

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2025-CA-00269-SCT

PARK WIND APARTMENTS, LLC

v.

GLEND A MAYZE

DATE OF JUDGMENT:	09/24/2024
TRIAL JUDGE:	HON. ELEANOR JOHNSON PETERSON
TRIAL COURT ATTORNEYS:	MARK D. MORRISON GEORGE ELLIS ABDO, III DALLAS MARSHALL MARTIN THOMAS RAY JULIAN JAMES ASHLEY OGDEN
COURT FROM WHICH APPEALED:	HINDS COUNTY CIRCUIT COURT
ATTORNEYS FOR APPELLANT:	GEORGE ELLIS ABDO, III THOMAS RAY JULIAN
ATTORNEY FOR APPELLEE:	JAMES ASHLEY OGDEN
NATURE OF THE CASE:	CIVIL - PERSONAL INJURY
DISPOSITION:	REVERSED AND REMANDED - 10/15/2026
MOTION FOR REHEARING FILED:	

EN BANC.

RANDOLPH, CHIEF JUSTICE, FOR THE COURT:

¶1. Glenda Mayze’s knee was injured when she tried to avoid a puddled sidewalk running from her apartment building at Park Wind Apartments to the parking lot. Mayze alleged, *inter alia*, negligent maintenance of the sidewalk. A jury found in favor of Mayze. Park Wind appealed numerous issues, but we only address one dispositive issue: whether the trial court erred by designating Kenneth Goodrum as an expert in the field of premises safety. Goodrum lacks sufficient experience, knowledge, and other credentials in the field of premises safety.

The methodology Goodrum utilized likewise failed to satisfy the Mississippi Rules of Evidence. We reverse and remand for new trial.

FACTS AND PROCEDURAL HISTORY

¶2. Mayze rented an apartment for some time in the back of Park Wind’s Building 3. The only access from her apartment to the parking lot was a sidewalk between Buildings 2 and 3. A downspout on Building 2 had disconnected from an underground drain pipe, and on occasion, rainwater would flow out of the downspout, down a small incline, and onto the sidewalk. Over the years, a portion of the sidewalk sank lower than the rest of the sidewalk. Water, mud, and debris would collect in that area of the sidewalk when it rained. Despite an unknown number of complaints, Park Wind fixed neither the disconnected downspout nor the sidewalk before Mayze’s injury.

¶3. Before the incident, Mayze had been treated for preexisting knee problems. She had been diagnosed with and treated for rheumatoid arthritis and osteoarthritis.¹ She previously injured her right knee twice, once in 2017 and then on April 9, 2022, while playing basketball at her son’s birthday party. On April 20, 2022, she visited her orthopedic doctor and reported a ten out of ten, the zenith of a standard pain scale. She was diagnosed with a possible meniscal tear and received a steroid shot, which gave her relief until the accident at issue. The physician explained that to avoid increasing Mayze’s bills, he did not schedule an MRI to confirm the meniscal tear.

¹Mayze denied having osteoarthritis in her right knee before the injury. Her physician said that he saw osteoarthritis in her knee cap during her November 11, 2022 surgery, but he did not see osteoarthritis on the part of the knee “you actually walk around on.”

¶4. Returning to the incident at issue, Mayze left her apartment during a storm at about 9:15 p.m. on July 20, 2022, to go to work. Mayze testified that it was dark and the apartment’s exterior lighting was not working. Nonetheless, she said she could see water collected in the depressed area of sidewalk. To avoid that puddle, she stepped to the right of the sidewalk and testified that she encountered a concealed “jagged edge” in the mud. When she stepped on the “edge,” she said she slipped and twisted her right knee. She went to work that night, but over the next few days, the pain in her knee increased. On July 31, 2022, eleven days later, she visited St. Dominic’s Emergency Room; that doctor found nothing wrong in an ultrasound and referred her to her orthopedic doctor.

¶5. Nineteen days after her injury, on August 8, 2022, she visited her orthopedic doctor and once again reported a ten-out-of-ten pain. Her physician gave her another steroid shot, but she said it did not help. An MRI was conducted on August 22, 2022, another fourteen days later, and she was diagnosed with a torn meniscus. She had surgery to repair the injury on November 17, 2022.

¶6. On December 1, 2022, thirteen days after the surgery, suit was filed on behalf of Mayze against Park Wind for negligently maintaining the sidewalk and alleging, *inter alia*, the existence of an unreasonably dangerous condition.

¶7. Before trial, Park Wind filed a motion to exclude expert testimony by Goodrum, a self-professed expert in the field of premises safety. Park Wind argued that (1) Goodrum was not qualified to testify as a premises safety expert, (2) his testimony would not be useful to the jury, (3) he had not shown that his methodology was reliable or accepted in the scientific

community, and (4) his opinions were merely disguised legal conclusions. The trial court denied Park Wind’s motion, finding “Kenneth Goodrum is qualified to provide expert testimony in the field of premises security.”

¶8. During Mayze’s case-in-chief, Goodrum was called to the stand. Goodrum testified that he had worked in premises safety for more than ten years, that he had worked in more than twenty premises safety cases, but that he had only testified at trial once before.² He also testified that he was a member of a few premises safety organizations. When Mayze’s counsel tendered Goodrum at trial, Park Wind’s counsel objected and conducted voir dire.

¶9. In voir dire, Goodrum admitted that he had mostly worked “security cases” rather than safety cases and had only recently started offering his services in safety cases. Goodrum was a high school graduate with no experience in trade school, college, or on-the-job training. He was not a builder or contractor, but he learned building code enforcement while he was a police officer with the Jackson Police Department.³ He also took online courses to obtain certificates. After concluding voir dire, Park Wind renewed its motion to exclude, which the trial court denied.

²The treatment of Goodrum’s previous testimony at trial can be found in *Pilot Travel Centers, LLC v. Womack*, 418 So. 3d 1222, 1224-25 (Miss. 2025), and *Pilot Travel Centers, LLC v. Womack*, 412 So. 3d 508, 520-21 (Miss. Ct. App. 2024), *rev’d*, 418 So. 3d 1222 (Miss. 2025). Both the Court of Appeals and this Court found that the trial court erred by allowing Goodrum to testify as an expert, but while the Court of Appeals found the error harmless, this Court reversed that finding and remanded the case for a new trial. *Womack*, 418 So. 3d at 1224-25; *Womack*, 412 So. 3d at 520-21.

³As he himself testified, Goodrum is also not a biomechanical engineer, geotechnical engineer, civil engineer, or architect. The record also indicates he is not a soils engineer, building inspector, building code official, or electrician. Further, Goodrum’s resume indicates that he only gained workplace experience in premises safety through his own LLC.

¶10. Goodrum offered his preparation as follows:

[Goodrum:] So you have to start with what the law states in Mississippi. Well, granted I'm not a lawyer so I can't give legal explanations, but I start there.

I use the International Building Code. Jackson incorporated the International Building Code in 2012 so I look at those. I look at the Americans for Disabilities Act as well as the International Fire Code because they work hand in hand with each other. I look at city codes, if they have any -- sometimes they do, sometimes they don't -- as it relates to the incident.

I also look at the evidence that is given to me from documents that are provided by both sides as well as I interviewed people that live on the property.

[Mayze's counsel:] Okay.

[Goodrum:] So it's just a checklist that I go down.

[Mayze's counsel:] Okay. Do you actually go to the property and survey the scene?

[Goodrum:] I do. I do a risk assessment, and that's looking at the property and especially the problem that I'm looking at. Like Ms. Mayze, her problem was two concrete slabs washed out in the middle. They collapsed. So I go and I look at the property to see if they have any other problems like that and see if there are any drainage issues, water flooding the area. I look at where the lights are set up on the property. Do they have adequate parking on the property? How the property is laid out.

[Mayze's counsel:] Okay.

[Goodrum:] That's just a portion of what I do, yes, sir.

[Mayze's counsel:] Now, after you've done all that stuff, do you take all this into consideration so that you can make determinations and reach opinions about whether or not there's something done right or wrong on the property?

[Goodrum:] Yes, sir.

Later on cross-examination, Goodrum admitted that he did not take measurements of the area where Mayze slipped, measure the slip resistance of the area, measure the slip resistance of the sidewalk, use a tribometer, or test the lighting in the area.

¶11. Goodrum looked at the property; interviewed four other tenants; and reviewed a Property Condition Assessment Report prepared for Park Wind,⁴ a maintenance man's deposition, and Mayze's deposition. Based on the Property Condition Assessment Report, which was introduced as an exhibit, Goodrum opined that Park Wind was "on notice of the dangerous condition." He opined he could reach the same conclusion based only on that sole document. He also opined the dangerous condition included the disconnected downspout, lack of lighting, collapsed sidewalk, and mud washing onto the depressed sidewalk. He opined that all of the conditions were created by Park Wind. He later opined that

[Park Wind] should have connected the drainpipe, the downspout to the drainage pipe to get the water out of the area. They should have had lights that were operable at nighttime as well as they should have fixed the collapsed concrete. It should be flat as possible and slip resistant, and they should have been able to control the water from coming into that area.

He opined that the "jagged edge . . . was a hidden condition" with the darkness and water flowing over it. He expressed his opinions with "a reasonable degree of probability or certainty in [the] field of premises safety."

¶12. After the jury returned a verdict in favor of Mayze, Park Wind moved for a judgment notwithstanding the verdict (JNOV) or, in the alternative, a new trial or a remittitur. Before the trial court ruled on Park Wind's post-trial motion, Park Wind filed a supplemental brief

⁴The Property Condition Assessment Report was prepared by Merritt Engineering Consultants, DPC, on May 2, 2022, about three months before Mayze's July 29, 2022 injury.

arguing that the then-recent decision in *Womack*, 412 So. 3d 508, was dispositive as to Goodrum’s testimony since it directly addressed a rejection of Goodrum’s testimony. Without providing any analysis or citation, the trial court denied Park Wind’s motion. Park Wind appealed.

ANALYSIS

¶13. We consider only the dispositive issue: whether the trial court erred by allowing Goodrum to testify as an expert.

¶14. This Court has held that “[t]he standard of review for the admission or exclusion of expert testimony is abuse of discretion.” *Univ. of Miss. Med. Ctr. v. Kelly*, 358 So. 3d 1054, 1057 (Miss. 2023) (quoting *Patterson v. Tibbs*, 60 So. 3d 742, 748 (Miss. 2011)). “However, the Court ‘may reverse a case only if[] the admission or exclusion of evidence results in prejudice and harm or adversely affects a substantial right of a party.’” *Scarborough v. Logan*, 395 So. 3d 381, 385 (Miss. 2024) (alteration in original) (quoting *Chaupette v. State*, 136 So. 3d 1041, 1045 (Miss. 2014)).

¶15. This Court has held that:

“Under Mississippi Rule of Evidence 702, expert testimony should be admitted only when the trial court can affirmatively answer a two-fold inquiry.” The first prong mandates that a witness must be qualified by virtue of his or her knowledge, skill, experience, or education. Second, “the witness’s scientific, technical, or other specialized knowledge must assist the trier of fact to understand or decide a fact in issue.” Put simply, the expert’s proposed testimony must be both relevant to the case at hand and based on reliable methodology.

Kelly, 358 So. 3d at 1057 (quoting *Clark v. State*, 315 So. 3d 987, 995 (Miss. 2021)).

¶16. The “scope of the witness’ knowledge and not the artificial classification by title” governs “the threshold question of admissibility.” *Id.* (quoting *Worthy v. McNair*, 37 So. 3d 609, 616 (Miss. 2010)). “[B]efore one may testify as an expert, that person must be shown to know a great deal regarding the subject of his testimony.” *Id.* at 1057-58 (quoting *Thompson v. Carter*, 518 So. 2d 609, 614 (Miss. 1987)).

¶17. This Court has further stated that

Juries are often in awe of expert witnesses because, when the expert witness is qualified by the court, they hear impressive lists of honors, education and experience. An expert witness has more experience and knowledge in a certain area than the average person. Therefore, juries usually place greater weight on the testimony of an expert witness than that of a lay witness.

Watts v. Radiator Specialty Co., 990 So. 2d 143, 147 (Miss. 2008) (quoting *Edmonds v. State*, 955 So. 2d 787, 792 (Miss. 2007)). Goodrum offered no “impressive lists of honors, education, and experience.” *Id.* (quoting *Edmonds*, 955 So. 2d at 792).

¶18. Most of Goodrum’s work experience took place in the United States Army and law enforcement. “Because the public hold police officers in great trust, the potential harm to the objecting party requires reversal where a police officer gives expert testimony without first being qualified as such.” *Womack*, 418 So. 3d at 1225 (quoting *Roberts v. Grafe Auto Co.*, 701 So. 2d 1093, 1099 (Miss. 1997)).

