

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

GERALDINE CREWS

APPELLANT

VS.

CASE NO. 2006-CP856

LISA MAHAFFEY

FILED

APPELLEE

JUN 25 2007

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

**APPEAL FROM THE FIRST JUDICIAL DISTRICT OF
CIRCUIT COURT OF HINDS COUNTY,
MISSISSIPPI**

RESPONSE

BRIEF OF APPELLANT

**GERALDINE A. CREWS
PRO SE
107 SOUTH PARK DRIVE
JACKSON, MISSISSIPPI 39211**

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

GERALDINE A. CREWS

APPELLANT

VS.

NO.2006-CP856

LISA MAHAFFEY

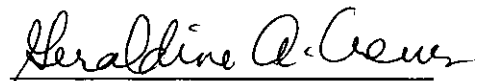
APPELLEE

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the judges of the Court of Appeals may evaluate possible disqualification or recusal.

1. Honorable Winston Kidd, Hinds County Circuit Judge
2. Honorable Bob Waller, Trial Attorney
3. Honorable Glenn Swartzfager, Associate Trial Attorney
4. Geraldine A. Crews, Appellant-Pro Se
5. Honorable Patrick Tatum, Attorney for Appellee
6. Lisa Mahaffey, Defendant

SO CERTIFIED, this 25th day June, 2007


Geraldine A. Crews, PRO SE

March 3, 2000, Lisa Mahaffey drove her Suburban recklessly causing a motor vehicle accident, running into back of Crews car. The impact caused damages to Geraldine Crews' car along with multiple physical injuries to Crews. The impact was hard enough to "break blood vessels" causing head injury requiring treatment from neurologist, Dr. Larry Parker over three years, until the trauma induced migraines stopped. This treatment involving injections to occipital nerve back of head, and cervical injury requiring steroid injections, and trigger points several (ten) areas in back. Along with lower back injury disc herniations as well, and injections several over period and still requiring today. Physical therapy as well was required and today, as well furthering recovery necessary. The treatment prescribed by the treating physicians all occurred after the accident. There was no prior injury ever to require treatment until after March 3, 2000. There are boxes of medical records, including pharmacy. While surgery has been discussed, there is hope that strengthening areas around the present still disc herniation, that this can be avoided. Conservative treatment is a choice of Crews, for a number of reasons. The most being that back surgery sometimes is not successful. The other being worse off, and financially burdened.

The hired Dr. Appellee never treated Crews.

The burden of the costs of the medical treatment required and prescribed by all treating physicians has been up to now close to \$50,000. At trial date it was under that by 3-5 thousand. Volumes of medical records document and attest to all.

The defendant Mahaffey's counsel still denies there was any accident, impact, or any injuries, after all the overwhelming evidence, undisputed. In fact, refers to it as a laughing matter and wrongfully accusing civil service, police, ambulance, and last but not least of all David Crews, husband, laughing at accident scene. The incredible, non-expert, incredible witness was a drive by. They even go so far to bring up the loss of Crews son two years before, nothing to do with it. Grasping at straws to shirk responsibility for liability from Mahaffey's careless, negligent driving, although accidental.

It almost seems like Mahaffey is making light of the appeal and being before the SUPREME COURT, The defense was allowed to make a mockery of the Trial Court and in this case attempting to do so even in the highest court.

When the jury found for the Plaintiff, Crews, and no proof of negligence, the jury has a duty to award an amount sufficient to compensate Plaintiff for medical expenses incurred on account of accident. Failure to do so is usually found to "shock the conscience of the Court" so that a reversal on appeal and remand to the trial court for an additur or new trial on damages is in order. In *Odom v Roberts*, 606 So. 2d 114 (Ms 1992) failure of the jury to award Pharmacy expenses was ground for reversal with remand for additur or new trial. *Harvey v Hall*, 649 So 2d 184 (Ms 1995)- failure to award an amount equal to medical expenses as grounds for reversal and additur or new trial on damages. *Green v Grant* 64', So 2d 1203 (Ms 1994) same ruling of reversal because jury failed to award medical expenses with instructions to grant additur or new trial on damages.

In referencing to jury instructions, P-1 instruction given was confusing to jurors; court denied instruction but appellee say it was given. D-5 was probably negative instruction. All just to confuse jurors. Court should have granted an instruction stating that defendant is liable and assess damages that found was proximately caused by motor vehicle. If P-1 was given negligence instruction D-5 would conflict because court decided the negligence issue, then put it back to be decided to the jury.

Prejudicial remarks of counsel that inflamed and prejudiced the jury against Crews. It shows disrespect to the Court, and Crews, and the inhumanity David Crews spoke of at trial, in record. This should never be allowed in courtroom. Along with research Appellee never quite proved or traced any prior medical condition such as the injuries found March 2000, through MRI's, ambulance records, three Dr's testimony. All never disputed during trial. Malaffey accident caused those injuries to Crews

With all the years that have passed to avoid responsibility, and as the defendant claimed liability all along, Crews and family have endured physical, and monetary hardships. The appellant respects, and prays this highly deemed SUPREME COURT finds the truth out by reading, and reviewing all records noticing, that in spite of life going on, lessening attribution to family income, pain, and all suffering from physical, and treatment for medical care, the appellant, Geraldine Crews does forgive the accident, but can only pray for the additur, as another mockery would most likely be the appellee approach. This being said, after difficulty with many things, appellant out of necessity financially defends self, due to another unfortunate misfortunate representation, resulting from the accident of March 3, 2000.

Respectfully submitted,

A handwritten signature in cursive script that reads "Geraldine A. Crews". The signature is written in dark ink and is positioned above the printed name.

Geraldine Crews

CERTIFICATE OF MAIL SERVICE

The undersigned of record for appellant, pro se hereby certifies that she has this

Date mailed, postage prepaid, by United States mail, or by hand delivery, a true

And correct copy of the above and foregoing Brief of appellant to :

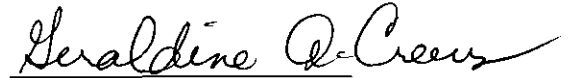
PATRICK TATUM, ESQ.
UPSHAW WILLIAMS BIGGERS BECKHAM 7 RIDDICK
1025 NORTH PARK DRIVE
SUITE A
RIDGELAND, MS 39157

Honorable Judge Winston Kidd, Circuit Court Judge
Trial Court Judge

SO CERTIFIED, this the 25th day of June, 2007

Geraldine A. Crews
Pro Se
107 South Park Drive
Jackson, Ms. 39211
601-957-6866

Geraldine A. Crews

A handwritten signature in cursive script, reading "Geraldine A. Crews", written over a horizontal line.