

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

STATE OF LOUISIANA

NO. 2016 KW 1008

VERSUS

**OCT 17 2016**

ROBERT POOLER

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In Re: Robert Pooler, applying for supervisory writs, 21st Judicial District Court, Parish of Livingston, No. 93-FELN-010524.

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**BEFORE: WHIPPLE, C.J., GUIDRY AND McCLENDON, 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, 1175 (per curiam). Because the time limitation set forth in La. Code Crim. P. art. 930.8(A) has elapsed, relator would also have to meet one of the exceptions to the time limit specified in La. Code Crim. P. art. 930.8. See **State ex rel. Fleury v. State**, 93-2898 (La. 10/13/95), 661 So.2d 488.

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 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, 895 (per curiam).

JMG  
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