

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 0497

VERSUS

KHARI L. GRIMES

JUN 03 2015

In Re: Khari L. Grimes, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
527476.

BEFORE: McDONALD, CRAIN AND HOLDRIDGE, JJ.

WRIT DENIED. The delay to seek postconviction relief in this case has elapsed. See La. Code Crim. P. art. 930.8(A). The Louisiana Supreme Court has held that inmates are not entitled to documents where their postconviction claims were time barred or not cognizable on collateral review. See **State ex rel. Brown v. State**, 2003-2568 (La. 3/26/04), 870 So.2d 976 (per curiam). Furthermore, requests 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).

JMM
WJC

Holdridge, J., dissents and would direct the district court clerk's office to send relator a copy of the **Boykin** transcript at his current address.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT