**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**NUMBER 2017 CA 0936**

**LAKISHA BATISTE, ALFRED BATISTE, JR., JANICE BATISTE AND ALFRED BATISTE, SR., INDIVIDUALLY AND ON BEHALF OF THEIR MINOR CHILDREN, ZARIEN BATISTE AND DAVION BATISTE**

**VERSUS**

**MIKE WAGUESPACK IN HIS CAPACITY AS SHERIFF OF ASSUMPTION PARISH SHERIFF'S OFFICE AND DEPUTY BRUCE PREJEAN**

**Judgment Rendered:** DEC 2 1 2017

**Appealed from the**
**Twenty-Third Judicial District Court**
**In and for the Parish of Assumption**
**State of Louisiana**
**Docket Number 34384**

**Honorable Katherine Tess Stromberg, Judge Presiding**

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**Fred Schroeder**
**Craig E. Frosch**
**New Orleans, LA**

**Counsel for Defendants/Appellants, Mike Waguespack, Sheriff of Ascension Parish and Deputy Bruce Prejean**

**Travis J. Turner**
**Keyojuan G. Turner**
**Gonzales, LA**

**Counsel for Plaintiffs/Appellees, Lakisha and Alfred Batiste, Jr.**

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**BEFORE: WHIPPLE, C.J., MCDONALD, AND CHUTZ, JJ.**

**WHIPPLE, C.J.**

This matter is before us on appeal by defendants, Mike Waguespack, in his capacity as (former) Sheriff of Assumption Parish, and Deputy Bruce Prejean, from a judgment of the trial court in favor of plaintiffs, Lakisha Batiste, Alfred Batiste, Jr., and Janice Batiste and Alfred Batiste, Sr., individually, and on behalf of their minor children, Zarien Batiste and Davion Batiste.[1] For the reasons that follow, we affirm.

## FACTS AND PROCEDURAL BACKGROUND

In the early morning hours of June 6, 2013, Janice and Alfred Batiste, Sr., along with their four children, Lakisha, Alfred, Jr., Zarien, and Davion,[2] were sleeping in their home of nearly twenty-eight years at 209 Sparrow Street in Labadieville, Louisiana, when suddenly, without any warning, a tactical entry (SWAT) team composed of seven Assumption Parish sheriff deputies forcibly entered their home in an attempt to execute a "no-knock" search warrant obtained by the Louisiana State Police in connection with a joint task force drug trafficking investigation spanning Assumption, Terrebonne, and Lafourche Parishes.[3] Although the address provided in the search warrant was 207 Sparrow Street, the deputies, purportedly relying on information obtained from the Louisiana State Police, erroneously executed the search warrant at "the second house on the right," which was the Batiste family home.[4]

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[1]The defendants' appeal is brought by the current Sheriff of Assumption Parish, Leland Falcon.

[2]At the time of the incident, Lakisha was twenty-two years old, Alfred, Jr. was eighteen, Davion was nine, and Zarien was seven.

[3]Master Trooper Craig Rhodes of the Louisiana State Police authored the search warrant application.

[4]Two targets of the investigation bearing the last name, Herron and who males were in their mid-twenties, resided at 207 Sparrow Street, which is next door to the Batiste home.

The SWAT team "rammed the door" to enter the home using flashlights to see, wearing ski masks, and armed with guns.[5] The deputies then entered the bedroom of Janice and Alfred, Sr., where Janice was not clothed, instructed them to "shut up" and "get down," and placed Alfred, Sr. in hand cuffs. Janice knelt down on the floor because she wasn't dressed. Despite numerous inquiries by Alfred, Sr. as to why these men were in their home, the deputies provided no explanation. After Alfred, Sr. pleaded for the deputies to allow Janice to put clothes on, she was allowed to put on a "duster" robe. While this was happening, Janice, who suffers from an asthmatic condition, became so upset that she had difficulty breathing and asked the deputies if she could retrieve her inhaler from her purse. When the deputies didn't answer her, Alfred, Sr. began pleading for them to allow her to use her inhaler, and she was eventually allowed to take her medication. The deputies also entered the bedroom of the older children, Lakisha and Alfred, Jr., and placed both of them in hand cuffs.[6]

After Janice, Alfred, Sr., Lakisha, and Alfred, Jr. were secured, they were all brought into the living room.[7] At this point, Deputy Bruce Prejean, a captain in charge of Special Operations with the Assumption Parish Sherriff's Office, approached the home. As he entered the home, Deputy Prejean immediately recognized Alfred, Sr., whom he knew personally, and advised the deputies that they had secured the wrong home. Deputy Prejean then instructed the deputies to remove the handcuffs from Alfred, Sr., Lakisha, and Alfred, Jr. and to proceed to the target home at 207 Sparrow Street next door. Janice was transported via ambulance to Thibodaux Regional Medical Center for medical treatment.

