

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

STATE OF LOUISIANA

NO. 2014 KW 0423

VERSUS

DARRYL P. SYLVESTER

**JUN 02 2014**

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In Re: Darryl P. Sylvester, applying for supervisory writs,  
32nd Judicial District Court, Parish of Terrebonne,  
No. 601199.

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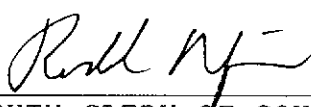
**BEFORE: PARRO, GUIDRY, AND DRAKE, JJ.**

**WRIT DENIED.** For the inmate requesting documents in anticipation of a collateral attack on his conviction, he cannot make a showing of a particularized need absent a properly filed application for postconviction relief, which sets out specific claims of constitutional errors requiring the requested documentation for support. See State ex rel. Bernard v. Criminal District Court Section "J", 94-2247 (La. 4/28/95), 653 So.2d 1174 (per curiam).

If relator is requesting the transcripts 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 sentence 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. 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).

JMG  
EGD  
RHP

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT