

CR 24-1

LPD Case Number: C4-020609

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA


IN THE MATTER OF THE SEARCH WARRANT  
OF THE DESCRIBED PREMISES OF  
CAPITAL TOWING  
101 CHARLESTON STREET  
LINCOLN, LANCASTER COUNTY, NEBRASKA

SEARCH WARRANT RETURN

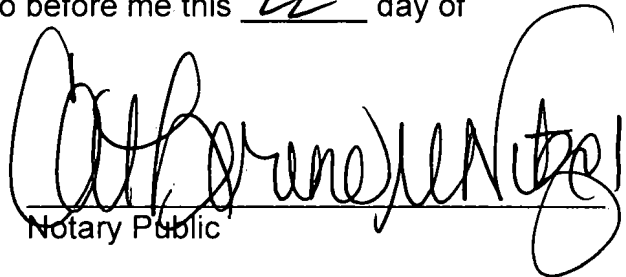
STATE OF NEBRASKA     )  
  )  
COUNTY OF LANCASTER   )

ss.

The undersigned states that he received the Search Warrant issued herein on the 15th day of March, 2024, and that he executed the same on the 22nd day of March, 2024, by seizing the property described in the Inventory filed herein and by delivering a copy of the Search Warrant for the said property at the place from which the property is taken.

  
Robert Martin

SUBSCRIBED to in my presence and sworn to before me this 22nd day of March, 2024.

  
Notary Public

LANCASTER COUNTY  
2024 MAR 25 PM 4:18  
CLERK OF THE  
DISTRICT COURT





**INVENTORY**

**IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA**

**IN THE MATTER OF THE SEARCH WARRANT  
OF THE DESCRIBED PREMISES OF  
CAPITAL TOWING  
101 CHARLESTON STREET  
LINCOLN, LANCASTER COUNTY, NEBRASKA**

**CLERK OF THE  
DISTRICT COURT**

**2024 MAR 25 PM 4:18**

**LANCASTER COUNTY**

**STATE OF NEBRASKA     )  
  )  
COUNTY OF LANCASTER )**

**ss.**


**INVENTORY OF PROPERTY  
SEIZED BY VIRTUE OF THE  
SEARCH WARRANT ISSUED HEREIN**

Robert Martin, being first duly sworn on oath, deposes and says the following is an inventory of the property seized by virtue of the Search Warrant issued herein:

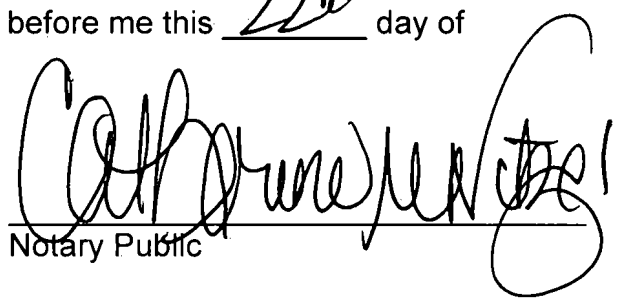
The undersigned hereby acknowledges receipt of the following described property seized from the White Chevrolet Suburban bearing Nebraska license plate ARR807 and VIN: 1GNEC16R2XJ535352, currently located in a locked, fenced area inside the Capital Towing lot at 101 Charleston Street in Lincoln, Lancaster County, Nebraska., for the following items:

- Photos
- Swabs
- Fingerprints
- White T-shirt
- Green handled screwdriver
- Window tint kit w/ utility knife

Inventory made in the presence of Corbin Eisenmenger.

 #1586  
 \_\_\_\_\_  
 Robert Martin

SUBSCRIBED to in my presence and sworn to before me this 22<sup>nd</sup> day of March, 2024.

  
\_\_\_\_\_  
Notary Public



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from the White Chevrolet Suburban bearing Nebraska license plate ARR807 and VIN: 1GNEC16R2XJ535352, currently located in a locked, fenced area inside the Capital Towing lot at 101 Charleston Street in Lincoln, Lancaster County, Nebraska., for the following items:

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LANCASTER COUNTY  
2024 MAR 25 PM 4:18  
CLERK OF THE  
DISTRICT COURT

DATED this 22<sup>nd</sup> day of March 2024.

*[Signature]* #1586  
*[Signature]* #1813  
WITNESS

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

LANCASTER COUNTY  
2024 MAR 25 PM 4:18  
CLERK OF THE  
DISTRICT COURT

TO: Robert Martin , an Investigator with the Lincoln Police Department, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Robert Martin has filed an Affidavit before the undersigned Judge of the County Court of Lancaster County, Nebraska, and said written Affidavit, having been duly considered, 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 White Chevrolet Suburban bearing Nebraska license plate ARR807 and VIN: 1GNEC16R2XJ535352, currently located in a locked, fenced area inside the Capital Towing lot at 101 Charleston Street in Lincoln, Lancaster County, Nebraska.

Law enforcement is authorized to seize the aforementioned items:

- Knives, scissors, cutting instruments, or other sharp objects
- Cellular or electronic communication devices
- Clothing, including, but not limited to; Blue 'Raiders' baseball style cap, black sweatshirt, white t-shirt, blue pants, and white tennis shoes
- Physical characteristics such as fingerprints, palm prints, footprints, hair; DNA
- Fibers
- Blood, blood drops, blood spatter, forensic techniques to identify and document the same
- Proof of Ownership

Your AFFIANT is authorized to measure, photograph, video tape, and seize the aforementioned items.

This search warrant shall be executed and returned within ten (10) days to a Clerk of the Lancaster District Court, Nebraska.

Given under my hand and seal this 15<sup>th</sup> day of March 2024.

*Timothy C Phillips*  
\_\_\_\_\_  
Judge of the County Court

Timothy C Phillips  
\_\_\_\_\_  
Printed Name of Judge



LANCASTER COUNTY  
2024 MAR 25 PM 4: 18

CLERK OF THE  
DISTRICT COURT

**IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA**

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

Robert Martin, being first duly sworn upon oath deposes and states that he is an Investigator for the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. AFFIANT states he is currently involved in the investigation of an Assault in the First Degree; 28-308 and Use of a Deadly Weapon to Commit a Felony; 28-1205, occurring on March 9, 2024, at ‘Lil Risky’s Bar and Grill’ at 4620 Bair Avenue in, Lincoln, Lancaster County Nebraska. AFFIANT has reviewed case reports regarding this investigation prepared by other involved Law Enforcement Officers.

**Affiant’s Background**

Your affiant has been a police officer for the Lincoln Police Department since 2007. Since 2007 Affiant has been investigating misdemeanor and felony crimes with the Lincoln Police Department to include homicide, burglary, robbery, assault, weapon offences, narcotics, sexual assault, human trafficking, child enticement, and pornography. Your Affiant has training and experience in conducting criminal investigations.

This Affidavit is submitted in support of a search warrant. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, your Affiant not set forth every fact known to me regarding this investigation. The statements contained in this Affidavit are based in part on the investigation that your Affiant has conducted, and information provided to your Affiant by other law enforcement officers verbally, and through written reports.

**Case Facts**

On March 9, 2024, at approximately 0124 hours, Officers with the Lincoln Police Department were dispatched to the ‘Lil Risky’ Bar and Grill at 4620 Bair Avenue in Lincoln, Lancaster County, Nebraska regarding a party who had been stabbed. Upon Officers arrival, they located the victim, Eric Daniels, just outside the west facing door of the bar, bleeding profusely from the neck. Staff members and bar patrons were putting pressure on the wound in an attempt to stop the bleeding.

Lincoln Fire and Rescue arrived a short time after Officers and began performing life saving measures. Lincoln Fire and Rescue then transported Daniels to Bryan West Hospital, 2300 South 16<sup>th</sup> Street in Lincoln, Lancaster County, Nebraska where he was rushed into surgery as Daniels’ carotid artery had been punctured and the bleeding could not be stopped. During the care at the hospital Daniels was found to have a second stab wound to his upper left torso, which also required medical attention. According to the Doctor performing Daniels’ surgery, he was given

twenty(20) units of blood in order to keep his heart beating as the surgery was being performed. Following surgery, Daniels was placed in the Intensive Care Unit where he began to bleed from the wound in his neck a second time. Additional efforts were made to stop the bleeding, which were successful. As of March 9, 2024, Daniels' condition is considered Critical and stable, according to hospital staff.

Officers at the scene made contact with Daniels' girlfriend, Desiree Viesca, who witnessed the stabbing. Your Affiant spoke with Viesca who stated she and Daniels arrived at 'Lil Risky' bar at approximately 2250 hours on March 8, 2024, to have drinks and shoot pool. Viesca stated while at the bar, she recognized the husband of a friend of hers, 'Joel', but could not recall 'Joel's' last name. Viesca stated a second Hispanic male was with 'Joel', stating she was unaware of this second parties name, but stated he mentioned several times that he was recently released from prison for robbery. Viesca stated this male also had tattoos on his face and covering his arms. Viesca stated she sat at a table with 'Joel' and had a drink while Daniels and the second Hispanic male played pool a short distance away. Viesca stated she did not recall a disturbance between Daniels and the Hispanic male, but stated as soon as she and Daniels exited the bar to leave, 'Joel' and the Hispanic male approached and the Hispanic male stabbed Daniels in the neck, before fleeing in a vehicle.

While Officers were speaking with other bar patrons, they made contact with Jessica Walton, manager of 'Lil Ricky'. who advised she went to high school with 'Joel' and identified him as Joel Martinez (DOB: 06-15-1985). Walton also showed Lincoln Police Officer Krouse #1957 a receipt from a bar tab with J. Martinez's full name on it.

Officers made contact with additional 'Lil Risky' staff who provided surveillance footage from inside and outside the bar, which captured the entire altercation. Your Affiant watched the footage, which shows Viesca, Daniels and J. Martinez seated at a table, having a conversation, while a Hispanic male, wearing a blue baseball cap, glasses, white t-shirt, blue jeans, and white shoes, with tattoos covering his arms watches the three at the table from several feet away. The Hispanic male eventually approaches the table with Viesca, Daniels and J. Martinez, putting on a black sweatshirt in the process, and begins what looks to be a verbal argument with Daniels. During the argument the Hispanic male in the blue hat and glasses is holding a knife in his right hand. The Hispanic male stands and approaches Daniels and stands over him, with the knife still in hand and visible on the surveillance camera, therefore visible to all surrounding parties. At this point J. Martinez looks to become upset and begins to get animated with his hand gestures towards Daniels. Viesca tried to intervene, standing between J. Martinez and Daniels, however Daniels then stands from the table and the group of four, Daniels, Viesca, J. Martinez and the Hispanic male walk towards the front door of the bar. The exterior footage, from directly overhead, near the front door, shows the Hispanic male exit, but hesitate near the door and waits for Daniels to exit, immediately lunging toward him and striking him one time in the neck. Large amounts of blood can be seen appearing on the sidewalk in front of Daniels, with Daniels clutching his neck. The Hispanic male then lunges at Daniels a second time, hitting him in the upper left chest. All the while, during the attack, J. Martinez is standing approximately 5-7 feet from Daniels watching the attack take place. The amount of blood covering the pavement in front

of J. Martinez is significant at this point. J. Martinez and the Hispanic male flee to a white Suburban in the parking lot, of which patrons obtained the Nebraska license plate; ARR807. The registered owners of that vehicle are J. Martinez's parents, and the Lincoln Police Department has reports showing Joel Martinez driving that vehicle.

Your Affiant contacted J. Martinez's girlfriend, Kelli Damian, by phone on March 9, 2024. Damian stated J. Martinez left their shared home on March 8, 2024, with a party she was not familiar with, but J. Martinez identified as Eleazar Morales (DOB: 11-15-1998). Damian also advised she was told by J. Martinez that Morales had recently been released from prison, following a sentence for robbery.

On March 9, 2024, after speaking with Damian, Your Affiant located Morales' Facebook account 'Eleazar Morales' Facebook ID: 100003288777079. Several of Morales' photos depict him wearing the same blue Raiders baseball style hat, glasses, and tattoos covering his face and arms, matching that of the Hispanic male party observed in the 'Lil Risky' surveillance footage attacking Daniels.

