

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

MARLON BANKS

NO. 2013 CW 1035

VERSUS

CAPTAIN BUSH AND THE STATE  
OF LOUISIANA, THROUGH THE  
DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS, ELAYN HUNT  
CORRECTIONAL CENTER

Consolidated with

AL NAQUIN, ET AL.

VERSUS

CAPTAIN BUSH AND THE STATE  
OF LOUISIANA THROUGH THE  
DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS, ELYAN HUNT  
CORRECTIONAL CENTER

**SEP 24 2013**

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In Re: Captain Bush and the State of Louisiana, through the  
Department of Public Safety and Corrections, applying  
for supervisory writs, 18th Judicial District Court,  
Parish of Iberville, No. 71,173 c/w 70,735. Also c/w  
Nos. 71,172, 71,175, 71,176, 71,186, 71,252, 71,278,  
71,416, 71,428, and 71,534.

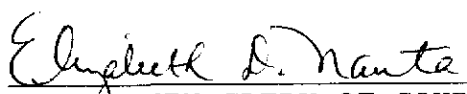
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**BEFORE: PETTIGREW, McDONALD, AND McCLENDON, JJ.**

**WRIT GRANTED.** The trial court's ruling of April 23, 2013,  
allowing Marlon Banks to withdraw his stipulation as to the  
value of his claim is hereby reversed and judgment is entered in  
favor of the State of Louisiana, Through the Department of  
Public Safety and Corrections and Captain Mark Bush. Mr. Banks'  
alleged error of fact was made due to a lack of diligence, not  
ignorance or misapprehension of the true facts. La. C.C. art.  
1853

**JTP**  
**JMM**  
**PMC**

COURT OF APPEAL, FIRST CIRCUIT

  
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DEPUTY CLERK OF COURT  
FOR THE COURT