

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2018 CA 1291

DARNELL D. PARKER

VERSUS

GREG PHARES, IN HIS OFFICIAL CAPACITY AS SHERIFF OF
EAST BATON ROUGE PARISH; WILLIE DOUGLAS, IN HIS
OFFICIAL CAPACITY AS WARDEN OF EAST BATON ROUGE
PARISH PRISON; AND JACOB DEDON

*ahp
mt.*

Judgment Rendered: MAY 28 2019

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On Appeal from the 19th Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
No. 556,678

Honorable William A. Morvant, Judge Presiding

* * * * *

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* * * * *

BEFORE: GUIDRY, THERIOT, AND PENZATO, JJ.

Guidry, J. concurs,

PENZATO, J.

Plaintiff, Darnell D. Parker, through his curator, Gloria Parker, appeals a judgment rendered in accordance with a jury verdict in favor of defendants, City of Baton Rouge/Parish of East Baton Rouge and Shemekia Vaughn, dismissing his claims. For the following reasons, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

This case involves a claim for damages for severe and permanent injuries sustained while Mr. Parker was an inmate at East Baton Rouge Parish Prison (“EBRPP”) as the result of a life-threatening, physical beating by another inmate. The City of Baton Rouge/Parish of East Baton Rouge, through Emergency Medical Services (“EMS”)/Prison Medical Services (“PMS”), provides medical services to inmates. At all relevant times, Ms. Vaughn was employed as a licensed practical nurse by PMS acting within the course and scope of her employment. Mr. Parker alleged that PMS was responsible for his injuries because of Ms. Vaughn’s failure to properly conduct adequate medical screening upon his admission to the jail, causing Mr. Parker to be improperly housed and ultimately leading to his beating. Following are the facts giving rise to this appeal.

Mr. Parker has a history of mental illness and substance abuse. On June 7, 2006, Mr. Parker was admitted to Greenwell Springs Hospital after having been brought to the emergency room on an order for protective custody secondary to threatening to kill family members at home. This was his fourth admission to Greenwell Springs Hospital on a physician emergency certificate, with prior admissions for the periods of November 13, 2005 to November 23, 2005; January 19, 2006 to January 24, 2006; and March 1, 2006 to March 16, 2006. He was discharged on June 22, 2006, with a final diagnosis of chronic paranoid schizophrenia and polysubstance dependence. He was given discharge medications and advised to follow up at Baton Rouge Mental Health Center. He

was also encouraged to attend Alcoholics Anonymous/Narcotics Anonymous meetings.

On June 26, 2006, Mrs. Parker arrived home and found her son in a rage in the backyard, soaking wet, and having broken out all of the windows in his car. She testified that she was frightened because of his mental health issues and called 911. Corporal Daniel Lockett of the East Baton Rouge Sheriff's Office ("EBRPSO"), the responding officer, found Mr. Parker in the carport. According to Corporal Lockett, Mr. Parker was calm and did not show any signs that he was violent. Upon confirming that Mrs. Parker wanted Mr. Parker arrested, he was charged with disturbing the peace and remaining after forbidden and was transported to EBRPP.

Medical processing is performed by PMS on every EBRPP inmate within twenty-four hours of their arrest. Reasons for this initial medical assessment include ensuring that inmates are taking required medication and identifying medical conditions that require further follow-up. Ms. Vaughn performed Mr. Parker's medical processing on June 27, 2006, which consisted of Ms. Vaughn asking specific questions contained on an inmate screening form. The evaluation took approximately three to five minutes. In response to her questioning, Mr. Parker advised Ms. Vaughn that he was schizophrenic, had just been released from a mental hospital, was not taking any medications, and had smoked marijuana the previous day. The inmate screening form allowed for the evaluator to recommend immediate, next available, or routine doctor referral. Ms. Vaughn recommended Mr. Parker for a routine doctor referral. She also recommended him for housing in the general population within the jail. Ms. Vaughn testified that she did not share any of Mr. Parker's information from her intake processing with the sheriff's office.

