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# The Times-Picayune

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DAILY & BREAKING NEWS AT



# LETTING GO OF THE LITTLE MAN

The memory of a few seconds during D-Day haunted a former Army paratrooper



PHOTOS BY KATHLEEN FLYNN / STAFF ARCHIVE

Bankston Jones, 12, of Eufaula, Ala., shakes Tom Blakey's hand after the D-Day veteran gave the boys a history lesson at the National WWII Museum on May 15. Blakey has been a volunteer at the museum since it opened in 2000, logging more than 15,000 hours.

By Kathleen Flynn  
Staff writer

For more than half a century, Thomas Blakey closed his eyes at night and saw the little man.

The little man was always with him, a constant companion he couldn't cast aside. The little man was known only to Blakey, and the presence made him intolerant and angry. He believes those he loved suffered for it.

It was the morning of D-Day, June 6, 1944, when Blakey stared into the scope of his rifle and saw this man for the first time. The little man was a German soldier standing to the right of a group of soldiers heading toward Blakey on the road.

A paratrooper with the 82nd Airborne Division, 23-year-old Staff Sgt. Blakey had jumped

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Tom Blakey is pushed by Ronnie Abboud toward La Fiere bridge in Normandy, France, in June during the 70th anniversary of D-Day. As a 23-year-old staff sergeant, Blakey was ordered to capture and hold that bridge on June 6, 1944.

# Coroner overhauls in-custody death probes

Orleans Parish office  
increases scrutiny in cases

By Naomi Martin  
Staff writer

Striving to turn around his office's image of being biased toward law enforcement, Orleans Parish Coroner Dr. Jeffrey Rouse on Monday announced policy changes aimed at improving the level of scrutiny of in-custody deaths.

Families can now have an independent forensic pathologist observe autopsies, and all cases will be reviewed by an outside agency, likely the FBI's Civil Rights Division, Rouse said in an interview.

"There's nothing more sensitive that we do than investigate these deaths," Rouse said. "What I do not want ever to have happen is that a single family member believes that the Coroner's Office was a party to any cover-ups or skewing of results. At the very least, I want the family to know and believe every word that comes out of our

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# Former JPSO deputy gets 92 years in theft case



Mark Hebert  
Former deputy stole victim's wallet from scene of wreck



Albert Bloch  
61-year-old reported theft, then went missing in 2007

Judge suspects he had a hand  
in disappearance of victim

By Andy Grimm  
Staff writer

Former Jefferson Parish Sheriff's Deputy Mark Hebert was sentenced to 92 years in prison for stealing thousands of dollars from a 61-year-old man whose wallet he stole from the scene of a 2007 car accident.

The fate of Albert Bloch, who has not been seen since he reported the thefts from his bank accounts not long after the crash, remains a mystery.

At Hebert's sentencing hearing Monday, U.S. District Judge Jane Triche-Milazzo said there was no doubt in her mind that Hebert killed Bloch and somehow disposed of his body in October 2007.

"For reasons I will never understand (the theft

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# Cowen Institute leader says he's resigning



John Ayers  
Said he has been discussing his transition for months

Nonprofit retracted  
report in October

By Jessica Williams  
Staff writer

John Ayers, executive director of Tulane University's Cowen Institute for Public

Education Initiatives, said Monday he is resigning at the end of November.

His announcement comes a month after the nonprofit research organization retracted its widely cited report on gains in New Orleans high schools because of botched methodology.

The repudiated report used what's called a "value-added" model to predict academic

performance at 25 high schools, based on students' socio-economic standing and testing history.

But the researchers' conclusion — that many high schoolers do better than expected, given their background — was inaccurate because of their flawed methods, Ayers said. "We apologize for this mistake," he said.

It was the first retraction in the organization's seven-year history, and it sullied a report

that had leaped to prominence in some New Orleans education circles.

Patrick Dobard, the state Recovery School District superintendent, and Leslie Jacobs, the schools reform advocate and former member of the state Board of Elementary and Secondary Education, touted it, as did school officials.

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# New policies aim to mend office's reputation

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investigations."

Rouse campaigned last year on overhauling the office's history of allegations of collusion with authorities in law enforcement-related deaths. He took office May 6.

But Rouse said some changes, like broadening the definitions of in-custody deaths to include Orleans Parish Prison inmates released to a hospital, were prompted by a recent NOLA.com and The Times-Picayune investigation into jail deaths. Among the investigation's findings: the jail has repeatedly mishandled death notifications; the Sheriff's Office is in charge of policing itself and no outside agency investigates or reviews its death probes; and Sheriff Marlin Gusman's office has a practice of releasing dying inmates from custody, causing their deaths to go uncounted and, in some cases, fail to get a proper investigation.

