

The Florida Times-Union

Saturday

MARCH 18, 2017

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Prosecutors vow to keep seeking death sentences

Peers line up against embattled Ayala; black leaders show support

By Dara Kam
The News Service of Florida

TALLAHASSEE | A day after a newly elected prosecutor said she would not seek the death penalty in capital cases, the remainder of Florida's 20 state attorneys affirmed Friday they intend to pursue death sentences when appropriate.

The statement by the Florida Prosecuting Attorneys Association came as a number of African-American leaders declared their support for 9th Judicial Circuit State Attorney Aramis Ayala, who sparked a statewide outcry Thursday over her decision not to seek the death penalty in the case of accused cop-killer Markeith Loyd — or in any other case.

Within hours of her announcement Thursday, an outraged Gov. Rick Scott reassigned the case of Loyd — accused of killing his pregnant ex-girlfriend and shooting an Orlando police officer execution-style — to Brad King, an Ocala-area state attorney who is an outspoken proponent of the death penalty.

On Friday, prosecutors other than Ayala voted to "affirm the responsibility of enforcing the laws of Florida," which they maintain is "paramount to our oath of office."

PROSECUTORS continues on A-4

JEA will shut down power park, lay off 200 workers



The St. Johns River Power Park, with its distinctive cooling towers, began production in 1987. It will close in January. Employees will be offered outplacement and training services. (Bob Self/Florida Times-Union)

By Sebastian Kitchen
sebastian.kitchen@jacksonville.com

JEA and its operating partner said Friday that they will shut down a landmark electric plant near the port, displacing more than 200 employees and cutting JEA's overall carbon dioxide emissions by almost a third.

JEA executives consider the closure in January of what was once the largest construction project in Jacksonville history the end of an era as well as a sign of the changing landscape for power generation.

JEA and Florida Power & Light Co. jointly operate the St. Johns River Power Park, visible to those near the port or driving along Heckscher Drive and notable for its cooling towers that resemble those at nuclear plants.



Steve.Nelson@jacksonville.com

Currently, 204 people work at the facility. JEA began meeting with those employees at 1 p.m. Friday, when the utility announced the closure.

In 2016, the coal-powered facility produced half as much power as it did 10 years ago.

"It's at its economic life's

end," JEA CEO Paul McElroy said Friday.

JEA is producing less power than a decade ago and has more generating capacity than needed, an unnecessary cost for the city-owned utility that provides power to almost 450,000 customers.

JEA electric sales peaked in 2006 after more than a century of 3 percent annual growth and have since declined 10 percent. Sales this year are at the lowest level in 17 years despite the addition of more than 100,000 customers during the same time.

McElroy insisted this closure is not a sign of financial weakness, but instead a sign of the financial viability of the nation's eighth-largest community-owned electric utility. He said JEA and its customers

POWER continues on A-4

ABOUT ST. JOHNS RIVER POWER PARK

- The plant was constructed in the early 1980s, with Unit 1 beginning commercial production in March 1987 and Unit 2 beginning operation in May 1988.
- The final cost of the plant was \$1.45 billion.
- Power Park is capable of generating 1,252 megawatts of power from coal.
- It uses approximately 4.5 million tons of coal a year when operating at maximum capacity.
- Employees earn between \$42,744 and \$148,658 annually.
- JEA owns 80 percent of the facility, with Florida Power & Light Co. owning 20 percent, although the utilities have a long-term purchase power agreement in which the two share power output and operating costs equally.

Source: JEA

Bank heist leads to fatal police standoff, neighborhood evacuation

Sheriff's Office thinks robber killed himself

By Dan Scanlan
dan.scanlan@jacksonville.com

A Friday morning bank robbery on San Juan Avenue led Jacksonville police to a SWAT standoff at a home off Ricker Road where a suspect likely killed himself after a shootout with an officer, the Sheriff's Office said. The ordeal spread over four hours and involved dozens

of officers with rifles and bulletproof vests.

It started with an armed man robbing the 4206 San Juan Ave. Wells Fargo about 9:15 a.m. About 20 minutes later police developed information that sent them to the 7500 block of Patrice Court where they engaged in the standoff.

The Sheriff's Office is still working to determine whether the gunman is the same suspect behind the bank robbery.

STANDOFF continues on A-4



Police SWAT members walk Friday along Sharbeth Drive near Ricker Road on Jacksonville's Westside, where a man was barricaded in a house. It followed a bank robbery in the San Juan neighborhood. (Will Dickey/Florida Times-Union)

Weather
Sunny
Forecast on A-2

77 Today's high

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March 18
11am-7pm
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TASTE WHAT THE FIRST COAST HAS TO OFFER!

Running for president? Some states want tax returns public

By Cathy Bussewitz
Associated Press

HONOLULU | Lawmakers in nearly half the states want to add a requirement for presidential candidates: Show us your tax returns.

The issue has dogged President Donald Trump, who became the first presidential candidate in modern times to refuse to make his returns public. It flared anew this week after MSNBC said it had obtained two pages of Trump's 2005 federal return, prompting the administration to release the documents preemptively.

State lawmakers around the country, mostly Democrats, want to ensure trans-

parency in future presidential campaigns so voters can evaluate candidates' sources of income and any possible conflicts of interest. Most of the bills would require presidential contenders to release copies of their returns as a condition for appearing on that state's ballot, although it's unclear whether they could pass constitutional muster.

The aim is to find out about potential conflicts that candidates might have before they take office, said Hawaii Rep. Chris Lee, a Democrat who introduced one of the Hawaii bills.

"With what we've seen so far with this administration, there are clear conflicts with respect to

whether or not parts of the president's business empire are directly benefiting from federal contracts to house Secret Service at his own hotels, for example, or pressuring foreign dignitaries or other corporations indirectly to patronize the businesses that the president or his children run," Lee said. "And the real question is, 'What else don't we know?'"

Hawaii was the first state to have votes on the bills before the full Legislature. The Democratically controlled House and Senate recently passed separate but largely similar measures, which would prevent the state's delegates to the Electoral College from

voting for candidates who withheld their tax forms.

Lawmakers are likely to send just one of those to Hawaii Gov. David Ige, a Democrat who expressed concerns about whether the proposed changes are constitutional. He said he does not think the state can place limits on the presidential election that are inconsistent with how the election is conducted around the country.

Some legal experts raised similar flags, saying states do not have the power to create additional qualifications for the office of the president. That's up to the U.S. Constitution.

The U.S. Supreme Court has held that states and the

federal government cannot add to the qualifications of senators and congressional representatives outlined in the Constitution. Some legal experts said that guidance likely would extend to the office of the president.

"I think a requirement of revealing one's tax returns would be regarded as an additional qualification," said Michael McConnell, a professor at Stanford Law School. "And then there's the tax law problem, because federal law guarantees the confidentiality of tax returns. And I think that law would preempt any state law requiring someone to divulge their returns."

While bills in Demo-

cratic-leaning states such as Maryland and Vermont have had legislative hearings, those introduced in Republican-controlled statehouses such as Arizona, Georgia, Michigan, Minnesota and Pennsylvania are stalling.

"I suspect that these bills will be very similar to the birth certificate legislation introduced after President Obama's election — political statement bills that likely aren't constitutionally sound or likely to be signed into law," said Daniel Diorio, senior policy specialist at the National Conference of State Legislatures. "If one were to become law, I'm sure it would be challenged immediately."

POWER

Continued from A-1

will begin to see significant savings beginning in 2020 after two years of decommissioning the plant and mitigating its environmental impact.

JEA executives are uncertain of the cost for decommissioning the plant. FP&L and JEA will share those costs.

The savings will be directed to reducing debt and to needed capital projects, McElroy said.

"This is a play for the future," he said.

JEA expects the retirement to reduce JEA's carbon footprint by 30 percent and to reduce nitrogen going into the St. Johns River.

The decision also signifies the change in the industry as natural gas prices dropped to compete with coal. The Power Park is currently powered 100 percent by coal from Colombia.

The final cost for the project, completed in the 1980s, was \$1.45 billion. There is an outstanding debt of \$281 million.

"It's been a critically important part of our power generation for 30 years," McElroy said. "It has performed well beyond expectations, which is a testament to the men and women" who have maintained the facility.

However, McElroy said, people are reducing their consumption and there have been changes in utility production.

The Power Park is no longer a cost-effective component for generating power moving forward, he said.

"This agreement is important for JEA and will allow us to right-size our power generation capabilities while offering significant environmental benefits to the community," McElroy said. "We regret that this move will result in job displacements for many dedicated, knowledgeable and skilled employees."

This is the first time JEA has laid off full-time employees, although some part-time and contract workers were laid off during the Great Recession. McElroy noted that the utility is giving the employees nine months of notice.

