

STATE OF NEBRASKA  
**Office of the Attorney General**

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**DOUGLAS J. PETERSON**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
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December 28, 2017

Via email at [jyoung@journalstar.com](mailto:jyoung@journalstar.com)  
JoAnne Young, Reporter  
Lincoln Journal Star  
926 P Street  
Lincoln, NE 68508

RE: *File No. 17-R-151; Nebraska Department of Correctional Services;  
JoAnne Young, Lincoln Journal Star, Petitioner*

Dear Ms. Young:

This letter is in response to your correspondence emailed to this office on December 14, 2017, in which you requested that we review the denial by the Nebraska Department of Correctional Services ("Department") of two public records requests submitted by you on November 9 and 15, 2017. Your requests to the Department related to "the death penalty lethal injection process." You have asked us to determine whether the Department "has the right to withhold these records from public inspection, and whether the department has violated the Nebraska public records law by doing so." You have also asked us to consider whether the Department's denial letters written in response to your requests were in compliance with the law. We have considered your correspondence to be a petition for review under Neb. Rev. Stat. § 84-712.03(1)(b) of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2016).


Prior to the receipt of your petition, litigation was commenced against the Department raising the same or similar issues as found in your petition. See *State of Nebraska ex rel. Amy A. Miller and ACLU of Nebraska Foundation v. Scott Frakes*, Case No. CI 17-4283 (Lancaster County District Court). In addition, on December 15, 2017, after you submitted your petition, the Lincoln Journal Star, along with the Omaha World-Herald and Media of Nebraska, filed a complaint seeking to intervene in Case No.

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CI 17-4283. Since this office will be defending the Department's position in that litigation, we are unable to take action on your petition. Consequently, we are closing this file.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General

pp. 

Leslie S. Donley  
Assistant Attorney General

49-1914-29