



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

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**MIKE HILGERS**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

July 7, 2025

Via email at [REDACTED]  
Melanie Vany

RE: *Public Records Matter Involving the Cheyenne County Attorney*  
File No. 20251073

Dear Ms. Vany:

This letter is in response to your complaint received by this office on June 20, 2025. Your complaint requested, among other things, that this office “[i]nvestigate whether [Cheyenne] County Attorney Amber Horn violated public records law.” We construed your complaint to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings in this matter are set out below.

Before we begin, we note that five days after emailing your petition to this office, you filed a petition for writ of mandamus in the Cheyenne County District Court, i.e., *Melanie Vany v. Cheyenne County Sheriff’s Office, et al.*, CI 25-112. While our general policy is to defer to the district court when petitions for mandamus have been filed, in this instance we considered your claims against Ms. Horn, beginning with your initial request and concluding with your receipt of responsive records on June 28, 2025.

### **RELEVANT FACTS**

On June 11, 2025, at 2:38 p.m., you emailed Ms. Horn a document entitled “Formal Statement of Request for Case Review.” The subject line read: “Request for Case File Review and Reopening of Investigation.” Your statement indicated you were “writing to formally request a full review and possible reopening of [your son’s] case, as [you] have uncovered serious concerns regarding the completeness of the original investigation.” Near the end of the letter, you requested the following:

- A full copy of the case file, autopsy report, toxicology report, and all evidence logs
- Written confirmation of what forensic and investigative procedures were or were not conducted
- A review of the investigative process in this case
- Consideration for reopening the investigation due to these serious procedural omissions

You followed up with an email to Ms. Horn at 2:46 p.m., which stated, in part:

I am writing to respectfully request a formal review—and potential reopening—of the investigation into my son's death. After receiving limited case details, I've discovered that key forensic procedures may not have been completed, including gunshot residue (GSR) testing and phone analysis.

I have attached a formal statement outlining my specific concerns and requests.

Ms. Horn acknowledged receipt of your email on June 12, indicating that a copy of the case file would be made for you. Ms. Horn stated: "I will also personally review the file and coordinate with law enforcement to attempt to address your concerns. I will need some time to do this but I wanted to make sure you know that I have received your correspondence and will look into your concerns."

On June 19, at 11:52 a.m., you emailed Ms. Horn requesting an in-person meeting "to discuss the case and any developments directly." At 4:14 p.m., you emailed Ms. Horn, with a copy to NDOJ Investigator Keith Andrew, a "formal public records request," seeking recordings and associated records pertaining to two 911 calls. This request was also addressed to the "Cheyenne County Dispatch." At 5:16 p.m., you submitted another public records request to Ms. Horn, for "all investigative records, reports, forensic findings, dispatch logs, and related materials regarding the death of my son, Courtland Froemke, on November 3, 2023, in Sidney, Nebraska." (Emphasis omitted.) You stated that "[a]s Courtland's mother and a directly impacted party, I am legally entitled to this information and should have received it months ago. I am now documenting all delays and correspondence for legal purposes and oversight review."

Ms. Horn responded to you on June 20, at 3:23 p.m., as follows:

I apologize for the delay. Your initial request was not the usual form I see for Open Records Requests so I did not take it as such so I am sorry for my misunderstanding. I have personally made a copy of the file and discs in this case and a copy is ready for you to pick up at my office anytime Monday-Friday 8am-5pm. I was made aware that the Attorney General's Office is planning an in person meeting with you and will make myself available for that meeting if you would like

me to attend. At this time, I am deferring the case review to the Attorney General's Office. (Emphasis added.)

You challenged Ms. Horn's response and explanation at 4:14 p.m., asserting the following: (1) improper delay and deflection based on the form of your request and the ensuing delay; (2) that you had made it clear for "logistical and legal reasons" that you required either digital copies or U.S. Mail delivery, and that "[l]imiting access to in-person pickup only is both unreasonable and obstructive . . ."; (3) deferring the case review to the Attorney General's Office does not allow her to avoid compliance under the public records law, among other things; and (4) that her "response, delay, and mischaracterization of the request will be included in the formal record being submitted to oversight agencies, including the Nebraska Supreme Court Counsel for Discipline and the Department of Justice."

