

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

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**DOUGLAS J. PETERSON**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

July 6, 2018

Michael E. Harris, #60322  
Nebraska State Penitentiary  
P.O. Box 22500  
Lincoln, NE 68542-2500

RE: *File No. 18-R-120; Douglas County Attorney; Michael E. Harris, Petitioner*

Dear Mr. Harris:

This letter is in response to your correspondence dated June 25, 2018, and received by this office on June 29, 2018, in which you petitioned our office to review the handling of your public records request by the Douglas County Attorney's Office ("DCAO"). You indicate that on June 8, 2018, you sent a public records request to the DCAO, specifically addressed to Douglas County Attorney Donald W. Kleine. However, you allege that Mr. Kleine failed to respond to your request in accordance with Neb. Rev. Stat. § 84-712(4) (2014) of the NPRS. We considered your petition in accordance with § 84-712.03 of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2016) ("NPRS").

Upon receipt of your petition, we contacted Deputy Douglas County Attorney Theresia Urich to inquire about your request. Ms. Urich indicated that Deputy County Attorney Tess Moyer responded to your request to Mr. Kleine<sup>1</sup> by letter dated June 21, 2018. In the response, Ms. Moyer indicated that, due to the extensiveness of your requests, additional time in which to respond was necessary, and stated that she would follow up with you on or before July 20, 2018. Ms. Moyer also indicated that you could prioritize or modify your requests at that time.

Under Neb. Rev. Stat. § 84-712.03(1)(b) (2014) of the NPRS, this office is required "to determine whether a record may be withheld from public inspection or whether the public body that is the custodian of such record has otherwise failed to comply with [§§ 84-

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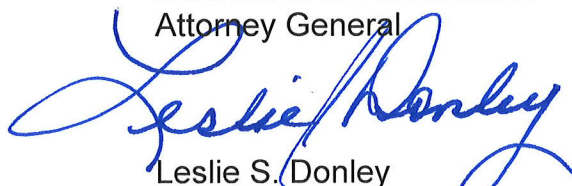
<sup>1</sup> The response also addressed your public records request mailed to Sheriff Timothy Dunning of the Douglas County Sheriff's Office dated June 13, 2018.

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712 to 84-712.03] . . . .” Since your record requests are currently pending with the DCAO, no action by this office is warranted at this time. As a result, we are closing this file.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Theresa Urich

49-2038-29