

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2013 CW 1424

VERSUS

CURTIS LILLY

**NOV 18 2013**

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In Re: Curtis Mathew Lilly, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. 10060179.

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**BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.**

**WRIT DENIED.** It is apparent relator is making his request under the Public Records Law and thus is not attempting to secure a free copy of the documents. A writ application arising in a criminal proceeding is not the proper procedural vehicle to establish a right to records under the Public Records Law, La. R.S. 44:1, et seq. 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); **State ex rel. McKnight v. State**, 98-2258 (La. App. 1st Cir. 12/3/98), 742 So.2d 894, 895 (per curiam).

If the inmate is not proceeding under the Public Records Law and instead desires to seek a free copy of a district attorney's file, he should file a motion for production of the documents in the criminal proceeding, and he must demonstrate a particularized need. For the inmate requesting documents in anticipation of a collateral attack on his conviction, he cannot make a showing of particularized need absent a properly filed application for postconviction relief which sets out specific claims of constitutional errors requiring the requested documentation for support. **State ex rel. Bernard v. Criminal District Court Section "J"**, 94-2247 (La. 4/28/95), 653 So.2d 1174 (per curiam). Under La.Code Crim. P. art. 822(B), if at any time after sentence is imposed, the defendant seeks the production of all or any portion of the district attorney's file in a criminal proceeding, the request for production shall be presented by written motion, which shall be tried contradictorily with the district attorney.

JMM  
PMc  
JTP

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT

FOR THE COURT