

SUPREME COURT OF LOUISIANA

**No. 96-C-1690
Consolidated with
No. 96-C-1720**

MR. AND MRS. MICHAEL SHEPHARD, ET AL

Versus

ALFRED L. SCHEELER, ET AL

CALOGERO, C.J., concurring and dissenting in part.

I agree with the majority's finding error in the district court's and court of appeal's exonerating the driver Scheeler from fault. In particular the majority is correct in its determination that the juvenile proceedings evidencing Scheeler's guilty plea (and not a nolo contendere plea) should have been admitted into evidence. On the other hand, I would give greater deference to the trial court's findings regarding fault on the part of both the State and the Police Jury, for the exhaustive reasons given by the trial court.

In my view, however, a more accurate assessment of fault would have the Police Jury, the State and the defendant Scheeler each found equally at fault, that is, 33^a % each.