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[5]The SWAT team's responsibility was to secure the residence to make sure it was safe for a search team to enter.

[6]The "handcuffs" used were plastic ties or plastic "zip" ties.

[7]During this time, Zarien and Davion remained in their bedroom.

As a result of this incident, Lakisha, Alfred, Jr., and Janice and Alfred, Sr., individually, and on behalf of their minor children, Zarien and Davion, filed a petition for damages against Sheriff Waguespack and Deputy Prejean (collectively referred to hereafter as "defendants"), and the Louisiana State Police (hereinafter "the State Police").[8]

Following a trial on January 10, 2017, the trial court issued reasons for judgment allocating the State Police with 50% fault and defendants with 50% fault, and finding that plaintiffs sustained the following total damages as a result of this incident:

| | | |
|---|---|---|
| Janice Batiste: | $30,000.00 | general damages |
| | $6,288.14 | medical expenses |
| Alfred Batiste, Sr.: | $5,000.00 | general damages |
| | $10,000.00 | loss of consortium |
| | $1,000.00 | property damages |
| Zarien Batiste: | $15,000.00 | general damages |
| Davion Batiste: | $15,000.00 | general damages |
| Lakisha Batiste: | $5,000.00 | general damages |
| Alfred Batiste, Jr.: | $5,000.00 | general damages |

On February 23, 2017, the trial court signed a judgment in favor of plaintiffs and against defendants, ordering defendants to pay plaintiffs costs in the amount of $1,235.49 and their proportionate share of damages with interest, as follows:

[8]Prior to trial, plaintiffs' claims against the State Police were dismissed pursuant to a settlement agreement.

| | | |
|---|---|---|
| Janice Batiste: | $15,000.00 | general damages |
| | $1,676.25 | medical expenses[9] |
| Alfred Batiste, Sr.: | $2,500.00 | general damages |
| | $5,000.00 | loss of consortium |
| | $500.00 | property damages |
| Zarien Batiste: | $7,500.00 | general damages |
| Davion Batiste: | $7,500.00 | general damages |
| Lakisha Batiste: | $2,500.00 | general damages |
| Alfred Batiste, Jr.: | $2,500.00 | general damages |

The defendants now appeal, contending that the trial court erred in: (1) finding that the defendants breached their duty to act reasonably under the circumstances; (2) allocating 50% fault to the defendants; and (3) awarding "excessive" damages.

## DISCUSSION

### Assignment of Error Number One (Breach of Duty)

In their first assignment of error, defendants contend that the trial court erred in finding that they breached any duty owed plaintiffs by executing a search warrant at the wrong home.

Louisiana courts have adopted a duty-risk analysis in determining whether to impose liability under the general negligence principles of LSA-C.C. art. 2315.

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[9]Appeals are taken from judgments, not written reasons for judgment. Wooley v. Lucksinger, 2009-0571 (La. 4/1/11), 61 So. 3d 507, 572. In fact, a trial judge's reasons for judgment form no part of the judgment, but merely serve as an explanation of the judge's determinations. LAD Services of Louisiana, L.L.C. v. Superior Derrick Services, L.L.C., 2013-0163 (La. App. 1st Cir. 11/7/14), 167 So. 3d 746, 753. Where there is a discrepancy between the judgment and the written reasons for judgment, the judgment prevails. Delahoussaye v. Board of Supervisors of Community and Technical Colleges, 2004-0515 (La. App. 1st Cir. 3/24/05), 906 So. 2d 646, 654.

With these precepts in mind, we note that in its reasons for judgment, the trial court determined that Janice sustained a total of $6,288.14 in medical expenses and that the defendant's 50% share of liability for that amount was $3,144.07. In its judgment, however, the trial court ordered the defendants to pay Janice $1,676.25 in medical expenses. Although the basis for this discrepancy is unclear, on the record before us it does not appear that plaintiffs employed post-trial measures below to attempt to correct and/or challenge the amount of this award and the correctness of the amount of this award has not been challenged by plaintiffs on appeal.

