

LPD Case Number: C4-010486

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
LINCOLN POLICE DEPARTMENT
575 SOUTH 10TH ST
LPD PROPERTY Q2403437 & Q2403439
LINCOLN, LANCASTER COUNTY, NEBRASKA

CR24-1

SEARCH WARRANT RETURN

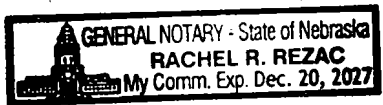
LANCASTER COUNTY
2024 APR -5 PM 2:45
CLERK OF THE
DISTRICT COURT

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

The undersigned states that he received the Search Warrant issued herein on the 29th day of March, 2024, and that he executed the same on the 3rd day of April, 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.

Corey L. Weinmaster #883
Corey L. Weinmaster #883

SUBSCRIBED to in my presence and sworn to before me this 5th day of April, 2024.



[Signature]
Notary Public



[Handwritten mark]

INVENTORY

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

**IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
LINCOLN POLICE DEPARTMENT
575 SOUTH 10TH ST
LPD PROPERTY Q2403437 & Q2403439
LINCOLN, LANCASTER COUNTY, NEBRASKA**

**CLERK OF THE
DISTRICT COURT**

2024 APR -5 PM 2:45

LANCASTER COUNTY

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

ss.

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

Corey L. Weinmaster #883, 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 following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska.

Samsung under LPD Property Q2403437

- Verizon SIM Card Data

iPhone 7 Plus under LPD Property Q2403439

- Activity Sensor Data – 232
- Applications Usage Log – 18183
- Calendar – 2
- Call Log – 191
- Cell Towers – 646
- Chats – 105
- Contacts – 727
- Cookies – 1167
- Device Connectivity – 22
- Device Events – 34830
- Device Notifications – 1688
- Emails – 18
- Installed Applications – 5
- Instant Messages – 155
- Locations - 111
- Passwords - 272
- Searched Items - 413
- Social Media - 223
- Web History - 5233
- Wireless Networks - 4266
- Timeline - 156908
- Audio - 8
- Images - 45725
- Videos - 978

Inventory made in the presence of Derek Dittman #1551.

Corey L. Weinmaster #883
Corey L. Weinmaster #883

SUBSCRIBED to in my presence and sworn to before me this 5th day of
April, 2024



[Signature]
Notary Public

RECEIPT OF SEIZED ITEMS

The following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska.

Samsung under LPD Property Q2403437

- Verizon SIM Card Data

iPhone 7 Plus under LPD Property Q2403439

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- Audio – 8
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- Videos – 978

LANCASTER COUNTY
2024 APR -5 PM 2:45
CLERK OF THE
DISTRICT COURT

Date 4/3/24

Amy P. Mearns #883
Law Enforcement Officer

Witness *[Signature]*

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

CLERK OF THE DISTRICT COURT

2024 APR -5 PM 2:45

LANCASTER COUNTY

STATE OF NEBRASKA

)

) ss. SEARCH WARRANT

COUNTY OF LANCASTER

)

TO: Chris Fields, a law enforcement officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska, any and all law enforcement officers, and agents thereof.

WHEREAS, Chris Fields 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 and seize the items as described in **Attachment A**, hereby attached and incorporated by reference, to include any specific authorization as contained in **Attachment A**.

THEREFORE, you are commanded to execute and return this Search Warrant in the manner as prescribed in **Attachment A**.

Given under my hand and seal this 29th day of March, 2024.

[Handwritten Signature]

Judge of the County Court

Holly J. Farsky

Printed Name of Judge



ATTACHMENT A: Digital Device(s) to Be Searched

Law enforcement and those assisting law enforcement is directed to seize and search the following:

- black Samsung cellphone, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2403437 and Case Number C4-010486.
- black iPhone cellphone, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2403439 and Case Number C4-010486.

for the following evidence, to include any live and/or deleted data to include including any live and/or deleted data for the time frame of February 4, 2024, to February 22, 2024, specifically for the seizure of following items:

1. Device identifiers, information and configurations.
2. User account information and any associated accounts on the device.
3. Databases and file systems.
4. Device activity logs and application usage logs
5. Call logs.
6. Contact lists.
7. Short Message Service (SMS), Multimedia Messaging Service (MMS) messages and instant messages.
8. Chat messages from installed applications.
9. Email messages.
10. Installed applications and their corresponding accounts and data.
11. Images and associated metadata.
12. Videos, and associated metadata.
13. Audio files, including voicemails, and associated metadata.
14. Document files and associated metadata.
15. Internet browsing history, including bookmarks, searches, browser cookies and other associated cache files.
16. Location data to include cellular tower connections, GPS (Global Positioning System) fixes, waypoints, routes, tracks, maps, and associated metadata.
17. Wireless networks, Bluetooth, IP addresses, and synchronization connection history.
18. Memos and notes (typed and voice).
19. User dictionary.

20. Calendar information.
21. Passwords, keychains.

To obtain and search the data from the aforementioned digital device, law enforcement and/or those assisting may:

1. Obtain data from the physical memory of the digital device itself as well as from any data storage devices housed within the digital device, specifically Secure Digital (SD) and Subscriber Identification Module (SIM) cards;
2. Obtain data from the aforementioned digital device's active file system, as well as unallocated space as to recover deleted data and file fragments;
3. Obtain data by making unobtrusive revocable setting changes to permit the digital extraction of the data unless the digital device requires disassembly to obtain the desired data which may render the device inoperable;
4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
5. Enlist the aid of non-law enforcement, who are trained in conducting forensic analysis of the data in retrieving and analyzing the data. When files have been deleted, they can be potentially recovered later using forensic tools. A person with familiarity with how digital devices work may, after examining the data, be able to draw conclusions about how the device was used, the purpose of its use, who used it, where, and when; and/or
6. Be required to examine every file and scan its contents briefly to determine whether it falls within the scope of the warrant. This is necessary as it is difficult to know prior to the search the level of technical ability of the device's user and data can be hidden, moved, encoded or mislabeled to evade detection.
7. Remove the digital device to another location conduct the digital forensic examination and/or analysis.

The search of digital devices is a lengthy process requiring special steps to ensure the integrity of the digital devices. In the event the search and/or seizure of evidence is not completed within ten (10) days, law enforcement is authorized to return the search warrant within ten (10) days upon completion of the search and seizure.

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Chris Fields, 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 Theft by Unlawful Taking over \$5,000, Statute 28-511, occurring February 05, 2024, at 904 South 90th Street, Lincoln, Lancaster County Nebraska. AFFIANT has reviewed case reports regarding this investigation prepared by other involved Law Enforcement Officers.

Attachments

- Attachment A: Digital Device(s) to be searched
Attachment B: Technical Information Regarding the Search of Digital Devices.

The above are hereby attached and incorporated by reference.

Affiant's Background

Your Affiant has been a police officer for the Lincoln Police Department since 2008. Your Affiant has training and experience in conducting criminal investigations Your Affiant has experience in investigating homicides, burglaries, robberies, sexual assaults, human trafficking, child enticement, and to include specific training of cellphones and electronic records.

This Affidavit is submitted in support of a search warrant. Your Affiant may not have set forth every fact known to your Affiant regarding this investigation. The information contained in this Affidavit is from your Affiant's criminal investigation and may include information provided by other law enforcement, or others.

Case Facts

On February 5, 2024, at approximately 0806 hours, Officer Poole responded to the report of a larceny at 400 South 90th Street, Lincoln, Lancaster County, Nebraska. Zachary Whitson of Whitson Contracting reported that he discovered his construction trailer had been vandalized and several tools and associated batteries had been stolen. Zachary

reported that the side door lock had been cut off and that the lock bracket to the trailer had been damaged. During a preliminary inventory, Zachary reported several stolen Milwaukee, Makita and DeWalt tools and their corresponding batteries. The total loss amount for these items was reported to be \$12,850.00. Zachary reported most tools were marked 'WC' for Whitson Contracting or 'ZW' for Zachary Whitson. Video footage from a nearby residence shows that on February 5, 2023, at approximately 0335 hours a smaller SUV drives up to the construction site. Three person are observed getting out of the SUV and begin to go through this construction site with flashlights. The vehicle ultimately drives off. Due to poor lighting and distance, no other details are gained.