McElroy and Chief Human Resources Officer Angelia Hiers said JEA will offer outplacement and training services for employees. She said employees will receive between 20 and 52 weeks of severance pay. They said they will assist some of those employees who are of suitable age in retiring early. Thirty-five percent of the employees will be eligible for early retirement, according to JEA.

"These are never easy," Hiers said. She said the leadership is trying to be sensitive and to provide as many services as possible to those employees and their families.

"Some have been there since the beginning," Hiers said.

The employees are not city employees or JEA employees. They work for the Power Park as a joint venture between JEA and FP&L. Those employees have the same medical benefits as JEA employees, but different retirement plans. Employees also will have continued health services, she said.

JEA and FP&L are also giving those laid-off employees priority in hiring for open positions at those utilities, McElroy said.

The Power Park is on 1,600 acres of key real estate off Heckscher Drive near the port. Much of the structure will be torn down, although some elements could continue to be utilized and would remain. JEA executives are uncertain of what would be next for the land.

FP&L proposed the early termination of the joint operating agreement between the two. It was set to expire in four years.

While FP&L has been proud to partner with JEA at the Power Park for three decades, FP&L CEO Eric Silagy said, "now, however, it makes financial sense for all of our customers to close this coal plant."

"Closing the plant early results in enormous value for FPL customers — saving millions of dollars annually as well as continuing to significantly reduce greenhouse emissions for all of Florida — another major step forward in our affordable, reliable and clean energy strategy."

Sebastian Kitchen: (904) 359-4161



Police SWAT members gather Friday on Ricker Road near Melvin Road on Jacksonville's Westside where a man was barricaded in a house. It followed a bank robbery in the San Juan neighborhood apparently involving the same man. (Will Dickey/Florida Times-Union)

STANDOFF

Continued from A-1

When an officer arrived at Patrice Court, contact was made with a woman who had four children with her, said Ron Lendvay, a director with the Sheriff's Office. They were spirited away, and the woman confirmed the suspect inside had a gun. He was contacted by police over the phone, but he was agitated and cursed at them, Lendvay said.

"He eventually poked his head out of the door after opening it, stuck his arm out and fired a shot," Lendvay said.

He went back in the home, then opened the door again a short time later.

"One of the police officers on scene fired a number of shots at the suspect," Lendvay said.

He said he wasn't sure whether the suspect also exchanged gunfire at that point, but he went back inside and would no longer communicate with police.

The man did make phone calls to family members.

"During those phone calls he expressed remorse for a bad decision that he had made this morning, apologized to family members and alluded to at least one family member that he intended to kill himself," Lendvay said.

Bank robbery and police shootout

A Friday morning bank robbery on San Juan Avenue led Jacksonville police to a SWAT standoff at a home off Ricker Road where the suspect likely killed himself after a shootout with police.



Source: Jacksonville Sheriff's Office

Steve.Nelson@jacksonville.com

The SWAT team decided to force the door open and found him dead from a potentially self-inflicted gunshot to his head with the gun at his side. It remains to be determined whether he was struck at all by the officer. Neither the suspect's nor officer's names were released.

The perimeter was lined with police vehicles and officers for much of the day. Neighbors were not allowed to go to their homes, and some were evacuated. By about 1:15 p.m. the standoff was over.

Joe Grandinetti said he was in his bedroom across the street from the man's house when he heard the first three gunshots a little after 10 a.m.

"Then I heard three more real quick, so I went out to the front of the house to see what was going on and I saw a cop car across the street where the dude lives," he said.

Grandinetti said he looked up to the corner of Ricker Road and Patrice and saw more officers with guns drawn, trying to talk with the man. He was al-

ready inside the house.

"I think they shot at the door because there are some bullet holes in it," he said. "They kept going, 'If you are hurt, call 911,' and 'Come out of the house.' They kept doing it but no answer."

Grandinetti said he saw nothing, thinking maybe the man in the house was looking through his blinds.

The SWAT truck showed up soon after, and they were evacuated from the neighborhood and kept a block or so away until it was all over. Grandinetti said the victim's girlfriend was nearby talking with police.

He also said young children were evacuated from the house.

"They got them out. They got everybody out," he said.

In the initial robbery the suspect was only seen fleeing on foot after getting money from a teller, police said. He was described as slim and wearing a dark hoodie and a mask. No one was injured during the robbery.

The same Wells Fargo also was robbed about 2 p.m. Feb. 17. Police said that man was described as black, 25 to 30 years old, about 5-foot-9, 150 to 160 pounds, and wearing a ball cap. No arrests have been reported in that case.