Civil rights attorneys praised the recognition of in-custody deaths as special cases that deserve heightened scrutiny. Other than recommendations to pathologists on autopsy protocols, Rouse said the office lacked comprehensive policies for in-custody deaths under his predecessor, Dr. Frank Minyard, who held the office for 40 years.

According to Rouse's new policy, in-custody deaths are defined not only as those occurring within a jail or police custody, or involving a law enforcement officer's use of force; they also include those who died while being pursued by authorities, inmates or arrestees who are taken to a hospital, and those who were recently released.

In those cases, Rouse set forth the following new policies:

- ▶ The coroner or the coroner's chief investigator, or both, will report to each scene.
- ▶ The dead will not be moved until all relevant investigative

agencies are notified and have had a chance to respond and conduct a scene investigation.

- ▶ The Coroner's Office will notify the family of the deceased, even if the involved agency claims to have done so.

- ▶ Law enforcement agencies will be required to file death investigation reports immediately to the coroner or chief investigator.

- ▶ Autopsies will be conducted within 24 hours of the time of death.

- ▶ Outside investigative agencies and independent forensic pathologists may observe autopsies.

- ▶ Final cases will be forwarded to the FBI's Civil Rights Division or another outside law enforcement agency for review.

Katie Schwartzmann, co-director of the MacArthur Justice Center, which represents OPP inmates in a federal consent decree, called the new changes requiring autopsies for inmates who are released to a hospital "a very positive step toward greater transparency and accountability for deaths at the jail."

She had previously said the sheriff's practice of arranging for the release of dying inmates was "disturbing and disingenuous" and "feels, frankly, like a cover-up."

Mary Howell, another civil rights attorney, lauded the changes, saying they will help bring New Orleans in line with other jurisdictions that allow families to have a representative watch a loved one's autopsy.

"The fact that we have a coroner who has listened, number one, and heard these complaints and is now moving to address some of these issues is a very good thing," Howell said.

Rouse said he was motivated to develop the new protocols after hearing outrage for years from some communities that saw the Coroner's Office as being too cozy with law enforcement.

Last December, Minyard's office was stormed by more than 100 protesters who complained that he never classified



CHRIS GRANGER / STAFF ARCHIVE

Dr. Jeffrey Rouse, the new Orleans Parish coroner, campaigned last year on overhauling the office's history of allegations of collusion with authorities in law enforcement-related deaths.

or flagged for police attention the death of Henry Glover. Glover was shot in the aftermath of Hurricane Katrina by a New Orleans police officer, and his body was later burned in a car by another officer, according to both officers' admissions.

**"There's nothing more sensitive that we do than investigate these deaths."**

JEFFREY ROUSE  
Orleans Parish coroner

Minyard had said his makeshift office in St. Gabriel received a "bag of burned-out bones" — later identified as Glover — and investigators could not determine how the person had died.

Glover's death was not publicly revealed until a 2008 story in *The Nation* magazine.

Nearly 10 years after Katrina, and following multiple federal civil rights prosecutions related to Glover's shooting, Rouse is

now tasked with making a death classification, though it may be only a symbolic ruling.

In a separate case, a jury convicted an NOPD officer of fatally beating Raymond Robair in July 2005 after prosecutors presented evidence that the beating broke Robair's ribs, lacerated his spleen and liver, and caused heavy internal bleeding. But Minyard's office ruled the death accidental, saying there was no sign of a police beating. At the officer's trial, prosecutors described the Coroner's Office autopsy as fraudulent, according to previously published reports.

In another case, Minyard's office initially classified the 2009 death of Cayne Miceli, who died after being jailed at OPP for less than a day, as a drug overdose, noting several injection marks on her arms.

But a toxicology test showed she was sober and investigators determined the marks were

from IVs she was hooked up to while on life support.

After Miceli's family sued the Sheriff's Office, saying she died because she was denied her asthma medication and was strapped to a bed in five-point restraints, the Coroner's Office changed the classification from "drug intake" to "bronchial asthma." Miceli's family said the Coroner's Office refused to allow a forensic pathologist they hired observe her autopsy.

Minyard has defended his office's handling of in-custody deaths.

Though Rouse on the campaign trail talked about providing an independent forensic pathologist for all in-custody deaths, he said he has since realized that the public would have more faith in an expert that he did not select or pay. He said the 24-hour time limitation was his attempt to reconcile competing needs. He wants to allow families time to contact an attorney

and a pathologist, but he said he also needs to conduct an autopsy as quickly as possible to preserve all hints of evidence the body can provide.

