

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

DANIEL JOSEPH O'BRIEN, JR.,
DUSTIN BLAKE O'BRIEN, DYLAN
BLAINE O'BRIEN AND LESLIE
DEWAYNE O'BRIEN,
INDIVIDUALLY AND ON BEHALF
OF THE ESTATE OF DANIEL
JOSEPH O'BRIEN, SR.

NO. 2020 CW 0770

VERSUS

WESTLEY EUGENE WORLEY,
MASTEC NORTH AMERICA, INC.,
AND ACE AMERICAN INSURANCE
COMPANY

SEPTEMBER 16, 2020

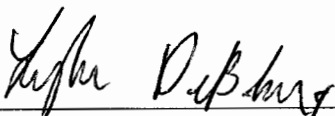
In Re: Westley Eugene Worley, applying for supervisory writs,
18th Judicial District Court, Parish of Pointe Coupee,
No. 48344 c/w 48068, 48279, 48392, 48419.

BEFORE: McDONALD, HOLDRIDGE, AND PENZATO, JJ.

WRIT GRANTED IN PART; DENIED IN PART. The trial court erred by finding that relator, Westley Eugene Worley's prior drug-related wrongs, arrests, and convictions are admissible for purposes of establishing a pattern of wanton and reckless conduct under La. Civ. Code art. 2315.4, when the toxicology report demonstrates "no drugs of toxicological significance" were detected in Worley's blood specimen following the accident. We also find that evidence of marijuana found the day after the accident in Worley's vehicle is also inadmissible for the same reason and further because the relevancy is far outweighed by the prejudicial effect. In all other respects, the writ is denied.

**JMM
AHP
GH**

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT