola University in New Orleans. "It's excruciating, like a second assault or revictimization."

Karen Valteau-Williams' niece, Monique Blunt, was killed on Nov. 27, 2021, in a spray of a dozen bullets that police would later say were intended for someone else.

Blunt, whom Valteau-Williams called her "precious pearl," was shot while driving her 8-year-old son home from a family movie night in Gentilly. Several relatives, including Valteau-Williams' daughter, rushed to the scene.

They tried to reach Valteau-Williams, but she was asleep.

Instead, she woke to her son's screams: *Monique is dead! Monique is dead!* Later, her daughter described what she had seen that night: Blunt's adult daughter desperately administering CPR.

Valteau-Williams attended more than 30 hearings in the case of the alleged killer, Freddie Smooth. Each time, the tragedy of Blunt's death elbowed aside happy family memories to make room for the sounds of her children's screams.

"I'd go back to that night," Valteau-Williams described. "It was terrible, going back into that deep, dark space of remembering that night and feeling so helpless."

When a jury convicted Smooth in December, after more than three years, Valteau-Williams thought she was freed from reliving the murder.

But nearly five months later, on the day Smooth was set to be sentenced, she was confronted with another delay: Smooth's attorney had yet to be provided with a trial transcript. Without one, the attorney argued, he couldn't move forward with the sentencing hearing.

The judge granted a continuance.

"Are you serious?" Valteau-Williams whispered as she watched.

She had flown into New Orleans from her home in northeast Texas for this moment.

"How can anyone get to a point of acceptance," she asked, "when you're trapped in this cycle?"

COMING MONDAY: An inside look at new homicide unit attempting to break the backlog of unresolved New Orleans murders.



Karen Valteau-Williams holds pearls in her hands at her apartment in northeast Texas. Valteau-Williams' niece, Monique Blunt, was killed on Nov. 27, 2021. She called her, 'precious pearl.'

What she needed, the mother said, were her baby's clothes: the last things she dressed him in.

"I don't care if they are covered in blood," she said. "I just want them."

Louisiana grants basic rights to surviving family members, including the right to attend court

How we reported this story

The Times-Picayune reporters spent more than a year investigating how long it takes homicide cases to move through New Orleans' criminal court — and why.

No single database tracks the path of murder cases from arrest to disposition in New Orleans. Public records are scattered across agencies, riddled with errors and often incomplete. So reporters built their own.

They collected records for every person charged with murder or manslaughter between Jan. 1, 2015, and Dec. 31, 2024, in Orleans Parish Criminal District Court, starting with case data from the district attorney's and sheriff's offices. Then, they verified

and expanded the datasets using court records, police reports and news archives, to detail every action in every case.

The resulting database included the cases of 658 defendants whose cases had closed and 258 defendants whose cases remained open at the end of last year. In addition to those cases, eight more were excluded because the defendants died before resolution.

To put New Orleans' case-processing times in context, reporters compared their findings with pre-pandemic data from nearly 100 jurisdictions compiled by the National Center for State Courts, and against more recent figures from large court systems in

Louisiana and across the country.

To understand why cases stalled, reporters submitted public records requests to agencies throughout the city's criminal legal system. They analyzed data from the Louisiana Department of Health and the Louisiana State Police Crime Lab.

They reviewed thousands of pages of court filings and transcripts; observed scores of hearings; and interviewed dozens of people, including national researchers, prosecutors, defense attorneys and jurors.

To capture the human cost of delay, they also interviewed those most affected: victims' families and the accused.



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‘Dysfunctional’ court plagued by case delays

Murder hearings, trial dates collapse for preventable reasons

BY JILLIAN KRAMER | Staff writer

The murder case of Widner DeGruy was already three years old when his defense attorney asked to reschedule a hearing so he could escort his wife to a Mardi Gras ball.
The judge granted the request.

LONGING FOR JUSTICE

Part two of a series

That delay in 2018 was one of many that stalled the case over 10 years, as court records show the judge agreed to attorneys’ requests to postpone hearings and trials

for a dentist appointment, an opportunity to speak at a conference and to prioritize other cases.

DeGruy’s still unresolved case stretches across a decade in which homicide prosecutions in New Orleans took longer to close than almost anywhere else in the country, an analysis by The Times-

Picayune found. The system’s slow pace leaves victims’ families and defendants waiting for justice, trapped in a debilitating limbo, and shackles taxpayers with mounting expenses.

Some delays are unavoidable. But inside Orleans Parish Criminal District Court, hearings and trial dates routinely collapse for preventable reasons: lawyers

► For more on the series, go to nola.com



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‘THIS ISN’T BUSINESS AS USUAL’



STAFF PHOTOS BY SOPHIA GERMER

Rolanda Teal, an anthropology professor, walks past signs for the Magnolia Plantation at Cane River Creole National Historical Park in Derry on Aug. 20.

Louisiana national park tells a story of slavery that some fear will be erased

BY JENNA ROSS | Staff writer

DERRY — Rolanda Teal strode onto the old plantation at Cane River Creole National Historical Park, blowing past a map. The anthropology professor knows this park and its stories. As a student, she helped tell them.

Teal once sifted through dirt beside the Magnolia Plantation’s slave quarters to find dice and coins. She interviewed former tenant farmers to trace the outlines of a typical day. She gave tours, once to a man who had lived there.

Over the years, the oral histories she collected made their way into archives and onto the dozens of historic signs and markers arranged across the national park’s two sister plantations, set a few miles apart along the winding Cane River in Natchitoches Parish.

One sign near the entrance of Magnolia describes the scale of the plantation at its height: 275 enslaved people



A dog stands on the porch of the former Magnolia plantation hospital at Cane River Creole National Historical Park in Derry.

living in 70 cabins cultivated cotton and other crops. Near those small brick cabins, later home to tenant farmers, a sepia sign describes the gardens that once encircled them, quoting from one of Teal’s interviews. “We had a big garden... Peas, okra, tomatoes, pumpkins...”

Now, the 62-year-old worries about what stories this place will soon tell.

Signs posted across this national park’s 63 acres, like those at parks,

monuments, battlefields and historic sites across the country, might disappear or look very different in coming weeks.

As part of President Donald Trump’s directive to restore “truth and sanity to American history,” the National Park Service is reviewing signs and materials at its 433 sites for “inappropriate content.”

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Weary of crime, N.O. residents open to federal help

But some question if deploying National Guard is the best approach

BY ANTHONY MCAULEY | Staff writer

It was only a few months ago that National Guard troops arrived in the streets of downtown New Orleans.

Armed with rifles and dressed in fatigues, their presence was a show of force following the Bourbon Street terror attack, aimed at calming fears as the city prepared to host the Super Bowl.

Now, city residents and civic leaders are reckoning with the likely return of those soldiers as part of President Donald Trump’s latest move to suggest that stopping crime in Democratic-led cities requires military help.

During an Oval Office news conference last Wednesday, Trump said he was considering sending National Guard troops to patrol New Orleans,

► See **HELP**, page 5A

Effects of Hurricane Rita linger 20 years later

Southwest Louisiana storm forgotten in wake of Katrina

BY MEGAN WYATT | Staff writer

Nicole J. Moncrief was caring for her wheelchair-bound mother and her two nieces as Hurricane Rita barreled toward their Lake Charles home 20 years ago.

Ahead of previous storms, none of which caused major damage, her mom was the one to secure the family home and evacuate everyone to safety. But those responsibilities fell to Moncrief, then 34, ahead of Rita.

While her family evacuated north, Rita’s winds ripped open the roof of their family home, destroying most of their

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WEATHER

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LOW 73

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PARK

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The effort is one way Trump's team is trying to rid public spaces of “woke” ideology, promoting a more positive view of U.S. history. Historians have warned that the moves could effectively erase difficult but important periods of the country's past, with slavery at the top of that list.

Following the directive, a survey posted at National Park Service sites in June asked visitors and staff to report signs “that are negative about either past or living Americans or that fail to emphasize the beauty, grandeur, and abundance of landscapes and other natural features.”

According to internal agency documents reviewed by The New York Times, National Park Service employees flagged language about the effects of climate change, the imprisonment of Native Americans and the brutality of slavery.

At Cane River, one person reported a sign recounting an attempted slave escape, questioning its naming of the enslavers and its noting of the whipping that followed.

As of late August, that sign still stood. But Interior Secretary Doug Burgum



Rolanda Teal, an anthropology professor, looks over historic signs at Cane River Creole National Historical Park. Established in 1994, the park comprises two cotton Creole plantations, Oakland and Magnolia.

has ordered the removal of inappropriate signs by Sept. 17, the Times reported. Whether this sign or others like it is set for edits is unclear. Current Cane River staff members declined to comment for this article, referring a reporter to the

National Park Service. “We’ll be evaluating all signage, including national parks in Louisiana, along with the public feedback we’ve received,” said a National Park Service spokesperson via email, who didn’t provide their name. “Each

piece of public feedback we receive is manually reviewed and evaluated. This effort reinforces our commitment to telling the full and accurate story of our nation's past.”

To Teal, the possible revisions feel like a personal

and professional rebuke.

“It feels like a lifetime of work is being destroyed,” she said, stretching her arms outward.

Researching untold stories

As a young, Black kid in the 1970s, Teal and her fam-

ily traveled to state and national parks in an RV.

She didn’t see herself reflected in the stories told then, but didn’t expect to, either. “It was never for us, anyway,” she said.

So she became the person who collects the stories. As a cultural anthropology and archaeology professor at Houston City College, Teal has focused her research on correcting narratives and spotlighting marginalized groups. Some of Teal’s recent research uncovered new escape routes that enslaved people traveled from Natchitoches along the Cane River into Texas.

Over her career, history became more inclusive. National and state parks became regular clients. Because of Teal and historians like her, the country was reflecting — and attracting — communities of color at its historic sites, sometimes called America’s biggest classroom.

“You were starting to see it in the park, in the images of Black and Brown people on the literature,” Teal said. “Oh man, we were getting somewhere.”

‘A hot potato’

From the start, telling the story of slavery along the Cane River meant talking about things people didn’t want to talk about.

➤ See **PARK**, page **9A**

COURT

Continued from page 1A

triple-book trials, judges take last-minute vacations, evidence can’t be found.

“It’s like the Wild West,” said Elizabeth Strauss, a former New Orleans prosecutor who now practices in Florida. “It’s really scary that something can be that dysfunctional and still function.”

All involved bear some responsibility, but judges have the most power to advance cases.

“We have too many courtrooms in this state where the culture is an expectation of a (delay),” said Louisiana Supreme Court Justice Will Crain, who is helping with an effort by the high court to review judicial caseloads, in which nearly all Louisiana judges participated. “You have to change the culture — and the judge does that.”

In New Orleans, cases often spiral out of control for reasons within the court’s grasp, records show. Courtwide case-processing rules don’t exist. Calendars lack coordination. Consequences play out daily: attorneys rushing between hearings or failing to appear at all, with scheduling gaps snowballing into months of lost time.

Some judges let homicide cases drift, unable or unwilling to hold the line. Deadlines slip; routine exchanges of evidence drag for months; trial dates hinge on a single witness’ schedule.

It’s common for some judges to arrive at court late — leaving families and police officers waiting extended periods — and exit before noon. In those shortened stretches on the bench, little meaningful work gets done, records show.

The result is a steady churn of continuances, or postponements, that the National Center for State Courts says is the biggest obstacle to timely, fair justice.

In a letter to The Times-Picayune, Judicial Administrator Robert Kazik said judges navigate “numerous complexities and considerations” behind the scenes, off the bench. He added that attorneys need time outside of court to prepare for hearings and trials.

Spotty recordkeeping makes it difficult to track court delays. In DeGruy’s case, for example, few delays have been captured as official continuances.

DeGruy was arrested in 2015 and stood trial in 2019. A nonunanimous 11-1 jury found him guilty of second-degree murder, but a year later, the conviction was overturned and his case was sent for retrial. He’s yet to face another jury.

Less than 20 continuance requests were logged in his case’s minute entries, the official running notes of each hearing. Yet court records suggest only about half of more than 100 scheduled proceedings took place as planned.

Court Watch NOLA, which tracks local courts, attended 3,014 hearings and trials last year, in cases of all kinds. Its volunteers saw proceedings continued 41% of the time, a tally the group says understates the true scale of delay because volunteers view a limited number of hearings. “I was surprised how little got done,” one wrote. “In my over three hours in court, the judge was only there for an hour of it.”

Chief Judge Tracey Flemings-Davillier, who presides over DeGruy’s case, did not respond to an interview request. Kazik wrote that the pandemic scuttled scheduled trials across the court, including in DeGruy’s case, and that attorney turnover and DeGruy’s recent request to represent himself also caused setbacks.

Kazik cited a dozen “valid” reasons judges may grant continuances to protect the constitutional rights of defendants, ranging from failed defendant transport to untested DNA.

Those delays, he wrote, stem from factors outside the court’s control. For example, the court “is at the mercy” of officials charged with transporting incarcerated defendants, he wrote, and cannot rush “the need for adequate time to review voluminous” discovery.

By contrast, Kazik wrote that postponements following repeated attempts by lawyers to avoid trial without sufficient cause “may not be considered valid.”

“Ultimately,” he continued, “cases must move forward when delays threaten constitutional protections.”

Courtwide policies include rules on case allotment, transfers and recusals, intended to “reduce unnecessary delays in docketing a defendant’s case,” Kazik wrote. But he offered no details about practices designed to improve efficiency once a case was before a judge.

“When the court has come under criticism, the path of least resistance is to look at all those different factors and blame,” said Crain. “They may be right.”

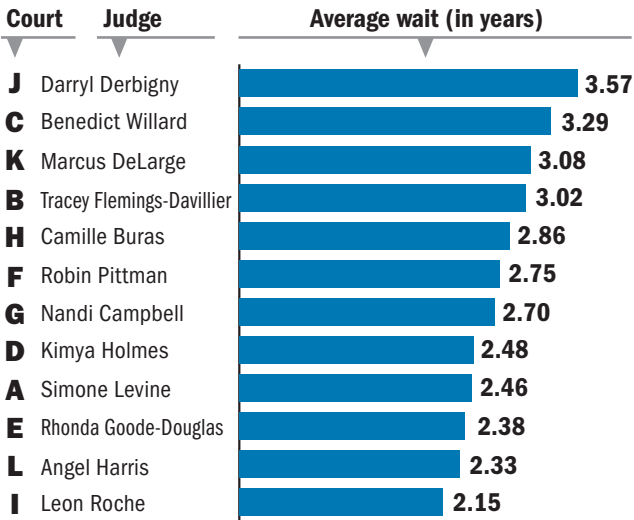
But, he added, it’s difficult to pinpoint the causes of delay without a full review — something Orleans Parish has resisted. If the court isn’t to blame for backlogs, Crain said, “it’s going to be revealed, isn’t it? So what’s the fear?”

Attorneys double-booked

On Aug. 18, inside the

JUSTICE BY JUDGE

The time it takes to close a homicide case in New Orleans’ criminal court varies widely by section. But even in the fastest section, only about half the cases were resolved in less than two years — double the amount of time authorities aim for such cases to take.



Note: These numbers represent averages in each section of court over a decade, from Jan. 1, 2015 to Dec. 31, 2024. Few judges have served an entire decade. Sources: Staff analysis; Orleans Parish District Attorney’s Office; Orleans Parish Sheriff’s Office

Staff graphic

court’s Section J, Judge Franz Zibilich leaned forward in his chair as yet another case sputtered to a halt on an outsized, aged docket that he’d been appointed to reduce.

He called a defendant’s name, but no one rose: The attorney was in another courtroom.

Another matter unraveled when attorneys on both sides said they weren’t prepared to proceed. “Don’t you lawyers talk to one another before you come into court?” he snapped. “I don’t get it.”

Then Zibilich called the case of Keith Kisack, a second-degree murder prosecution still active after 16 years. “Can we move on that?” Zibilich asked.

“We have to wait,” Michael Kennedy, Kisack’s latest defense attorney, replied. The assistant attorney general now prosecuting the case had not yet come to court.

