

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

GERALD M. MCKIRE,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-4205

KENNETH S. TUCKER,  
Secretary, FLORIDA  
DEPARTMENT OF  
CORRECTIONS,

Appellee.

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Opinion filed August 23, 2012.

An appeal from the Circuit Court for Leon County.  
Hon. Jackie L. Fulford, Judge.

Gerald M. McKire, pro se, for Appellant.

Pamela Jo Bondi, Attorney General, and Alexandria Walters, Assistant General  
Counsel, Department of Corrections, Tallahassee, for Appellee.

PER CURIAM.

Appellant, Gerald McKire, raises three issues in his appeal from the trial court's denial of his Petition for Writ of Mandamus. We affirm as to the first two issues without comment. Because we cannot consider appendix material, not the subject of the current appeal, we affirm the trial court's decision as to the third

issue, and find that on the record facts the trial court did not err in denying Mr. McKire's petition to compel the Department of Corrections to provide him certain departmental documents.

We note, however, that while inmates possess a necessarily restricted access to documents and must follow enumerated procedures to obtain them, these hurdles do not mean inmate access is non-existent. See § 945.10(3), Fla. Stat. (2012); Fla. Admin. Code R. 33-601.901(1)(a)(1), (4). Upon a proper factual showing that an inmate has met the legal conditions for access, mandamus would be an appropriate remedy where an agency has a non-discretionary duty imposed by law to provide access and has failed to do so. See Solomon v. Sanitarians' Registration Bd., 155 So. 2d 353, 356 (Fla. 1963).

AFFIRMED.

BENTON, C.J., CLARK, AND MAKAR, JJ., CONCUR.