



October 27, 2017
BY EMAIL AND MAIL DELIVERY

Director Scott Frakes
Nebraska Department of Correctional Services
P.O. Box 94661
Lincoln NE 68509

Dear Director Frakes:

This is a request under Nebraska public records law. I am seeking documents relating to your attempts to obtain pharmaceuticals or other substances for the purposes of carrying out lethal injection executions. In the following request, “Department” refers to the Department of Correctional Services, and hereinafter “injection drugs” refers collectively to ***any and all substances intended for use in an execution, including but not limited to sodium thiopental, pentobarbital, midazolam, potassium, paralytic drugs, and/or any ingredients of same.*** At any reference to “injection drugs,” the intent is to obtain any document referring to any and all attempts to obtain such pharmaceuticals.

In the following request, “Documents” includes notes, memos, emails, text messages, faxes, letters or written items of any kind whether in paper format or electronic format. As a reminder, our request is intended to include notes of phone communications or emails memorializing phone conversations.

As you may know, Nebraska state law requires a response to an open records request to be made within four (4) days of receipt. If you need additional time, please advise.

The materials I am requesting are limited to the time period of June 15, 2017 to present time.

1. Any documents including email, letter, phone message or other communication with any and all potential **pharmaceutical manufacturers, distributors, brokers, suppliers and/or pharmacies**—whether domestic or foreign—showing efforts to obtain lethal injection drugs or discussing lethal injection drugs.
2. Any documents including email, letter, phone message or other communication with any **officials from other states or the federal government** regarding efforts to obtain lethal injection drugs or discussing lethal injection drugs.
3. Any documents including email, letter, phone message or other communication with **Chris Harris and or Harris Pharma.**

AMERICAN CIVIL
LIBERTIES UNION of
NEBRASKA
FOUNDATION

134 S. 13TH ST. #1010
LINCOLN, NE 68508
T/ 402.476.8091
F/ 402.476.8135

LEGAL HELP LINE
1.855.557.ACLU (2258)

www.aclunebraska.org

4. Any documents including email, letter, phone message or other communication with **Benjamin England, FDA Imports, Alpha Brokers Corp. or any other third party entity** regarding efforts to obtain lethal injection drugs or discussing lethal injection drugs.
5. Any documents including email, letter, phone message or other communication between the Department and the **Governor, or Governor's office, or Governor's corrections advisory committees, or Governor's private political consultants** related to the efforts to obtain injection drugs.
6. Any documents including email, letter, phone message or other communication with any representatives of **the United States Food and Drug Administration (FDA)** in regards to obtaining a license for the importation and acquisition of injection drugs or any other matters relating to the importation and acquisition of injection drugs.
7. Any documents including email, letter, phone message or other communication with any representatives of **the United States Drug Enforcement Administration (DEA)** in regards to obtaining a license for the importation and acquisition of injection drugs or any other matters relating to the importation and acquisition of injection drugs.
8. Any documents including email, letter, phone message or other communication with any representatives of **the United States Customs and Border Protection (CBP)** in regards to obtaining a license for the importation and acquisition of injection drugs or any other matters relating to the importation and acquisition of injection drugs.
9. Any documentation showing **the expiration date** for the injection drugs currently in the Department's possession, including a copy of the packaging itself.
10. Any documentation with any party as to the **testing, potency, efficacy**, or other matters related to the injections drugs by any party including Chris Harris, Harris Pharmaceuticals, the DEA, the FDA, or independent testing entity.
11. Any documentation from any common carrier such as **the United States Postal Service, Fed Ex, UPS, or other commercial entity or private courier** related to the importation or acquisition of injection drugs or conveyance of public funds to purchase injections drugs.
12. Any documentation showing **the use of public funds** to purchase injection drugs including any invoice, purchase order, requisition, check, receipt or other similar record.
13. Any documentation showing **the use of public funds to pay for legal services** related to efforts to purchase injection drugs, including any invoice, contract, check, receipt or other similar record.

When the documents relevant to this request are ready, you may provide them in electronic form or, if you are providing in paper form, please advise and we will arrange pick up for fastest receipt.

I look forward to hearing from you:

A handwritten signature in blue ink that reads "Amy Miller". The signature is fluid and cursive, with a long horizontal stroke at the end of the name.

Amy A. Miller
Attorney at Law

cc: Mr. David Grauman, NDCS Legal Counsel