

STATE OF NEBRASKA
Office of the Attorney General

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JON BRUNING
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

July 21, 2010

Fred Peters, #26498
Wabash Valley Correctional Facility
P.O. Box 1111
Carlisle, IN 47838

RE: *Your Correspondence*

Dear Mr. Peters:

This letter is in response to your most recent correspondence dated June 22, 2010, in which you requested our assistance in obtaining "a certified file-stamped copy of each 'Motion to Obtain Records' and 'Motion to Expunge Record'" from the Deuel County District Court. We initially construed your letter to be a petition for public records under Neb. Rev. Stat. § 84-712.03 of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2008; Supp. 2009). As such, we set out to determine whether you had been unlawfully denied access to public records by the district court.

We subsequently contacted the clerks for each of the district courts referenced in your letter—Deuel County and Keith County. The District Court Clerk of Deuel indicated that she had records in her possession relating to your request. We asked her to copy those records and send them to us. We have attached those records for your files. The Clerk-Magistrate for Keith County District Court represented to us that the district court had no records from or pertaining to you.

However, upon review of the various records, it appears to us that you were merely seeking acknowledgement from the Deuel County District Court as to whether your motions had been filed with the court. We have conferred with the Deuel County Attorney on this matter, who indicated that your motions would be filed. We would suggest then that all future correspondence concerning your pending motions be made to the following county official:

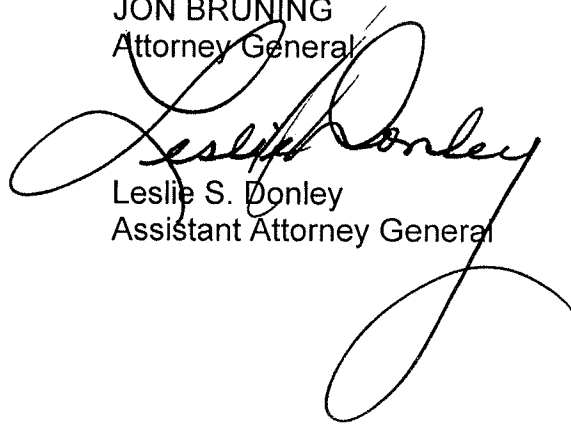
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Clerk of the District Court
P.O. Box 327
Chappell, NE 69129

Finally, for your information, by statute, this office is authorized to provide opinions and other legal information to state officers, state agencies and members of the Nebraska Legislature. We are not authorized to provide legal opinions or legal advice to private citizens. Since all issues relating to public records which would require our involvement under the Nebraska Public Records Statutes have been resolved, we are closing this file.

Sincerely,

JON BRUNING
Attorney General

A handwritten signature in black ink, appearing to read "Leslie S. Donley", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

Leslie S. Donley
Assistant Attorney General

Enclosures