

LPD Case Number: C3-084391

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE ORDER
TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS


CR24-1

RETURN

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 January 16, 2024. That pursuant to the Order, identifying characteristics 2 boxes each with 2 DNA buccal swabs were obtained from Treyvon C. Mckinzie DOB: 08-10-1994 by Ryan Kraenow #1811 on January 17, 2024 at 575 South 10th Street; Lancaster County, Nebraska at 1031 hours . That while submitting to the above-mentioned physical characteristics, Treyvon C. Mckinzie DOB 08-10-1994 was not subjected to any questioning or interrogation.

DATED this 24th day of January, 2024.



Ryan Kraenow #1811

SUBSCRIBED to and sworn before me this 24th day of January, 2024



Notary Public

LANCASTER COUNTY
2024 JAN 24 PM 3:19
CLERK OF THE
DISTRICT COURT



002107376D02



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from Treyvon C Mckinzie DOB: 08-10-1994 at 575 South 10th Street, Lancaster County, Nebraska:

2 boxes each with 2 DNA buccal swabs

LANCASTER COUNTY
2024 JAN 24 PM 3:19
CLERK OF THE
DISTRICT COURT

DATED this 17th day of January, 2024

[Signature] 1811
Law Enforcement Officer

[Signature] 1477
WITNESS

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.

ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

Treyvon C Mckinzie,
08-10-1994

TO: Police Officer Kraenow 1811, and other law enforcement officers of the Lincoln Police Department

WHEREAS, Police Officer Kraenow 1811 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 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:

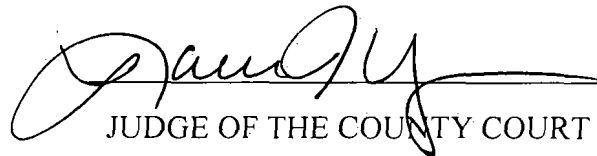
1. That the offense of possession of a stolen firearm 28-1212.03 (F2A) is the subject of said affidavit referred to above;
2. That there is probable cause to believe that the offense of possession of a stolen firearm 28-1212.03 (F2A) has been committed;
3. That there is probable cause to believe that Treyvon C Mckinzie DOB: 08-10-1994 committed said crimes;
4. That identifying physical characteristics sought is/are swabs from the mouth of the suspect (DNA);
5. That Treyvon Mckinzie has refused, or there is reason to believe that Treyvon Mckinzie will refuse, to voluntarily provide the desired evidence of identifying physical characteristics.
6. That Treyvon Mckinzie is the individual who may be detained for obtaining such evidence;
7. That Officer Kraenow 1811 and other officers of the Lincoln Police Department are the peace officers authorized to obtain such evidence and to effectuate any detention which may be necessary to obtain the evidence;
8. That such evidence may be obtained at the Lancaster County Courthouse 575 South 10th Street, Lincoln, Lancaster County, Nebraska; or if Treyvon Mckinzie is in custody, said evidence may be obtained at the Lancaster County Jail, 3801 West O Street, Lincoln, Lancaster County, Nebraska.

9. That Treyvon Mckinzie will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance;
10. That the period of time during which Treyvon Mckinzie may be detained for obtaining such evidence of identifying physical characteristics shall not exceed five (5) hours;
11. That if Treyvon Mckinzie fails to comply with the request of said Officer Kraenow 1811 then said Treyvon Mckinzie shall be guilty of contempt of court and punished accordingly;
12. That this order shall remain in force and effect for a period of fifteen (15) days only;
13. That a copy of this Order shall be served upon Treyvon Mckinzie;
14. 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 evidence taken. 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 Treyvon Mckinzie DOB:08-10-1994 to produce the aforementioned identifying physical characteristic evidence which constitutes evidence that a criminal offense has been committed, and to seize the same.

GIVEN UNDER MY HAND AND SEAL this 16th day of Jan,
2024.

BY THE COURT:


JUDGE OF THE COUNTY COURT

Laurie J York
PRINTED NAME OF JUDGE



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.

Treyvon C Mckinzie,
08-10-1994

AFFIDAVIT FOR
ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

CLERK OF THE
DISTRICT COURT

2024 JAN 24 PM 3:19

LANCASTER COUNTY

COMES NOW, Officer Kraenow 1811 of the Lincoln Police Department , being first duly sworn upon oath, deposes and states as follows:

1. Your AFFIANT was assigned to investigate a possession of a stolen firearm 28-1212.03 (F2A) case that occurred in the area of South 12/F Street in Lincoln, Lancaster County, Nebraska.

2. Your AFFIANT has reviewed reports of other peace officers involved in the investigation of possession of a stolen firearm 28-1212.03 (F2A) and has conducted additional follow up into the investigation of the incident. According to the information that your AFFIANT obtained:

Your affiant states he has not set forth each and every fact learned during the course of this investigation. Rather, your affiant has set forth only the facts that he believes are necessary to establish probable cause for the issuance of a search warrant based on the affidavit.

On 09-20-2023 at approximately 0006 hours Officer Gruber 1856 and your affiant were operating a two Officer marked Lincoln Police Department cruiser on routine patrol and both wearing standard Lincoln Police Department Uniforms. The Officers were driving westbound on F Street/South 13-12th Street and observed a red 2014 Hyundai Elantra bearing Nebraska license plate WXM455 driving eastbound on F Street in the opposite direction of the cruiser. Your affiant observed there was no front license plate affixed to the vehicle. Your affiant also observed the rear license plate expired on 08/2023, which was later verified via the Nebraska Criminal Justice Information System (NCJIS).

Your affiant had observed the vehicle parked outside 919 South 12th Street the day prior but no contact was made or attempted. The overhead marked cruiser lights were initiated for the traffic stop due to the traffic violations. The vehicle parked in the parking stalls directly outside 919 South 12th Street, a residence known to be involved in the use and sales of controlled substances. The vehicle appeared to park at a quicker rate than normal and an individual in the rear driver seat immediately exited the vehicle. The suspect was observed to be wearing a grayish sweatshirt with the hood up, jeans, and a blue zipper bag on his back. He was observed to be a male of skinny build. It should be noted your affiant initially believed the suspect to be a white male but upon cruiser video review he was observed to be a lighter skinned black male with dreadlocks with black shoes and white soles. He was later identified as Treyvon C Mckinzie

DOB: 08-10-1994 as both your affiant and Officer Gruber have had prior contacts with Treyvon.

Treyvon ran southbound from the vehicle as a foot pursuit was initiated by both Officer Gruber and your affiant. Treyvon ran westbound in the alley E-F Street/South 12-S 11th Street as the foot pursuit continued. Treyvon then turned southbound in the 1000 block of E Street then westbound on the north side of E Street as your affiant continued to chase. Treyvon turned northbound and ran along the west side of 1020 E Street where your affiant lost sight of him.

After numerous Officer's arrived your affiant assisted with Officer Housh 1791's K-9 track utilizing police service dog (PSD) Eros The K-9 track went northbound along the west side of 1020 E Street, the direction your affiant last observed the suspect, and into the backyard of 1010 E Street which was the residence directly to the west. Officer Fullerton 1665 located a blue and white Raw zipper bag in the backyard of 1010 E Street which your affiant collected and the K-9 track continued. This main pocket of the bag was later found to contain a black Beretta APX 9mm pistol (A073037X) with four bullets in the inserted magazine. The firearm was found to be stolen on 07-04-2021 from 180 N Road in Douglas, Nebraska. As the K-9 track continued there was a piece of plywood propped against the west side of 1010 E Street Officer Housh's PSD Eros pushed it over and a green size small Nike sweatshirt was located underneath it. This appeared to be the same sweatshirt that the suspect had been wearing when he ran from the vehicle.

The K-9 track continued which led along the north side of 1000 E Street. There was a cutout along the north side of 1000 E Street which led to an exterior stairwell for the apartment building. Your affiant located Treyvon sitting at the base of the exterior stairwell. Your affiant was familiar with Treyvon from prior contacts including at 919 South 12th Street. Treyvon appeared deceptive with answers and stated a black male had ran past him recently. Treyvon also stated he was visiting his friend 'Angelica' but did not provide the apartment number. Your affiant knew Treyvon had not been cooperative in the past so it was believed he was not being truthful but at the time your affiant did not believe Treyvon was the suspect that had fled from the vehicle so Treyvon left the area.

Treyvon was later identified as the individual that ran and a lodge regardless broadcast was issued and he had an unrelated out of county arrest warrant. This was based on the physical description and clothing Treyvon was wearing when reviewing cruiser video and body-worn cameras. On 09-26-2023 at approximately 1815 hours Investigators with the Lincoln Police Department Gang and Narcotics unit attempted to contact Treyvon at 919 South 12th Street, outside of apartment #1, to arrest him but he fled into apartment #1. Investigators and Officers surrounded the apartment and gave commands to Treyvon for several hours. Eventually the LPD SWAT team was activated and arrived on scene to assist. Treyvon eventually came out of the apartment at 2107 hours and was taken into custody.

Treyvon was transported to the Lincoln Police Department Headquarters and read his Miranda Rights which he waived and provided a statement. Treyvon stated he purchased the firearm approximately three weeks ago and found out the firearm was stolen shortly after purchasing it. Treyvon also admitted to running from your affiant.

Treyvon was lodged at the Lancaster County Jail 3801 West O Street for the possession of a stolen firearm 28-1212.03 (F2A) and the warrant. Your affiant is aware that Treyvon refused to consent to providing a voluntary sample of his DNA.

3. Your AFFIANT knows that buccal DNA swabs are a way of producing non-testimonial identification evidence regarding the person responsible for the possession of a stolen firearm 28-1212.03 (F2A) described herein. The identifying physical characteristics sought from Treyvon C Mckinzie is a sample of his/her 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 Treyvon C Mckinzie as being the person responsible for the possession of a stolen firearm 28-1212.03 (F2A) herein.

The identifying physical characteristics sought can be obtained from Treyvon C Mckinzie at the Lancaster County Courthouse 575 South 10th Street, Lincoln, Lancaster County, Nebraska; or if Treyvon Mckinzie is in custody, said evidence may be obtained at the Lancaster County Jail, 3801 West O Street, Lincoln, Lancaster County, Nebraska. Treyvon Mckinzie may be detained for obtaining such evidence of identifying physical characteristics and should require a detention not to exceed five (5) hours.

AFFIANT further states that there is probable cause to believe that Treyvon C Mckinzie DOB: 08-10-1994 is responsible for Possession of a stolen firearm 28-1212.03 (F2A) as described herein, and in violation of the laws of the State of Nebraska.

4. Your affiant is aware that Treyvon has since been released from the Lancaster County Jail. Your affiant knows that the Lancaster County Attorney's Office has asked Treyvon's attorney several times to request consent to provide his DNA. Your affiant is aware that Treyvon's attorney has not responded to grant or deny consent for the DNA requests. Furthermore, when Treyvon was placed into custody on 09-26-2023, he declined to voluntarily provide a DNA buccal swab.

Further your affiant saith not.

DATED this 16th day of January, 2024.

[Signature]

Lincoln Police Officer Kraenow 1811

SUBSCRIBED AND SWORN to before me this 16th day of January, 2024.

[Signature]
JUDGE OF THE COUNTY COURT

Laurie J Tordy
PRINTED NAME OF JUDGE