Dan Scanlan: (904) 359-4549

PROSECUTORS

Continued from A-1

"Throughout 19 of the 20 circuits of Florida, the death penalty will continue to be sought in those cases which qualify for its implementation," the association said in a statement provided to The News Service of Florida after the vote. "The victims' families of Florida deserve our dedication to implement all the laws of Florida. That is why the people of Florida have elected us."

Ayala's office participated in the conference call but did not vote, a source with the prosecutors said.

The vote by the association came after Orlando-area black church leaders and death-penalty opponents, including the mother of a woman allegedly slain by Loyd, offered a show of support Friday for Ayala, who ousted incumbent Jeff Ashton in a Democratic primary in August.

Speaking to reporters Thursday about her decision not to pursue the death penalty, Ayala — the first black elected state attorney in Florida — cited research showing death sentences are not a deterrent to crime, are

prohibitively costly and do a disservice to victims' families, who may wait decades without seeing those convicted of killing their loved ones finally executed.

Pursuing the death penalty "is not in the best interest of this community or the best interest of justice," Ayala, whose circuit is made up of Orange and Osceola counties, said Thursday.

Her decision infuriated a number of Republican lawmakers and elected officials, including Scott and Attorney General Pam Bondi, but, coupled with Scott's reassignment of the Loyd case, may elevate Florida's already-embattled death penalty as a civil rights issue in the coming months.

Of the 396 inmates on Death Row, 154 — or nearly 40 percent — are black, according to the Death Penalty Information Center. The ratio of African-Americans awaiting execution is more than double the percentage of blacks in the state's overall population.

As further evidence of the divide, nearly two-thirds of blacks nationally oppose the death penalty, compared with 49 percent support among whites, according to a Pew Research Center survey conducted last fall.

A coalition of community leaders, most of them African-Americans, held a news conference Friday morning on the steps of the Orange County Courthouse to declare their support for Ayala, who made her announcement at the same location the previous day.

"Studies consistently find right here in Florida troubling racial disparities in how the death sentence is applied," said James T. Morris, pastor of the Carter Tabernacle C.M.E. Church in Orlando. "This sends a troubling message, a message that some lives matter more than others. ... You cannot be committed to racial justice and still embrace the death penalty."

Stephanie Dixon, whose pregnant daughter Sade was allegedly gunned down by ex-boyfriend Loyd, endorsed Ayala's decision not to pursue the death penalty in the case but instead to seek a life sentence.

"You have to understand that we want closure. And with closure doesn't mean to be dragged in and out of court with appeals and everything else," Dixon said. "He will never see the light of day again. ... If he doesn't die of natural causes, I'm quite sure he

will be tortured for his hideous crimes."

For some, Scott's swift removal of Ayala as Loyd's prosecutor came in stark contrast to the drawn-out case of George Zimmerman, a neighborhood watch volunteer accused in 2012 of killing unarmed teenager Trayvon Martin, who was black. Scott waited months before appointing a special prosecutor in that Seminole County case.

"I think the facts of this case — that the prosecutor is black, that the victim is black, the victim's family wanted the death penalty to be waived and the governor appointed a new prosecutor — clearly [Scott] is overstepping what he should be doing morally, and I can only think he is bowing to the law-enforcement community," said Florida International University law professor Stephen Harper, head of the school's Death Penalty Clinic.

State Rep. Shevrin Jones, a black Democrat from West Park, blasted Scott for "picking and choosing" when to use his executive authority to override constitutionally elected officials like Ayala.

"It's wrong on so many levels," Jones said in a telephone inter-

view Friday. "I call him out on that now because it's not right. It's not fair and we in the black community we see that as a problem. Shame on the governor for using his powers in this situation, but not using his powers in ways that he should have in others."

Some fear that Scott's removal of Ayala in a high-profile case could have far-reaching political implications, resulting in more prosecutors — who have discretion in whether to pursue the death penalty — opting to seek death sentences out of fear of retaliation.

"Now we have an example of a prosecutor who is supposed to have broad discretion over who they charge, and if they don't exercise discretion in the way that higher government officials approve of, they're removed from their responsibility. And that puts political responsibility on each of the state attorneys," 10th Judicial Circuit Public Defender Rex Dimmig said in a phone interview. "Unquestionably that is a factor that will be in their mind. The question will be whether or not they're able to exercise their discretion without giving weight to that factor, and that will be a very difficult thing for them to do."