

**IN THE COURT OF APPEALS 12/12/95**

**OF THE**

**STATE OF MISSISSIPPI**

**NO. 94-CA-00201 COA**

**ESTATE OF GROVER C. MILES, DECEASED, MARTHA MILES GHOLAR**

**APPELLANT**

**v.**

**DONNIE L. REGISTER, III**

**APPELLEE**

**PER CURIAM AFFIRMANCE MEMORANDUM OPINION**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND  
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. MARCUS D. GORDON

COURT FROM WHICH APPEALED: SCOTT COUNTY CIRCUIT COURT

ATTORNEY FOR APPELLANT:

WILLIAM WALKER, JR. AND TOM LEE

ATTORNEY FOR APPELLEE:

MICHAEL F. MYERS

NATURE OF THE CASE: CIVIL

TRIAL COURT DISPOSITION: JUDGMENT IN FAVOR OF DEFENDANT

BEFORE THOMAS, P.J., BARBER, AND DIAZ, JJ.

PER CURIAM:

The Estate of Grover C. Miles, deceased, by and through Martha Miles Gholar, administratrix, filed a wrongful death suit against Donnie L. Register, III; the jury verdict was in Register's favor. Miles' estate appeals, arguing that the trial court erred in failing to grant a J.N.O.V., or alternatively, a new trial. Finding no error, we affirm.

An automobile accident occurred between Miles and Register resulting in Miles' death. At the time of the accident, Miles was legally intoxicated. At trial four people testified as to who was at fault in the accident. For Register, two eyewitnesses testified that Register was driving at or below the posted speed limit when the accident occurred. They further testified that it appeared that Miles was exceeding the speed limit and that he was driving in the wrong lane, which ultimately caused the accident. For Miles, State Trooper Willie Craft testified as to the physical facts at the scene, and A.K. Rosenhan, an accident reconstructionist, testified that based upon the physical facts, it was his opinion that it was Register who was in the wrong lane when the accident occurred. Rosenhan further testified that it was his opinion that Miles intoxication did not cause or contribute to the accident.

Our standard of review in considering a motion for judgment notwithstanding the verdict and motion for new trial has been stated many times, need not be restated here, and requires that we may not disturb the verdict in a case like this involving a classic jury issue. *Munford, Inc. v. Fleming*, 597 So. 2d 1282, 1284 (Miss. 1992); *Litton Systems, Inc. v. Enochs*, 449 So. 2d 1213, 1214 (Miss. 1984).

**THE JUDGMENT OF THE SCOTT COUNTY CIRCUIT COURT IS AFFIRMED. COSTS ARE TAXED TO THE APPELLANT.**

**FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.**