On February 19, 2024, Officer Poole received electronic communication from Whitson who had located a DeWalt battery with a 'WC' written on it for sale on Facebook Marketplace amongst other batteries for sale, with seller information coming back to Tyler Yates. The communication included an address that Yates sent via Facebook Marketplace messenger indicating the items were located at 2017 North 31st Street, Lincoln, Lancaster County, Nebraska and provided a phone number 531-310-1434 for contact outside of Facebook Marketplace. Your Affiant used Lincoln Police Records Management System and Nebraska DMV records to see if this is where Tyler Yates lived. Your Affiant observed that Yates in fact did not; and resides with his mother at, 1844 North 31st Street, Lincoln, Lancaster County, Nebraska which is in close proximity to 2017 North 31st Street, Lincoln, Lancaster County, Nebraska.

On February 21, 2024, Investigator Hogan communicated with Yates via Facebook Messenger asking about the DeWalt battery. Yates responded with photos of additional identifiable stolen property. During these conversations, Yates negotiated to sell a stolen DeWalt chop saw and two DeWalt batteries for \$380.00 and reconfirmed items were in a garage at 2017 N 31st Street, Lincoln, Lancaster County, Nebraska. Lt. Agnew arrived at a previously arranged time to purchase the items. Investigator Hogan was unable to contact Yates on Facebook Marketplace, further and Investigator Hogan provided Lt Agnew the phone number that Yates had previously provided 531-310-1434. Lt Agnew called 531-310-1434 and talked to Joshua Willits, was then observed to be outside in front of 2017 N 31st Street, Lincoln, Lancaster County, Nebraska. Upon contact with Lt. Agnew, Joshua Willits was in possession of the stolen chop saw reported on this theft.

Willits informed Lt Agnew that Yates had brought the saw to his residence and had placed it in the backyard and had asked him to sell it on his behalf. Willits reported to Lt. Agnew that the police had been messaging with Yates. Investigator Hogan found this information to be inconsistent with the photo sent which shows the chop saw pictured inside the detached garage of 2017 N 31st Street. Joshua Willits resides at this residence with his mother, as stated by him and confirmed by his State of Nebraska driver's license.

Lt. Agnew asked Willits directly if there was additional stolen property inside the residence and Willits responded no. Willits admitted to Lt. Agnew to talking to him over the phone, 531-310-1434, but stated the Facebook Messaging was done by Yates. Lt Agnew reported Willits to be becoming increasingly nervous and began sweating as the contact progressed. Lt. Agnew asked Willits how he and Yates communicated since the two were not together. Willits responded Yates's cellphone does not have service, so they used Facebook Messenger to communicate.

During the meeting, Officer O'Connor went to assist Lt. Agnew, when they were approached by Yates who was riding a bicycle. Inv O'Connor identified Yates by name, who responded to the effect of 'maybe' and looked at Inv O'Connor's Police Badge that was displayed on his chest and began to pedal away from Inv O'Connor. Inv O'Connor yelled 'STOP' and took chase after Yates. Yates was eventually detained in handcuffs.

Due to the facts presented, Investigator Hogan applied for a search warrant for 2017 N 31st Street, Lancaster County, Nebraska. This warrant was granted by a Judge of the Lancaster County Court, and on February 22, 2024, at approximately 0007 hours, the warrant was executed. During this search, many stolen tools from this burglary were located inside of the detached shed belonging to this residence. Willits's Nebraska ID was located inside the shed.

After these findings, both Willits and Yates declined to make statements about their involvement to the police. Both Willits and Yates were respectively arrested for Theft by Receiving, \$5000 or more, a felony offense.

On February 29, 2024 a search warrant was served to Facebook for the accounts of tyler.yates.52, Facebook ID 100000729862855 and Facebook account josh.willits402 Facebook ID 100001246727560 for the time frame of February 4, 2024 to February 22, 2024. During this time frame the two accounts of tyler.yates.52 and josh.willits402 had approximately 95 interactions communication between them. The account tyler.yates.52 was found to have two images related to this investigation which included a Milwaukee style table saw and a Home Depot add for a chop saw which was located on josh.willits402 account and also forwarded to Lincoln Police during the course of negotiations of the purchase of the items.