On March 10, 2024, at 1834 hours Your Affiant spoke with J. Martinez over the phone, with J. Martinez admitting he was the party depicted in the surveillance footage with Morales. J. Martinez stated Daniels' approached him while inside the bar, accusing him of flirting with his girlfriend, Viesca. J. Martinez stated Morales approached the group and stepped into the argument. J. Martinez claimed as he and Morales were leaving the bar, Daniels followed and this is when the altercation occurred, just outside the bar's front door. J. Martinez stated other bar patrons were coming towards the group, therefore he and Morales fled toward his vehicle, parked in the lot, and drove away. During the phone call, Your Affiant advised J. Martinez he had an active warrant for his arrest for Aid and Abet a First-Degree Assault. J. Martinez advised he would turn himself in later in the evening of March 10, 2024.

On March 10, 2024, at 2155 hours J. Martinez arrived at the Lincoln Police Department, 575 South 10<sup>th</sup> Street, in Lincoln, Lancaster County, Nebraska to turn himself in on his warrant. After J. Martinez was taken into custody Your Affiant spoke with J. Martinez informing him the vehicle, White 1999 Chevrolet Suburban, bearing Nebraska license plate ARR807, would need to be processed for evidence by the Lincoln Police Department, being immediately following the assault, both he and Morales entered the vehicle and there could be evidence to the crime inside. J. Martinez provided his consent to search the vehicle without a warrant, being he is the everyday driver of the vehicle. J. Martinez stating the vehicle was currently parked in the alleyway behind his parents' house at 242 E Street in Lincoln, Lancaster County, Nebraska.

On March 10, 2024, at approximately 2245 hours Your Affiant and Captain Miller #1397 made contact with Fernando and Silvia Martinez, parents to Joel Martinez, at their home, 242 E Street. Both F. Martinez and S. Martinez were explained the situation, being their son and vehicle were involved in this assault, and the vehicle, parked on their property, just off the alleyway; 2<sup>nd</sup> to 3<sup>rd</sup> Street; E Street to F Street, would need to be processed for evidence. Both F. Martinez and S. Martinez signed the same consent form as their son, J. Martinez. The Suburban was towed



from 242 E Street by Capital Towing and locked inside the fenced area of their garage at 101 Charleston Street in Lincoln, Lancaster County, Nebraska.

A full search of the White 1999 Chevrolet Suburban and evidence collection has yet to be completed.

The above does constitute grounds of probable cause for the issuance of a search warrant to search the White Chevrolet Suburban bearing Nebraska license plate ARR807 and VIN: 1GNEC16R2XJ535352, currently located in a locked, fenced area inside the Capital Towing lot at 101 Charleston Street in Lincoln, Lancaster County, Nebraska for the following items:

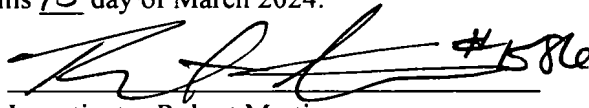
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Your AFFIANT is authorized to measure, photograph, video tape and seize the aforementioned items.

This search warrant shall be executed and returned within ten (10) days to a Clerk of the Lancaster District Court, Nebraska.

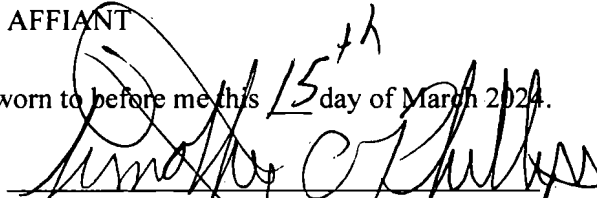
Further AFFIANT saith not;

Dated this 15<sup>th</sup> day of March 2024.

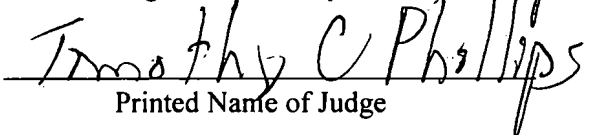
 #1586

Investigator Robert Martin  
AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 15<sup>th</sup> day of March 2024.



Judge of the County Court

  
Printed Name of Judge