When the prosecutor arrived nearly an hour and a half after Zibilich took the bench, he announced he hadn’t yet been authorized to offer a resolution.

Zibilich set a trial date for Sept. 8.

“This is a go,” he said.

In April, a Metropolitan Crime Commission report showed Judge Darryl Derbigny, who had presided over Section J for 23 years, carried a felony caseload twice that of any of his colleagues.

In response, the Louisiana Supreme Court asked Derbigny to turn over his docket and calendar, Crain said. Derbigny requested medical leave instead, then resigned July 30. Justices appointed Zibilich and another retired judge, Calvin Johnson, to take over his docket.

Such direct intervention by the high court is rare. Now, Crain said, the court

“is interested and willing to look into judges’ competence — their ability to manage the business of being a judge.”

Kisack’s prosecution is the oldest open homicide case in New Orleans’ court. But it didn’t begin in Derbigny’s section.

Instead, it pinballed through six of its 12 courtrooms, offering a rare map of dysfunction across the system.

Two and a half years passed before a trial date was set, then canceled. Six years into the case, attorneys announced they were haggling over a plea. They were still negotiating more than two years later, pushing trial dates along the way.

At least four times, attorneys didn’t show up. In one instance, they claimed they weren’t aware a hearing was scheduled. In another, a defense attorney who failed to appear didn’t answer phone calls from the judge.

Kennedy inherited the case two years ago. Even basic discovery took four months to reach him, records show. Two trial dates dissolved when prosecutors said they weren’t ready.

Kennedy filed a speedy trial motion last October. But Kisack was sentenced to life in prison in 2018 under the state’s habitual offender statute, leaving the motion without teeth, Kennedy said.

On Kisack’s most recent trial date, Aug. 11, law enforcement authorities didn’t bring him to court, one of several times records show he wasn’t brought from prison.

Kazik wrote that Kisack’s case is “characterized by its complexity, stemming from multiple cases and defendants involved,” and that the refusal of the District Attorney’s Office from the case and the appointment of the

Attorney General’s Office added “almost two years” to the case’s life span.

Kennedy said not every homicide case should resolve within the one-year national goal. “But I have seen where it gets egregious,” he said.

Even judges who are considered among the speediest in the court take nearly two years — almost double the benchmark — to close homicide cases, The Times-Picayune found. In Kisack’s case, Kennedy added, “we’re talking about a murder case so old it could drive.”

Working full days

Judges set their own standards for case processing, creating a system that can be gamed.

For homicide cases headed for trial, prosecutors have two years to bring defendants before a jury. But it also provides legal avenues for attorneys to press pause.

Attorneys may file last-minute motions or substitute counsel, both of which reset the clock. Some book two, three or even four trials for the same day, in different courtrooms. A defense attorney recently set four homicide trials to begin simultaneously, while records show at least three murder trials were reset this year because a prosecutor double-booked himself.

In one homicide case three years ago, prosecutors argued to Flemings-Davillier that defense attorneys had made a habit of manipulating the court’s lack of coordinating calendars.

They asked her to hold a lawyer in contempt for setting three trials to begin concurrently.

Flemings-Davillier declined, according to a court transcript, saying: “We all know ... multiple trials are set on the same day in every section of court.”

A shared jury calendar, which dictates which courtroom gets first claim to potential jurors, does little to prevent delays: In the past decade, hearings and trials in homicide cases were reset at least 246 times because a courtroom or attorney was already tied up with another trial.

Each of those resets slowed down cases by about a month, on average, The Times-Picayune found.

Calendars that mash multiple types of hearings onto the same day “build an expectation of continuances,” said Crain. The volume of cases and factors outside judges’ purview “necessitates” delays, he said. “But you have to create a culture where attorneys don’t expect one.”

Judges who don’t work full days compound the problem.

It’s nearly impossible to know how many hours judg-

es work. They don’t clock in or out. Security cameras in the courthouse parking garage, which might show arrivals and departures, have been broken for years, court staff said.

But in 2019, Court Watch NOLA reported that 57% of sessions they observed started late; judges only explained or apologized 12% of the time.

Kazik wrote that judges “spend numerous hours” working off the bench and outside of the courthouse, including “reviewing case files,” evaluating “procedural issues,” “analyzing case law,” and more.

“Operation of the court is much like managing a business, which requires that one focuses on the subject-matter of the work, as well as all of the ancillary and consequential matters that pertain to achieving the goals and objectives of the works — those are the aspects of the judicial role that not many see or understand,” he wrote.

Steps to curb delays

Across Louisiana, at least two other court systems have recently invited external review of their case-processing efficiency, including East Baton Rouge’s 19th Judicial District Court.

There, Chief Judge Donald Johnson said he saw a system where judges took a passive role in case progression.

“The more I read and learned, the more I realized that I, as a judge, and the court as a whole, could serve as the leader and the primary public safety agency in setting the pace for case progression,” Johnson said.

In New Orleans, some judges are taking steps to curb postponements.

For example, three years ago, Judge Kimya Holmes held a defense attorney in contempt after he left her courtroom for another trial, delaying a trial in a four-year-old murder case.

In July, seven judges held Sheriff Susan Hutson in contempt for allegedly failing to transport defendants to court. Hutson has appealed, and an agency spokesperson said deputies transport 464 defendants per week, on average, to the court.

But the court as a whole has refused to adopt even simple solutions, such as calendar synchronization, dual dockets and unified case-processing rules, which experts say can have substantial impact.

“There are different ways you can probe these dockets to make them work,” Crain said. “What you have to do first is be willing to say that what is currently being done doesn’t work.”

Staff writer Jeff Adelson contributed to this report.



STAFF PHOTO BY CHRIS GRANGER

Canal Street is reflected in the window of Adler's in downtown New Orleans on Wednesday. The Canal Street shop is iconic, but after 127 years, third-generation owner Coleman E. Adler II said he is ready to retire and is closing its jewelry stores.

Losing the jewel of Canal Street

Adler's, an icon of New Orleans, to shutter after 127 years

BY STEPHANIE RIEGEL
Staff writer

A New Orleans tradition, that exists only as an old memory, is the excitement of a day spent shopping on Canal Street when it was lined with department stores and ladies donned white gloves — even if only to meet friends under the clock at D.H. Holmes.

In the middle of that bustling strip was Adler's, a family-owned jewelry and gift shop, where generations of brides registered for china, crystal and sterling flatware and krewe captains commissioned pins for their courts.

While the gloves and hats on Canal Street long ago gave way to hotels, quick-serve restaurants and T-shirt shops, Adler's, once known as the Tiffany's of the South, has remained — until now.

After 127 years in continuous operation, Adler's is going out of business, according to its third-generation owner, Coleman E. Adler II, who is retiring.



Adler



PROVIDED PHOTO BY ADLER'S

A view of Adler's on Canal Street in the 1890s.

Adler, 82, said the decision to close the two stores, located on Canal Street and in Metairie, was his alone.

"I will be 83 in January, and I have been doing this a long time," said Adler, who took over the business in 1973 at age 29, after his father and uncle died within a month of each

other. "Many of my friends did this a long time ago. It is time."

His four children, who have worked beside him in various capacities at Adler's over the years, will not keep the business going.

"They have their own careers and

► See **ADLER'S**, page 22A

'People just can't afford to live'

As federal shutdown threatens SNAP, need for Louisiana residents on the rise

BY JENNA ROSS
Staff writer

MONROE — The friends arrived at the soup kitchen with toddlers in their arms and worry in their eyes.

Ashleigh Pearce and Sabrina Spearman had heard that because of the federal shutdown, their food assistance would be cut. ("Just gone.") Then they heard that Louisiana would restore a quarter of their allotment at a time. ("So I've gotta buy some eggs.") Then, they could lose benefits, long-term. ("People really need those funds.")

► See **SNAP**, page 8A



STAFF PHOTO BY DAVID GRUNFELD

People wait in line for a hot meal at Grace Place Ministries Soup Kitchen on Jackson Street in Monroe on Wednesday. The nonprofit has seen a surge in demand as SNAP benefit reductions and the ongoing federal shutdown make it harder for many families in northeast Louisiana to put food on the table.

