

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2008 CA 0545

JEROME JOHNSON

VERSUS

TERREBONNE PARISH CRIMINAL JUSTICE COMPLEX AND  
THE TERREBONNE PARISH SHERIFF'S OFFICE

**Judgment rendered: September 12, 2008**

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On appeal from the 32nd Judicial District Court  
Parish of Terrebonne, State of Louisiana  
Number 143,421  
The Honorable David W. Arceneaux, Judge Presiding

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Jerry J. Larpenter, Sheriff for  
the Parish of Terrebonne, and  
Major Sonny Hanson

BEFORE: CARTER, C.J., WHIPPLE AND DOWNING, JJ.

RJA  
AJC  
WJN

DOWNING, J.

This is an appeal by the plaintiff, Jerome Johnson, an inmate at the Ashland Facility in Terrebonne Parish, of a judgment rendered against him, dismissing his personal injury suit against the defendants, Terrebonne Parish Consolidated Government, Druis Martin, Sheriff Jerry L. Larpenter, and Major Sonny Hanson (hereinafter referred to as defendants). The plaintiff's action sought monetary damages for injuries sustained as a result of an alleged slip and fall on water located on the floor in the hallway of his Delta Pod 400. The plaintiff appeals the judgment dismissing his claims with prejudice, asserting that "the trial court committed manifest error in finding that the Defendant's (sic) were not at fault for the injuries sustained by Mr. Johnson..." After a thorough review of the record and the evidence presented at trial, we affirm.

The trial court rendered no reasons for judgment. However, it is clear from a review of this record that every relevant fact related to the alleged slip and fall is strongly contradicted by both the testimony in the transcript of the trial and the evidence presented therein. Thus, this is an appeal for which our law provides very limited review; when there is a conflict in the testimony, reasonable evaluations of credibility and reasonable inferences of fact cannot be disturbed upon review. Where there are two permissible views of the evidence, the fact finder's choice between them cannot be manifestly erroneous or clearly wrong. **Rosell v. ESCO**, 549 So.2d 840, 844-845 (La. 1989). Our review of the record reveals no manifest error.

The record reveals several permissible views of the evidence that would support the trial court's ultimate conclusion that the plaintiff failed to prove the defendants' negligence. It is not our duty to make any of these factual findings, but rather to determine if there is sufficient evidence to

support the trial court's conclusions. Applying this standard to this case, we conclude the trial court was not manifestly erroneous or clearly wrong in finding that the plaintiff failed to present sufficient competent evidence to carry his burden. Seal v. Gaylord, 704 So.2d 1161 (La. 1997). We find that a memorandum opinion affirming that judgment is warranted and appropriate in accordance with Uniform Rules—Courts of Appeal, Rule 2-16.1B.

Accordingly, the judgment dismissing the plaintiff's claims with prejudice is hereby affirmed. Costs of this appeal are assessed to appellant, Jerome Johnson.

**AFFIRMED.**