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**SUPREME COURT OF LOUISIANA**

**19-C-1085**

**JUANITA JACKSON**

**vs.**

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FIRST  
CIRCUIT, PARISH OF EAST BATON ROUGE**

**CRICHTON, J., would grant and assigns reasons**

I would grant the defendant's writ application in this matter for the reasons assigned by Judge Lanier in his dissent. Specifically, I find the trial court improperly granted the JNOV under La. C.C.P. art. 1811, and did not give proper deference to the jury. As Judge Lanier also noted, there is a rigorous standard for a judgment notwithstanding the verdict, which is based upon the fundamental principle that when there is a jury, the jury is the trier of fact. *Joseph v. Broussard Rice Mill, Inc.*, 00-0628, p. 5 (La. 10/30/00), 772 So.2d 94, 99 (quoting *Scott v. Hospital Serv. Dis. No. 1*, 496 So.2d 270, 273 (La. 1986)). As a result, a trial court may only grant a JNOV when the evidence overwhelmingly points to one conclusion. *Simon v. American Crescent Elevator Co.*, 99-2058, p. 14 (La. App. 4 Cir. 4/26/00), 767 So.2d 64, 73–74. In my view, the trial court disregarded these principles and incorrectly granted the JNOV.