

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 2041

VERSUS

ROBERT EMMETT HUEN

MAR 14 2014

In Re: Robert Emmett Huen, applying for supervisory writs,
32nd Judicial District Court, Parish of Terrebonne,
No. 558261.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT DENIED. The trial court did not err in denying the motion for production of documents. Requests for production of police reports, the district attorney's files, and records from the Louisiana Department of Public Safety and Corrections, Division of Probation and Parole 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).

JTP

JMM

PMC

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