

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CU 0899

STACEY BERGERON ESCHETE

VERSUS

TRACI WHITNEY

Judgment rendered September 20, 2006.

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Appealed from the
32nd Judicial District Court
in and for the Parish of Terrebonne, Louisiana
Trial Court No. 146,041
Honorable George J. Larke, Jr., Judge

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STACEY BERGERON ESCHETE

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TRACI WHITNEY

* * * * *

BEFORE: PETTIGREW, DOWNING, AND HUGHES, JJ.

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PETTIGREW, J.

In this action, a paternal grandmother filed a rule for visitation with the minor child fathered by her son. The child's biological mother now appeals from the trial court's ruling that granted to the paternal grandmother six hours of unsupervised visitation on the third Sunday of each month.

It is well settled that a court of appeal may not set aside a trial court's findings of fact in the absence of manifest error, or unless the findings are clearly wrong. **Rosell v. ESCO**, 549 So.2d 840, 844 (La. 1989). The trial judge is in the best position to ascertain the best interest of the child given each unique set of circumstances. **Major v. Major**, 2002-2131, p. 4 (La. App. 1 Cir. 2/14/03), 849 So.2d 547, 550. An appellate court cannot set aside the trial court's factual findings unless it determines that there is no reasonable factual basis for the findings and the findings are clearly wrong (manifestly erroneous). **Stobart v. State, Department of Transportation and Development**, 617 So.2d 880, 882, n. 2 (La. 1993).

Following a thorough review of the record, we find the record does not demonstrate that the decision of the trial court is clearly wrong. Thus, in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A(4), (5), (7), and (8), we affirm the judgment below and assess all costs associated with this appeal against defendant-appellant, Traci Whitney.

AFFIRMED.