

LPD Case Number: C3-112920

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE ORDER
TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

CR 24-1

RETURN

Clerk of District Court

FILED

JAN 19 2024

CLERK'S OFFICE, DISTRICT COURT
LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
)
) ss.
COUNTY OF LANCASTER)

The undersigned states that he is a Lincoln Police Department officer, that he received the Order to Produce Identifying Physical Characteristics on December 29, 2023. That pursuant to the Order, identifying characteristics 1 carton containing 2 DNA buccal swabs were obtained from Clarence Edwards II by Eric Dlouhy on January 9, 2024 at Lincoln, Lancaster County, Nebraska. That while submitting to the above-mentioned physical characteristics, Clarence Edwards II was not subjected to any questioning or interrogation.

DATED this 17th day of January, 2024.

E. Dlouhy
Eric Dlouhy

SUBSCRIBED to and sworn before me this 17th day of January, 2024

Roxane G Weston
Notary Public



002107354D02

Handwritten initials

RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from Lancaster County Jail 3801 West O Street Lincoln, Lancaster County, Nebraska:

1 carton containing 2 DNA buccal swabs

CLERK'S OFFICE: DISTRICT COURT
LANCASTER COUNTY, NEBRASKA

JAN 19 2024

FILED
Clerk of District Court

DATED this 9th day of January, 2024.

Dlouh, 1623

Law Enforcement Officer

E. Messersmith 1568

WITNESS

JAN 19 2024

FILED
Clerk of District Court

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
CLARENCE T. EDWARDS II,

ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

TO: Eric Dlouhy badge 1623, and other law enforcement officers of the
Lincoln Police Department

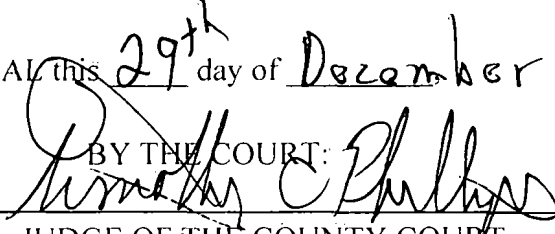
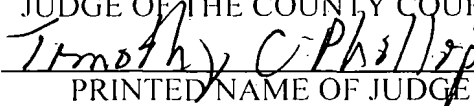
WHEREAS, Eric Dlouhy has filed an Affidavit before the undersigned
Judge of the County Court of Lancaster County, Nebraska, a copy of which
Affidavit is attached hereto and made a part hereof, the court finds that for
purposes of this Order the facts set forth in said Affidavit are true and said facts
and the evidence adduced constitute grounds and probable cause for the issuance
of an Order to Produce Identifying Physical Characteristics. The Court further
finds and orders as follows:

1. That the offense of 3rd degree domestic assault subsequent offense and possess a
firearm by prohibited person is the subject of said Affidavit referred to above
2. That there is probable cause to believe that the offense of 3rd degree domestic
assault subsequent offense and possess a firearm by prohibited person has been
committed.
3. That there is probable cause to believe that Clarence Edwards II committed said
offense.
4. That Identifying Physical Characteristics Sought is/are DNA buccal swabs.
5. That Clarence Edwards II has refused, or there is reason to believe Clarence
Edwards II will refuse, to voluntarily provide the identifying physical
characteristics sought.
6. That Clarence Edwards II is the individual who may be detained for obtaining
such identifying physical characteristics.
7. That Eric Dlouhy and other officers of the Lincoln Police Department are the
peace officers authorized to obtain such identifying physical characteristics and to
effectuate any detention which may be necessary to obtain the same.
8. That Clarence Edwards II will be under no legal obligation to submit to any

- interrogation or to make any statement during the period of his appearance.
9. That such identifying physical characteristics may be obtained at the Lancaster County Jail 3801 West O Street in Lincoln, Lancaster County, Nebraska.
 10. That Clarence Edwards II shall appear at the Lancaster County Jail 3801 West O Street in Lincoln, Lancaster County, Nebraska, at such date and time as is designated by Eric Dlouhy for the purpose of obtaining the above-mentioned identifying physical characteristics.
 11. That if Clarence Edwards II fails to comply with the request of said Eric Dlouhy, the said Clarence Edwards II shall be guilty of contempt of court and be punished accordingly.
 12. That if Clarence Edwards II fails to comply with the request of said Eric Dlouhy pursuant to this order, Officer of the Lincoln Police Department and Corrections Officers of the Lancaster County Jail shall be allowed to use reasonable force to obtain the above mentioned physical characteristics.
 13. That Clarence Edwards II shall be required to stay no longer than one (1) hour for the purpose of Eric Dlouhy obtaining the above-mentioned identifying physical characteristics.
 14. That this Order shall remain in force and effect for a period of fifteen (15) days only.
 15. That a copy of this Order shall be served upon Clarence Edwards II.
 16. That a Return of this Order shall be made within 30 days after the identification procedures have been carried out, setting forth the type of identifying physical characteristics obtained. If the Order is not executed, a Return shall be filed within 30 days stating the same.

THEREFORE, you are commanded to search the said Clarence Edwards II to produce the aforementioned identifying physical characteristics which constitutes evidence that a criminal offense has been committed, and to seize the same.

GIVEN UNDER MY HAND AND SEAL this 29th day of December
 2023

BY THE COURT:

 JUDGE OF THE COUNTY COURT

 PRINTED NAME OF JUDGE



JAN 19 2024

FILED
Clerk of District Court

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
CLARENCE T. EDWARDS II,

AFFIDAVIT FOR
ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

COMES NOW, Investigator Eric Dlouhy badge 1623 of the Lincoln Police Department, being first duly sworn upon oath, deposes and states as follows:

1. Your AFFIANT was assigned to investigate a 3rd degree domestic assault subsequent offense and possess a firearm by prohibited person that occurred at 1421 Hilltop Road apartment 301 in Lincoln, Lancaster County, Nebraska.