After being medically processed by PMS, an inmate is classified by the EBRPSO on the basis of race, sex, age, and medical conditions and then taken by security into an assigned cell. Sergeant Michael Herpizh was the classification officer who met with Mr. Parker on June 27, 2006. At that meeting, Sergeant Herpizh asked whether Mr. Parker had any medical needs, anybody with whom he was associated in the jail that he did not get along with, and any mental disabilities. Mr. Parker replied “no” to all of the questions. Sergeant Herpizh further determined that Mr. Parker’s arrest history was not deemed to be violent.

Sergeant Herpizh testified that he does not have any professional medical training and that PMS determines whether an inmate should have a special housing assignment based on medical need. At the time that he was a classification officer, Sergeant Herpizh did not have access to the information that PMS obtained in its medical assessment of an inmate, although he thought that such information should be shared in determining housing placement. According to Sergeant Herpizh, HIPAA law prevented the sharing of the information collected by PMS.

On June 27, 2006, at 1:30 p.m., Mr. Parker was classified to general population in accordance with Ms. Vaughn’s recommendation. Several hours later, at approximately 5:45 p.m., Mr. Parker approached another inmate, who was on the telephone, grabbed his arm, and demanded the telephone. The other inmate punched Mr. Parker in the face, and both inmates were charged with fighting. Mr. Parker was taken to PMS for medical evaluation and refused treatment. As a result of the fight, Mr. Parker was separated from the other inmate and returned to general population in another wing of the jail.

Thereafter, on June 29, 2006, at approximately 2:00 p.m., Mr. Parker was found unresponsive in his cell. He was bleeding from his nose and was noted to have swelling of his forehead, right eye, and lips. He was transported to Our Lady of the Lake Hospital where he underwent emergency surgery for an acute left

subdural hematoma. He remained comatose for many days postoperative and was eventually transferred to a respiratory care unit. Mr. Parker was discharged to the care of his mother on August 16, 2006. He was diagnosed with ongoing cognitive impairment that makes it difficult for him to function.

EBRPSO Detective Lari Seguin investigated the incident. Detective Seguin testified that based upon her investigation she determined that another inmate, Samuel Cooper, accused Mr. Parker of urinating or defecating on a toilet seat. After the initial confrontation, Mr. Parker cleaned the toilet area. Sometime later, Mr. Parker was in his bunk when Mr. Cooper attacked and beat him. Mr. Cooper was charged with attempted manslaughter.

On June 26, 2007, Mr. Parker¹ filed this lawsuit against the Sheriff of East Baton Rouge Parish, the Warden of EBRPP, and an employee of the EBRPSO.² In addition, he submitted his claims against PMS to a medical review panel in compliance with the Louisiana Medical Malpractice Act. On September 28, 2009, the medical review panel rendered its opinion that PMS failed to meet the applicable standard of care, finding that the screening process was inadequate for mental health disorders and that Mr. Parker's history indicated that he needed further evaluation in light of his responses that he had a mental illness, had recently been hospitalized in a mental hospital, was not taking any medications for his mental disorder, and had recently used substances that may make the disorder worse. The medical review panel concluded that the breach in the standard of care placed Mr. Parker at risk by placing him in the general prison population.

Mr. Parker's suit was amended to add PMS and Ms. Vaughn as defendants. He settled his claims against PMS and Ms. Vaughn and sought additional damages

¹ In March 2014, Mr. Parker was placed under a full interdiction with his mother appointed as curator. By order signed April 4, 2014, Mrs. Parker was substituted as plaintiff.

² By supplemental and amending petitions, other EBRPSO employees and its insurer were added as defendants.

from the Louisiana Patient's Compensation Fund ("PCF"), which was allowed to intervene in the matter.³ Prior to trial, Mr. Parker settled his claims against the Sheriff of East Baton Rouge Parish, its employees, and the Warden of EBRPP, all of whom were dismissed.

