

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 0286

VERSUS

JAMES BERNARD HOLTS

JUN 02 2014

In Re: James Bernard Hols, applying for supervisory writs, 22nd Judicial District Court, Parish of Washington, Nos. 38,605; 38,705; 41,057; 41,577; and 98-CR5-072375.


BEFORE: PARRO, GUIDRY, AND DRAKE, JJ.

WRIT DENIED. If relator is requesting documents under the Public Records Law, 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 records. See La. R.S. 44:31 & 44:32. An individual in custody after sentencing following a felony conviction who has exhausted his appellate remedies is permitted access to public records if the request is limited to grounds upon which the individual could file for postconviction relief under La. Code Crim. P. art. 930.3. La. R.S. 44:31.1. Section 31.1 does not prevent an inmate from seeking records simply because the time limitation for the filing of postconviction relief has passed. See **State ex rel. Leonard v. State**, 96-1889 (La. 6/13/97), 695 So.2d 1325 (per curiam). See also La. Code Crim. P. art. 930.8.

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. After the trial court rules in the civil proceeding, the person may seek an appeal of the trial court's action, if he desires. See 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).

RHP
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