

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1216

VERSUS

TERRANCE JAMES KELM

OCT 03 2014

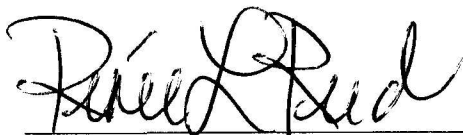
In Re: Terrance James Kelm, applying for supervisory writs,
22nd Judicial District Court, Parish of St. Tammany,
No. 456903.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT DENIED. The trial court did not err in denying the "motion for production of public records." Requests for production of the district attorney's files pursuant to the Public Records Law cannot be enforced as part of a criminal proceeding. Relator should follow the enforcement procedures set forth in La. R.S. 44:35(C). See also **State ex rel. McKnight v. State**, 98-2258 (La. App. 1st Cir. 12/3/98), 742 So.2d 894 (per curiam). A person who desires 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. **McKnight**, 742 So.2d at 895; **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). Insofar as relator contends he seeks a free copy of the documents requested in the motion, the Louisiana Supreme Court has held that inmates are not entitled to documents where their postconviction claims were time barred or not cognizable on collateral review. See **State ex rel. Brown v. State**, 2003-2568 (La. 3/26/04), 870 So.2d 976 (per curiam).

TMH
VGW
PMc

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