

**11/20/2018 “See News Release 051 for any Concurrences and/or Dissents.”**

**SUPREME COURT OF LOUISIANA**

**No. 2018-C-1252**

**ALVIN PETE**

**VERSUS**

**STATE OF LOUISIANA, DEPARTMENT OF CORRECTIONS, ET AL.**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, THIRD  
CIRCUIT, PARISH OF ST. MARTIN**

**CLARK, J., would grant and assigns reasons:**

I agree fully with the reasons stated by Justice Crichton. Although penal authorities have a duty to use reasonable care in preventing harm after they have reasonable cause to anticipate it, a penal institution is not an insurer of an inmate against attacks by other inmates. *State ex rel. Jackson v. Phelps*, 95-2294 (La. 4/8/96, 3), 672 So.2d 665, 667. Therefore, I would grant and docket the matter in order to perform a duty-risk analysis.