

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH)
WARRANT OBTAINED FOR A)
PREMISE CONTROLLED BY GOOGLE)
LLC, 1600 AMPHITHEATRE PARKWAY)
MOUNTAIN VIEW, CA 94043)

CR 24-1

SEARCH WARRANT RETURN

Clerk of the District Court


MAR 29 2024

Lancaster County, NE
FILED

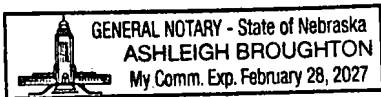
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

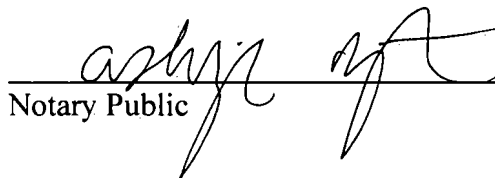
The undersigned states that he/she received the search warrant issued herein on the 11th day of March, 2024, and the warrant was returned unserved on 18th day of March, 2024 due to an error.

DATE this 26 day of March, 2024.


902176
Deputy Daniel Sarnes

SUBSCRIBED AND SWORN to before me this 26 day of March, 2024.




Notary Public

C4000981



002107591D02



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH
OF INFORMATION THAT IS
STORED AT PREMISES
CONTROLLED BY GOOGLE, 1600
AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CALIFORNIA
94043

AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A REVERSE
LOCATION SEARCH WARRANT

Clerk of the District Court

MAR 29 2024

Lancaster County, NE
FILED

**APPLICATION OF THE STATE OF NEBRASKA
FOR A SEARCH WARRANT PURSUANT TO NEB. REV. STAT. SEC 29-812 TO 29-817
AND NEB. REV. STAT. SEC 86-2, 106 TO OBTAIN
STORED ELECTRONIC COMMUNICATION RECORDS**

- The State of Nebraska, by and through its undersigned affiant, respectfully submits this ex parte application for a Search Warrant pursuant to Neb. Rev. Stat. sec 29-812 to 29-817 and Neb. Rev. Stat. sec 86-2, 106 and 18 U.S.C. § 2703(d) to require Google LLC, Electronic Communication Service Providers, which function as electronic communication service providers and/or a remote computing service, to provide records and other information of wire or electronic communications pertaining to data held by Google LLC's servers, and immediately surrounding the locations:
 - Point 1: 40.773796, -96.604492
Point 2: 40.773796, -96.604680
Point 3: 40.773572, -96.604680
Point 4: 40.773572, -96.604492
 - Point 1: 40.776445, -96.590238
Point 2: 40.776445, -96.590376
Point 3: 40.776083, -96.590376
Point 4: 40.776083, -96.590238

- Point 1: 40.716288, -96.638373
Point 2: 40.716288, -96.638902
Point 3: 40.715954, -96.638902
Point 4: 40.715954, -96.638373
- In support of this application, the State of Nebraska asserts:

LEGAL AND FACTUAL BACKGROUND

- The Lancaster County Sheriff's Office, a law enforcement agency and governmental entity, is investigating

THEFT BY UNLAWFUL TAKING / NRS: 28-511 occurring at:

9540 FIRETHORN LN
02-04-2024 22:45 CST
02-05-2024 09:03 CST

Point 1: 40.773796, -96.604492
Point 2: 40.773796, -96.604680
Point 3: 40.773572, -96.604680
Point 4: 40.773572, -96.604492

THEFT BY UNLAWFUL TAKING / NRS: 28-511 occurring at:

8515 TRALEE RD
02-04-2024 21:00 CST
02-05-2024 04:10 CST

Point 1: 40.776445, -96.590238
Point 2: 40.776445, -96.590376
Point 3: 40.776083, -96.590376
Point 4: 40.776083, -96.590238

CRIMINAL MISCHIEF / NRS: 28-519 occurring at:

9550 S 60TH ST
02-05-2024 04:00 CST
02-05-2024 05:00 CST

Point 1: 40.716288, -96.638373
Point 2: 40.716288, -96.638902
Point 3: 40.715954, -96.638902
Point 4: 40.715954, -96.638373

- Your AFFIANT is a Nebraska certified law enforcement officer with seven years of law enforcement experience and is currently employed with the Lancaster County Sheriff's Office assigned to the patrol division. Your AFFIANT is responsible for investigating crimes under Chapter 28 of the Nebraska Revised Statute.
- A cellular telephone or mobile telephone is a handheld wireless device used primarily for voice communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called "cells," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system ("GPS") technology for determining the location of the cellular device.
- Google is an Internet company which, among other things, provides electronic communication services to subscribers. Google allows subscribers to obtain email accounts at the domain name gmail.com. Subscribers obtain an account by registering with Google. During the registration process, Google asks subscribers to provide basic personal information. Therefore, the computers of Google are likely to contain stored electronic communications (including retrieved and unretrieved email for Google subscribers) and information concerning subscribers and their use of Google services, such as account access information, email transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.
- In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or

bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and my experience, even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location or illicit activities.