Mental health backlog delays cases

Defendants in N.O. murder trials wait months for treatment, records show

BY JILLIAN KRAMER
Staff writer

Louisiana is failing to swiftly admit criminal defendants who need mental health treatment to the state's only hospital equipped to care for them, creating a backlog so severe it has stalled hundreds of cases across the state.

The dire backlog persists even after a class-action settlement required the hospital to accept patients within roughly two weeks.

On average, murder and manslaughter defendants statewide spent nearly seven months last year waiting for a bed at the Eastern Louisiana Mental Health System, an analysis of homicide cases by The Times-Picayune shows. New Orleans' defendants languished even longer: seven months and nine days.

The delays ripple through courts statewide, but the gridlock is felt acutely in New Orleans, where homicide prosecutions already move among the slowest in the nation. The crushing wait for admittance to the state mental hospital is just one force driving delays in a justice system so clogged that cases can take years to resolve, eroding public trust and upending the lives caught in its churn.

At the end of last year, 30 defendants from New Orleans were awaiting transfer to the hospital. By

► See **DELAYS**, page 4A

LONGING FOR JUSTICE
Part three in a series

Insiders reveal how Rouse became LSU's president

Landry played role in selection, as at other state universities

BY TYLER BRIDGES
Staff writer

Four days before the LSU Board of Supervisors would select a new university president, McNeese State President Wade Rouse and University of Alabama Provost James Dalton met at the LSU president's house.

Publicly, both were still candidates for the LSU job. Behind the scenes, however, Rouse had already secured it.

Gov. Jeff Landry had spread the word quietly weeks earlier that Rouse's business-oriented approach for LSU aligned with the governor's vision. Lee Mallett, the board's vice chair and a close Landry ally, had been working assiduously to arrange for Rouse to show off his can-do personality in meetings with other board members and key political and business leaders.

But Rouse had publicly faced complaints from some faculty and students who said he wasn't qual-

► See **ROUSSE**, page 10A



Rouse



Landry



DELAYS

Continued from page 1A

mid-October, 33 remained caught in the backlog, confined in a jail that a federal judge has ruled unequipped to handle defendants’ serious mental-health needs.

Jon Wool, the longtime former director of Vera Louisiana, a nonprofit researcher that advocates for criminal justice reform, called the hospital’s wait times “extraordinary.” That people in need of treatment “spend so much of that time not actually being restored to competency but being held in the local jail — where there’s no capacity to help them — is an extraordinary failure,” he said.

In the meantime, cases freeze. Under Louisiana law, once a defendant’s mental health is questioned, no other steps can be taken in the case until the competency process is resolved.

The delays exact a toll on everyone, attorneys say: Victims’ families lose the chance for closure, defendants lose the right to a timely process and cases weaken as memories fade and evidence is lost.

Admission times have improved in recent months: Data from the state Health Department shows defendants have waited about four months to be admitted to the facility this year, after the state struck deals with four private hospitals to take in more than 200 of its patients.

But the state is still out of compliance with the lawsuit’s settlement agreement, records show, in which the hospital agreed to admit defendants within 15 days of receiving a judge’s order.

Barksdale Hortenstine Jr., the director of Orleans Public Defenders’ mental health unit, called ELMHS’ recent wait-time reductions a “huge improvement,” but “still far” from what’s needed.

“Wait times cause all sorts of problems,” Hortenstine said, “but chief among them is the prolonged suffering of

people, presumed innocent, while they languish in jail.”

In one extreme case, second-degree murder defendant Tyrone Fountain has spent nearly seven years awaiting trial as he has repeatedly landed — and stayed stuck — on the hospital’s waitlist.

And some lawyers now debate whether the process itself has become a tool of delay — a system so backlogged that questions of competency, once raised to protect defendants’ rights, can also be used to stall cases.

Pandemic delays

New Orleans police arrested Fountain on Dec. 31, 2018, alleging he beat a local talent agent to death during a daytime purse snatching on a 7th Ward sidewalk.

His arrest came four years after criminal defendants across the state in 2014 brought a class-action lawsuit against the Louisiana Department of Health, which runs the hospital, and top state health officials. The lawsuit alleged prolonged, unconstitutional waits for detainees ordered for treatment.

The 573-bed hospital in Jackson serves all 64 parishes and treats criminal defendants found mentally ill and unfit to stand trial. But its waitlist has swelled because there simply aren’t enough beds to accommodate the number of people across Louisiana who need treatment.

In the aftermath of a 2016 settlement in the lawsuit, the state showed progress, reducing delays somewhat yet rarely meeting the 15-day deadline it had agreed to.

For example, the first time a judge ruled that Fountain was incompetent to stand trial, in 2019, he waited 16 days for admission to the hospital.

But then, the pandemic eroded the state’s gains.

The Eastern Louisiana Mental Health System suspended admissions for four months amid pandemic shutdown orders. At the time, only 16 defendants



The Eastern Louisiana Mental Health System in Jackson dates back to 1848, when it opened as the first state-operated mental health hospital. The vast majority of patients have been referred there through the criminal justice system.

STAFF PHOTO
BY BRETT DUKE

from across the state were on its waitlist. But that number surged as admissions remained frozen and the backlog built.

By the second time a judge sent Fountain there during the throes of the pandemic, it took 10 months for him to be transferred. Last September, Fountain was ordered to the hospital a third time; it wasn’t until the following spring that he was admitted there, according to records.

Other New Orleans homicide case logs reflect a similar crawl.

A judge ordered Loretta Norman to the hospital in November 2023, but five months later, she was still awaiting transfer and sat sixth on the waitlist. In a separate case, a judge also ordered Ariel Shelling to the facility in November 2023; more than a year later, court records show she was still waiting and moved into first place on the waitlist.

Emma Herrock, the Health Department’s communications director, said in an email that its yearlong contracts with the four private facilities have helped the state hospital make gains. But the deals expire in 2026. And several of the 220 patients transferred to the private facilities have also returned to ELMHS because of “aggressive (and) unmanageable behaviors,” Herrock wrote.

Herrock also said an “increase in orders for admis-

sion by the criminal courts” has meant the department’s strides haven’t been as strong as anticipated.

When asked what plans the hospital has to increase the number of patients it can serve, Herrock responded: “None.”

Mental health services

Long wait times for treatment can also worsen a defendant’s mental health struggles, especially when they are confined in the Orleans Justice Center, New Orleans’ jail.

In 2013, a federal judge ordered the jail under a consent decree, citing widespread problems with mental health care along with violence, escapes and other problems.

Mental illness can drive some people to violence, and research shows that people with serious mental illness are arrested and jailed at disproportionately high rates. In a mental-health roundtable last spring, Aashia Bade, director of behavioral health for Wexford, the sole provider of health care services to New Orleans’ jail, said that trend is particularly acute in New Orleans.

Last year, 47% of the jail’s population received mental health services and 52% were on psychotropic medication, according to Wexford.

Even so, Wexford’s contract does not include restoration services for in-

competency, a complicated process that requires consistent, hands-on psychiatric care and close medication management — far beyond what many local jails are equipped to provide.

Restoration services instead fall solely onto the state hospital’s forensic psychiatrists, whether at its facility or virtually, via a jail-based program conducted on the jail’s often inadequate video screens.

Court-appointed psychiatrists have made clear that attempting to restore defendants detained in jail has limitations. In one homicide defendant’s case, an ELMHS nurse wrote in a letter to a New Orleans judge that she was “unable to control volume, background distractions or quality of video screens” or use visual aids, all of which she deemed essential to proper restoration care.

Even defendants who are restored to competency at the state hospital can relapse once they return to jail, finding themselves in need of treatment again and again, like Fountain. In the hospital, Hortenstine said, defendants receive steady medication, expert monitoring and calmer surroundings. Back in jail, the noise, instability and inconsistent medical oversight can cause them to deteriorate.

“This is a well-known phenomenon common across the country. It’s not unique

here,” he said. “But when we are already struggling with admissions, it can further stress the (hospital) system and lead to increased wait times.”

Time, he added, is crucial. Defendants who struggle with mental health issues, such as hearing voices, may rack up additional charges, further clogging the slow, crowded court system, Hortenstine said.

“If you’re constantly hearing voices in your head that drown out the people speaking around you, it’s easy to see how you might struggle to follow instructions (you’re) given,” he said.

As part of the jail’s consent decree, a federal judge ordered the addition of a mental health unit, called Phase 3, scheduled to open next year. The project has been controversial, though, drawing criticism from newly unseated Orleans Parish Sheriff Susan Hutson, as well as the attorneys who represent incarcerated people in the consent-decree litigation.

The critics argue that the planned new building would still fall short of delivering meaningful, clinical restoration and care.

Calvin Johnson, a former judge in New Orleans’ criminal court who launched the first mental-health diversion program in the state, said Phase 3 is unlikely to have a significant impact on the people who need competency restoration.

“Unless it can do everything that is done at the state forensic facility,” he said, “then it won’t be enough.”

Delay tactic concerns

Cases are all but guaranteed to slow down when a mental competency evaluation is ordered, and attorneys argue that some intentionally use those delays to game the system.

“The moment an attorney stands before a court and says, ‘I believe my client may not be able to understand the proceedings

► See **DELAYS**, page 5A

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Notice of Availability

Record of Decision for the Atlantic Fleet Training and Testing Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement

The U.S. Navy, Marine Corps, and Coast Guard, after carefully weighing the environmental consequences of the Proposed Action, announce the release of the Record of Decision to conduct training and testing activities in the Western Atlantic Ocean along the eastern coast of North America, the Gulf of America, and portions of the Caribbean Sea as described in Alternative 1 of the Atlantic Fleet Training and Testing Final Supplemental Environmental Impact Statement/Overseas Impact Statement.

Alternative 1 is the preferred alternative, and is representative of an annual level of training and testing activities that accounts for the natural fluctuations of training cycles, deployment schedules, use of synthetic training opportunities, and testing programs. The Record of Decision and Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement are available online at www.nepa.navy.mil/aftteis



DELAYS

Continued from page 4A

against them,’ we cannot take any further steps in prosecution,” said Matthew Derbes, Orleans Parish District Attorney’s Office homicide unit chief. “If they’re found incompetent, you can just tack on another nine months to a year to the case right then and there.”

At least 24% of all homicide prosecutions over the last decade included a mental-competency hearing. Cases in which competency is challenged drag on about 17% longer than cases when it is not, regardless of whether the defendant is ultimately sent to the state hospital, The Times-Picayune’s analysis found.

It can take months for the court’s appointed psychiatrists to evaluate a defendant. Even after an evaluation, it can take weeks — or months — for the panel to submit reports and testify, a reflection of the chronic dysfunction inside the court, where even basic steps are often delayed by crowded dockets and scheduling backlogs. Then a judge must rule on a defendant’s competency and sign a formal order to send a defendant to ELMHS, which places him or her on the hospital’s waitlist.

The delays are so extreme that some prosecutors accuse defendants and their attorneys of exploiting the system for advantage, because case delays typically benefit the defense.

“You have to look at the nuances in terms of how this plays out in strategy,” said Orleans Parish District Attorney Jason Williams, who previously worked as a defense attorney. “Often-times, defense attorneys will re-urge competency. Obviously, competency needs to be dealt with. But you have to be very, very careful — very circumspect — if something gets raised at the eve of trial every trial setting, and the case gets continued again and again.”

Defense attorneys counter that it’s rare for defendants to fake or exaggerate symptoms of mental illness, known as malingering, and few formal diagnoses support the claim of widespread gaming of the system.

“I find that claim absurd,” said Hortenstine. “It is categorically untrue and offensive. Defense attorneys want their clients to be healthy and capable of assisting in their defense.”

Still, court records show isolated instances where psychiatrists have agreed that a defendant was magnifying or fabricating symptoms to avoid trial.

After police arrested Anfernee Steele on Oct. 27, 2020, accusing him of killing his girlfriend’s 4-year-old daughter, his defense attorney questioned his competency at least three times.

Psychiatrists repeatedly expressed concern that Steele was malingering.

In one instance, court-appointed psychiatrists took two months to evaluate him, citing a “heavy caseload of clients” that slowed them down, records show. Steele received three months of jail-based restoration, then waited eight months for a subsequent two-month stint at the state hospital.

Doctors later said they suspected he had been feigning his symptoms.

In another case, Jared Raymond was charged with

second-degree murder in an April 17, 2023, killing in the Florida neighborhood. A judge ordered him to the state hospital on Oct. 24, 2024.

It took nearly five months to admit him.

After his release, court-appointed psychiatrists evaluated Raymond. They wrote in a report to the judge that Raymond’s many alleged symptoms — which ranged from delusions to visual hallucinations — were “atypical” and unlikely to be experienced simultaneously, as he claimed.

“We believe that not only is he feigning, but he is doing so poorly,” they concluded in the report.

Derbes said prosecutors spent more than a year “unable to do anything” on Raymond’s case while his competency was evaluated.

Still, amid the accusations of delay and manipulation, defense attorneys say the deeper truth is simpler: The criminal justice system isn’t built to help the people who need mental health care most.

“The absolute worst place for my clients living with serious mental illness or cognitive impairments is jail,” said Hortenstine. “It is destabilizing. It is dangerous.”

Staff writer Jeff Adelson contributed to this report.

Email Jillian Kramer at jillian.kramer@theadvocate.com.

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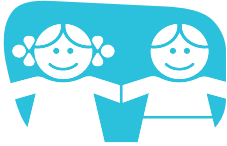
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The Rev. Tony Rigoli stands in Our Lady of Guadalupe Church on Rampart Street in New Orleans on Friday. As the city braces for an immigration crackdown, Rigoli says, 'After Katrina, it was immigrants who came to help. They built lives. They were honest.'

New Orleans braces for Border Patrol sweeps

Fear, anxiety
grip immigrant
communities

BY JAMES FINN
Staff writer

Along Williams Boulevard in Kenner, signs in Spanish beckon passersby into law firms specializing in immigration, restaurants hawking carnitas and groceries selling traditional Central American ingredients.

Julio Machado, a Venezuelan-born local restaurateur, opened a new eatery last December on the Jefferson Parish thoroughfare because he saw promise in a strip that has emerged as a commercial hub for southeast Louisiana's blossoming Hispanic community. Jefferson has the most Hispanic residents per capita of any Louisiana Parish; Kenner, the most of any Louisiana city.

Right away, a cascade of problems enveloped the new venture.

Workers were hard to find; business was anemic. The shop was almost always empty, save for a few customers during the lunch rush.

Lukewarm job applicants and occasional customers relayed versions of the same explanation: Workers were avoiding establishments that



Brent Moreno holds a handful of the whistles that he 3D-printed to use to alert people of potential immigration raids in Gretna on Saturday. Since Friday, he has already given out over a hundred. 'As a first generation American and son of an immigrant Colombian family, I am just doing my part to help any way I can,' Moreno said.

traditionally relied on Latin American labor, terrified of the crackdown from President Donald Trump's administration on undocumented immigrants. Would-be customers were saving cash, bracing for potential costs of hiring immigration lawyers or reuniting with deported loved ones.

After 10 months, Coma Arepas

— Spanish for "eat arepas," a traditional corn-based Venezuelan street snack — was seeing "pretty much no business at all," Machado said. The little blue-and-yellow shop closed in October.

Fear and anxiety have gripped southeast Louisiana's immigrant

➤ See **SWEEPS**, page 8A

DNA backlog delaying New Orleans murder cases

But the fix — a local crime lab — is years away

BY JILLIAN KRAMER
Staff writer

A lasting fix remains years away for what District Attorney Jason Williams calls the single biggest factor slowing homicide prosecutions in New Orleans: the wait for DNA test results.

Local testing isn't expected to begin until at least 2027 — though it could take even longer without additional funding and staff.

In the meantime, the city will continue to depend on state and private labs, a temporary arrangement that has resolved one crisis only to create another.

That reliance dates back two decades, since Hurricane Katrina left New Orleans without a functioning testing facility and the city began sending DNA evidence to the Louisiana State Police Crime Lab.