Ultimately, the case proceeded to trial against the PCF, through nominal defendants PMS and Ms. Vaughn. After a trial, the jury found that Mr. Parker proved, by a preponderance of the evidence, the applicable standard of care which applied to PMS and/or Ms. Vaughn in the treatment of Mr. Parker and that PMS and/or Ms. Vaughn breached the applicable standard of care in the treatment of Mr. Parker. However, the jury concluded that the breach of the applicable standard of care by PMS and/or Ms. Vaughn did not cause Mr. Parker's injuries. On August 14, 2017, the trial court signed a judgment in accordance with the jury verdict, dismissing Mr. Parker's claims against PMS and Ms. Vaughn. It is from this judgment that Mr. Parker appeals.

ASSIGNMENTS OF ERRORS

Mr. Parker urges the following assignments of error:

- (1) The trial court erred by admitting the hearsay non-expert opinion testimony of Lari Seguin regarding crucial facts determinative of causation.
- (2) The jury's verdict was contrary to the law and evidence presented, as the overwhelming evidence and law established a causal link between PMS' breach of the standard of care and the damages sustained by Mr. Parker.
- (3) The trial court erred in failing to instruct the jury the precise manner of harm need not be foreseeable, only the general manner of harm need be foreseeable.
- (4) The trial court erred in failing to instruct the jury that 45 C.F.R. § 164.512(k)5 permits disclosure of protected health information between PMS and the Sheriff.

³ Mr. Parker agreed to a partial settlement for the medical malpractice portion of his claims for an amount less than \$100,000.00. He claimed that his total damages exceed \$100,000.00 and sought additional damages to be paid by the PCF.

- (5) The trial court erred in denying Appellant's challenge for cause of prospective juror #278, who was employed by the Defendant.

STANDARD OF REVIEW

A court of appeal may not set aside a trial court's finding of fact in the absence of manifest error or unless it is clearly wrong. *Stobart v. State through Department of Transportation & Development*, 617 So.2d 880, 882 (La. 1993). In order to reverse a trial court's findings, an appellate court must determine that there exists no reasonable basis for the trial court's factual finding and the record shows the finding is clearly wrong or manifestly erroneous after a review of the record in its entirety. *Id.* This court's determination is not whether the trier of fact was correct, but whether the factfinder's conclusion was reasonable. *Id.* Even though an appellate court may feel its own evaluations and inferences are more reasonable than the factfinder's, reasonable evaluations of credibility and reasonable inferences of fact should not be disturbed upon review where conflict exists in the testimony. *Id.* While it is not accurate to state that a trial court's factual findings can never or hardly ever be erroneous, deference should be given to the fact finder. See *Bonin v. Ferrellgas, Inc.*, 2003-3024 (La. 7/2/04), 877 So.2d 89, 95. Accordingly, when the evidence supports two permissible views, a fact finder's choice of one of the views cannot be said to be clearly wrong or manifestly erroneous. *Id.*

LAW AND DISCUSSION

In this case, the jury found that Mr. Parker proved the applicable standard of care and that PMS and/or Ms. Vaughn breached that standard of care. Mr. Parker challenges the jury's finding that he failed to prove a causal connection between the breach and his resulting injury, arguing that the overwhelming evidence and law established a causal link between PMS' breach of the standard of care and the

damages sustained by Mr. Parker, and that several trial errors negatively impacted the jury's verdict.

Causation

To establish a claim for medical malpractice, the plaintiff has the burden of proving: (1) the standard of care applicable to the defendant; (2) the defendant breached that standard of care; and (3) there was a causal connection between the breach and the resulting injury. La. R.S. 9:2794; *Schultz v. Guoth*, 2010-0343 (La. 1/19/11), 57 So. 3d 1002, 1006. The plaintiff need not show that the health care provider's conduct was the only cause of harm, nor must all other possibilities be negated, but the plaintiff must show by a preponderance of the evidence that he suffered injury because of the health care provider's conduct. See *Hoot v. Woman's Hospital Foundation*, 96-1136 (La. App. 1 Cir. 3/27/97), 691 So. 2d 786, 789, writ denied, 97-1651 (La. 10/3/97), 701 So. 2d 209. The test for determining the causal connection is whether the plaintiff proved through medical testimony that it is more probable than not that the injuries were caused by the substandard care. *Id.*