On June 21, at 11:26 a.m., you emailed Ms. Horn a letter entitled "Clarification and Discrepancy Regarding Records Access and Prior Commitments." On June 23, at 7:18 p.m., you emailed Ms. Horn, along with certain NDOJ employees, a "formal demand regarding the continued obstruction and refusal to release public records tied to the death of my son . . . ." This document contained the "[s]pecific records being unlawfully withheld," the officials involved, the statutes violated, and a deadline to respond. On June 24, 2025, at 8:20 a.m., Ms. Horn requested you provide her with a physical address to mail the responsive records. At 8:36 a.m., you emailed Ms. Horn et al. a "formal clarification request regarding my ongoing public records request and related concerns." According to this document, you would provide a physical address contingent on Ms. Horn confirming the documents being provided, based on a list in your document; confirming that the records have not been altered, etc.; and answering questions regarding the investigation. You concluded your letter as follows:

Lastly, I must note: your ongoing pattern of ignoring prior written requests and refusing to address legitimate legal concerns violates Neb. Rev. Stat. 84-712.04, which requires a response or explanation within four business days. Treating these lawful requests as if they are invisible does not exempt your office from accountability.

At 11:37 a.m., you submitted to the 911 director, with a copy to Ms. Horn and certain NDOJ employees, a "formal notice" regarding her failure to comply with the public records requests submitted on June 19 and 24.

On June 26, 2025, Ms. Horn sent you the following email:

Attached is the 911 information that we have.

A complete copy of my case file has been mailed to you at [redacted], Sidney, Nebraska. This is the address that was in the file. The tracking number is

9505510397165177023266. This contains the entirety of the information for which I am the custodian.

The records were delivered to you on June 28.

## DISCUSSION

The basic rule for access to public records is set out in Neb. Rev. Stat. § 84-712(1). That provision states:

Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

“Public records” in Nebraska “include all records and documents, regardless of physical form, of or belonging to” governmental entities in the state, “[e]xcept when any other statute expressly provides that particular information or records shall not be made public.” Neb. Rev. Stat. § 84-712.01(1). This office has concluded that § 84-712 does *not* require a public body to review documents and create abstracts or other lists, to answer questions or to create documents which do not otherwise exist. Op. Att’y Gen. No. 94092 (November 22, 1994); Op. Att’y Gen. No. 94035 (May 11, 1994); Op. Att’y Gen. No. 87104 (October 27, 1987).

Based on our review of the correspondence described above, Ms. Horn has now provided you with all records that were responsive to your requests over which she had custody. You received the records on June 28, 2025. We note you could have had the records on June 20 had you elected to pick them up or sooner than June 28 had you provided your address. You chose to do neither. We can also see how your June 11 Formal Statement of Request for Case Review, which was acknowledged by Ms. Horn the day after receipt, was not immediately construed to be a records request. In any event, the Cheyenne County Attorney has now provided you responsive records. The fact that you believe the records are inadequate does not mitigate Ms. Horn’s compliance with the NPRS.<sup>1</sup>

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<sup>1</sup> See *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) (“In the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties and that absent evidence showing misconduct or disregard of law, the regularity of official acts is presumed.”).

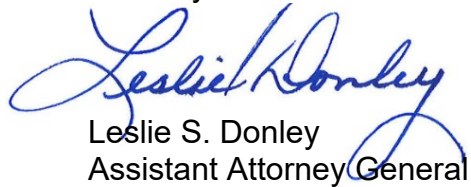
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### CONCLUSION

Since we have identified no violations of the NPRS pertaining to Ms. Horn's handling of your records requests, no further action by this office is necessary and we are closing this file.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Amber Horn (via email only)

49-3877-31