Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Lauren Mattson
Assistant Prosecutor

May 7, 2026

[redacted]

Re: FOIA Request #26-140, #26-141, #26-142, #26-143

[redacted]

I acknowledge receipt of your Freedom of Information Act request dated April 30, 2026, and received by the Delta County Prosecutor's Office on May 1, 2026. The request we received is summarized as follows:

FOIA Request 26-140

FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath – Finger Prints

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

RECORDS REQUESTED:

1. Fingerprint records for Dustin Thomas Aker
2. Fingerprint records for Sydney Ann Horvath
3. Fingerprint cards
4. Fingerprint identification reports
5. AFIS (Automated Fingerprint Identification System) results
6. Fingerprint comparison reports
7. Fingerprint analysis documentation
8. Fingerprint chain of custody
9. Fingerprint collection reports
10. Fingerprint expert reports (if any)
11. Latent fingerprint reports (if any)
12. Fingerprint match probability calculations
13. Fingerprint classification and pattern documentation
14. Fingerprint quality assessment reports
15. Fingerprint exclusion reports (if any)
16. Fingerprint identification method documentation

310 LUDINGTON STREET, SUITE 237 ESCANABA MI 49829
(906)789-5115

FOIA Request 26-141

FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath – Forensic Reports

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

RECORDS REQUESTED:

1. All forensic analysis reports
2. Forensic laboratory reports
3. Forensic expert reports
4. Crime scene analysis reports
5. Trace evidence analysis reports
6. Fingerprint analysis reports
7. Forensic DNA analysis reports
8. Forensic toxicology reports
9. Forensic ballistics reports
10. Digital forensics reports
11. Blood spatter analysis reports
12. Forensic pathology reports
13. Forensic psychology or psychiatric reports
14. Forensic animation or reconstruction reports
15. Fire investigation forensic reports (if applicable)
16. Forensic evidence reliability documentation

FOIA Request 26-142

FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath – Finger Prints

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

1. All plea agreements (signed and unsigned versions)
2. Final executed plea agreements
3. Plea agreement terms and conditions
4. Sentencing provisions in plea agreements
5. Restitution agreements
6. Probation terms in plea agreements
7. Charge admission or nolo contendere provisions
8. Waiver of rights documents in plea agreements
9. Plea agreement court approval documents
10. Plea agreement withdrawal or breach documentation (if any)

11. Plea agreement amendment or modification documents
12. Plea agreement compliance documentation
13. Plea agreement failure documentation (if applicable)
14. Plea negotiation settlement conference records
15. Prosecutor's recommendation statements in agreements
16. Defendant acceptance and acknowledgment records

FOIA Request 26-143

FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath – Plea Negotiations

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

1. All plea negotiation documents
2. Plea offer letters to defendants
3. Plea counter-offers
4. Plea negotiation correspondence
5. Plea negotiation dates and timeline
6. Plea negotiation attendee records
7. Prosecutor's plea negotiation notes (non-exempt portions)
8. Plea negotiation strategy documents (non-exempt portions)
9. Plea negotiation authorization documents
10. Conditional plea offers
11. Sentencing recommendations in plea offers
12. Charge reduction offers
13. Charge dismissal offers
14. Deferred prosecution agreements (if any)
15. Plea negotiation withdrawal records
16. Final plea negotiation status documentation

As it relates to your request outlined above in FOIA Request 26-140, your request is **DENIED** as a review of the records reveal they do not exist within the possession of the public body. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public record requested, and described above, does not exist within the records of the public body under the name nor any other name reasonably known to the public body.

As it relates to your request outlined above in FOIA Request 26-141, your request is **GRANTED IN PART, DENIED IN PART**.

In granting your request, please find the following responsive records:

Laboratory Report Number 2

Laboratory Report Number 3
Laboratory Report Number 4
Laboratory Report Number 5

These responsive records do contain information that is exempt from disclosure pursuant to Michigan FOIA. Therefore, the exempt information has been separated from non-exempt information. The information contained in the responsive records is deemed exempt pursuant to MCL 15.243(1)(a) as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy.

As it relates to your request outlined above in FOIA Request 26-142, your request is **GRANTED**.

In granting your request, please find the following responsive records:

Amended Plea Sheet dated 10/11/2021
Plea Sheet dated 10/11/2021
Plea Agreement dated 12/14/2021
Plea Sheet dated 01/12/2022

As it relates to your request outlined above in FOIA Request 26-143, your request is **GRANTED IN PART, DENIED IN PART**.