Bellanger v. Webre, 2010-0720 (La. App. 1st Cir. 5/6/11), 65 So. 3d 201, 207, writ denied, 2011-1171 (La. 9/16/11), 69 So. 3d 1149. For liability to attach under a duty-risk analysis, a plaintiff must prove five separate elements: (1) the defendant had a duty to conform his conduct to a specific standard of care; (2) the defendant failed to conform his conduct to the appropriate standard; (3) the defendant's substandard conduct was a cause in fact of the plaintiff's injuries; (4) the substandard conduct was a legal cause of the plaintiff's injuries; and (5) actual damages. Mathieu v. Imperial Toy Corporation, 94-0952 (La. 11/30/94), 646 So. 2d 318, 322; Toomer v. Mizell, 2016-0333 at pp. 5-6 (La. App. 1st Cir. 2/21/17) (unpublished decision). A negative answer to any of the inquiries of the duty-risk analysis results in a determination of no liability. Bridgefield Casualty Insurance Company v. J.E.S., Inc., 2009-0725 (La. App. 1st Cir. 10/23/09), 29 So. 3d 570, 573.

A party's conduct is a cause in fact of the harm if it was a substantial factor in bringing about the harm. Bellanger v. Webre, 65 So. 3d at 207. The act is a cause in fact in bringing about the injury when the harm would not have occurred without it. While a party's conduct does not have to be the sole cause of the harm, it is a necessary antecedent essential to an assessment of liability. Toston v. Pardon, 2003-1747 (La. 4/23/04), 874 So. 2d 791, 799. A cause in fact determination is a factual one that is governed by the manifest error standard of review. White v. City of Baker, Baker City Police Department, 95-2009 (La. App. 1st Cir. 5/17/96), 676 So. 2d 121, 124, writ denied, 96-1547 (La. 9/27/96), 679 So. 2d 1351.

Moreover, a trial court's finding of negligence and allocation of fault are subject to the manifestly erroneous or clearly wrong standard of review. Brewer v. J.B. Hunt Transport, Inc., 2009-1408, 2009-1428 (La. 3/16/10), 35 So. 3d 230, 239. To reverse a factfinder's determination under this standard of review, an

appellate court must undertake a two-part inquiry: (1) the court must find from the record that a reasonable factual basis does not exist for the finding of the trier of fact; and (2) the court must further determine the record establishes the finding is clearly wrong. Stobart v. State, Department of Transportation and Development, 617 So. 2d 880, 882 (La. 1993). Ultimately, the issue to be resolved by the reviewing court is not whether the trier of fact was right or wrong, but whether the factfinder's conclusion was a reasonable one. Stobart v. State, Department of Transportation and Development, 617 So. 2d at 882. If the factual findings are reasonable in light of the record reviewed in its entirety, a reviewing court may not reverse even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently. Stobart v. State, Department of Transportation and Development, 617 So. 2d at 882-883.

As to the duty owed by a police officer, the scope of an officer's duty is to choose a course of action which is reasonable under the circumstances. Syrie v. Schilhab, 96-1027 (La. 5/20/97), 693 So. 2d 1173, 1177.

In this assignment, defendants essentially argue that they were assisting the State Police in executing a warrant in a drug operation that had been prepared by a State Police officer, and which identified the target house as "the second residence on the right." Defendants contend that they should be absolved from any liability as the deputies reasonably relied upon this information and these instructions in executing the warrant. They argue that absent a duty owed, they should not have been found liable.

The application for the search warrant of the Herron home at 207 Sparrow Street, which was completed by Master Trooper Craig Rhodes of the State Police, described the residence as a:

> [s]ingle-story red brick residence with a black shingled roof. If traveling on Sparrow St. from Pine St., it is the second residence on the right. There is an attached carport on the north side of the

> residence. A concrete driveway leads from Sparrow St. to the carport. There is a cyclone fence on the front of the residence. There is an inward opening door on the left side of the front of the residence with one window to the left of the door and two windows to the right of the door. There is a window air conditioning unit in each window on the front.

The actual search warrant, signed by the judge authorizing the search, identified 207 Sparrow Street as the address of the residence subject to the search warrant.

At trial, Deputy Prejean testified that this drug investigation began in Assumption Parish and as it developed, became very complex, stemming into other parishes. He explained that "as more quantities were offered up," the defendants needed more resources and thus, partnered with the State Police. The investigation, involving undercover buys and wiretaps, eventually spanned into Terrebonne and Lafourche Parishes.