¶19. Goodrum’s testimony was an issue in *Womack*, 418 So. 3d 1222. “When asked about the methodology he used to review Womack’s case, Goodrum stated: ‘I use a group of books as it relates to investigating as well as looking at the floors and the policies, the procedures for the company. I look at the codes that the city sets forth. I also look at industry standards.’”

Id. at 1224. The Court of Appeals found that he was not qualified to testify as an expert on premises safety because none of his alleged “‘knowledge, skill, experience, training, [and] education’ . . . qualified him to testify as an expert in premises safety.” *Womack*, 412 So. 3d at 521 (first alteration in original) (citing Miss. R. Evid. 702). The court also found “that Goodrum’s expert testimony was based not on any ‘specialized knowledge’ or accepted and ‘reliable principles and methods’” *Id.* at 521 (alteration in original) (quoting Miss. R. Evid. 702). The Court of Appeals held the error to be harmless. *Id.* This Court disagreed and held that Goodrum was unqualified, that his testimony was unhelpful and prejudicial, and that his work experience was in the military and in law enforcement. *Womack*, 418 So. 3d at 1224-25. As a result, this Court reversed and remanded the case for a new trial. *Id.*

¶20. Our conclusion today is no different; the trial court erred by admitting Goodrum as an expert witness. According to Goodrum’s resume, after high school, he had no further education through trade school, college, or on-the-job training. Goodrum’s lack of accreditation and expertise is highlighted by his offering that he watched an eight-hour webinar and obtained three certificates, one of which featured a tool he did not use here. Such a minimal attempt to be credentialed as an expert is not what judges or the authors of the rules of evidence had in mind when requiring expert witnesses to “be qualified by virtue of his or her knowledge, skill, experience, or education.” *Kelly*, 358 So. 3d at 1057 (quoting *Clark*, 315 So. 3d at 995). Apart from his own LLC, Goodrum offers no workplace experience in premises safety as it pertains to premises liability.⁵ He lacks “knowledge, skill,

⁵While he mentions “safety and security” in other places on his resume, the context reveals that such work did not relate to premises liability issues.

experience, or education” in premises safety as it pertains to walking surfaces. *Kelly*, 358 So. 3d at 1057 (quoting *Clark*, 315 So. 3d at 995); Miss. R. Evid. 702.

¶21. Goodrum’s “knowledge, skill, experience, or education” in lighting and premises safety is nonexistent. *Kelly*, 358 So. 3d at 1057 (quoting *Clark*, 315 So. 3d at 995). He offers no indication that he knows anything beyond what a lay person would know: it is dark at night without light. Rather, his recent education and experience focused on walking surfaces. Goodrum lacks qualifications as it pertains to both walking surfaces and lighting to be elevated by a trial court as an expert.

¶22. Goodrum’s methodology also fails to satisfy Rule 702. He testified that he used a group of books, various building codes, the documentary and photographic evidence provided to him, interviews he conducted with four residents of the apartment, and his inspection of the sidewalk and surrounding area to formulate his opinion. The record reveals his inspection involved using a level and measuring tape, items in many households, to measure how deep the depression was. None of his claimed methodology requires any particular scientific or specialized knowledge. Any lay person can read the materials he read and replicate the activities he conducted to arrive at similar conclusions. Goodrum’s methodology exhibits no “scientific, technical, or other specialized knowledge” beyond what a lay person could know and do. Miss. R. Evid. 702; *Kelly*, 358 So. 3d at 1057.

¶23. Goodrum was not qualified to furnish expert testimony, and his testimony was not based on specialized knowledge or reliable principles and methods. Such a glaring error can never be harmless since the trial court allowed him to give “unqualified expert testimony

regarding the ultimate issue[.]” *Womack*, 418 So. 3d at 1224-25. As in *Womack*, this Court reverses the trial court’s judgment and remands the case for a new trial.

CONCLUSION

¶24. Park Wind appealed numerous issues, but the dispositive issue is whether the trial court erred by allowing Goodrum to testify as a premises safety expert. The trial court prejudicially erred by allowing Goodrum to testify as an expert when he was not qualified to testify as an expert and his methodology was not scientific or reliable. As a result, we reverse and remand for a new trial.

¶25. **REVERSED AND REMANDED.**

**KING AND COLEMAN, P.JJ., ISHEE, GRIFFIS, SULLIVAN, BRANNING,
WILSON AND TOLLISON, JJ., CONCUR.**