In granting your request, please find the following responsive records:

Email dated 10-04-2021
Email dated 12-11-2021
Email dated 11-16-2021
Email dated 08-12-2021

These responsive records do contain information that is exempt from disclosure pursuant to Michigan FOIA. Therefore, the exempt information has been separated from non-exempt information. The information contained in the responsive records is deemed exempt pursuant to MCL 15.243(1)(a) as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy. Further information contained within the email dated 10-4-2021 contains information protected under the Work Product exception MCR 2.302(B)(3)(a), and is therefore is exempt pursuant to MCL 15.243(1)(g)

If you disagree with this decision, you may submit an appeal to the chairperson of the Delta County Board of Commissioners, or seek judicial review in the Delta County Circuit Court. If you prevail in Circuit Court, you may be entitled to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of $1,000.00.

I have also included the website utilized to find Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms as well as the FOIA Appeal Form.

If you have any questions or concerns, please contact me.

Best Regards,

Lauren M. Wickman
Chief Prosecuting Attorney

Emily Desalvo
FOIA Coordinator

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829
Phone: 906-789-5100

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-140 Date Received: [redacted]
Date of This Notice: 05/07/2026
(Please Print or Type)

Check if received via: ☐ Email ☑ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name [redacted]	Phone 719-313-0395
Firm/Organization	Fax
[redacted]	Email [redacted]
[redacted] State CO	[redacted]

Request for: ☑ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☑ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* see attached copy of the original request

☑ **All** **OR** ☐ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Emily Desalvo at 906-789-5100

Reason for Denial:

☐ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection _____*(insert number)*, because: _____

☑ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the County A certificate that the public record does not exist under the name given is attached. If you believe this recorddoes exist, provide a description that will enable us to locate the record: _____

☐ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection _____ *(insert number)*, because: _____

A brief description of the information that had to be separated or deleted: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: [signature] **Date:**

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829

Phone: 906-789-5100

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-140 Date Received: _____
Date of This Notice: _____
(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

Requestor's Signature: _____ **Date:** _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

County Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until_____ (*month, day, year*). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or tocommence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: **Date:**

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

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(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms

To review all policies, guidelines, and forms related to FOIA, please visit Delta County's website at: www.deltacountymi.gov/foia

Upon request, a mailed copy of the polices, guidelines, and/or forms will be provided. Please contact the Delta County Administration Office at 906-789-5100 or by mail at:

Delta County Administration Office
310 Ludington Street, Suite 222
Escanaba, Michigan, 49829

Delta County Prosecutor's Office Attn: FOIA Coordinator / Emily DeSalvo 310 Ludington Street, Suite 237 Escanaba, MI 49829

April 30 2026

RE: Subject: FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath - Finger Prints

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Dear FOIA Coordinator,

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

RECORDS REQUESTED:

1. Fingerprint records for Dustin Thomas Aker
2. Fingerprint records for Sydney Ann Horvath
3. Fingerprint cards
4. Fingerprint identification reports
5. AFIS (Automated Fingerprint Identification System) results
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9. Fingerprint collection reports
10. Fingerprint expert reports (if any)
11. Latent fingerprint reports (if any)
12. Fingerprint match probability calculations
13. Fingerprint classification and pattern documentation
14. Fingerprint quality assessment reports
15. Fingerprint exclusion reports (if any)

16. Fingerprint identification method documentation

Please provide these records in their entirety. If any portions are exempt from disclosure, please provide all non-exempt portions and identify specific exemptions claimed.

I prefer electronic format (MP4/AVI) via file transfer. Please notify me in advance of any applicable fees.

Sincerely,

[redacted]

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829
Phone: 906-789-5100

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-141 Date Received: [redacted]
Date of This Notice: [redacted]
(Please Print or Type)

Check if received via: ☐ Email ☑ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

[redacted]	Phone 719-313-0395
Firm/Organization	Fax
[redacted]	[redacted]
[redacted] State CO	[redacted]

Request for: ☑ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☑ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* see attached copy of the original request

☐ **All** **OR** ☑ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Emily Desalvo at [redacted]

Reason for Denial:

☑ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection (1)(a) *(insert number)*, because: as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the County A certificate that the public record does not exist under the name given is attached. If you believe this recorddoes exist, provide a description that will enable us to locate the record: _____

