

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

STATE OF LOUISIANA

NO. 2017 KW 1439

VERSUS

DEC 28 2017

ARTY MARCEL

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In Re: Arty Marcel, applying for supervisory writs, 32nd Judicial District Court, Parish of Terrebonne, No. 686,293.

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**BEFORE: GUIDRY, PETTIGREW AND CRAIN, JJ.**


**WRIT GRANTED.** As an indigent inmate, relator is entitled to receive certain court documents, such as his guilty plea transcript, the bill of information or indictment, commitment papers, court minutes for various portions of the trial, and minutes of his sentencing, free of charge without the necessity of establishing a particularized need. See **State ex rel. Simmons v. State**, 93-0275 (La. 12/16/94), 647 So.2d 1094 (per curiam). For all other documents, the inmate is required to establish a particularized need by properly filing an 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); **State ex rel. McKnight v. State**, 98-2258 (La. App. 1st Cir. 12/3/98), 742 So.2d 894, 895 (per curiam). According to relator, he properly filed an application for postconviction relief with the district court. Relator indicates that he has made several attempts to obtain the documentation to which he is entitled, and which is necessary to perfect his application. Therefore, the district court is instructed to determine if relator properly filed an application for postconviction relief. If so, and if the court has not yet ruled on the application, the court should order that relator be provided with the documents to which he is entitled, including his trial transcript, if it has not already done so. Additionally, upon determining if relator has properly filed an application for postconviction relief and ordering relator be provided with the requested documentation, the court should then reconsider relator's motion to supplement his application, as it was based on perfecting his application upon receipt of the entitled documentation and the delays for filing an application for postconviction relief have not expired.

JTP

JMG

**Crain, J.**, dissents and would deny on the showing made.

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DEPUTY CLERK OF COURT  
FOR THE COURT