Rouse also said he would notify the NOPD of jail-related deaths that appeared to involve foul play or suspicious circumstances — which does not typically happen now.

Rouse said he had not yet discussed the changes with New Orleans Police Superintendent Michael Harrison or Gusman, but he expects they will approve.

"I think they will be on board with this," he said, "because I think they're striving toward the same things that I am — to protect the citizens and to do it in the most completely transparent way so everyone knows that the right thing is being done."

NOPD did not respond to a request for comment. A Gusman spokesman said in a statement the Sheriff's Office has a "good working relationship" with Rouse's office, adding: "We will continue to work closely with the Coroner's Office within the parameters of public and institutional safety, and security programs."

While Rouse said his office needs more staff and money in general, the new policies won't cost "a dime." He said he didn't think his new, broader definition of an in-custody death would significantly increase the number of autopsies conducted each year. He said the changes will, however, require more paperwork and time for review.

Since taking office, Rouse has worked to improve budgeting, staffing and other areas of daily operations. But, he said, he takes pride in his latest reforms over in-custody death investigations.

"This is probably my most significant policy change with regard to the long road that's necessary to win back the public's trust of what comes out of the Coroner's Office," he said.

# Fired deputy admits to theft, but not murder

HEBERT, from A-1

of money) was not enough for you," she said as Hebert slumped in his chair. "You wanted everything that belonged to Albert Bloch, even his life."

While Triche-Milazzo's sentence of 92 years in prison for seven counts of bank fraud and identity theft reflected her belief that Bloch died at Hebert's hands, the former deputy only admitted to stealing the money.

In court Monday, Hebert, 49, admitted to stealing from Bloch and others during what he described as the tail end of a "downward spiral" in his life that began after witnessing the devastation and disorder that followed Hurricane Katrina.

"For 49 years, I worked every day in accordance with the law of this country," Hebert said. "During my years of service, I

never used excessive force, or deadly force, on another human being."

His voice breaking as he read from a prepared statement that ran several pages, Hebert denied killing Bloch, whom he maintained he had befriended before defrauding him.

"I pray to God every day for repentance of my sins, and that Mr. Albert Bloch will forgive me. No one more than I prays to see Mr. Albert Bloch in this courtroom today."

Triche-Milazzo in July ruled that Hebert likely killed Bloch in the fall of 2007, not long after Bloch reported fraudulent charges and withdrawals from his bank accounts.

Hebert was never charged with Bloch's death, and Bloch's remains have never been found. But federal prosecutors argued the deputy killed Bloch to cover up his theft, claiming a wealth

of circumstantial evidence that pointed to Hebert.

Hebert was the responding officer to a single-car wreck that left Bloch badly injured that August, and had been given Bloch's wallet by a paramedic.

**"The fact that his crime against our family was committed by a member of law enforcement was absolutely devastating to us."**

VERNON BLOCH  
Brother of missing man, Albert Bloch

Hebert confessed to draining the man's bank accounts in the ensuing months with a series of cash withdrawals and purchases of parts for his stock car.

Bloch, a genial alcoholic who for years had made almost daily visits to a handful of bars, disappeared that October. Bloch was veteran who suffered from a respiratory condition that

required daily doses of prescription medication, but never again cashed a benefits check or filled a prescription.

In July, after hearing three days of testimony from investigators, store clerks and Bloch's friends and drinking buddies, Triche-Milazzo said she believed the most likely scenario was that Hebert killed Bloch and disposed of his body the evening of Oct. 2, 2007, or in the early morning hours of Oct. 3, 2007.

Hebert had been on duty that night, and likely pulled Bloch over as the 61-year-old drove home from Joe's Caddy Corner, one of his frequent haunts.

Hebert, the judge surmised, handcuffed Bloch and put him in the back of his squad car, killed Bloch, then returned and moved Bloch's car.

Hebert, who also was convicted of state charges for stealing from other motorists

he encountered on the job, was charged in federal court in March 2013 with nearly 60 counts of fraud and identity theft related the money he took from Bloch. The deputy pleaded guilty to the seven counts in November 2013.

In 2008, while the deputy was under investigation in Bloch's disappearance, he was sentenced to three years in state prison. He was fired by the Jefferson Parish Sheriff's Office in 2007.

Bloch's older brother, Vernon Bloch, told the judge that his brother was a Vietnam draftee, and was one of eight siblings.