The issue of causation in medical malpractice cases is subject to the manifest error standard of review. *Hoot*, 691 So. 2d at 789. In a medical malpractice case, the reviewing court must give great deference to the jury's findings when medical experts express different views, judgments, and opinions on whether the breach of the standard of care caused plaintiff's damages; such expert opinions are necessary sources of proof whose views are persuasive, although not controlling, and any weight assigned to their testimony by the jury is dependent upon the expert's qualifications and experience. *Id.* It is the jury's duty to assess the testimony and credibility of all the witnesses and to make factual determinations regarding these evaluations. *Id.* at 790.

In this case, the evidence established that Mr. Parker was assaulted by a third party while housed in general population. It is Mr. Parker's contention that his

injuries would not have occurred in the absence of PMS/Ms. Vaughn's malpractice.

The medical review panel opinion was introduced into evidence at the trial. The panel, comprised of Dr. Susan K. Glade, Dr. John W. Thompson, and Dr. Deborah Tosh found that the evidence supported the conclusion that PMS failed to meet the applicable standard of care and that the complained of conduct was a factor in the resultant damages. The panel provided the following reasons:

The screening process and the protocol were inadequate for mental health disorders. Even with this inadequate process, the patient's history indicated that he needed further evaluation. This is in light of the pertinent positive responses received on the screening form: 1. person identified as having mental illness, 2. a recent hospitalization in a mental hospital, 3. not taking any medications for the mental disorder and 4. having recently used substances that may make the disorder worse.

The breach in the standard of care placed this inmate at risk by placing him in the general prison population.

Dr. Thompson testified by video at the trial as an expert in the field of psychiatry. According to Dr. Thompson, the purpose of the medical screening is to identify acute suicide and homicide risks, not necessarily to address the longer term potential risk of violence or being attacked. He testified that the evaluation by Ms. Vaughn was inadequate. In his opinion, the most glaring breach of the standard of care was her lack of concern that Mr. Parker had schizophrenia and had not taken his medicine. He opined that she should have emphasized the need for Mr. Parker to see a psychiatrist and get on medication. Dr. Thompson testified that every single person that comes into the jail with a history of mental illness cannot be placed into a lockdown cell. He opined that Mr. Parker's placement in the general population was a risk factor but he could not go so far to say that it was the causative or a substantial factor to the June 29, 2006 incident because there were so many intervening variables, including the willful behavior by Mr. Cooper.

Dr. Thompson was asked whether Mr. Parker's behavior of leaving feces on the toilet seat, thereby resulting in the fight between Mr. Cooper and Mr. Parker, was consistent with Mr. Parker's diagnosis as schizophrenic. Dr. Thompson acknowledged that schizophrenics have poor hygiene but was unable to say that Mr. Parker left feces on the toilet because of his schizophrenia.

Dr. Glade also testified as an expert in the field of psychiatry. In her opinion, Mr. Parker's schizophrenia made him vulnerable to harm, and the breach in the standard of care by PMS in placing him in the general population placed Mr. Parker at risk and contributed to his damages. Dr. Glade explained that because of his schizophrenia, Mr. Parker is vulnerable to misconstruing what is happening in his world and that puts him at risk for using bad judgment and therefore harm, which is exactly what happened. According to Dr. Glade, Mr. Parker needed to see a doctor prior to classification and for safety reasons should have been in isolation until he was evaluated by a doctor.

Dr. Glade acknowledged that she could not predict the brutal crime of another inmate assaulting Mr. Parker but testified that he is at a greater risk for things like that happening because of the way he sees the world and the way he presents himself to the world. She acknowledged that at the time of the attack Mr. Parker was in his bunk and while in that moment was not engaged in any schizophrenic behavior, there were events leading up to the attack that she attributed to his schizophrenia. She ultimately concluded that the actions and inactions of PMS were substantial factors in the harm that Mr. Parker suffered.

