

SUPREME COURT OF LOUISIANA

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

MR. AND MRS. MICHAEL SHEPHARD, ON BEHALF OF THEIR
DECEASED MINOR CHILD, MATTHEW E. SHEPHARD

Versus

ALFRED L. SCHEELER, et al.

TRAYLOR, J., concurring in part and dissenting in part.

I agree with the majority that the trial court committed manifest error in failing to find that Scheeler, the driver, was at fault. I further agree that Scheeler's guilty plea in juvenile court was admissible. Finally, I agree that the claims against the State should be dismissed with prejudice.

I do not agree, however, with the majority's finding that St. Bernard Parish was 20% at fault in this matter. Scheeler was driving too fast for the conditions, lost control of his vehicle, and struck a parish dump truck which was legally parked on the shoulder of the road. I would find that Scheeler was 100% at fault and that the Parish bears no fault at all.