☑ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection (1)(a) *(insert number)*, because: as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy
A brief description of the information that had to be separated or deleted: name, identifying information (DOB)

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)*

Signature of FOIA Coordinator: [signature] **Date:**

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

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(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829

Phone: 906-789-5100

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-141 Date Received: _____
Date of This Notice: _____
(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

Requestor's Signature: _____ **Date:** _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

County Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until_____ (*month, day, year*). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or tocommence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: **Date:**

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

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(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

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Delta County Administration Office
310 Ludington Street, Suite 222
Escanaba, Michigan, 49829

Delta County Prosecutor's Office Attn: FOIA Coordinator / Emily DeSalvo 310 Ludington Street, Suite 237 Escanaba, MI 49829

April 30 2026

RE: Subject: FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath - Forensic Reports

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Dear FOIA Coordinator,

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

RECORDS REQUESTED:

1. All forensic analysis reports

2. Forensic laboratory reports

3. Forensic expert reports

4. Crime scene analysis reports

5. Trace evidence analysis reports

6. Fingerprint analysis reports

7. Forensic DNA analysis reports

8. Forensic toxicology reports

9. Forensic ballistics reports

10. Digital forensics reports

11. Blood spatter analysis reports

12. Forensic pathology reports

13. Forensic psychology or psychiatric reports

14. Forensic animation or reconstruction reports

15. Fire investigation forensic reports (if applicable)

16. Forensic evidence reliability documentation

Please provide these records in their entirety. If any portions are exempt from disclosure, please provide all non-exempt portions and identify specific exemptions claimed.

I prefer electronic format (MP4/AVI) via file transfer. Please notify me in advance of any applicable fees.

Sincerely,

[redacted]

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829
Phone: 906-789-5100

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-143 Date Received: 05/01/2026
Date of This Notice: [redacted]
(Please Print or Type)

Check if received via: ☐ Email ☑ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name [redacted]	[redacted]
Firm/Organization	Fax
[redacted]	[redacted]
[redacted] State CO	Zip 80922

Request for: ☑ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☑ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* see attached copy of the original request

☐ **All** **OR** ☑ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Emily Desalvo at 906-789-5100

Reason for Denial:

☑ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection (1)(a), (1)(g) *(insert number)*, because: as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy
Attorney work product

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the County A certificate that the public record does not exist under the name given is attached. If you believe this recorddoes exist, provide a description that will enable us to locate the record: _____

☑ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection (1)(a), (1)(g) *(insert number)*, because: attorney work product
as personal information public disclosure of which would constitute an unwarranted invasion of personal privacy
A brief description of the information that had to be separated or deleted: name, identifying information (DOB), attorney work product communications

Notice of Requestor's Right to Seek Judicial Review

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(See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: [signature] **Date:**

FREEDOM OF INFORMATION ACT (EXCERPT)
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15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

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(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

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County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829

Phone: 906-789-5100

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 26-143 Date Received: _____
Date of This Notice: _____
(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

Requestor's Signature: _____ **Date:** _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

County Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until_____ (*month, day, year*). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: _____

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Delta County Prosecutor's Office Attn: FOIA Coordinator / Emily DeSalvo 310 Ludington Street, Suite 237 Escanaba, MI 49829

April 30 2026

RE: Subject: FOIA Request - State of Michigan v. Dustin Thomas Aker and Sydney Ann Horvath - Plea Negotiations

---

Dear FOIA Coordinator,

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I hereby request copies of the following existing public records:

RECORDS REQUESTED:

1. All plea negotiation documents

2. Plea offer letters to defendants

3. Plea counter-offers

4. Plea negotiation correspondence

5. Plea negotiation dates and timeline

6. Plea negotiation attendee records

7. Prosecutor's plea negotiation notes (non-exempt portions)

8. Plea negotiation strategy documents (non-exempt portions)

9. Plea negotiation authorization documents

10. Conditional plea offers

11. Sentencing recommendations in plea offers

12. Charge reduction offers

13. Charge dismissal offers

14. Deferred prosecution agreements (if any)

15. Plea negotiation withdrawal records

16. Final plea negotiation status documentation

Please provide these records in their entirety. If any portions are exempt from disclosure, please provide all non-exempt portions and identify specific exemptions claimed.

I prefer electronic format (MP4/AVI) via file transfer. Please notify me in advance of any applicable fees.

Sincerely,

[redacted]