The outsourcing churned into a backlog so deep that the average turnaround for a DNA test climbed to 441 days earlier this year, a slowdown that has stalled at least 18 homicide cases this year alone.

➤ See **DNA**, page 12A

Judges lining up for open Louisiana Supreme Court seat

Will Crain nominated to federal court

BY TYLER BRIDGES
Staff writer

The race to replace Justice Will Crain on the Louisiana Supreme Court has begun even before Crain has left the position to become a federal judge.

Crain's nomination by President Donald Trump was approved by the Senate Judiciary Committee on Thursday on a party-line vote, setting him up for final confirmation by the full Senate sometime soon.

In the meantime, five judges in Crain's Supreme Court district along Interstate 12 are expressing varying degrees of interest in running for his seat after it becomes vacant.

➤ See **JUDGES**, page 9A

Music museum weighs move to 'hallowed ground'

Project considers
Rampart spot

BY ANTHONY MCAULEY
Staff writer

Backers of the Louisiana Music and Heritage Experience — long billed as a cultural anchor of the new River District next to the Ernest N. Morial Convention Center — have begun talks to secure al-

ternative locations as uncertainty deepens over the River District's future.

That uncertainty stems from the collapse last month of a rescue deal for the \$1 billion River District development. The new plan to keep the project on track had been negotiated after the developer consortium, River District Neighborhood Investors, or RDNI, missed

➤ See **MUSEUM**, page 6A



PROVIDED RENDERING

With negotiations of a River District site, above, now in limbo, Louisiana music museum organizers have reopened conversations on other sites while simultaneously working with the Convention Center on a potential direct lease.



DNA

Continued from page 1A

“There is a human limit to what we can do to shrink our (case processing) times, because cases will not move forward without those DNA results,” Williams said.

The consequences of the delays are not abstract. In March, for example, prosecutors dismissed a second-degree murder case against Raymond Johnson and Jyron Johnson after DNA testing excluded both men as suspects.

The results took 13 months to arrive after samples were sent to the state lab. During that time, the men remained in jail while nearly two dozen court hearings came and went, consuming the time of attorneys, judges and court staff, at the expense of the city’s taxpayers. The people responsible for the killing remain unidentified.

To attack the problem, State Police have turned to private labs, but even as the backlog has abated this year, problems continue.

The city and the state paid for contracts with two private labs to help make a dent in the DNA backlog, which had fallen sharply as of October, but their work is expensive.

The out-of-state DNA analysts charge the Orleans Parish District Attorney’s Office thousands of dollars to testify about their results in court — costs Williams says his office cannot sustain for long.

Prosecutors say it’s also been difficult to schedule those analysts to testify, a complication that has postponed multiple hearings and trial dates in a court system already struggling to move cases forward amid chronic dysfunction and unchecked continuances.

“DNA (test results are) a critical stall point in homicide cases,” said Williams. “We’ve seen how DNA can exonerate one person and inculpate another person. Judges are not willing to move forward with cases — and frankly, I’m not willing to move forward with cases — without having those results. No defense attorney worth his salt would move forward without them either.”

Help from private labs at risk

The Louisiana State Police Crime Lab processes evidence for 250 law enforcement agencies across the state. Yet testing for the New Orleans Police Department ac-



Forensic scientist Caitlin Traylor puts drops on cotton swabs while screening evidence while conducting DNA testing in the Louisiana State Police Crime Lab in Baton Rouge on April 13, 2017.

STAFF FILE
PHOTO BY
BILL FEIG



STAFF FILE PHOTO BY CHRIS GRANGER
Orleans Parish District Attorney Jason Williams says a DNA backlog is one of the biggest factors slowing down the resolution of murder cases in Orleans Criminal District Court. The city is trying to open its own crime lab.

counts for roughly a third of its workload, a disproportionate share that has driven the delays that have hobbled the lab and stunted homicide prosecutions for years, said Capt. Chad Guidry, the crime lab’s director.

That strain comes despite restrictions placed on the city. Unlike every other agency the lab serves, New Orleans is allowed to submit only DNA from homicide and sexual assault cases.

In 2023, the city and State Police signed an agreement committing \$3 million to address New Or-

leans’ DNA testing delays. State Rep. Mandie Landry, D-New Orleans, later secured an additional \$1.3 million in state funds for the effort, allowing the crime lab to outsource hundreds of samples to two private laboratories.

It took time, Guidry said, but the backlog shrank. In February, the State Police lab had 2,453 untested DNA cases, and the average turnaround time for analysis was 441 days. By this October, that figure had been cut by more than half, with results now ready in about four months.

But the progress is fragile, Guidry cautioned. The remaining funding will cover testing for only about 600 more cases — roughly the number of cases still pending at the private labs. Without a fully operational New Orleans Police Department Crime Lab to absorb future work, or new funding to continue outsourcing, the buildup of untested evidence could resume, Guidry said.

The state lab has also lost two analysts to the city’s yet-to-open facility, which has been able to offer higher pay. “If I lose more analysts (or) more funding,” he said, “we’ll be in bad shape.”

This fall, Shamika Kelley, director of the New Orleans Police Department Crime Lab, told the New Orleans City Council that the lab’s projected 2027 opening could be

delayed another year if the city does not approve two DNA analyst positions. “That was very tough for us to hear,” Guidry said.

Local lab would target speed

The pressure is evident in New Orleans’ criminal court, too.

Last year, the District Attorney’s Office had budgeted \$55,000 for expert witnesses and \$17,425 for DNA analysis. One bill from a private laboratory for testimony in a single case was \$14,000.

For the case of Johnny Wooden, whose second-degree murder trial is set for Dec. 1, prosecutors will need to pay a more than \$5,000 bill from the lab that tested the DNA. In another case, against Alaric Smith and Brandon Hamilton — accused in the killing of Sabastian Henry — the analyst who processed the DNA left the company, delaying the case for months as the District Attorney’s Office tried to locate her.

And regardless of funding, logistical hurdles and other roadblocks mean the results can still take time. In the second-degree murder case of Wendell Butler, prosecutors told a judge last October that DNA testing was still outstanding. They didn’t receive the results until late April, court records show.

When New Orleans’ crime lab eventually opens, Kelley, its director, said it should be able to handle

roughly 650 DNA cases a year. But more important than the number, she said, is its projected speed.

“It’s not going to be a year or two years before you get your DNA results,” she said. “And (prosecutors) will have access to us. They won’t have to have someone drive in or fly in to testify for an extra fee. Those things are going to be hugely impactful.”

Louisiana Supreme Court Justice Will Crain, whom President Donald Trump recently nominated to the federal bench, has suggested prosecutors consider moving cases forward without DNA results to improve efficiency. “How long did we go in this country running a justice system that was the envy of most places on the globe without DNA, and we reached just outcomes?” he said in an interview. “We can still do that.”

But attorneys on both sides say that’s not realistic.

Prosecutors fear being forced to acknowledge the existence of DNA evidence without calling an expert to interpret it. “Any good defense attorney will say: ‘This information was collected. Why is it not being presented?’” Williams said. “Saying we couldn’t afford it — that it wasn’t in our budget — is not going to fly with 12 people deciding whether a person spends the rest of his life in jail.”

For Williams, the implications go beyond any single trial. “If a defendant sees in writing that his DNA is at a scene where he says he wasn’t, that case might resolve with a guilty plea much earlier,” he said.

DNA can also clear the innocent. In the case of Don Palmer, who was arrested in 2021 and accused of second-degree murder, DNA testing later showed the evidence did not match him. It took more than a year for those results — and for prosecutors to drop the case.

That dual power makes the city’s testing delays especially consequential, said Will Snowden, a defense attorney and Loyola University College of Law professor. “You’re either confirming who the DNA belongs to,” he said, “or confirming that it doesn’t belong to the person accused. It works both ways — for the defense, and for the person who says they were a victim. It’s absolutely crucial.”

Staff writer Jeff Adelson contributed to this report.

Email Jillian Kramer at jillian.kramer@theadvocate.com.





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Judge Lionel R. Collins Elementary School assistant principal Jennifer Dykes looks over students working in a fourth grade math class at the school in Marrero on Wednesday.