- In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of login (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.
- As explained herein, information stored in connection with an email account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling law enforcement and a prosecuting authority to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. Further, information maintained by the email provider can show how, where, and when the account was accessed or used. Based on my training and experience, I have learned that Google also maintains records that may reveal other Google accounts accessed from the same electronic device, such as the same computer or mobile device, including accounts that are linked by Hypertext Transfer Protocol (HTTP) cookies, which are small pieces of data sent from a website and stored in a user's Internet browser.
- Google has developed an operating system for mobile devices, including cellular phones, known as Android. Nearly every cellular phone using the Android operating system has an associated Google account and users are prompted to add or create a Google account when they first turn on a new Android device.
- Based on my training and experience, I have learned that Google collects and retains location data from Android-enabled mobile devices when a Google account user has enabled Google location services. The company uses this information for location-based advertising and location-based search results. This information is derived from sources including GPS data, cell site/cell tower information, and Wi-Fi access points.

- Location data can assist investigators in understanding the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculpate or exculpate the account owner. Additionally, information stored at the user's account may further indicate the geographic location of the account user at a particular time (e.g., location information integrated into an image or video sent via email).
- As further described below, your Affiant's investigation to date provides reasonable grounds to believe that Google LLC has records and other information pertaining to certain subscribers that are relevant and material to an ongoing criminal investigation. Because Google LLC functions as an electronic communication service provider (provides its subscribers access to electronic communication services, including email and the Internet) and/or a remote computing service (provides computer facilities for the storage and processing of electronic communications), Neb. Rev. Stat. sec 86-2, 106 and 18 U.S.C. § 2703 set out particular requirements that a governmental entity must meet in order to obtain access to the records and other information it is seeking.
- Here, the governmental entity seeks to obtain the following information: stored electronic communication records and other information (not including the contents of communications) pertaining to certain subscribers of Google LLC.
- To obtain records and other information (not including the contents of communications) pertaining to subscribers of an electronic communication service provider or remote computing service, the governmental entity must comply with Neb. Rev. Stat. sec 86-2, 106 and 18 U.S.C. § 2703(c). Section 86-2, 106(3)(a)(ii) provides, in pertinent part:
 "A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service not including the contents of communications covered by subsection (1) or (2) of this section to a governmental entity only when the governmental entity (A) uses an administrative subpoena, (B) obtains a warrant, (C) obtains a court order for such disclosure under subsection (4) of this section, or (D) has the consent of the subscriber or customer to such disclosure."
- A court order shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

Accordingly, this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records sought are relevant and material to an ongoing criminal investigation and not unduly burdensome to provide.

THE RELEVANT FACTS

On 02-04-2024 at approximately 22:45 CST, Augusté Auger parked his 2011 black Acura MDX bearing Nebraska license plate in the driveway of 9540 Firethorn Ln, Lincoln, Lancaster County, Nebraska. On 02-05-2024 at approximately 09:03 Auguste Auger discovered his Acura MDX was gone. His father, Norman Auger, had his 2018 White Toyota Sequoia parked nearby. The rear driver's side window of the Toyota Sequoia was broken out and a pry mark was found on the window frame. Auguste believed his Acura MDX was locked with the keys hidden inside the vehicle. A vehicle's driver side window had been broken and removed. The window was resting on the ground next to the driveway.

On 02-04-2024 Cory Lyons parked his work-issued 2020 Black Chevrolet Silverado 2500 bearing Nebraska license plate AFL001 in his driveway located at 8515 Tralee Rd Lincoln, Lancaster County, Nebraska. On 02-04-2024 at approximately 21:00 CST, Cory Lyons returned to the Chevrolet Silverado to retrieve an item from inside and unintentionally left the vehicle unlocked. At approximately 04:10, Cory Lyons went to use his Chevrolet Silverado and discovered the center console was open, his dome light on, and the passenger side door was slightly open. He inventoried the vehicle and discovered his 9MM Sig Sauer Handgun, a loaded magazine, and holster was stolen from the center console.