Dr. Robert Blanche, a psychiatrist who works at the East Baton Rouge Parish Jail, also testified as an expert at trial. He testified that Ms. Vaughn's assessment was not deficient, and that Mr. Parker was placed where it was thought he would get along. With regard to the issue of causation, Dr. Blanche opined that

there was no connection between Ms. Vaughn's assessment and the June 29, 2006 attack.

The jury was able to assess the testimony of the expert witnesses and their opinions as to whether the breach of the applicable standard of care by PMS and/or Ms. Vaughn caused Mr. Parker's injuries. We are required to give great deference to the jury's findings. Based upon the entirety of the record, we find the jury's conclusion that the breach of the applicable standard of care by PMS and/or Ms. Vaughn did not cause Mr. Parker's injuries to be reasonable.

Jury Instructions

The trial court is required to instruct the jurors on the law applicable to the cause submitted to them. La. C.C.P. art. 1792. The trial court is not required to give the precise instruction submitted by either party, but must give instructions that properly reflect the law applicable in light of the facts of the particular case. *Georgia-Pacific, LLC v. Dresser-Rand Co.*, 2015-2002 (La. App. 1 Cir. 10/31/16), 207 So. 3d 1131, 1137, writ denied, 2016-02114 (La. 1/13/17), 215 So. 3d 248. Adequate jury instructions are those which fairly and reasonably point out the issues and which provide correct principles of law for the jury to apply to those issues. *Id.* The trial court must correctly charge the jury. *Id.* If the trial court omits an applicable, essential legal principle, its instructions do not adequately set forth the issues to be decided by the jury and may constitute reversible error. *Id.* Correlative to the trial court's duty to charge the jury as to the law applicable in a case is a responsibility to require that the jury receives only the correct law. *Id.*

Louisiana jurisprudence is well established that an appellate court must exercise great restraint before it reverses a jury verdict because of erroneous jury instructions. *Abney v. Smith*, 2009-0794 (La. App. 1 Cir. 2/8/10), 35 So. 3d 279, 285, writ denied, 2010-0547 (La. 5/7/10), 34 So. 3d 864. Trial courts are given broad discretion in formulating jury instructions, and a trial court judgment should

not be reversed so long as the charge correctly states the substance of the law. *Id.* But when a jury is erroneously instructed and the error probably contributed to the verdict, an appellate court must set aside the verdict. *Id.* In the assessment of an alleged erroneous jury instruction, it is the duty of the reviewing court to assess such impropriety in light of the entire jury charge to determine if the charges adequately provided the correct principles of law as applied to the issues framed in the pleadings and the evidence and whether the charges adequately guided the jury in its deliberation. *Id.* at 285-286. Ultimately, the determinative question is whether the jury instructions misled the jury to the extent that it was prevented from dispensing justice. *Id.* at 286. The standard of review in determining whether an erroneous jury instruction has been given requires a comparison of the degree of error with the jury instructions as a whole and the circumstances of the case. *Id.*

A supplemental instruction must be considered as an addition to the original instruction rather than as an independent charge. *Abney*, 35 So. 3d at 286. As long as the combined charges accurately cover the point of law at issue, no reversible error exists. *Id.*

In this case, the jury was instructed on causation as follows:

Causation is the next element the plaintiff must prove. The law requires that the defendant's conduct be the legal cause of the plaintiff's injuries. Bear in mind that although there may be many factual causes to an injury, not all such factual causes are sufficient or substantial enough to render a defendant legally liable for the plaintiff's injuries. The test which the law has developed to determine whether certain conduct is the legal cause of an injury is as follows: whether the defendant's conduct was a factor in bringing about the harm suffered by the plaintiff. In a medical malpractice action, the plaintiff does not have to show that the defendant's conduct was the only cause of the harm or that there were no other possible causes. But he must show by a preponderance of the evidence that he suffered the injury in part because of the defendant's conduct. Liability does not extend when the damage results from an independent intervening event which was unforeseeable by a reasonable person such as the intentional wrongful act of a third party. Liability does extend when a

reasonable person similarly situated should have anticipated in an intervening intentional act on the third party.