Two of the suspects or targets in the investigation were the Herron brothers who lived at 207 Sparrow Street next door to the Batiste family. Deputy Prejean testified that the Herron suspects were "frequent flyers," referring to their criminal history, and were known to sheriff's deputies in Assumption Parish through previous arrests and complaints that occurred in proximity to their home. He further testified that some of his deputies had previously been to the Herron home. In fact, Deputy Prejean conceded that of the seven deputies in the team that entered the Batiste home on the morning in question, "some of these guys would have knowledge of them."

The day before the incident, Deputy Prejean and two narcotics agents met at an offsite location in Terrebonne Parish with the State Police narcotics and SWAT team to discuss potential targets. Deputy Prejean testified that as part of the overall plan, the defendants were asked to "hit" the Herron house, which was described as the second house on the right on Sparrow Street, and another house containing the main target that was described as being directly behind the Herron house on

Willow Street.[10] Deputy Prejean testified that his team was instructed to enter the Herron residence through the carport door. Deputy Prejean claimed that he relied upon the information provided to him by the State Police as to which house was to be entered and testified that the information he had obtained at the briefing the day before was the information that he passed on to his entry team to cause them to enter that home.

Deputy Prejean also conceded that there were differences between the two homes; particularly, the house at 207 Sparrow Street house had a cyclone fence in the front of the residence as described in the search warrant application, while the Batiste home did not. Also, homes had different color bricks. Deputy Prejean further testified that he did not recall if the warrant listed the correct address of 207 Sparrow Street. As far as his ability to review the warrant prior to the raid, he testified, "I won't say I wasn't privy to it, but we really didn't have copies of them at the time." However, later in his testimony, Deputy Prejean acknowledged that he did not read the search warrant until "after the fact."

Janice testified that her home at 209 Sparrow Street and the Herron home next door at 207 Sparrow Street were not, in her opinion, similar, noting the difference in siding, brick, and posts colors of the two homes. Janice further testified that her mail box across the street in front of her home identified her address of "209" Sparrow Street. In addition to these differences, Alfred, Sr. testified that there are multiple weed-eaters and air conditioning units under his carport that he repairs in his spare time and that there is "nothing" under the carport in the home next door at 207 Sparrow Street.

Plaintiffs contend that the trial court was correct in finding defendants liable where the warrant contained the correct address, the deputies involved in the raid

[10]The target home on Willow Street is actually directly behind the Batiste home.

were familiar with the Herron suspects as well as where they resided, and the numerous differences in the Batiste home and the home described in the warrant application were apparent. Plaintiffs further contend that the "glaring difference" between the two homes was the number of weed eaters, lawn mowers, and air conditioning units under the Batiste home, which made entry from the carport door impossible. According to plaintiffs, when the team arrived and was prevented from entering through the carport door, as planned, this should have alerted the deputies that they were at the wrong home.

After employing the duty/risk analysis, the trial court determined that defendants were negligent in breaching a duty to act reasonably and to execute the "no-knock" search warrant at the correct home. In doing so, the trial court found that although the defendants chose to rely on the "second on the right" description of the home in good faith, the officers and individuals involved could have easily checked the number of the home which was posted on the mailbox across the street. The trial court further found that the defendants could have determined that they had the wrong home when they came upon the lawn equipment and air conditioning units under the Batiste's carport which prevented them from entering through the side door under the carport as they had been instructed to do.[11]

We agree. Considering the numerous obvious and apparent differences in the appearance of the two homes, the fact that the Batiste home was identified as 209 Sparrow Street on the mailbox out front, the fact that the deputies involved in the raid were actually familiar with the Herron suspects and had been to the Herron

[11]In its reasons for judgment, the trial court included the following statement in its factual background, "Master Trooper Craig Rhodes attested that Louisiana State Police based their instructions upon information that the Assumption Parish Sheriff's [O]ffice had provided to the Louisiana State Police." The defendants contend that the trial court erred in relying on Master Trooper Rhodes' testimony when such testimony was not offered at trial, but was instead referenced in a post-trial memorandum by plaintiffs, which is not contained in the record before us. Even if we were to assume that same was error, we find any such error harmless where, on review of the evidence presented at trial, there was sufficient evidence to establish that the defendants were negligent and breached a duty to plaintiffs even in the absence of this testimony.

residence before, and the fact that the SWAT team was unable to enter the home through the carport door as previously instructed and planned, the team should have been alerted that they were not at the target residence or, at a minimum, should have reviewed the warrant or otherwise verified the target address. Although defendants contend that they were erroneously advised that the Herron residence was the second house on the right, the circumstances outlined above should have given them pause in proceeding, particularly where Deputy Prejean conceded that he was "privy" to the search warrant containing the correct address prior to the raid, but instead, chose to read it only "after the fact."