2. Your AFFIANT has reviewed reports of other peace officers involved in the investigation of 3rd degree domestic assault subsequent offense and possess a firearm by prohibited person and has conducted additional follow up into the investigation of the incident. According to the information that your AFFIANT obtained:

On December 21, 2023, at 2:36 A.M. Lincoln Police Officers were dispatched to a domestic assault report at 1421 Hilltop Road apartment 301. Officer Bryant badge 1905 contacted Athiang Arop who reported that she was assaulted by her ex-boyfriend with whom she has a child in common with, Clarence Edwards II. Athiang was observed to be upset and crying. She said that she has been letting Clarence stay at her apartment for the last three or four days. She said she and Clarence got into an argument about other children and taking a paternity test. Athiang said in the middle of this argument Clarence pointed a small black handgun at her head stating he would kill her and the police if they came to the residence. Athiang said she grabbed the gun from Clarence and threw it towards the bathroom. Athiang stated that Clarence then punched her in the face one time. Athiang stated Clarence then strangled her by placing his arms around her neck. Athiang stated that this restricted her breathing. She stated she was able

to push Clarence off of her. Athiang said she thought Clarence was going to kill her. Athiang ran to a neighbor and called 911. Athiang was transported by Lincoln Fire and Rescue to Bryan West due to being strangled. At the hospital Athiang said to Officer Palmer 1859 that it was earlier in the day when Clarence pointed a handgun at her. She said during the argument and assault just prior to Officers arriving it was a long gun that she described as brown and gray that Clarence was holding and stating that he would kill anyone that came to the residence. Athiang was observed to have swelling above her left eye where she said she was punched. She was also observed to have redness just below her chin on her neck.

Officer Bryant and other Lincoln Police Officers remained at 1421 Hilltop Road apartment 301. Clarence and Shaky Edwards exited the apartment when Officers announced their presence. Clarence stated that Athiang showed up drunk and did not know why Officers were at the residence. Clarence denied assaulting Athiang and stated she makes up stories when she is drunk. Clarence made a statement to the Officers that the guns in the apartment belong to his son, Shaky. Clarence said he has been living at 1421 Hilltop Road apartment 301 since approximately September 18, 2023. Shaky refused to provide a statement to the Officers.

Athiang gave Officers permission to search the apartment. Officers located a black and maroon SCCY CPX-2 9mm handgun in the living room with a magazine inserted that contained three 9mm luger rounds. Officers located a Mossberg .22 rifle in the corner of the living room. Officers located a Smith and Wesson M&P 15-22 .22 rifle in a brown bag with an inserted magazine containing four .22 caliber rounds. Officers located 50 rounds of .22 caliber ammunition. The firearms and ammunition were placed in the Lincoln Police Department's property unit. The firearms are associated with the following property numbers: SCCY CPX-2 9mm handgun (Q2328258), Mossberg .22 rifle (Q2328259) and Smith and Wesson M&P 15-22 .22 rifle (Q2328260).

Clarence was convicted of a felony on March 16, 1989, in Douglas County, Nebraska. Clarence was convicted of 3rd degree domestic assault on November 26, 2014, in Lancaster County, Nebraska.

On December 22, 2023, at approximately 9:20 A.M. your Affiant contacted Clarence at the Lancaster County Jail 3801 West O Street in Lincoln, Lancaster County, Nebraska. Clarence refused to provide a voluntary sample of his DNA to be tested at the Nebraska State Patrol Crime Laboratory along with

the above listed firearms.

On December 28, 2023, your Affiant went to the Lancaster County Jail. Lancaster County Corrections Officer Addison advised that Clarence was requested to come to their book in area and refused. Officer Addison and your Affiant went to N POD where Clarence was housed. At approximately 9:10 A.M. your Affiant served Clarence his copy of the order to produce physical characteristics. Clarence stated “take that warrant and shove it up your ass” and “you are not getting my DNA”. Your Affiant left Clarence his copy of the order.

3. Your AFFIANT knows that buccal DNA swabs are a way of producing non-testimonial identification evidence regarding the person responsible for the 3rd degree domestic assault subsequent offense and possess a firearm by a prohibited person described herein. The identifying physical characteristics sought from Clarence Edwards II is a sample of his DNA in the form of DNA buccal swabs. The procurement of these identifying physical characteristics is likely to contribute evidence to the further identification of Clarence Edwards II as being the person responsible for the 3rd degree domestic assault subsequent offense and possess a firearm by a prohibited person herein.

The identifying physical characteristics sought can be obtained from Clarence Edwards II at the Lancaster County Jail 3801 West O Street in Lincoln, Lancaster County, Nebraska and should require a detention not to exceed one (1) hour.

AFFIANT further states that there is probable cause to believe that Clarence Edwards II is responsible for 3rd degree domestic assault subsequent offense and possess a firearm by a prohibited person as described herein, and in violation of the laws of the State of Nebraska.

4. Your AFFIANT has been advised by Clarence Edwards II that he has refused to voluntarily provide a DNA sample via buccal swabs.

Further your affiant saith not.

DATED this 26th day of December, 2023

E. Dlouhy

Eric Dlouhy #1623 Lincoln Police Department

SUBSCRIBED AND SWORN to before me this 29th day of December
2023

Timothy C Phillips
JUDGE OF THE COUNTY COURT

Timothy C Phillips
PRINTED NAME OF JUDGE