STAFF PHOTOS BY BRETT DUKE

Slow-moving courts trap defendants in limbo

Chronic delays can mean yearslong wait for those seeking a trial

BY JILLIAN KRAMER
Staff writer

Chronic delays resolving murder cases inside New Orleans’ dysfunctional court have left hundreds of defendants trapped for years, caught in an excruciating limbo between guilt and innocence that some never escape.

Court records show the extremes and their devastating consequences.

A man who spent seven years behind bars, only to be acquitted in minutes.

A woman who has appeared in court more than 100 times, without ever facing a jury.

A man who has never held his 9-year-old daughter, born after his arrest, as his case remains unresolved.

In some instances, records show, defendants have died before their cases close in Orleans Parish Criminal District Court.

Christopher Patterson was one of them. He succumbed to cancer on May 16, 2023, more than five years and 80 court hearings after he was charged in a fatal shootout in Gentilly. He was 52.

Shortly after his 2018 arrest, family members sent handwritten letters to the court, asking a commissioner to reduce his bail so that he could come home.

LONGING FOR JUSTICE
Last in a series

► See the complete series.
GOTO NOLA.COM



► See LIMBO, page 12A



STAFF FILE PHOTO BY SOPHIA GERMER

An inmate looks out from a recreational area of a cellblock at the Orleans Parish Justice Center in New Orleans.

A chance to shine

State’s new grading system rewards schools for student growth

BY PATRICK WALL
Staff writer

Principal Jenenne Coulon was observing a teacher’s lesson last month when text messages came pouring in. School grades had been released.

For Louisiana educators, the annual school ratings can inspire delight or dread — a year’s worth of grueling work condensed to a single A-F grade, which the public often sees as shorthand for whether a given school is “good” or “bad.” This year was especially nerve-racking as the state issued, in addition to schools’ official grades, simulated scores based on a tougher rating system that takes effect next year.



Judge Lionel R. Collins Elementary Principal Jenenne Coulon walks with second grader Indie Girard at the school in Marrero on Wednesday.

Coulon ran back to her office at Judge Lionel R. Collins Elementary School and pulled up the grades. The Marrero school,

where about 90% of students are economically disadvantaged, had seen its rating fall to a D last year after taking in about

100 students from two shuttered campuses. But this year, things drastically improved: Not only did Collins land on the state’s list of top-growing schools, boosting its official rating to a C, but its simulated grade was a B — the highest in Coulon’s decade leading the school.

She shrieked and cried, then collected herself before making a schoolwide announcement. Finally, the grade reflected the school she knows, where educators strive with each lesson, tutoring session and pep talk to push students steadily forward.

“I felt vindicated,” Coulon said. “We work so hard

► See SCHOOLS, page 10A

Tiny earbones in fish unlock their secret lives

Scientists seek anglers’ contribution to study population

BY MIKE SMITH
Staff writer

It’s a moment that can spark dread among even the most scrupulously law-

abiding Louisiana fishermen.

As you return to the dock after a fine day on the water, solemnly serious men or women in state Department of Wildlife and Fisheries T-shirts approach. The initial, slightly paranoid thought for many anglers: Yikes, did I mismeasure a speckled trout and accidentally keep one slightly under the 13-inch limit?

But no reason to worry in this case. The Wildlife and Fisheries gang isn’t

looking to confiscate your catch.

They only want your fish’s earbones.

It’s not some ritual described in a Dr. John song. The earbones, or otoliths, collected through a quick slice to the head, have revealed a wealth of information on the secret lives of fish to marine biologists, especially age. That info is then used to help determine the health of fish

► See EARBONES, page 9A

WEATHER
HIGH 69
LOW 52
PAGE 8B



Business1E Deaths3B Nation-World2A
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LIMBO

Continued from page 1A

“My family counts on him for everything,” his mother wrote of Patterson. “I just ask that everyone in charge do the best they can to prevent another innocent man from going to prison.” But Patterson’s \$400,000 bail remained.

He was instead released from jail more than a year after his family’s pleas, when his defense attorney filed a speedy trial motion and prosecutors failed to bring him to trial within 120 days. In the filing, Patterson’s attorney wrote that he had been “unfairly” jailed for a crime in which “proof against him is not evident.” After he died, court records show the case against him was dropped.

At least seven other people shared Patterson’s fatal fate, according to an analysis by The Times-Picayune of the 916 homicide cases accepted by prosecutors over the last decade.

During that time, defendants charged with murder or manslaughter in New Orleans waited longer than almost anywhere else in the country for their cases to close — about three years, on average, the analysis found.

Few homicide defendants ultimately walk free. New Orleans juries acquitted just 41 of 658 defendants in closed cases over the last decade, records show.

The U.S. Constitution gives the right to speed to every defendant, however, and criminal justice advocates say long delays reverberate far beyond keeping the potentially innocent jailed.

“Everyone is adversely impacted by the system’s failure to move its feet,” said retired Orleans Parish Criminal District Court Judge Calvin Johnson.

Victims’ families face painful waits for closure and accountability. The public bears the cost of long pretrial incarcerations. “That’s a price everyone in our town is paying,” Johnson said.

From behind bars, defendants lose the chance to support their families, who shoulder the financial and emotional strain of repeated court dates — missing work, arranging child care or bringing children along, “all because the court can’t operate in an effective way,” Johnson said.

The longer defendants are de-



STAFF FILE PHOTO BY SOPHIA GERMER

Chronic delays bringing murder cases to trial in New Orleans have left hundreds of defendants trapped for years, caught in an excruciating limbo between guilt and innocence that some never escape.

tained, the more their mental and physical health can deteriorate. If acquitted, they can emerge years later only to find jobs, relationships and futures gone.

Defense attorney John Fuller, whose firm represents a significant share of New Orleans’ homicide defendants, said the constant delays have made him doubt what justice means in the city’s court.

“I don’t know if there’s justice here,” he said in an interview. “I just try to do what I can to minimize injustices.”

‘The wheels start to come off’

Hundreds of homicide prosecutions have stalled in New Orleans, snagged in a system court authorities call broken, plagued by overloaded dockets, staff turnover and administrative failures.

The result is a growing backlog in the courthouse: More than 250 homicide cases were active at the end of last year. The under-resourced Orleans Public Defenders, whose attorneys represent approximately 85% of New Orleans’ criminal cases, have long struggled to keep pace.

Last year, the agency’s senior

lawyers carried an average of 11 life-without-parole cases — nearly 60% more than the recommended caseload by national authorities on public defenders. With that many cases, “the wheels start to come off,” said Chief Public Defender Danny Engelberg.

Public defenders and private attorneys alike say delays often start early. Prosecutors can take months to turn over evidence, a process called discovery that typically drags across four separate hearings, the newspaper found.

Jesse Manley, interim executive director of Court Watch NOLA, which monitors and collects data on New Orleans’ courts, said attorney turnover often drives discovery delays. Prosecutors said the crush of digital files slows the process further.

Forrest Ladd, a homicide prosecutor, said it can take more than 100 hours to sift through thousands of photos, messages and other digital files he scours for evidence.

Authorities charged with bringing defendants to court, including the Orleans Parish Sheriff’s Office and Louisiana Department of Public Safety and Corrections, often

leave them in their cells. Over the last decade, The Times-Picayune found 6,352 instances where records indicate a defendant did not appear for a hearing.

Defense attorneys sometimes have to postpone proceedings because they can’t get time with their clients.

And with only four private booths in the jail — and every phone call recorded and available to prosecutors — defense attorneys say confidential conversations with incarcerated clients are almost impossible.

Once a defense attorney is prepared to go to trial, it’s not up to them if it happens. State law allows only prosecutors, not judges, to decide when a case goes to trial, and how a defendant is charged.

When a case does make it to trial, the cost of those years of delay can be stark.

Last February, prosecutors tried a man seven years after his arrest. As juror Rhea Lemarie Gonczi listened to the testimony, she said she couldn’t stop thinking about the time he had lost.

“His life had been put on hold,” she said. “I looked at him and his

family and thought, ‘Oh my God, how did they live through this? What if that was my child? How do you live with the unknown — the worry — for so long?’”

When prosecutors finished their case, 11 of 12 jurors immediately voted to acquit, Gonczi said, finding the evidence paper-thin. The lone holdout soon agreed.

