



Pete Ricketts, Governor

November 22, 2017

Amy Miller
ACLU of Nebraska
134 S. 13th St. #1010
Lincoln, NE 68508

RE: Public Records Request

Dear Ms. Miller,

I am writing in response to your request for public records received on October 27, 2017. Your request is for "documents relating to your attempts to obtain pharmaceuticals or other substances for the purposes of carrying out lethal injection executions." Certain documents were provided to you on November 16, 2017.

We have completed our search for records responsive to your request, and have located additional records responsive to request number 9, which we have enclosed with this letter. There is no charge. With respect to request numbers 3, 5, 6, 8, 10, 11 and 13, we have no responsive records.

We have records responsive to request numbers 1, 2, 4, 7, 9 and 12 that will not be provided to you. These particular records consist of attorney – client communications; communication between an NDCS team member and a supplier; DEA forms; inventory logs; photos of packaging; invoices and purchase orders.

These documents constitute attorney work product, are subject to the attorney – client privilege, are not public records and/or are confidential and exempt from disclosure under Neb. Rev. Stat. § 83-967 (2). Consequently, per advice provided by legal counsel, Director Frakes is denying you access to these records on the basis of Neb. Rev. Stat. §§ 83-967(2); 84-712.01(1) and 84-712.05(4).

Scott R. Frakes, Director

Dept of Correctional Services

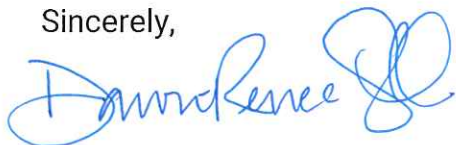
P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654 Fax: 402-479-5623

corrections.nebraska.gov

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If you believe records have been withheld contrary to Neb. Rev. Stat. § 84-712, you may pursue administrative or judicial remedies as outlined in Neb. Rev. Stat. § 84-712.03.

Sincerely,

A handwritten signature in blue ink that reads "Dawn-Renee Smith". The signature is written in a cursive style with a large, decorative flourish at the end.

Dawn-Renee Smith
Communications Director