On 02-04-2024 at approximately 22:00 Andrea Kvasnicka parked her white 2013 Buick Enclave bearing Nebraska license plate 969ED in the 9550 S 60th St. On 02-05-2024 at approximately 07:00, she discovered the front passenger window was broken out. No items were missing from inside the vehicle. The property is covered by closed-circuit security cameras. Randall James, owner of the residence, reviewed the closed-circuit camera video. He obtained still frame images on a dark-colored compact sports utility vehicle parked outside his residence from the recorded video. The closed-circuit security camera system internal clock was determined to be one hour and twelve minutes ahead of actual time. The timestamps displayed on the still frame images are 04:32, 04:34, and 04:35, meaning the vehicle was parked outside Randall James' residence at approximately 03:20.

Your AFFIANT reviewed local calls for service on 02-05-2024 and discovered an additional 13 incidents that were in close proximity, area, time, and modis operandi. The compact sports utility vehicle that is observed in the still frame images obtained from security camera video bears resemblance to the stolen 2011 black Acura MDX.

- Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Google who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night. Your

AFFIANT believes, through training and experience, that Google accounts are more than likely tied to both Android and Apple iOS and are continuously sending location information to Google LLC.

- The records which are the subject of this search warrant are material and relevant to a legitimate law enforcement ongoing THEFT BY UNLAWFUL TAKING AND CRIMINAL MISCHIEF investigation. Pursuant to Nebraska Revised Statute 86-2,108 and Nebraska Revised Statute 86-2,105, affiant requests that Google LLC shall be ordered NOT to notify any other person of the existence of this search warrant, including the user of the account, or release any information related to this search warrant, as there is reason to believe that notification or other disclosure would impede this ongoing investigation or otherwise cause an adverse result, as defined by law. Specifically, disclosure may result in flight from prosecution, a modification of the Subject's activities or the activities of those with whom Subject communicates and/or associates, the destruction or tampering with evidence; or otherwise seriously jeopardize the safety of officers and the investigation

AFFIANT SWEARS THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF

Dated this 11th day of MARCH, 2024.

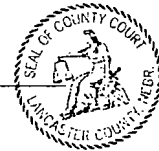
Du Jan 902176

Deputy Daniel Sarnes, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 11 day of March, 2024.

[Signature]

Judge of the County Court



Thomas E. Zimm

Printed Name of Judge

MAR 29 2024

Clerk of the District Court

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE
SEARCH OF INFORMATION
THAT IS STORED AT PREMISES
CONTROLLED BY GOOGLE, 1600
AMPHITHEATRE PARKWAY,
MOUNTAIN VIEW, CALIFORNIA
94043

SEARCH WARRANT

On 03-11-2024, upon proper Application based on probable cause by Deputy Sarnes #902176 of the Lancaster County Sheriff's Office, attached and incorporated for all purposes, the Court finds that the applicant has offered specific and articulable facts showing that the records requested or other information sought are relevant and material to an ongoing **THEFT BY UNLAWFUL TAKING** and **CRIMINAL MISCHIEF** investigation and the following is hereby ORDERED.

This matter having come before the Court pursuant to an application under Neb. Rev. Stat. sec 29-812 to 29-817 and Neb. Rev. Stat. sec 86-2, 106 and Title 18, United States Code, Section 2703, which application requests the issuance of a Reverse Location Search Warrant directing **Google LLC**, Electronic Communication Service Providers and/or a remote computing service, to disclose certain records and other information for, Location History maintained on Google LLC servers, and immediately surrounding the locations:

1. 9540 FIRETHORN LN
02-04-2024 22:45 CST
02-05-2024 09:03 CST

Point 1: 40.773796, -96.604492

Point 2: 40.773796, -96.604680

Point 3: 40.773572, -96.604680

Point 4: 40.773572, -96.604492

2. 8515 TRALEE RD
02-04-2024 21:00 CST
02-05-2024 04:10 CST

Point 1: 40.776445, -96.590238
Point 2: 40.776445, -96.590376
Point 3: 40.776083, -96.590376
Point 4: 40.776083, -96.590238

3. 9550 S 60TH ST
02-05-2024 04:00 CST
02-05-2024 05:00 CST

Point 1: 40.716288, -96.638373
Point 2: 40.716288, -96.638902
Point 3: 40.715954, -96.638902
Point 4: 40.715954, -96.638373

as set forth in **Attachment A** and **Attachment B** to this Order.