"The fact that his crime against our family was committed by a member of law enforcement was absolutely devastating to us," he said in court.

"We're saddened by the facts that (Hebert) will not reveal what he did with the body so that we as the family cannot reach

our final settlement."

Outside the courtroom, Vernon Bloch said he was still going through legal proceedings to have his brother declared legally dead, and intended to have a marker placed for his brother at a military cemetery in Pennsylvania.

Hebert's attorney, Davidson Ehle, said he intended to appeal Hebert's sentence.

"There's just not another case where a defendant was convicted of bank fraud and sentenced for murder," Ehle said.

Triche-Milazzo said after handing down her sentence that, if her sentence is overturned by an appellate court based on the fact she held Hebert responsible for Bloch's death — a "cross reference" in legal terminology — she would increase Hebert's sentence using other provisions of federal guidelines to reach the same 92-year term.

# 'It just felt like time,' Ayers says about his departure from post

COWEN, from A-1

Despite that, Ayers, 61, said his decision to leave is not linked to any one incident. He said he is leaving the organization on good terms. "It just felt like time," he said.

He said that he and former Tulane President Scott Cowen, for whom the institute is named, had spoken for some months about Ayers's transition.

Cowen, who retired July 1, had kind words for Ayers on Monday.

"I want to thank John for his contributions to the Cowen Institute, including assembling a talented staff, guiding a strategic planning effort and communicating our city's educational progress as an ambassador for the institute, K-12 education in New Orleans and Tulane University," he said.

Cowen hand-picked Ayers to

lead the organization in 2012. He had become an authority on school reforms in Chicago and San Francisco, serving as the vice president and treasurer for the Carnegie Foundation for the Advancement of Teaching, and as vice president for the National Association of Charter School Authorizers, among other roles.

At the time, he said New Orleans intrigued him because of its commitment to school reform.

Ayers will be succeeded by Matt Bailey, who was hired as the organization's chief operating officer in September.

Ayers didn't have any immediate news about a new position. But, he said, "I'm excited about staying in the field and continuing to work in education reform. It's my passion and my life's work."

He said he will stay in New Orleans at least through the spring.

# N.Y. doctor with Ebola is virus-free

*He will be released today, source says*

By Anemona Hartocollis  
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NEW YORK — Craig Spencer, the New York City doctor who became the first person in the city to test positive for Ebola, is free of the virus and is set to be released today from Bellevue Hospital Center, people familiar with his treatment said Monday.

Spencer, 33, who had been in Guinea treating Ebola patients with Doctors Without Borders, was rushed to Bellevue by ambulance on Oct. 23 after reporting a fever of 100.3 that morning. He was placed in isolation in a secure ward, and within hours a blood test had confirmed that he had the virus.

Spencer is scheduled to appear at a news conference today at the hospital.

"After a rigorous course of treatment and testing," said Ana Marengo, a spokeswoman for Bellevue, in a statement, "Dr.



FRANK FRANKLIN II / THE AP ARCHIVE

Workers from BioRecoveryCorp carry equipment from the apartment building of Ebola patient Dr. Craig Spencer in New York on Oct. 24. Spencer has recovered.

Spencer poses no public health risk and will be discharged from the hospital tomorrow."

It was unclear on Monday whether Spencer would return to his Hamilton Heights apartment, where his fiancée, Morgan Dixon, is under quarantine. Two friends who had contact with him in the days before his diagnosis were initially held in quarantine, but were recently released.

Spencer was given a range of treatments, including an experimental drug and blood plasma donated by a recovered Ebola patient, Nancy Writebol, a 59-year-old missionary who contracted the virus in Liberia. His condition was serious at first, but by last week he had recovered enough that he asked for his banjo and an exercise bicycle to pass the time while he was in isolation.

Spencer's recovery adds to the evidence that when treated in advanced American hospitals, Ebola has a far lower fatality rate than in West African field hospitals starved of doctors, nurses and equipment. While 70 percent of Ebola patients in Africa are dying, eight of the nine patients treated in the United States have survived. The only one who died was Thomas Eric Duncan, a Liberian, whose treatment was delayed when a Dallas hospital misdiagnosed his illness.

The experience of the Dallas hospital — two nurses who treated Duncan there contracted Ebola, but survived — caused U.S. hospitals and public health officials to re-examine how they responded to possible cases.

Requirements for protective gear were revamped, and when Spencer was taken to Bellevue, the federal Centers for Disease Control and Prevention dispatched a team to New York even before tests confirmed he had the virus. In Dallas, the CDC did not arrive until two days after it was called.