

DISTRICT ^{NR}
IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE)
LINCOLN POLICE)
DEPARTMENT PROPERTY)
UNIT, 575 SOUTH 10TH)
STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2313866)

CR 24 - 1

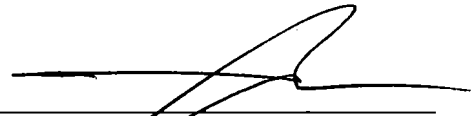
SEARCH WARRANT
RETURN

LANCASTER COUNTY
2024 JAN 24 PM 3:18
CLERK OF THE
DISTRICT COURT

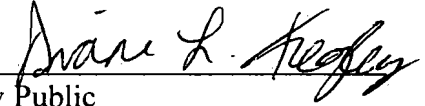
STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The undersigned states that he/she received the search warrant issued herein on the 10th day of January, 2024 and that he/she executed the same on the 10th day of January, 2024 and on the 12th day of January, 2024 seized the property/person described in the inventory filed herein and by delivering a copy of the said order for said property/person at the place from which the property/person was taken.

DATE this 22ND day of January, 2024.


Inv. Tyler Loes

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2024.


Notary Public

C3004592





~~DISTRICT~~ ^{WR}
IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE)
LINCOLN POLICE DEPARTMENT)
PROPERTY UNIT, 575 SOUTH)
10TH STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2313866)

INVENTORY

CLERK OF THE
DISTRICT COURT


LANCASTER COUNTY
2024 JAN 24 PM 3:18

STATE OF NEBRASKA)
County of Lancaster) ss.

Inv. Tyler Loos being first duly sworn upon oath, deposes and states the following is an inventory of property seized by virtue of the warrant issued herein:

- Chats
- Electronic media
- Contacts
- User attribution data
- User data stored on iPhone

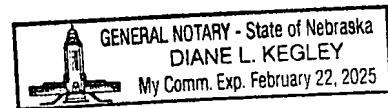
DATED this 22nd day of January, 2024.


Inv. Tyler Loos

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2024.


Notary Public

C3004592




RECEIPT

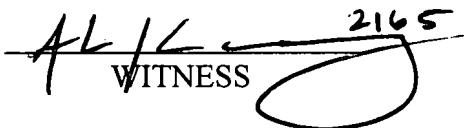
The undersigned hereby acknowledges receipt of the following described property seized from the Apple iPhone labeled with case number C3004592 and labeled with property number Q2313866, 575 South 10th Street, Lincoln Lancaster County, Nebraska:

- Chats
- Electronic media
- Contacts
- User attribution data
- User data stored on iPhone

LANCASTER COUNTY
2024 JAN 24 PM 3:18
CLERK OF THE
DISTRICT COURT

DATED this 12th day of January, 2024.


9.2163
Law Enforcement Officer


2165
WITNESS

C3004592

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
) **ss. SEARCH WARRANT**
COUNTY OF LANCASTER)

TO: Tyler Loos, a Deputy Sheriff with the Lancaster County Sheriff's Office, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Tyler Loos, 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 the facts set forth in said Affidavit are true, and that those facts do constitute grounds and probable cause for the issuance of a Search Warrant.

THEREFORE, you are commanded to search the following device located in the Lincoln Police Department Property Unit, 575 S. 10th St Lincoln NE:

- 2- Apple iPhone, labeled with Property Number Q2313866 and labeled with case number C3004592

Evidence to be searched for includes:

- b. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging "app" accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;
- b. Evidence of use of the device to communicate with co-conspirators about the illegal narcotics distribution, via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;
- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to illegal narcotics distribution

e. Information that can be used to calculate the position of the device between the above dates, including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; “app” data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified,, together with their metadata and EXIF tags;

f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;

g. Records linking the suspect(s), co-conspirators, witness(es) to a certain screen name, handle, email address, Social media identity, etc.;

h. Records showing a relationship with co-conspirators, location(s), other suspects, etc.;

i. Names, nicknames, account ID’s, phone numbers, or addresses of specific persons;

j. Records showing a relationships to particular areas or locations associated with illegal narcotics trafficking;

k. Photographs, images, videos, documents that contain or are evidence of illegal narcotics distribution;

l. Evidence of purchases, such as items used in planning or carrying out illegal narcotics distribution;

m. Internet research history conducted while planning, executing, or covering up to commit illegal narcotics distribution;

n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, user names, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;

o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;

p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

The above listed search is confined to the dates of June 16th, 2023 at 0800 hours to June 21st, 2023 at 1500 hours.

Your AFFIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of

the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court.

Given under my hand and seal this 10th day of January, 2024.

Ryan Post
JUDGE OF THE DISTRICT COURT

Ryan Post
Printed Name of Judge

LANCASTER COUNTY

2024 JAN 24 PM 3:19

CLERK OF THE DISTRICT COURT

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)

) ss. AFFIDAVIT FOR SEARCH WARRANT

COUNTY OF LANCASTER)

Tyler Loos, being first duly sworn upon oath deposes and states that he is an Investigator for the Lancaster County Sheriff's Office, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of possession of controlled substance with the intent to deliver 28-416, occurring on Interstate 80 at or near Mile Marker 394, Lancaster County, Nebraska. Tyler Loos, has also reviewed case reports regarding these investigations by all Lancaster County Sheriff Deputies and other involved law enforcement.

The items to be searched for digital evidence are particularly described as:

- 1- Apple iPhone, labeled with Property Number Q2313866 and labeled with case number C3004592

The items to be searched are currently located at the Lincoln Police Department Property Unit, 575 South 10th, Lincoln, Lancaster County, State of Nebraska. The item(s) to be searched shall be delivered to the Electronic Evidence Unit located at 605 South 10th, Lincoln, Lancaster County, State of Nebraska for digital forensic processing and analysis. The Electronic Evidence Unit forensic examiners may designate additional forensic services, as they may deem necessary to complete the analysis. Once examination and analysis has been completed, the listed evidence shall

be returned to the Lincoln Police Department Property Unit, where it will be held until any final disposition by the Court.

Facts:

On June 21st, 2023, Officer Hudec of the Lincoln Police Department was observing westbound traffic near Mile Marker 394 on Interstate 80 in Lancaster County, Nebraska. During this time, Officer Hudec observed a black 2019 Chevrolet Traverse bearing Florida license plate QZSN40 travel westbound past his location. Officer Hudec's attention was drawn to the vehicle due to it having an aftermarket window package going over the top of all four windows. Officer Hudec noted this window package did not come standard from the factory on the vehicle. Officer Hudec checked the license plate via law enforcement database and confirmed it was a rental vehicle.

Officer Hudec began to catch up to the vehicle, and observed it appeared to be following a semi at close and unsafe following distance. Officer Hudec noted he estimate the following distance to be approximately one second. As Officer Hudec was still behind the vehicle, he observed it to change lanes to overtake the semi. While doing so, the vehicle did not signal the lane change.

As Officer Hudec got closer to the vehicle, he checked the license plate again via law enforcement database and confirmed it was a Budge rental vehicle. As Officer Hudec activated his overhead lights to initiate a traffic stop, he noted he observed the vehicle's turn signal illuminate, which confirmed that vehicle had operational signals.

Contact was made with the driver and sole occupant of the vehicle; Benjamin Vanisi. Upon contact, Vanisi was talking on his cellular phone and told Officer

Hudec he was talking to his wife. Vanisi provided his California ID and stated to Officer Hudec his vehicle was a rental. Officer Hudec asked where Vanisi was coming from, to which Vanisi replied he was coming from visiting his father in Atlanta.

Officer Hudec asked Vanisi to come sit in the front seat of his patrol vehicle for the enforcement action. Prior to coming back to Officer Hudec's vehicle, Vanisi told his wife he needed let her go or hang up the phone. While seated in Officer Hudec's patrol vehicle, Vanisi began using his phone to search for the rental agreement for the vehicle he was driving. Officer Hudec noted during this time he observed Vanisi's phone had GPS navigation running, showing turn-by-turn directions. After Vanisi found the rental agreement, he handed Officer Hudec his phone.

Officer Hudec was able to see that the vehicle was rented on the 16th of June in Texas. During this same time, Vanisi brought up the subject that he was following too closely to the vehicle ahead of him. Vanisi apologized and said he usually gives himself more following distance.

In regards to the rental agreement, Officer Hudec noted he found it unusual that Vanisi had two hard case shell suitcases in the vehicle, which he had observed. Officer Hudec noted this was unusual because according to the rental agreement, Vanisi got the vehicle on the 16th of June in Texas. Officer Hudec noted this was an extremely large amount of luggage for one person to have for an approximately four to four and a half day trip, where Vanisi reportedly flew from one location to the next in Texas and then rented a car to visit his father in Atlanta.