IT IS ORDERED that **Google LLC** will, within ten days of the date of electronic service of this Search Warrant, turn over to the Lancaster County Sheriff's Office the records and other information as set forth in Attachment A and Attachment B to this Search Warrant.

Pursuant to Neb. Rev. Stat. 86-2,105 to 86-2,108, Applicant has articulated sufficient concern based on the interests of protecting this investigation and the jeopardy posed to this investigation should this Order or facts related to this investigation be disclosed.

Therefore, the Court finds that the records which are the subject of this search warrant are material and relevant to a legitimate law enforcement ongoing **THEFT BY UNLAWFUL TAKING** and **CRIMINAL MISCHIEF** investigation. Pursuant to Nebraska Revised Statute 86-2,108 and Nebraska Revised Statute 86-2,105, **Google LLC** is ordered NOT to notify any other person of the existence of this search warrant, including the user of the account, or release any information related to this search warrant, as there is reason to believe that notification or other disclosure would

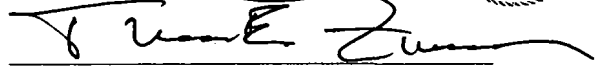
impede this ongoing investigation or otherwise cause an adverse result, as defined by law. This disclosure restriction shall be for a period not to exceed 90 days.

Given under my hand and seal this 11 day of March, 2024.



Judge of the County Court





Printed Name of Judge

ATTACHMENT A

Property To Be Searched

This warrant is directed to Google LLC, headquartered at 1600 Amphitheatre Parkway, Mountain View, California, and applies to (1) GPS, WiFi or Bluetooth sourced location history data generated from devices that reported a location within the geographical region bounded by the following latitudinal and longitudinal coordinates, dates, and times (“Initial Search Parameters”) and (2) identifying information for Google Accounts associated with the responsive location history data:

1. Date: 02-04-2024 to 02-05-2024
 - a. Time Period: 02-04-2024 at 22:45 CST to 02-05-2024 at 09:03 CST
 - b. Target Location: 9540 FIRETHORN LN
 - Point 1: 40.773796, -96.604492
 - Point 2: 40.773796, -96.604680
 - Point 3: 40.773572, -96.604680
 - Point 4: 40.773572, -96.604492

2. Date: 02-04-2024 to 02-05-2024
 - a. Time Period: 02-04-2024 at 22:45 CST to 02-05-2024 at 09:03 CST
 - b. Target Location: 8515 TRALEE RD
 - Point 1: 40.776445, -96.590238
 - Point 2: 40.776445, -96.590376
 - Point 3: 40.776083, -96.590376
 - Point 4: 40.776083, -96.590238

3. Date: 02-05-2024

a. Time Period: 02-05-2024 at 04:00 CST to 02-05-2024 at 05:00
CST

b. Target Location: 9550 S 60TH ST

Point 1: 40.716288, -96.638373

Point 2: 40.716288, -96.638902

Point 3: 40.715954, -96.638902

Point 4: 40.715954, -96.638373

ATTACHMENT B

Items To Be Seized And Searched

I. Information to be disclosed by Google

Google shall provide responsive data (as described in Attachment A) pursuant to the following process:

1. Google shall query location history data based on the Initial Search Parameters (as described in Attachment A).

2. For each location point recorded within the Initial Search Parameters, Google shall produce anonymized information specifying the corresponding unique device ID, timestamp, coordinates, display radius, and data source, if available (the "Anonymized List").

3. Law enforcement shall review the Anonymized List to remove devices that are not relevant to the investigation, for example, devices that were not in the location for a sufficient period of time. If additional location information for a given device ID is needed in order to determine whether that device is relevant to the investigation, law enforcement may request that Google provide additional location coordinates for the Time Period that fall outside of the Target Location. These contextual location coordinates may assist law enforcement in identifying devices that were located outside the Target Location, were not within the Target Location for a long enough period of time, were moving through the Target Location in a manner inconsistent with the facts of the underlying case, or otherwise are not relevant to the investigation.

4. For those device IDs identified as relevant pursuant to the process described above, law enforcement may request that Google Provide identifying information, as defined in 18 U.S.C. § 2703(c)(2), and Neb. Rev. Stat. sec 86-2,106 for the Google Account associated with each identified device ID.