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MESSENGER-INQUIRER

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Kuegel to seek death penalty in triple homicide

BY KEITH LAWRENCE
MESSENGER-INQUIRER

Commonwealth's Attorney Bruce Kuegel said Tuesday that he will seek the death penalty for Arnett B. Baines, who was indicted last week for murder in the shooting deaths of Jay Michael Sowders, Robert D. Smith and Christopher Carie, and an assault on Carmen Vanegas.

But Kuegel said he is not seeking the ultimate penalty "at this time" for Cylar L. Shemwell, 31, who was also indicted on the same charges.

Police said earlier that Baines, 30, is

believed to have shot each of the three men in the head "execution-style."

Shemwell is said to have watched the slaying of the men.

Circuit Judge Jay Wethington set Baines' bail at \$265,000 full cash on all the charges, which included one count of torture of a dog or cat resulting in serious physical injury or death, tampering with physical evidence, possession of a handgun by a convicted felon and persistent felony offender.



Arnett B. Baines

A pretrial conference in his case is set for April 12.

Bail has not yet been set for Shemwell.

A hearing is set for 8:30 a.m. Tuesday in that case.

The last time a Daviess County jury recommended the death penalty was in 1936.

Baines and Shemwell are charged in the Jan. 17 shootings at a home in the 900 block of Audubon

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Shelton confirms northwest rehab work

New senior citizen center targeted in plan for neighborhood

BY AUSTIN RAMSEY
MESSENGER-INQUIRER

Owensboro's Community Development Department will recommend to elected leaders later this year northwestern portions of the city between Ewing Road and Orchard Street for the next neighborhood revitalization strategy area, officials at City Hall confirmed Tuesday night.



Abby Shelton

Either as a part of that federal block grant investment program or as a separate project altogether, Community Development Director Abby Shelton says the city is now poised to make good on its nearly decade-old promise to replace the Senior Community Center of Owensboro-Daviess County.

The proposed 2020-25 Consolidated Plan will outline a Northwest Neighborhood Revitalization Strategy Area wherein, Shelton said the city will either give or sell a developer the 4-acre plot of land it owns on West Second Street that is currently home to the senior center, formerly known as the Munday Activity Center. Under the terms of that exchange, the city will hold that developer to a plan that will retrofit the 83-year-old building into low-income senior housing and build in its lawn a new senior community center.

That center is expected to be a keystone in the neighborhood development program.

"I want it to be a community building," Shelton said. "I don't want it to be it locked into only offering senior services. In that section of town, there is a lack of different services available. There's a lack of grocery stores and fresh markets. There are little mom and pop shops there, but I think if we can support that backbone a little bit better than that area will grow up. It will not only be landlocked to that footprint, but there are several buildings around that area that could be utilized for maybe a barbershop or whatever the senior citizen center wants to do. I've

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INSIDE

A digest of Tuesday's Owensboro City Commission actions is on **Page A2**.



Photo by Greg Eans, Messenger-Inquirer.com | geans@messenger-inquirer.com

A crew from the city's public works department line the low areas of Smothers Park with sandbags Tuesday in preparation of flooding in the park in downtown Owensboro. The crew started the job on Monday and had planned to put down 2,000 sandbags. The National Weather Service in Paducah has issued a flood warning for the Ohio River at Owensboro with a predicted crest of 43.8 feet by Sunday evening.

With more wet weather expected, county begins issuing sandbags

BY AUSTIN RAMSEY
MESSENGER-INQUIRER

With more rain on the forecast later this week, Daviess County is issuing sandbags to residents seeking flood relief.

Sandbags will be available at the Daviess County Public Works complex from 8 a.m. to 8 p.m. Wednesday, Feb. 13, and from 8 a.m. to 4 p.m. on Saturday.

The Daviess County Public Works complex is at 2620 Kentucky 81. Motorists are advised to turn into the entrance, go through the gate and turn left into the third drive on the left where the sandbagging station will be visible.

According to Daviess County Emergency Management Agency Direc-

tor Andy Ball, each Daviess County household is eligible to receive up to 50 filled or empty sandbags. Volunteers will be standing by to assist with filling, tying and loading sandbags. For those needing more than 50 sandbags, Schrecker Supply Co. has placed an order for 6,000, which should be available by Wednesday. Each 16- by

24-inch sandbag is 74 cents. Sandbags purchased from Schrecker Supply Co. come in bundles of 100.

Ball recommended calling the company for more information at 270-684-6244.

Empty sandbags are also available for purchase and, in some cases, can be shipped

SEE **SANDBAGS/PAGE A2**

Final report, political input set stage for critical TVA vote

BY AUSTIN RAMSEY
MESSENGER-INQUIRER

The Tennessee Valley Authority has released its final environmental assessment of the Paradise Fossil Plant in Muhlenberg County, just days before a key decision the board of directors is set to make regarding its future.

A 350-page report released Monday found that closing

the plant's last remaining coal-fired unit, PFC Unit 3, would have no significant impact on the TVA power service area, despite claims by several Republican state and federal officials this week that it could disrupt the national grid, especially during high peak times like the polar vortex earlier this month.

At a massive rally in Powderly on Saturday, Kentucky Gov. Matt

Bevin called on the TVA board to delay its vote, scheduled for Thursday, until at least two new members have been appointed and the Federal Energy Regulatory Commission has completed its own study on the impact consistently competitive natural gas prices are having on the coal and nuclear power markets. FERC denied a request by President Donald Trump to help subsidize

those markets last month.

The president tweeted support for the Muhlenberg County power plant on Monday saying: "Coal is an important part of our electricity generation mix and (the TVA) should give serious consideration to all factors before voting to close viable power plants, like Paradise #3 in Kentucky!"

Later, Senate Majority Lead-

er Mitch McConnell, a Kentucky Republican, responded to Trump's tweet saying: "I agree Mr. President. #Coal is an affordable & reliable source of energy we can find right here in #Kentucky. It powers the lights in our homes & employs thousands of hardworking Kentuckians. Coal has helped fuel our country's

SEE **TVA/PAGE A2**



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Digest

Owensboro City Commission

At its 5 p.m. special-called meeting Tuesday on the fourth floor at Owensboro City Hall, the Owensboro City Commission took up the following agenda items:

- Read an Adverse Childhood Experiences Awareness for Resilience and Empowerment proclamation.
- Heard a presentation on tax increment finance districts by City Manager Nate Pagan.

- Heard an update on the Bluegrass Music Hall of Fame & Museum by Assistant City Manager Lelan Hancock.
- Heard the city project list.
- Approved the following personnel appointments:
 - Aaron Brown, probationary, full-time, non-civil service, promotional appointment to crew leader with the Public Works Street Department, effective Feb 17.

John Nantz, probationary, full-time, non-civil service appointment to equipment operator with the Public Works Grounds Department, effective Feb. 17.

- Entered into closed session under Kentucky Revised Statutes 61.810(1) (b) to discuss the acquisition or sale of property and under KRS 61.810(1) (c) to discuss proposed or pending litigation.

REHAB

FROM THE FRONT PAGE

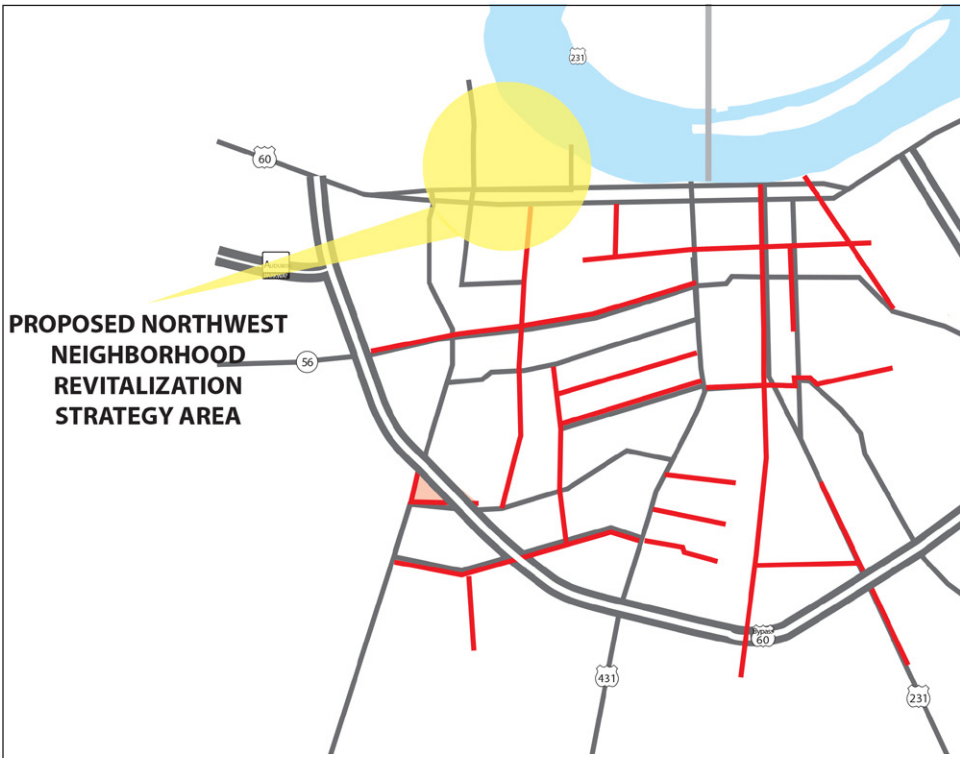
encouraged them to look for partnerships in the community to help make it a focal point of community development.”

Owensboro’s Triplett Twist strategy area, which incorporates portions of the city east of Frederica Street, is operating under a consolidated plan that is set to expire in October of this year. The city had identified a plan to demolish Gabe’s Tower as the centerpiece achievement for that program around which more development would spur. A third-party developer snagged the property before the city could purchase Gabes, however, which has since locked leaders in an ongoing legal battle with no clear end in sight.

Shelton said she doesn’t envision a similar outcome in the Northwest strategy area. For one thing, the city owns the Munday Center property and can choose a developer with whom it wishes to negotiate. Plus, building a new senior center has been a long, sought-after goal. The energy to see it come to fruition is there, she said.

“It’s going to happen one way or another, but it’s going to have to take shape as we go along,” Shelton said. “We want to guide (the senior center board) and make sure they feel comfortable with what’s going on. We do own the property, but the more brains we have at the table is better.”

That’s music to Dana Peveler’s ears. Peveler is executive director at the



Graphic by the Messenger-Inquirer

Owensboro’s Community Development Department will recommend to elected leaders later this year northwestern portions of the city between Ewing Road and Orchard Street for the next neighborhood revitalization strategy area.

senior community center, and she has actively lobbied the commission for new space since she took that job in 2014.

But the center’s need for a new building goes back nearly 12 years, she said, as the region’s senior citizen population grew exponentially and utility costs in the old schoolhouse grew just as fast.

“It’s hope,” Peveler said, describing the plan. “It’s hope that we’ll be able to realize the future. I can’t even express how many emotions have been tied to the prospect of a new facility. For so many seniors, this is just a dream come true, because I can’t tell you how many of them have said, ‘I sure hope I live long enough to see it.’ This plan that’s taking shape — it’s so exciting. It’s so overwhelming.

She said she is excited to use a new space as a center for all, not just

senior citizens. Already, she said, her staff have begun to develop multi-generational curricula that could appeal to younger generations. She envisions a cohesive center, she said, in which people of all ages and from all walks of life can learn from and enjoy each other.

That’s particularly important to the city, officials say, as they generate a plan to put the center back on the tax rolls, especially around several public housing facilities already in place.

In fact, Shelton said, identifying the northwest portion of Owensboro for local incentives was an easy decision because most of that area is already occupied by federal tax investment footprints called Opportunity Zones.

By coupling the historic building and Opportunity Zone tax credits with local block

grant funds, it shouldn’t be hard to find a developer who is interested in making the city’s vision a reality.

A request for qualifications on that project will be issued later this year.

Other projects that will likely be sought in the Northwest Neighborhood Revitalization Strategy Area include existing homeowner exterior rehabilitazproperties. By working with the city’s Public Works Department, Shelton said, she hopes to work with property owners to give the city’s northwesternmost area a much-needed facelift.

All of these projects will require city commission approval. They will be presented in Shelton’s consolidated plan later this year.

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Notorious drug lord ‘El Chapo’ Guzman convicted

BY TOM HAYS
THE ASSOCIATED PRESS

NEW YORK — Mexico’s most notorious drug lord, Joaquin “El Chapo” Guzman, was convicted Tuesday of running an industrial-scale smuggling operation after a three-month trial packed with Hollywood-style tales of grisly killings, political payoffs, cocaine hidden in jalapeno cans, jewel-encrusted guns and a naked escape with his mistress through a tunnel.

Guzman listened to a drumbeat of guilty verdicts on drug and conspiracy charges that could put the 61-year-old escape artist behind bars for decades in a maximum-security U.S. prison selected to thwart another one of the breakouts that made him a folk hero in his native country.

A jury whose members’ identities were kept secret as a security measure reached a verdict after deliberating six days in the expansive case. They sorted through what authorities called an “avalanche” of evidence gathered since the late 1980s that Guzman and his murderous Sinaloa drug cartel made billions in profits by smuggling tons of cocaine, heroin, meth and marijuana into the U.S.

As the judge read the verdict, Guzman stared at the jury, and his wife watched the scene, both with resignation in their faces. When the jurors were discharged and Guzman stood to leave the courtroom, the couple traded thumbs-ups.

U.S. District Judge Brian Cogan lauded the jury’s meticulous attention to detail and the “remarkable” approach it took toward deliberations. Cogan said it made him “very proud to be an American.”

Evidence showed drugs poured into the U.S. through secret tunnels or hidden in tanker trucks, concealed in the undercarriage of passenger cars and packed in rail cars passing through legitimate points of entry — suggesting that

a border wall wouldn’t be much of a worry.

The prosecution’s case against Guzman, a roughly 5½-foot figure whose nickname translates to “Shorty,” included the testimony of several turncoats and other witnesses. Among them were Guzman’s former Sinaloa lieutenants, a computer encryption expert and a Colombian cocaine supplier who underwent extreme plastic surgery to disguise his appearance.

One Sinaloa insider described Mexican workers getting contact highs while packing cocaine into thousands of jalapeno cans — shipments that totaled 25 to 30 tons of cocaine worth \$500 million each year. Another testified how Guzman sometimes acted as his own sicario, or hitman, punishing a Sinaloan who dared to work for another cartel by kidnapping him, beating and shooting him and having his men bury the victim while he was still alive, gasping for air.

The defense case lasted just half an hour. Guzman’s lawyers did not deny his crimes as much as argue he was a fall guy for government witnesses who were more evil than he was.

In closing arguments, defense attorney Jeffrey Lichtman urged the jury not to believe government witnesses who “lie, steal, cheat, deal drugs and kill people.”

U.S. Attorney Richard Donoghue called the conviction “a victory for the American people who suffered so much” while the defendant poured poison over the borders. He expected Guzman to get life without parole.

“It is a sentence from which there is no escape and no return,” Donoghue told a news conference outside the courthouse, through snow and sleet.

He added: “There are those who say the war on drugs is not worth fighting. Those people are wrong.”



Joaquin Guzman

TVA

FROM THE FRONT PAGE

greatness & it needs to be part of our energy future.”

Unit 3, which employs about 130 people, is the last remaining coal-burning unit at Paradise, which sits on the Green River about six miles east of Drakesboro. The TVA retired Paradise Units 1 and 2 in April 2017 because of revised federal mercury and air toxic standards. They were replaced that same year with the Paradise Combined Cycle Plant to the north, a 1,100-megawatt natural gas plant capable of meeting flexible ener-

gy production needs. Since then, the TVA has continued to monitor the remaining coal-fired unit at Paradise Fossil Plant, and, in November, released a report that recommended its closure. It is nearly 50 years old and plagued with ongoing maintenance issues, the report stated. Natural gas prices, it added, have remained consistently lower than those for coal.

A Murray Energy Corp. mine is responsible for at least 50 percent of the fuel Unit 3 consumes and several other washing and hauling facilities rely on its operations there, not to mention the region’s economic interest in those jobs and the tax dollars

they generate.

“It’s not just me, but it’s the community,” said Tyler Allen, who works at a coal preparation facility that cleans fuel for the unit. “I think the this is just a remnant of the war on coal that we have. It’s going to continue to get worse if we don’t do something about it. ... In this area, (coal) is a huge part of every job to most people. A lot of people from this community work in the coal industry.”

Monday’s report, however, determined that, while closing the plant could have a moderate socioeconomic impact on Muhlenberg County, the remaining coal unit cannot keep up with national energy growth trends.

“Unit 3 does not provide the level of flexibility needed to balance hourly, daily and seasonal changes in energy consumption,” the report reads. “In addition cycling the unit off and on results in more wear and tear and higher operation and maintenance costs. TVA has considered load outlook, economic benefits and costs, performance and environmental and social impacts and determined that there is no immediate need to replace the generating capacity currently provided by PAF Unit 3. ... TVA’s action ... supports a low cost, reliable, risk-informed, diverse, environmentally responsible and flexible power system.”

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HOMICIDE

FROM THE FRONT PAGE

Avenue that left three dead and one critically injured.

During a preliminary hearing in the case earlier, Detective Todd Wilkerson of the Owensboro Police Department

told District Judge Nick Burlew that the home had surveillance cameras on the front porch and in the basement, where the shootings took place.

His testimony described how Baines and Shemwell entered a room in the home’s basement where three of the victims were shot.

Wilkerson said Vanegas, who was

asleep while the three were killed, tried to hide.

But he said that Baines shot her in the head as well.

Shemwell sat smoking while the killings took place, Wilkerson said.

Keith Lawrence, 270-691-7301, klawrence@messenger-inquirer.com

SANDBAGS

FROM THE FRONT PAGE

as early as Friday. Big-box stores like Menards, Lowe’s, Home Depot and Walmart also have online empty sandbag sales, but

some require bundle purchases and shipping times vary.

Daviess County remained in a flood warning most of Tuesday. That could persist until Sunday evening when the Ohio River is expected to crest at 43.8 feet in

Owensboro, just below the 44-foot moderate flood stage. According to the National Weather Service in Paducah, a temporary wet weather reprieve Wednesday and most of Thursday is expected to give way to more heavy rains Thurs-

day evening and throughout the day on Friday. A slight chance of rain and snow is forecast for Saturday.

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