

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ANDREW D. WETZEL

NO. 2013 CW 0318

VERSUS

22ND JUDICIAL DISTRICT
COURT, CLERK OF COURT

MAY 20 2013


In Re: Andrew D. Wetzel, applying for supervisory writs,
22nd Judicial District Court, Parish of St.
Tammany, No. unknown.

BEFORE: KUHN, PETTIGREW AND McDONALD, JJ.

WRIT DENIED. Relator appears to argue that the district court erred in denying his request for records under the Louisiana Public Records Law, La. R.S. 44:1 et seq. A writ application in a criminal proceeding is not the proper procedural vehicle to establish a right to records under the Public Records Act. A "person" who wants to examine public records must make the request to the custodian of the records. See La. R.S. 44:31 & 44:32. If a request for public records is denied by the custodian, before seeking relief from this court, the person must first institute civil proceedings for a writ of mandamus at the trial court level. See La. R.S. 44:35(A). Should the person prevail, he should be prepared to pay the regular service fees for copies of the documents. See **State ex rel Nash v. State**, 604 So.2d 1054 (La. App. 1st Cir. 1992). After the trial court issues a ruling in the civil proceeding, the person may seek a civil appeal of the trial court's action, if he desires. See La. R.S. 44:35(C). Additionally, insofar as relator is seeking documents without cost, relator admits he has already received a free copy of those documents.

**JEK
JTP
JMM**

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DEPUTY CLERK OF COURT
FOR THE COURT