

SUPREME COURT OF LOUISIANA

No. 00-C-2595

ROBERT WELDON RUSSEL, III

VERSUS

REGGIE GOLDSBY AND JOHN DAHMER

VICTORY, J. (dissenting)

The evidence in this case is overwhelming that Dr. Goldsby did not "actually reside" in Amite for the year preceding his qualification to run for mayor of the city as required by La. R.S. 33:384. Although Dr. Goldsby has listed property he owns on Division Street as his municipal residence, his caretaker who lives on the property did not see him there for at least nine months prior to the time for qualification of candidates for mayor. Dr. Goldsby has acknowledged that he did not spend the night there for several months prior to qualifying. Moreover, his wife has never spent one night at the Division Street property, but lives with Dr. Goldsby on Goldsby Lane outside the city limits of Amite in a large residence for which the couple maintains homeowners' insurance. In my view, based on the evidence adduced at the trial of this matter, the trial judge manifestly erred in concluding that the Division Street property constituted an "actual residence" of Dr. Goldsby within the municipality of Amite for the year immediately preceding his qualification to run for office. Any presumptions regarding his "actual residence" were overcome by the evidence. Accordingly, I respectfully dissent.