During deliberations, the jury requested a clarification of the trial court's instructions as to causation. The trial court indicated that it was going to send the jury a restated instruction as to causation, and read the following proposed charge into the record:

To meet the element of causation, the law requires that the defendant's conduct be a factor in causing the harm suffered by the plaintiff. You should resolve this question by deciding whether the plaintiff would probably not have suffered the claimed injuries in the absence of the defendant's conduct. If plaintiff would have suffered those injuries regardless of what the defendant did, then you must conclude the injuries were not caused by the defendant. If on the other hand, plaintiff probably would not have suffered the claimed injuries in the absence of the defendant's conduct, then you must conclude the defendant's conduct did play a part in plaintiff's injury ... However, liability does not extend to the defendant when the damage or injuries suffered by the plaintiffs result from an independent intervening event such as the intentional wrongful act of a third person which event or act was unforeseeable by a reasonable person. If a reasonable person similarly situated should have foreseen or anticipated an intervening intentional act by a third party, then liability does extend to the defendant.

Neither party objected to the proposed instruction.

Testimony was provided at trial that the purpose of the medical assessment by PMS is to determine whether an inmate may pose a threat to his and another's health and safety. The jury was required to determine whether the failure to provide an adequate medical screening was the legal cause of Mr. Parker's injuries that resulted from an assault by a third party.

In Mr. Parker's third assignment of error, he complains that the trial court erred in failing to include his proposed jury instruction that a patient is not required to prove that the precise manner of harm was foreseeable, only that the "general manner of harm was foreseeable." Mr. Parker contends that because this specific jury instruction was not given, the jury was prevented from applying the correct legal standard.

Even though the trial court's instruction in this case did not use the specific phrase requested by Mr. Parker, the jury was instructed that Mr. Parker did not have to show that the defendant's conduct was the only cause of the harm or that there were no other possible causes, and that liability extends "when a reasonable person similarly situated should have anticipated ... an intervening intentional act on the third party." We find that the jury instructions as a whole adequately provided the correct principles of law and could not have misled the jury to the extent that it was prevented from dispensing justice. See Abney, 35 So. 3d at 286.

Mr. Porter also assigns as error the trial court's failure to instruct the jury that 45 C.F.R. § 164.512(k)(5) permits disclosure of protected health information by a covered entity to a correctional institution. Sergeant Herpizh testified that as a classification officer, he did not have access to information that PMS obtained in its medical assessment of an inmate because HIPAA law prevented the sharing of such information. Mr. Parker contends that failing to give the requested jury instruction permitted the jury to incorrectly believe that PMS was prevented from sharing the information by HIPAA, an incorrect application of the law, and had they been correctly instructed on the issue the jury could have found that PMS' failure to share information with EBRPSO contributed to Mr. Parker's injuries.

Mr. Parker did not challenge Sergeant Herpizh's testimony that PMS was prevented by law from sharing information with EBRPSO. Nor did PMS assert that federal law prevented it from sharing information with EBRPSO. We do not find that the failure to include Mr. Porter's requested recitation of a single provision of the code of federal regulations constituted the omission of an applicable essential legal principle or that the jury instructions did not adequately set forth the issues to be decided by the jury in light of the facts of this case. See Georgia-Pacific, LLC, 207 So. 3d at 1137.

Testimony of Lari Seguin

Mr. Parker contends that the trial court erred in admitting the hearsay non-expert opinion testimony of Detective Seguin regarding crucial facts determinative of causation and that the erroneously admitted evidence had a substantial effect on the jury's verdict.

Louisiana Code of Evidence article 103(A) provides that error may not be predicated upon a ruling which admits or excludes evidence unless a substantial right of the party is affected. In reaching a decision on an alleged evidentiary error, the court must consider whether the particular ruling complained of was erroneous and whether the error prejudiced the party's cause, for unless it does, reversal is not warranted. *Brumfield v. Guilmino*, 93-0366 (La. App. 1 Cir. 3/11/94), 633 So. 2d 903, 911, writ denied, 637 So. 2d 1056 (La. 5/6/94). Further, the party alleging error has the burden of showing the error was prejudicial to his case. *Wallace v. Upjohn Co.*, 535 So. 2d 1110, 1118 (La. App. 1 Cir. 1988), writ denied, 539 So. 2d 630 (La. 1989). In other words, the determination is whether the error, when compared to the record in its totality, has a substantial effect on the outcome of the case. *Id.*

As noted above, Detective Seguin investigated the June 29, 2006 incident involving Mr. Parker and Mr. Cooper. Prior to her testimony, Mr. Parker objected to the introduction of Detective Seguin's investigative report. The trial court ruled that the report is hearsay pursuant to La. C.E. art 803(8)(b)(i) and could not be introduced into evidence but that Detective Seguin could testify.⁴ During Detective Seguin's testimony, Mr. Parker objected to her testimony as calling for hearsay, but the trial court overruled the objection.

⁴ Louisiana Code of Evidence article 803(8)(b)(i) provides that investigative reports by police and other law enforcement personnel are excluded from the exception to the hearsay rule provided by La. C.E. art. 803.

Detective Seguin was not qualified as an expert but was asked to testify concerning the results of her investigation of the June 29, 2006 incident. Detective Seguin did not actually observe anything involving the incident and the entirety of her testimony was based on what other people told her. She testified she was told that Mr. Parker was in his bunk at the time of the incident.

Mr. Parker contends that Detective Seguin's testimony was the only evidence to support a conclusion that the attack on Mr. Parker was "random violence" and that Mr. Parker was not demonstrating any signs of schizophrenia at the time of his attack.

However, in addition to Detective Seguin's testimony, Dr. Glade testified that at the time of the attack Mr. Parker was in his bunk and that in that moment was not engaged in any schizophrenic behavior. Moreover, Mr. Parker had the burden of proving that his schizophrenic behavior precipitated the attack.⁵

Accordingly, based upon the record in its totality, we find that Detective Seguin's testimony that Mr. Parker was in his bunk at the time of the attack was redundant to Dr. Glade's testimony and did not have a substantial effect on the outcome of the case.

Juror Challenge for Cause

Finally, Mr. Parker assigns as error the trial court's denial of his challenge for cause of prospective juror #278, Jonathan Drone, an internal auditor who performed an inventory of medical supplies for EMS.

⁵ No eyewitnesses to the attack were called to testify by Mr. Parker.

Louisiana Code of Civil Procedure article 1765(2) provides that a juror may be challenged for cause “[w]hen the juror has formed an opinion in the case or is not otherwise impartial, the cause of his bias being immaterial[.]” Louisiana Code of Civil Procedure article 1765(3) further provides that a juror may be challenged for cause “[w]hen the relations whether by blood, marriage, employment, friendship, or enmity between the juror and any party or his attorney are such that it must be reasonably believed that they would influence the juror in coming to a verdict[.]” A trial court has great discretion in ruling on challenges for cause and the appellate court should not disturb its ruling unless the voir dire as a whole indicates an abuse of discretion. *Rentrop v. Arch Insurance Co.*, 2017-0635 (La. App. 1 Cir. 12/29/17), 241 So. 3d 357, 372.

During voir dire, Mr. Drone stated that he previously worked for the city of Baton Rouge and did inventory work with EMS and at the prison. He further stated that his work was concluded and he did not think that there was a possibility of doing more work. Mr. Drone went to PMS one time for four hours in connection with his inventory audit. He was asked by the trial court whether “that limited involvement” would affect how he might view the case, to which Mr. Drone replied, “I don’t believe so.”

We do not find that the trial court abused its discretion in failing to dismiss Mr. Drone for cause. There was no evidence that Mr. Drone had formed an opinion in the case or was not otherwise impartial, as required by La. C.C.P. art. 1765(2). Nor was there sufficient evidence that Mr. Drone’s indirect employment relationship with PMS was such that it must be reasonably believed that it would influence him in coming to a verdict, as required by La. C.C.P. art. 1765(3).

CONCLUSION

For the above and foregoing reasons, the August 14, 2017 judgment of the trial court is affirmed. All costs of this appeal are assessed against Darnell D. Parker, through his curator, Gloria Parker.

AFFIRMED.