“Something is very wrong with our system,” Gonczi said, “when someone can sit in jail for seven years and nothing happens.”

In interviews and letters to The Times-Picayune, defendants described frustration over the grinding pace of their cases.

Among them: Laura Collins, who has been in the city’s jail for more than five years after being charged with second-degree murder and manslaughter in two cases. More than 100 hearings have been scheduled or held across both of her cases, with what feels like little meaningful progress, she said.

She has fired at least two attorneys in frustration.

“It feels like an age-old scam that everyone is in on,” she said of the delays. “These highly educated people don’t know how to use a calendar.”

While incarcerated, Collins has filed hundreds of grievances with jail staff, from complaints of black mold in the showers to insect infestations. “My lawyer is downstairs attempting to see me,” she wrote in one. “I’m being told to wait. Last time I was told that, my lawyer waited an hour and finally left. I need to speak with my lawyer!!!”

Long jail stays take a toll

New Orleans’ jail, the Orleans Justice Center, has been plagued by violence and neglect since it opened in 2015 under a federal consent decree.

In reports, jail monitors have flagged myriad issues: guard shortages, with those on duty often leaving posts unstaffed; unchecked assaults that have sent dozens of defendants to the hospital; and flimsy construction that allows detainees to fashion weapons from the building itself.

The monitors also noted the black mold and insect issues that Collins filed grievances about.

The toll of such conditions is borne heavily by detainees, said Orleans Parish Sheriff Susan Hutson. “This is not a therapeutic environment,” she said. “It’s a jail, and

➤ See **LIMBO**, page **13A**



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LIMBO

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it’s meant to deprive you of your freedom and your liberties, and that takes a toll on people.” Hutson lost her reelection bid in October after a historic jailbreak this spring when 10 incarcerated men escaped.

While imprisoned, detainees are allowed just three visitors, who can come to the jail one day a week for video calls that are limited to 15 minutes, on screens that are often cracked, grainy or malfunctioning. Some family members must take time off work, find child care or ride the bus across the city for the chance to see their loved one for only a few minutes.

No face-to-face visits are permitted.

Terrell Monroe has been jailed for nine and a half years as his second-degree murder case stalls in court. He is still awaiting trial. Last year, when he added a reporter to his visitation list, he didn’t need to remove anyone; he had long ago stopped telling family and friends to come.

“I was tired of putting them through the hassle to see me for 15 minutes on the screen,” he said.

Monroe has six children, he said. He’s never held his youngest daughter, who was born after his arrest.

Conditions are so harsh that some defendants plead guilty just to leave the jail. Even a prison sentence in the state system offers more: in-person visits where they can embrace their families.

New Orleans police arrested Candice Lewis in 2019 after the killing of a 23-year-old woman in New Orleans East. Judge Benedict Willard found her incompetent to stand trial and ordered her to the state mental hospital for treatment. It took four months for her to be admitted, a backlog of defen-

dants waiting for treatment slowing down the process.

After six months at the hospital, psychiatrists declared her competent to stand trial. But Lewis said in an interview that when she returned to the jail, doctors there changed her medications and the imaginary voices she’d once quieted had returned.

In court, her case stalled. Sheriff’s deputies failed to bring her to hearings at least 10 times, records show, and lawyers kept asking for postponements.

As time passed, Lewis said her family, including her four children, stopped visiting. Jail logs show that she spent months in protective custody, locked in a cell 23 hours a day.

A spokesperson for the Sheriff’s Office did not respond to questions about Lewis’ incarceration.

Nearly five years after her arrest, Lewis changed her plea to not guilty by reason of insanity and begged a judge for her case to end.

“I can’t take it no more,” she sobbed.

“I can’t talk to my family, my kids, nothing,” she continued. “Five years of this bullshit. If you’re going to give me time, give me time. Please, mister, do something.”

Prosecutors later accepted her plea, and the victim’s mother lamented from the witness stand, “I feel like everybody has failed my child.”

Willard then ordered an evaluation to determine whether Lewis should be committed to a mental hospital or, if she was no longer a danger, released.

As the victim’s family left the courtroom, someone shouted: “That it? That it? That’s crazy.”

Last July, forensic psychiatrists determined Lewis was dangerous. She was ordered to the state’s mental health hospital, where records show she currently remains.

Delays help the defense

New Orleans defense attorneys often embrace delay despite its downsides. Speedy-trial motions were filed in only 18% of the 916 cases analyzed by The Times-Picayune.

In practice, delay can be the most powerful weapon a defense lawyer has — even in cases where their client insists on innocence. “Criminal trials are not always about the truth,” said defense attorney Sarah Chervinsky. “They’re about what you can persuade a jury the truth might be.”

Time weakens cases. Witnesses scatter. Evidence erodes. And with every passing month, the odds of a plea bargain rise.

In Louisiana, a murder conviction leads to a mandatory life-in-prison sentence. “A defendant has no incentive to plead to a life sentence,” said defense attorney Jerome Matthews.

In the last decade, two-thirds of homicide prosecutions in Orleans Parish ended in pleas. Of those, 87% of defendants pleaded to lesser charges, for example, from murder to manslaughter; at least 7% pleaded guilty to offenses that didn’t include murder or manslaughter.

That’s what happened in the case of Erin Alonzo. DNA on a hand-rolled cigar tied him to a 2016 killing in West Lake, but his attorney argued that street cameras showed he fired in self-defense. After more than four years, prosecutors dismissed the second-degree murder charge against him. Alonzo only pleaded guilty to obstruction of justice.

Deals like that take years to hammer out. The average time to reach a plea is two and a half years in New Orleans. Some defense attorneys argue negotiations should start far earlier.

Recently, however, fewer deals are being struck at all. Over the last three years, just 54% of homicide cases ended in pleas — a steep drop from the decade-long trend.

Matthew Derbes, chief

of the homicide unit at the Orleans Parish District Attorney’s Office, said prosecutors evaluate cases early and solicit reasonable offers where appropriate. But he argued defendants rarely want the deals. Often, he said, they request sentences so light they retraumatize grieving families.

“If we went into the bargain basement of pleas, we could clear all our cases tomorrow. But we don’t,” Derbes said. “I’m not going to go to a family and ask them to take some sale — 20% off their case — because we have a backlog.”

At trial, prosecutors have boasted a 75% homicide conviction rate in the last three years. Even so, defense attorneys say prosecutors have still brought weak cases to trial.

For example, records indicate prosecutors planned to dismiss their murder case against Kevin Stokes after surveillance video suggested he acted in self-defense. But they never did. Instead, a jury acquitted Stokes last year, more than four years after his arrest.

In another murder case, prosecutors brought Charles Wade to trial in April even after DNA from beneath a victim’s fingernails excluded him as the contributor. Jurors found him not guilty.

And in September, Kendall Harrison walked free from a murder charge after 12 years in jail. DNA test results had seriously weakened prosecutors’ case, but the family of Harry “Mike” Ainsworth, the victim, refused to consider an offered plea by the defense, prosecutors said.

After media coverage of the verdict, Ainsworth’s wife, Cheryl Conner, emailed a reporter. “My sons were the real victims here,” she wrote. “Now they are the angry survivors of this tragedy.”

She continued: “Don’t lie and say justice exists. It doesn’t.”

Prosecutors unwilling to offer a deal or to risk an outright acquittal can buy themselves more time by

dismissing a shaky case, then reindicting it. Defense attorneys bristle at the tactic, which they cannot use themselves, and that appeals court judges have at times called an abuse of power.

Still, most defense attorneys oppose strict time limits on homicide prosecutions, arguing speed is not justice.

“These are human beings whose lives are at stake,” said Engelberg, the chief public defender. “We need to take the time to ensure the outcome is fair.”

Others say delay can’t be the default. Loyola Universi-

ty College of Law professor and defense attorney Will Snowden said measuring justice by time alone ignores the complexity of each case. Still, he argued, the system’s inertia is a choice and more just practices are realistic — and essential.

“It can be done,” Snowden said, “when we have the courage to overhaul the system in every respect of imagination.”

Staff writer Jeff Adelson contributed to this report.

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