After a thorough review of the record herein, we find no manifest error in the trial court's finding that the defendants breached their duty to act reasonably and to choose a reasonable course of action under the circumstances. Accordingly, we find no merit to this assignment of error.

**Assignment of Error Number Two**
**(Allocation of Fault)**

In this assignment, defendants contend that the trial court erred in assessing them with 50% fault. As set forth above, the trial court assessed the State Police with 50% fault and the defendants with 50% fault for the incident at issue herein. Considering that we find no error in the trial court's determination that the defendants were negligent herein in breaching a duty owed to plaintiffs, and that the testimony at trial established that the portion of the search warrant application that described 207 Sparrow Street as the "second residence on the right," which was completed by the State Police, was incorrect, after a thorough review of the evidence presented at trial and set forth in the record herein, we likewise find no manifest error in the trial court's allocation of fault. The trial court's conclusions are amply supported by the record.

This assignment also lacks merit.

**Assignment of Error Number Three**
**(Damages)**

In their final assignment of error on appeal, defendants contend that the damages awarded by the trial court are excessive. In particular, defendants contend that the general damages awarded to each of the Batiste family members as well as the loss of consortium damages awarded to Alfred, Sr., are excessive and should be reduced.[12]

As set forth above, the defendants' 50% share of the general damages and consortium damages awarded by the trial court are as follows: Janice - $15,000.00 in general damages; Alfred, Sr. - $2,500.00 in general damages and $5,000.00 for loss of consortium; Zarien - $7,500.00 in general damages; Davion - $7,500.00 in general damages; Lakisha - $2,500.00 in general damages; and Alfred, Jr. - $2,500.00 in general damages.

It is well-settled that a judge or jury is given great discretion in its assessment of quantum, as to both general and special damages. LSA-C.C. art. 2324.1; Guillory v. Lee, 2009-0075 (La. 6/26/09), 16 So. 3d 1104, 1116. Furthermore, the assessment of quantum, or the appropriate amount of damages, by a trial judge or jury is a determination of fact that is entitled to great deference on review. Wainwright v. Fontenot, 2000-0492 (La. 10/17/00), 774 So. 2d 70, 74. The standard for appellate review of general damages is set forth in Youn v. Maritime Overseas Corporation, 623 So. 2d 1257, 1261 (La. 1993), cert. denied, 510 U.S. 1114, 114 S.Ct. 1059, 127 L.Ed.2d 379 (1994), wherein the Louisiana Supreme Court stated that "the discretion vested in the trier of fact is 'great,' and even vast, so that an appellate court should rarely disturb an award of general damages." Youn v. Maritime Overseas Corporation, 623 So. 2d at 1261. The appellate court's first inquiry should be "whether the award for the particular

[12]The defendants do not challenge the amounts that were awarded for medical expenses and home repairs.

injuries and their effects under the particular circumstances on the particular injured person is a clear abuse of the 'much discretion' of the trier of fact." Youn v. Maritime Overseas Corporation, 623 So. 2d at 1260. Only after it is determined that there has been an abuse of discretion is a resort to prior awards appropriate, and then only to determine the highest or lowest point of an award within that discretion. Graham v. Offshore Specialty Fabricators, Inc., 2009-0117 (La. App. 1st Cir. 1/8/10), 37 So. 3d 1002, 1018.

General damages are intended to compensate an injured plaintiff for mental or physical pain and suffering, inconvenience, loss of gratification or intellectual or physical enjoyment, or other losses of lifestyle. See Thongsavanh v. Schexnayder, 2009-1462 (La. App. 1st Cir. 5/7/10), 40 So. 3d 989, 1001, writ denied, 2010-1295 (La. 9/24/10), 45 So. 3d 1074. They are inherently speculative in nature and cannot be fixed with mathematical certainty. Miller v. LAMMICO, 2007-1352 (La. 1/16/08), 973 So. 2d 693, 711. Since the trier of fact is in the best position to evaluate witness credibility and see the evidence firsthand, it is afforded much discretion in independently assessing the facts and rendering an award. Miller v. LAMMICO, 973 So. 2d at 711.

