

SUPREME COURT OF LOUISIANA

No. 98-K-2198

STATE OF LOUISIANA

Versus

OSCAR BALLARD

LEMMON, J., Concurring

The fact that a potential juror is a law enforcement officer who works for and with other law enforcement officers in the investigation and apprehension of persons accused of a crime is a significant factor in the trial judge's evaluation of the juror's possible bias. The Legislature could have, but did not, enumerate this employment relationship as one which requires exclusion as a juror to preserve the appearance of total fairness, and I agree that this court should not do so.

Nevertheless, the present case presents a very close issue of disqualification for bias because the juror-officer, from a reading of the cold record, seemed to indicate an enthusiasm (or perhaps overenthusiasm) for apprehending intoxicated drivers. However, the trial judge was in a better position to evaluate this particular answer (which appears to be the only basis for disqualification), and I defer to that determination.