Vanisi then brings up the use of his turn signals to Officer Hudec, who ultimately tells Vanisi that this violation is captured on video, and he was just getting a warning for this. Transitioning back to Vanisi's trip, Officer Hudec noted it was

making 'no sense' to him. Vanisi informed Officer Hudec he and his brother drove together to go visit his father in Atlanta. Vanisi said his brother drove during this time. Officer Hudec noted this did not make sense, because the vehicle was rented in Texas to Vanisi himself. Vanisi also said he hasn't seen his father in 12 years, but then corrected himself and said that the vehicle is rented by his brother but he (Vanisi) is on the rental agreement. Vanisi also said he was going to go to Omaha to see a cousin but he wasn't available so he just kept on driving. Officer Hudec again noted these travel plans are not making any sense to him whatsoever.

At this point, Officer Hudec requested Sergeant Mayo to come to his location. Officer Hudec noted at this point, from what he observed in the vehicle and what Vanisi was telling him for travel plans, this was not a normal traffic stop. Officer Hudec already believed that Vanis was involved in criminal activity. Officer Hudec began contacting the Lancaster County Sheriff's Office records division in order to run a criminal history check on Vanisi. During this time, Vanisi tells Officer Hudec he is from Tonga, which is an island north of New Zealand. Vanisi then gives Officer Hudec his father's name. Officer Hudec was able to locate Vanisi's father using a law enforcement database, and saw he was living in Hawaii, not Atlanta.

Shortly after this, Sergeant Mayo arrived on location. Officer Hudec provided the information to Sgt. Mayo in order for him to verify the VIN number of the rental vehicle. As Sgt. Mayo was doing this, Officer Hudec noted he wanted to make sure he understood that Vanisi advised he flew from California to Texas and then drove from Texas to visit his father in Atlanta with his brother. Officer Hudec noted again this is showing Vanisi doesn't need this much luggage to drive to go visit his father for a couple of days, especially flying with two hard shell suitcases. As Officer Hudec was clarifying this, he noted Vanisi became 'edgy' and told him that he 'flew out' and we 'just talked about this.' Officer Hudec again noted Vanisi's travel plans made not sense to him whatsoever.

While Officer Hudec was filling out the warning, he noted Vanisi was trying to fill the awkwardness of sound, asking questions about a note pad and how Officer Hudec's Father's Day went, anything to not allow Officer Hudec to discuss his travel plans which was causing significant nervousness for him. The nervousness was so significant that Officer Hudec even said it under his breath on his Body Worn Camera. Officer Hudec noted Vanisi's pulse pulsating in his stomach and also his rapid breath rate. Officer Hudec noted this nervousness was higher than the general law abiding motorist, who's nervousness should be declining throughout the traffic stop, where Vanisi's was actually increasing especially after being informed multiple times he was just receiving a warning.

Officer Hudec began talking to Vanisi about what he's doing now, to which Vanisi replied he works for a security company. Vanisi then went through his travel plans again saying he and his brother drove to Atlanta then he was driving back up again to visit his other brother in Omaha but he wasn't there. Officer Hudec noted he caught this, due to the fact Vanisi originally said 'cousin' in Omaha and now said brother, changing his story.

Through specialized electronic evidence techniques, Officer Hudec was able to see that Vanisi's vehicle was in the Chicago and Michigan area the day prior to the traffic stop. Officer Hudec noted he then began asking Vanisi things about his travel in order to gauge if he would be honest and truthful. Officer Hudec asked about Kansas City or going through Tennessee to Kansas City. Vanisi advised Tennessee was 'cool' but basically he drove from Missouri and Kansas City the day prior but didn't stop while driving through Kansas City. According to the information Officer Hudec knew regarding Vanisi's vehicle, this was not true. Vanisi did not drive through Missouri and did not drive through Kansas City. Officer Hudec again noted Vanisi's heightened nervousness level at this time.

As Officer Hudec was printing out Vanisi's warning, Vanisi's cellular phone was ringing again on silent. Vanisi told Officer Hudec his wife was calling him again and she's worried. Officer Hudec noted this was the second time Vanisi was talking to her, and she called again. Officer Hudec also noted that Vanisi's cellular phone was ringing once again while seated in the rear caged portion of the patrol vehicle. Officer Hudec noted the phone was being used throughout the traffic stop with several different phone calls coming in and also talking on his phone.

Officer Hudec gave Vanisi his driver's license back and began talking about the warning for following distance and failing to signal a lane change. Officer Hudec explained he was going to wait for the records check to be completed by LSO Records. At this point, Officer Hudec began talking to Vanisi about his father living in Hawaii. Vanisi said his father does live there, but also lives in Atlanta. Vanisi added that his father was probably in Tonga right now. Officer Hudec noted at this time, he knew 'more than anything' that Vanisi was being untruthful. The fact that Vanisi just said he was just visiting his father in Atlanta and that he hadn't seen him in 13 years, and that he is probably in Tonga, didn't make sense to Officer Hudec, who noted this was a 'bold fabricated lie.' Vanisi went on to say he went to visit his brother in Omaha but he wasn't there (brother lives in Los Angeles) and then he and his other brother (also lives in Los Angeles) drove to see his father. Officer Hudec noted Vanisi 'is so into a lie- fabricated lie about his family and where they live that at one point...he actually stops talking because I think he's realizing that it's not going well for him.'

Officer Hudec ultimately received a criminal history check result, which came back negative. Officer Hudec notes however there was an LPR (license plate reader) sighting on Vanisi's vehicle in Illinois yesterday, which was consistent with

what Officer Hudec already observed and that Vanisi was in a lie about his travel plans.

Officer Hudec then reached out to shake Vanisi's hand, which he observed to be wet and clammy and full of sweat, consistent with the nervousness Officer Hudec was observing. Vanisi then reached the hand grip to exit Officer Hudec's cruiser and moved his right leg to get out. Officer Hudec then asked if Vanisi would be willing to answer a few questions for him before he began on his way.

Officer Hudec noted at this point the consensual encounter was based off reasonable and articulable suspicion that Vanisi was involved in criminal activity. This suspicion never subsided. Officer Hudec was not going to allow Vanis to leave his patrol vehicle. A reasonable person, when exiting the patrol vehicle, believes they are free to go. Vanisi believed he was free to go and continued to answer questions with Officer Hudec in the front seat on his own consent.

Officer Hudec began asking specific questions to Vanisi at this point, and asked if there was anything illegal in the vehicle, which Vanisi said 'no.' Officer Hudec specifically asked if there was any large amounts of cocaine, methamphetamine, heroine, marijuana. Vanisi replied 'no' to all of those. While answering these questions, Officer Hudec noted Vanisi shook his head simultaneously. Officer Hudec then asked about currency/large amounts of currency. Officer Hudec noted Vanisi didn't answer this question in the same manner as the other questions. Vanisi said 'no' with a slight shake of his head, and then said he has \$3,000 or \$4,000 of his own travel money in the vehicle. Vanisi then asked 'can I go sir?' Vanisi replied 'no' while still having the front passenger side door open of the patrol vehicle. Officer Hudec then asked if he could utilize a trained police K9 to do an exterior sniff of the vehicle. Vanisi replied 'no...you just released me.' Officer Hudec advised Vanisi to sit tight for a second as Vanisi is taking his cellular phone

out of his pocket. Vanisi then asked Officer Hudec if he could say yes to the K9, asking if he can give consent. Officer Hudec advised Vanisi he could. Vanisi then asked if there is a specific reason why Officer Hudec is asking for this. Officer Hudec told Vanisi yes, because of RAS. Officer Hudec then placed Vanisi in the rear portion of the patrol vehicle. Vanisi's cellular phone was kept on the dash of the patrol at this point.

Sgt. Mayo conducted an exterior sniff of the vehicle using his trained and certified Nebraska police K9 (Bolt). Sgt. Mayo advised his K9 indicated and alerted to the odor of narcotics emitting from within the vehicle. A probable cause search was conducted. In the rear cargo area of the vehicle, two hard covered shell suitcases were located. The suitcases were opened, and the first contained multiple bed sheets with the odor of raw marijuana emitting from inside. The second suitcase had bed sheets, an odor proof large hockey style bag, and bed sheets that were wrapped in bundled US currency. The US currency was muddled with rubber bands, some in plastic, and some free. This currency ultimately pre tested positive for the presence of THC. The odor of raw marijuana was emitting from inside this suitcase as well. The total amount of currency located was \$172,810.00. There was also approximately \$4,000 located in a shoulder bag in the second row seating area of the vehicle. An electronic money counter was also located.

Receipts were also located within the vehicle, which are listed below.

-Red Roof Inn out of Plymouth Michigan for a stay on the 19th of June

-Budge rental card with rental agreement and USPS key information written on the bottom

-Fuel receipts at Love's Truck stop in Hays, Arkansas on June 18th, Jasper Tennessee on June 18th, Kenishaw, Georgia on June 19th, Holiday, Tennessee on June 18th, Speedway in Centerville on June 19th, Plymouth, Michigan on June 20th, Jacqoria, Wisconsin on June 20th, Norwood, Iowa on June 21st.

The above receipts provide even further discredit to Vanisi's stated travel route and plans. Vanisi was subsequently advised of his Miranda warnings in written format, which he refused to complete without an attorney present. Vanisi advised he would be willing to sign Asset Forfeiture paperwork for the currency located in the vehicle. Vanisi declined consent to search his cellular phone, which was an Apple iPhone. The iPhone was seized and placed into secure storage in the LSO/LPD EEU lab pending the application of a Search Warrant. Vanisi was ultimately released roadside and advised of the direction of the investigation at that time.

Your Affiant is aware technological advances in forensic tools used to perform extractions have progressed over the past several months, and it is believed forensic tools will be able to access the passcode locked iPhone in this case.

INVESTIGATOR BACKGROUND

Your AFFIANT is a Lancaster County Sheriff's Deputy and have been so employed since 2014. Your AFFIANT is a Technical Investigator assigned to the Lincoln Police and Lancaster County Sheriff's Office Electronic Evidence Unit and is a member of the Criminal Interdiction Division Task Force within Lancaster County Sheriff's Office. Your AFFIANT has received training in Nebraska state laws at the Nebraska Law Enforcement Training Center in Grand Island, Nebraska. Those trainings covered laws relating to, and the investigation of, various state criminal violations including narcotics violations, money laundering, burglaries, frauds, firearm possession, and other crimes. Your Affiant has training and experience pertaining to the forensic examination of electronic devices, including cellular phones.

Your AFFIANT knows that for the year 2022, the Lancaster County Sheriff's Office had seized and searched 38 cellular phones. Of these phones searched, 37 phones were found to contain evidence related to narcotic sales, manufacturing and other evidence related to the Lancaster County Sheriff's Office cases. The percentage of phones seized, to phones that contained narcotic related activity is 97.3%.

Your AFFIANT knows that for the year 2021, the Lancaster County Sheriff's Office has conducted at least 46 interdiction traffic stops where cellular telephones were seized and searched. There have been 106 cell phones seized and 103 cellular phones searched to date. Of the 106 cellular phones searched, 101 cellular phones were found to contain evidence related to the narcotic sales, manufacturing and other evidence that related to the Lancaster County Sheriff's Office cases. The percentage of phones seized, to phones searched that contained narcotic related activity is approximately 98%. Many of the cellular phones have not been searched yet due to them being in a locked state and are pending being unlocked by advanced cell phone forensic techniques. The statistics will be updated when additional phones are searched.

AFFIANT knows based on his training and experiences that people who are involved in narcotic possession and distribution commonly use cellular telephones and computers to facilitate the planning, execution of the activity, and transactions of drug sales or transactions. Cellular telephones and computers with messaging capabilities are also the primary means for those who are involved in illegal activity to communicate with each other to arrange narcotic deals, money transfers, weapon transfers, thefts, and other forms of illegal activity.

AFFIANT also knows that cellular phones and computers can also be used in the sales and purchase of illegal narcotics. These devices can contain data in memory such as email, communications applications, text messages, calendar events, contacts,

photographs, video of illegal narcotics transactions and call records of both the source of narcotics, and any customers.

AFFIANT knows from his training and experiences that dedicated GPS devices store large amounts of data. Location data including waypoints, search history, home location and routes of travel all are stored on the device. GPS devices record location points while powered on, and this data is also stored on the device. GPS devices can also be used as removable media, with the capability of storing any digital data. GPS devices record location points while powered on, and this data is also stored on the device. This data can be cross referenced to previous illegal narcotics distribution locations.

AFFIANT knows from his training and experiences that pre-pay phones, under brands of Tracfone, Boost, TCL, Virgin Mobile, and others, are commonly used in the trafficking of narcotics and money. These phones are inexpensive and require no identifying information to activate and use.

AFFIANT knows from his training and experiences that SIM cards, or Subscriber Identification Module, are used in GSM cellular networks. SIM cards can contain subscriber identification numbers, text messages, and contacts, among other identifying information.

AFFIANT knows from his training and experiences that images and data captured on cellular phones or tablets are easily transferred. Data or data files can be transferred from device to device via storage cards, and wireless technologies. Data can also be transferred to computers via data cables or wireless technology.

AFFIANT knows that cellular phones and tablets can contain data in memory such as email, text messages, calendar events, contacts, photographs, videos, and call records.

AFFIANT also knows from training and experiences that cellular phones, especially 'smart phones', and tablets can access the internet in the same capacity as a desktop computer. Smart Phones and tablets have internet web browsers, email clients, and software to enable the same functionality as a traditional desktop or laptop computer.

AFFIANT knows from his training and experience that cellular phones, especially 'smart phones' and tablet devices using the Android and Apple IOS operating systems, create and store GPS (Global Positioning System) data. This data can be stored for the lifetime of the phone or tablet.

Your AFFIANT also has training and experience in the forensic examination of computers, cellular phones and other digital media. AFFIANT advises that the examination of computer files, documenting the examination, and making evidentiary and discovery copies of evidence found on a computer and storage devices is a lengthy, technical process. It is necessary to determine that no security devices are in place, which causes the destruction of evidence during the search. In some cases, it is impossible to even conduct a search without expert technical assistance.

Computer data search protocols are exacting procedures designed to protect the integrity of the evidence and to recover even "hidden", erased, compressed, password-protected, or encrypted files. Using these procedures, it is also possible to recover evidence from "slack space" and/or "unallocated space" of the storage media. The data in these areas is not controlled by the user of a computer and can exist on a computer for extended periods of time. In theory, it can exist for several years. It is

possible that evidence is contained within the data stored in the slack space and/or unallocated space.

Your AFFIANT also advises the Court that technical expertise is necessary to complete examination of computer evidence. Because of the possibility that files may be hidden, or codes put in place to prevent the retrieval of data, it may become necessary to request assistance of an individual/s who are not commissioned law enforcement officers but who are trained and/or learned in the retrieval of data stored in a computer or related devices.

Your AFFIANT also advises that an examination requires all peripheral devices, software and documentation, printed and handwritten, be seized since it would be impossible without examination to determine that it is standard, commercially available software and/or hardware. In some instances, it is necessary to have the software used to create data files and records in order to read the files and records. In addition, without examination, it is impossible to determine that the disks purporting to contain standard commercially available software program has not been used to store records instead.

No wire communications or electronic communications will be intercepted. There is no reason to believe that any of the computers operate in any way as a server of an electronic bulletin board service. As such, the provisions of the Wire and Electronic Communications Interception Act would not apply. Should information of this type be discovered, it would set aside, unopened.

There is no indication that there is any "work product" or "documentary" material stored on the computers with the purpose of disseminating to the public a newspaper, broadcast, or other similar form of public communication. Should

officers become aware of any such materials, they shall be returned as quickly as circumstances permit.

Furthermore, AFFIANT advises that the examination of a computer system is a lengthy process requiring special steps to ensure the integrity of the electronic evidence. Therefore, your AFFIANT would like to advise the Court that it may not be possible to complete a return to the Court within the 10 days normally required by the Courts.

Your AFFIANT does believe that the information presented to him is factual and that there is reason to believe that below mentioned property has location and communication data, along with other evidence related to this case.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for the following devices located in the Lincoln Police Department Property Unit, 575 S. 10th St Lincoln NE:

- 1- Apple iPhone, labeled with Property Number Q2313866 and labeled with case number C3004592

Evidence to be searched for includes:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging “app” accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;
- b. Evidence of use of the device to communicate with co-conspirators about the illegal narcotics distribution, via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;

- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to illegal narcotics distribution
- e. Information that can be used to calculate the position of the device between the above dates, including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; “app” data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified,, together with their metadata and EXIF tags;
- f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;
- g. Records linking the suspect(s), co-conspirators, witness(es) to a certain screen name, handle, email address, Social media identity, etc.;
- h. Records showing a relationship with co-conspirators, location(s), other suspects, etc.;
- i. Names, nicknames, account ID’s, phone numbers, or addresses of specific persons;
- j. Records showing a relationships to particular areas or locations associated with illegal narcotics trafficking;
- k. Photographs, images, videos, documents that contain or are evidence of illegal narcotics distribution;
- l. Evidence of purchases, such as items used in planning or carrying out illegal narcotics distribution;
- m. Internet research history conducted while planning, executing, or covering up to commit illegal narcotics distribution;

n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, user names, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;

o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;

p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

The above listed search is confined to the dates of June 16th, 2023 at 0800 hours to June 21st, 2023 at 1500 hours.

Your AFFIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court.

Further AFFIANT saith not;

Dated this 10th day of January, 2024.



Tyler Loos #902163, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 10th day of January, 2024.



Judge of the District Court

Ryan Post

Printed Name of Judge