The account tyler.yates.52 was found to have numerous images of items consistent with stolen items from this investigation to include the items seized by Lincoln Police.

Your Affiant believes a search of Joshua Willits and Tyler Yates Facebook account(s) will provide additional communications between the two and/or other parties regarding

stolen property that is yet to be accounted for which will aid this investigation, including participation or information of the Burglary of Whitson Contracting. Due to the video footage showing three parties being involved in the burglary, your Affiant knows there are other parties outstanding that have not yet been identified. These images were found to be linked to communications of sales or attempted sales of the items from February 3, 2024, up until the arrest of both parties.

Upon Willits arrest a black Samsung cellphone was located this device was seized and placed into the Lincoln Police Department Property and Evidence unit under Property number Q2403437 and Case number C4-010486. Yates was taken into custody and a black iPhone cellphone was located. This device was seized and placed into the Lincoln Police Department Property and Evidence unit under Property number Q2403439 and Case number C4-010486.

Your Affiant believes a search Willits and Yates devices will provide additional communications between the two and/or other parties regarding stolen property and the sale of that property. This information, including participation or information of the Burglary of Whitson Contracting may be contained. The information may identify whom was searching for the ads for pricing of the items placed for sale on Facebook along with who was in voice communications with the parties wanting to purchase the items for sale on Facebook.

The above does constitute grounds of probable cause for the issuance of a search warrant to search and seize the evidence specifically identified in Attachment A, to include any specific authorization requested authorization to be ordered by the court.

Further AFFIANT saith not;

Dated this 29 day of Month 2024.


Chris Fields AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 29th day of March, 2024.


Judge of the County Court

Holly J. Parsley
Printed Name of Judge



ATTACHMENT A: Digital Device(s) to Be Searched

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18. Memos and notes (typed and voice).
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20. Calendar information.
21. Passwords, keychains.

To obtain and search the data from the aforementioned digital device, law enforcement and/or those assisting may:

1. Obtain data from the physical memory of the digital device itself as well as from any data storage devices housed within the digital device, specifically Secure Digital (SD) and Subscriber Identification Module (SIM) cards;
2. Obtain data from the aforementioned digital device's active file system, as well as unallocated space as to recover deleted data and file fragments;
3. Obtain data by making unobtrusive revocable setting changes to permit the digital extraction of the data unless the digital device requires disassembly to obtain the desired data which may render the device inoperable;
4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
5. Enlist the aid of non-law enforcement, who are trained in conducting forensic analysis of the data in retrieving and analyzing the data. When files have been deleted, they can be potentially recovered later using forensic tools. A person with familiarity with how digital devices work may, after examining the data, be able to draw conclusions about how the device was used, the purpose of its use, who used it, where, and when; and/or
6. Be required to examine every file and scan its contents briefly to determine whether it falls within the scope of the warrant. This is necessary as it is difficult to know prior to the search the level of technical ability of the device's user and data can be hidden, moved, encoded or mislabeled to evade detection.
7. Remove the digital device to another location conduct the digital forensic examination and/or analysis.

The search of digital devices is a lengthy process requiring special steps to ensure the integrity of the digital devices. In the event the search and/or seizure of evidence is not completed within ten (10) days, law enforcement is authorized to return the search warrant within ten (10) days upon completion of the search and seizure.

ATTACHMENT B: Technical Information Regarding the Search of Digital Devices

Through your Affiant's training and past experience, and from information provided by Electronic Evidence Unit forensic examiners, your Affiant is aware that:

Digital device data can provide valuable insight for criminal investigations. Digital devices are used by the general public for communication, access to and sharing of information, research, socialization, entertainment, mapping, shopping, note taking and other functionality. Individuals also use digital devices for the aforementioned purposes, and as a tool for facilitating criminal activity.

Digital devices are often used to communicate via voice, text messaging, social media or other communication applications; and share data with other users and that such digital data can be transferred between various digital devices. Information associated with such data may show evidence of current, on-going, future, and past criminal activity as well as assist law enforcement in determining identity and culpability of participants, including identifying those with knowledge of a criminal offense or identify those who have aided a criminal participant in the commission of a criminal offense, victims and/or witnesses. As such, digital devices possessed by criminal participants can serve both as an instrument for committing crime as well as a storage medium for evidence of the crime, including communications to plan, execute, and otherwise document the commission of a crime.