Moreover, "consortium" includes love and affection, society and companionship, support, aid and assistance, felicity, and performance of material services. See LSA-C.C. art. 2315. Proof of any one of these components is sufficient for an award of consortium. Howard v. United Services Automobile Association, 2014-1429 (La. App. 1st Cir. 7/22/15), 180 So. 3d 384, 397, writ denied, 2015-1595 (La. 10/30/15), 179 So. 3d 615. Additionally, a loss of consortium award is a fact-specific determination to be decided on a case-by-case basis and is disturbed only if there is a clear abuse of discretion. Lemoine v. Mike Munna, L.L.C., 2013-2187 (La. 6/6/14), 148 So. 3d 205, 214.

Janice testified that she was "hurt" by this entire incident, that the police should be there to protect them, and that she should not have had to experience that type of fear for herself or her family. She testified that since the incident, she has been very emotional and there were many nights she was unable to sleep because she was "terrified to death" and that every night she gets up and "walk[s] the floor" to make sure that her children are alright. As a result of this incident, Janice sought professional counseling from a psychologist, where bi-weekly individual psychotherapy was recommended to address her PTSD symptoms and to assist her in learning effective coping skills. After over four months, she discontinued therapy feeling that it was doing more harm than good to talk about it and wanting to put these events behind her.

Alfred, Sr. testified that initially, he was frightened because he thought they were going to be shot and robbed by burglars. He testified that he begged them to allow his wife to put clothes on and they told him to shut his mouth and be quiet. Alfred, Sr. recalled the pain of seeing his two older children in hand cuffs. He stated that the officer came in and "tore up his house" and "treated him like a dog," having no respect for his wife or his property. Alfred, Sr. further testified that he and Janice were unable to have intercourse for a "good while" after this incident, and that Janice had difficulty communicating. He stated that after this incident, Janice gets up in the middle of the night and "hollers" in her sleep and that he has to get up in the night to check that his wife and children are asleep. Alfred, Sr. testified that he did not think Janice should have discontinued therapy.[13]

Lakisha testified that a loud noise woke her up, which she later realized was the team crashing through the door, and that she then sat up in bed because she was too scared to move. Then, men armed with guns entered her room, handcuffed her

[13]He described the lingering effects of Janice's PTSD, stating that he used to take her for walks in the morning before he went to work, but she would come home and get back in bed.

and her brother, and led them to the living room, where her father was handcuffed and her mother was crying. Lakisha testified that she was scared and had no idea what was going on. Lakisha testified that since this incident, she has been on edge and "jumpy" throughout the day, but mostly at night.

Alfred, Jr. testified that on the morning of the incident, armed masked men entered his room and flashed a flashlight in his face, told him to get on the floor, and placed him in handcuffs. He was scared and did not know what was going on. Alfred, Jr. testified that since the incident, he wakes up early to make sure nothing like that happens again. He also felt embarrassed in being handcuffed and in seeing his dad with handcuffs on.

Janice, Alfred, Sr., Lakisha, and Alfred, Jr. testified that since this incident, Davion and Zarien had difficulty sleeping at night, no longer played outside and instead stayed in their room all day, and that Janice was more protective of them. It was recommended that both Davion and Zarien received six months of bi-monthly professional counseling to cope with their fears of a recurrence of this event. Davion received six professional counseling sessions while Zarien received eight. In particular, Davion expressed fears of "it" happening again and of being shot.

We note that on appeal, defendants concede that the SWAT team's tactical entry was "a frightening and harrowing experience." However, the defendants then attempt to minimize the effects of same on the basis that the Batiste family members purportedly were in the actual custody of the deputies for "no more than a few minutes." We recognize that those engaged in and familiar with law enforcement, particularly the defendants who were charged with executing the "no-knock" search warrant, may have a different perspective of these events, where such exercises are commonplace and routine in the course of their employment. However, we are unable to say that the explanation and perspective offered by

defendants diminishes the shock, horror, fear, humiliation, and suffering experienced by innocent family members, who were pulled from their beds in darkness by armed men wearing face masks. To hold otherwise would ignore the profound impact that this incident has had on the lives of those family members.

Accordingly, on review, we find no abuse of the trial court's discretion in its award of general and loss-of-consortium damages.

## CONCLUSION

Based on the above and foregoing reasons, the February 23, 2017 judgment of the trial court is hereby affirmed. Costs of this appeal in the amount of $3,444.50 are assessed to the defendants/appellants, Mike Waguespack, (former) Sheriff of Assumption Parish, and Deputy Bruce Prejean.

**AFFIRMED.**