

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 2308

DIANA LEWIS

VERSUS

TRINA D. DORSEY AND BATON ROUGE CITY POLICE

Judgment Rendered: November 2, 2012

\* \* \* \* \*

On Appeal from the  
19th Judicial District Court,  
In and for the Parish of East Baton Rouge,  
State of Louisiana  
Trial Court No. 549,358

Honorable Wilson Fields, Judge Presiding

\* \* \* \* \*

Diana Lewis  
Baton Rouge, LA

Plaintiff-Appellant  
In Proper Person

Brian Lewis  
Baton Rouge, LA

Plaintiff-Appellant  
In Proper Person

Arlene C. Edwards  
Assistant City Parish Attorney  
Baton Rouge, LA

Attorney for Defendants-Appellees,  
Trina Dorsey and Baton Rouge City Police

\* \* \* \* \*

BEFORE: WHIPPLE, McCLENDON, AND HIGGINBOTHAM, JJ.

TMT  
PAC  
VOWP

**HIGGINBOTHAM, J.**

The plaintiffs, Diana Lewis and her son, Brian Lewis, appeal a directed verdict<sup>1</sup> judgment granted in favor of the defendants, Trina Dorsey and the Baton Rouge City Police, ordering the dismissal of their suit. After a thorough review of the record, we affirm the judgment of the trial court.

Diana Lewis and Brian Lewis were residents of Renaissance Village, in Baker, Louisiana. On October 7, 2006, Brian Lewis called 911 to report that someone was taking pictures of their residence and that he had been threatened. Baton Rouge City Police Officers Trina Dorsey and Carl Alexander responded to the call. Upon arrival, the police officers spoke to Brian Lewis, and he told the officers that he placed the call because he wanted the incident documented and that there had been no threats to himself or his mother. The officers then informed Brian Lewis that it was illegal to call 911 for non-emergency purposes. Diana Lewis and Brian Lewis became enraged and abusive to the police officers and were ultimately arrested. Diana Lewis was charged with public intimidation, and Brian Lewis was charged with public intimidation, resisting arrest, and illegal use of the 9-1-1 system. Upon arrest, Diana Lewis was handcuffed and placed into Officer Dorsey's police car. While Officer Dorsey was backing up the police car to leave the scene, she struck a utility pole.

On November 9, 2006, Diana Lewis filed a personal injury suit naming as defendants, the Baton Rouge City Police and Officer Dorsey, and alleging injuries as a result of the incident with the police car. By amended petition, Brian Lewis was added as a plaintiff, and additional claims for false imprisonment, false arrest, police mistreatment, and civil rights violations were also alleged by both

---

<sup>1</sup> Defendant's counsel moved for a "directed verdict," which may be granted in a jury trial pursuant to La. Code Civ. P. art. 1810, rather than for an involuntary dismissal pursuant to La. Code Civ. P. art. 1672B, which may be granted in a bench trial. The error was one of form rather than substance as the ultimate object of both motions is the same. **Gillmer v. Parish Sterling Stuckey**, 09-0901 (La. App. 1st Cir. 12/23/09), 30 So.3d 782, 785 n. 2.

plaintiffs.<sup>2</sup>

A trial on the merits was held on January 27, 2011. At trial, the plaintiffs offered the testimony of Officer Dorsey and three other Baton Rouge City Police Officers. At the end of the plaintiffs' case, the defendants moved for a directed verdict, which the trial court granted. By judgment signed on February 16, 2011, the trial court dismissed the plaintiffs' claims against the defendants with prejudice. From this judgment, the plaintiffs now appeal, essentially arguing that the trial court was in error in granting the directed verdict. Specifically, plaintiffs allege that the witnesses "told lies" during the trial.

Initially, we note that a trial court's credibility determinations are subject to the strictest deference and the manifest error or clearly wrong standard demands great deference for the trial court's findings. **Theriot v. Lasseigne**, 93-2661 (La. 7/5/94), 640 So.2d 1305, 1313.

The trial court's oral reasons for judgment stated:

The defense has moved for a directed verdict on both claims of Mr. Brian Lewis and Ms. Diana Lewis. I will first deal with the one on Mr. Brian Lewis for Mr. Lewis'[s] claim that his civil rights were violated. In this trial today, there was nothing brought forth to this court to show any rights of Mr. Lewis being violated. Mr. Lewis argued that he was arrested wrongfully for making a 911 call, and he questioned the witnesses about public intimidation, but once again, there was no evidence brought forth to this court to prove his ... case. So the court is going to grant the directed verdict for the city on Mr. Brian Lewis. Ms. Diana Lewis brings an incident for, likewise and best that this court can tell from their petition, for personal injuries that she sustained while she was inside the police car when Officer Dorsey hit a pole. The evidence does show that Ms. Dorsey hit a pole, but there has been nothing brought forth to this court to show that Ms. Lewis sustained any injuries as a result of that particular accident. There [have] been no medical bills offered, no testimony even offered in terms of any injuries. I note that Ms. Lewis did not testify on her own behalf in terms of what injuries she may have sustained in this particular incident. And likewise, Mr. Lewis didn't testify as to why he felt that his civil rights were violated. So therefore, the court is going to grant both directed verdicts, each party

---

<sup>2</sup> Several additional defendants were also named in the amended petition; however, these additional defendants were subsequently dismissed and are not relevant to this appeal.

to bear their own costs.

After a thorough review of the record and relevant jurisprudence, we find that the trial court's oral reasons for judgment adequately explain the decision. We agree with the trial court that Ms. Diana Lewis and Mr. Brian Lewis failed to produce evidence to support the allegations in the petition. Therefore, we find the trial court's decision was legally correct. Furthermore, we find no manifest error in the trial court's factual findings and conclusions of law. Thus, we affirm the judgment of the trial court and issue this opinion in accordance with Rule 2-16.1B of the Uniform Rules of Louisiana Courts of Appeal. Additionally, plaintiffs' July 5, 2012 motion to supplement the record is denied. All costs of this appeal are assessed against Ms. Diana Lewis and Mr. Brian Lewis.

**MOTION TO SUPPLEMENT DENIED; JUDGMENT AFFIRMED.**