There have been numerous instances where criminal participants utilized digital devices to photograph themselves, associates and/or co-conspirators, and victims; instances in which digital devices were used by criminal participants to create videos of their criminal activity; instances where criminals participants have used digital devices' internet applications to research crimes they have or intend to participate in; instances in which criminal participants have maintained notes within digital devices; and instances in which criminal participants used global positioning, mapping and other location services to facilitate in-person meetings with co-conspirators and/or a victim.

On a digital device, data can be created in a matter of moments because most operations can be performed almost instantly, which would be relevant to the incident being investigated. The data can be created intentionally or accidentally by the user, or automatically by the device itself as a part of its regular functioning.

Electronic evidence can remain on the digital devices for indefinite periods of time after the data was created, even if deleted by the user. Data generally is stored on the physical memory of the digital device, but also can be stored on removable storage devices such as Secure Digital (SD) and Subscriber Identification Module (SIM) cards. A forensic examiner may be able to recover information deleted by the user throughout the working life span of the device.

The following are examples of how types of data on digital devices can assist investigators. A full, all-inclusive list would be impossible due to the ever-increasing development of digital devices and their applications:

1. Phone information, configurations, calendar events, notes and user account information which can be used to identify or confirm who owns or was using a digital device. Because of their small size, digital devices can easily be passed from one person. As such it is necessary to document evidence that reveals or suggests who possessed or used the device. This evidence is akin to the search for venue items when executing a search warrant at a residence.
2. Call logs can establish familiarity between people involved in an incident. These records are consistently stamped with dates and times which can be significant regarding the reconstruction of the timeline of events regarding an investigation. Associated contact lists stored in the device can provide names to correspond with voice calls as well as other forms of communication. Voicemails can indicate the purpose of the phone call when the phone call was not answered. This information can also be invaluable to establish conspirators, witnesses, and suspect information.
3. Data from associated supplemental software applications (apps), both standard and manually installed, stored on the digital devices can demonstrate the user's association with investigated people, locations, and events. Digital devices can run apps which allow them to increase their functionality. Common programs include social media applications, such as Facebook, as well as messaging applications Snapchat and Facebook Messenger to name a few. These applications are increasingly used as alternative methods for users to communicate from the standard messaging service as they offer additional functionality. Many of these applications can determine the user's geographic location which can be instrumental to completing an investigation.
4. Media files such as images, videos, audio, and documents provide first-hand documentation of actions regarding an event. Additionally, files can contain embedded metadata that show additional information which is valuable to investigators such as when and where the file was created. Digital devices can create, store and exchange media with other devices and computers.

Your Affiant seeks to complete a comprehensive and unbiased examination of the data on the device for information which could aid in the investigation; seeking only prescribed information would jeopardize the completeness of the search as it is typically unknown how the electronic device was used or the technical ability and intent of the user before the device has been examined. As with other types of evidence, the context, location, and data surrounding information in the device data is often necessary to understand whether evidence falls within the scope of the search warrant. This type of information will be important to the forensic examiner's ability to piece together and recognize evidence of the above-listed crimes.

Your Affiant knows that digital devices are constantly changing system data on the device as programmed by their manufacturer. Additionally, your Affiant knows that searching the digital device itself would irreversibly alter data and/or evidence on the device. To search a device for evidence, the commonly accepted best practice of digital forensics is to utilize forensic software to obtain an extraction of the data on the device. Attempts will be made to obtain the devices data by only making unobtrusive revocable changes to the system settings to permit the extraction of the data. If necessary, the digital device may require disassembly to obtain the desired data which may render the device inoperable. These processes do not change or alter any of the user data stored on the device. The extraction is then searched using analysis software to locate, identify, and seize the evidence authorized by this warrant. The device and the image are then preserved in evidence.

The digital device has been stored in a manner in which its/their contents are, to the extent material to this investigation, substantially the same state as when it first came into the possession of law enforcement.