

**LEGALITY CONTESTED**

# Ourso Refuses to Enter Plea On Charge of Malfeasance

By VERNON A. GUIDRY JR.

PLAQUEMINE (AP)—Suspended Iberville Parish Sheriff Jessel M. Ourso refused to enter a plea today to a charge of malfeasance in office when arraigned in state district court here.

Ourso remained mute when asked for his plea following objections by his attorneys that the arraignment was illegal and unconstitutional.

KEITH SCULLIN, assistant state attorney general, moved that a plea of innocent be entered for Ourso under provisions of the state criminal code which calls for such a plea when the accused is silent.

Judge Daniel Kimball ordered the plea entered.

The malfeasance count was one of 33 criminal charges

lodged against Ourso by state Atty. Gen. Jack Gremillion. The others included public bribery, theft and extortion.

TRIAL DATE for Ourso was set for Aug. 1 on the malfeasance count.

Scullin said Ourso was not arraigned on the other charges because he had not received written notice. The charges were filed by Gremillion on May 31.

Ourso's counsel, Baton

Rouge lawyer Sam D'Amico, objected to the arraignment, saying it was illegal because rules of the 18th Judicial Court made no provisions for an arraignment during summer vacation.

JUDGE KIMBALL overruled D'Amico's objection, saying it had been the practice of the court to try misdemeanor cases during summer periods.

Kimball also extended a temporary restraining order, preventing Ourso from taking his term of office for a second term until Wednesday.

Kimball said he would rule at that time on the state's request for a permanent injunction against the oath-taking.

Ourso will be arraigned on the other 32 charges July 29th. A hearing on that date for motions on the legality of the arraignment will also be held.

THE CHARGES against the suspended sheriff stem primarily from money paid him for a security guard service which he operated.

ONE SUIT FILED by the state seeks to oust Ourso from office, charging malfeasance and corruption. The petition cited incidents from the guard service.

The state also seeks a per-

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manent injunction preventing Ourso from taking the oath of office for his second term

In obtaining a temporary restraining order against the oath-taking, Gremillion had maintained that the state police would be needed to keep order if Ourso would be allowed to resume office.

GOV. JOHN McKeithen suspended Ourso from office earlier this year, during the latter part of the sheriff's first term, because his office accounts were in arrears.

Since that time, the second term, which Ourso won with an 80 per cent plurality, has begun. Motions filed by Ourso claimed that the suspension has no affect on the second term.

Ourso contends that the money paid him for the guard service is his and thus should not be reported in the sheriff's salary fund.

THE THEFT CHARGES stem from failure to show the payment in the salary fund. The bribery counts also grew payments made to Ourso.

The extortion counts arose from alleged threats Ourso made to officials of companies on construction jobs in the parish.

Ourso's name first came to public attention at hearings of the labor-management commission of inquiry. The state agency was created last summer to probe labor relations after a massive shut-down of industrial construction in the Baton Rouge area.

Testimony before the commission linked Ourso to malpractices in the labor field.