



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

August 26, 2025

Via email at [REDACTED]
Jessie Zhang

RE: *Public Record Matter Involving the Scotts Bluff County Attorney*
Our File No. 20251096

Dear Ms. Zhang:

This letter is in response to your correspondence emailed to this office on August 11 and 13, 2025, concerning the handling of your public records request by the Scotts Bluff County Attorney, Dave Eubanks. We forwarded your correspondence to Mr. Eubanks upon receipt, who provided us all documentation regarding this matter in his possession. After reviewing your materials, it was unclear to us whether you were challenging Mr. Eubanks' denial or requesting records from this office or both. Consequently, we briefly address each scenario below. Our review was conducted in accordance with the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024).

RELEVANT FACTS

On July 18, 2025, you emailed a public records request to Deputy County Attorney Paul Boross seeking "access to the autopsy report for Juliette Geurts . . . in the interest of advocacy and academic research."¹ On Saturday, July 19, you emailed Mr. Boross twice demanding a response. Mr. Eubanks responded to your requests on July 21, denying you access to the autopsy report pursuant to Neb. Rev. Stat. § 84-712.05(5), stating in this respect, "[t]he autopsy was ordered as part of a murder investigation; therefore, it's exempt." Mr. Eubanks also informed you that a public body has four

¹ For your information, "[t]he public records statutes apply 'equally to all persons without regard to the purpose for which the information is sought.' As a general rule, citizens are not required to explain why they seek public information." *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 801, 943 N.W.2d 231, 247 (2020).

business days to respond to a public records request and, accordingly, “[a] response [to your request] would not have been due until July 24, 2025.” He also informed you while he may work on Saturdays and Sundays, that does not make them business days and the courthouse is closed on those days.

On July 25, you emailed Mr. Eubanks (copy to Mr. Boross) challenging the denial on several grounds, including but not limited to “Technical errors,”² “Inconsistent autopsy report,” and “Your reputation and a bad legacy.” You concluded your email by stating: “You have five days to process this and figure out a better excuse before I call the judge and report this.”

Your August 11 correspondence to this office indicates you have “been advocating for Dustin Chancey since June 18th 2025.”³ You allege that Mr. Eubanks and Mr. Boross and others “are trying to cover their tails ever since I tried to get the autopsy report” and you describe your attempts to obtain it. You also allege that you “receive[d] a notification that Dave and his team were collecting meta data to conceal those autopsy reports.” Your correspondence then states [reformatted]:

Today I ask you very kindly for a few things:

1. Being the autopsy report
2. All internal communications, emails, job descriptions, and document handling logs involving Paul Boross, Dave Eubanks, Kaleb Johnson, Cody Enlow, Andrew Soucie, Haylee Knox, Karina Garza, and Jennifer VanHoosear related to Dustin Chancey’s autopsy report and case file between June 18 and August 10, 2025.

Include:

- Metadata (timestamps, edits, access logs)
 - Distribution records (who received what and when)
 - Organizational charts showing their roles and reporting structure
3. Disciplinary action towards the police officers, attorneys and file technician involved.

(Emphasis omitted.) On August 13, you emailed this office noting it had been “3 days,” and requesting to speak to one of two coworkers of Mr. Eubanks.

² We acknowledge § 84-712.05(5) was incorrectly cited but corrected later in the letter. In addition, Mr. Eubanks attached copies of §§ 84-712, 84-712.03, *and* 84-712.05 to his letter.

³ This office does not consider the reason or purpose for a records request when making our determination under § 84-712.03(1)(b).

DISCUSSION

The NPRS generally allow Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. However, while the NPRS do provide access to public documents, they are not absolute, and they also provide for exceptions to disclosure by express and special provisions. *Orr v. Knowles*, 215 Neb. 49, 337 N.W.2d 699 (1983). Mr. Eubanks withheld the autopsy report under the exception to disclosure in Neb. Rev. Stat. § 84-712.05(5), which pertains to

[r]ecords developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, complaints or inquiries from residents of this state or other interested persons, informant identification, or strategic or tactical information used in law enforcement training

County attorneys have a general duty “to prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal, arising under the laws of the state in which the state or the county is a party or interested.” Neb. Rev. Stat. § 23-1201 (2016). As the Scotts Bluff County Attorney, Mr. Eubanks is charged with duties of investigation or examination of persons, institutions, and businesses. Mr. Eubanks informed you that the autopsy was part of a murder investigation. Thus, consistent with previous dispositions where we determined statutory exceptions to disclosure applied to autopsy records,⁴ we find Mr. Eubanks may keep the requested report confidential under the exception in § 84-712.05(5).

As to your purported record request to this office, pursuant to § 84-712, “[t]he public records statutes are directed to ‘the custodian’ of a requested public record . . . and the duties imposed thereunder on a specific custodian relate only to the public records of which that specific office or person is the custodian.” *Huff v. Brown*, 305 Neb. 648, 666, 941 N.W.2d 515, 527 (2020). According to the court, it is the requester’s obligation to determine the proper custodian and direct the request to that person or office. *Id.* Because the Nebraska Department of Justice is not the custodian of any records listed in your August 11 correspondence to this office, we have no records responsive to your request.

⁴ See, e.g., *File No. 20241046; Dodge County Attorney’s Office; Katherine R. Chadek, Petitioner* (March 26, 2024); *File No. 21-R-131; Nebraska State Patrol; Harry N. MacLean, Petitioner* (September 13, 2021); *File No. 17-R-143; Dundy County Attorney and Dundy County Sheriff’s Office; Donald Drillien and Kathryn Musso, Petitioners* (November 9, 2017); *File No. 16-R-109; Cedar County Attorney, Cedar County Sheriff; David Domina o/b/o Estate of Frank Potts, Jr., Petitioner* (March 10, 2016); *File No. 11-R-119; Omaha Police Department; Petitioner Tony Secrest, United Heartland Insurance Company* (June 2, 2011); and *File No. 08-R-152, Pierce County Attorney; Thomas B. Buttolph, M.D., Petitioner* (December 16, 2008).

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Finally, as noted by Mr. Eubanks in his July 21 letter, public bodies have four business days after actual receipt of a written request to respond to public records requests. This office must respond to petitions submitted under § 84-712.03(1)(b) within fifteen days of receipt.

CONCLUSION

For the reasons discussed above, we conclude the Scotts Bluff County Attorney did not improperly deny you access to public records and this office is not the custodian of any of the records requested. Thus, no further action by this office is necessary and we are closing this file. If you disagree with the conclusion reached above, you may wish to consult with your private attorney to determine what, if any, additional remedies might be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Dave Eubanks (via email only)

49-3929-31