

6/11/01

SUPREME COURT OF LOUISIANA

NO. 01-CC-1674

DONNA HEBERT, INDIVIDUALLY AND ON  
BEHALF OF HER MINOR SON TREVOR HEBERT

versus

AMERICAN CENTRAL INSURANCE COMPANY,  
BOLINDE & SON COMPANY, INC. D/B/A BATON ROUGE BEER AGENCY,  
AND BOBBY MAGEE

c/w

CHAD DOUGHERTY, AS NATURAL FATHER OF HIS MINOR SON  
TREVOR HEBERT

versus

AMERICAN CENTRAL INSURANCE COMPANY, ET AL

Knoll, Justice, dissenting

For the following reasons, I respectfully dissent from the majority and find that allowing opinion testimony from a police officer as to the cause of this accident is improper. Unless a police officer is qualified as an accident reconstruction expert, I believe that his testimony should be limited to the physical condition of the accident scene including any measurements, pictures, interviews, and any other facts and recollections pertaining to the scene of the accident. See Fontenot v. Cooper, 599 So. 2d 883, 885-86 (La. App. 3d Cir. 1992); Jaffarzad v. Jones Truck Lines, Inc., 561 So. 2d 144 (La. App. 3d Cir.), writ denied, 565 So. 2d 450 (La. 1990). In my view, allowing the police officer to give an opinion based on his findings is improper as he is not qualified to do so and is highly prejudicial.