

LPD Case Number: C3-099660

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)
)
COUNTY OF LANCASTER) ss.

The undersigned states that he is a Lincoln Police Department officer, that he received the Order to Produce Identifying Physical Characteristics on March 22, 2024. That pursuant to the Order, identifying characteristics Buccal Swabs were obtained from Eric Rivas by Eric Dlouhy on March 25, 2024 at Lancaster County Jail 3801 West O Street Lincoln, Lancaster County, Nebraska at 0920 hours. That while submitting to the above-mentioned physical characteristics, Eric Rivas was not subjected to any questioning or interrogation.

DATED this April day of 1, 2024

Eric Dlouhy #1623
Eric Dlouhy #1623

SUBSCRIBED to and sworn before me this 1st day of April, 2024.

Sara Lugin
Notary Public

LANCASTER COUNTY
2024 APR -1 PM 3:01
CLERK OF THE
DISTRICT COURT



002107606D02

RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from the Lancaster County Jail 3801 West O Street Lincoln, Lancaster County, Nebraska:

2 Buccal Swabs with Eric Rivas' DNA

LANCASTER COUNTY
2024 APR -1 PM 3:01
CLERK OF THE
DISTRICT COURT

DATED this 25th day of March, 2024.

Diouhy 1623
Law Enforcement Officer

WITNESS

C3-099660

LANCASTER COUNTY

2024 APR -1 PM 3:01

CLERK OF THE DISTRICT COURT

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
ERIC RIVAS,

ORDER TO PRODUCE IDENTIFYING PHYSICAL CHARACTERISTICS

TO: Eric Dlouhy badge 1623, and other law enforcement officers of the Lincoln Police Department

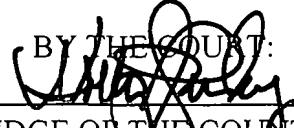
WHEREAS, Eric Dlouhy has filed an Affidavit before the undersigned Judge of the County Court of Lancaster County, Nebraska, a copy of which Affidavit is attached hereto and made a part hereof, the court finds that for purposes of this Order the facts set forth in said Affidavit are true and said facts 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 offenses of 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person is the subject of said Affidavit referred to above
2. That there is probable cause to believe that the offense of 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person has been committed.
3. That there is probable cause to believe that Eric Rivas committed said offense.
4. That Identifying Physical Characteristics Sought is/are DNA buccal swabs.
5. That Eric Rivas has refused, or there is reason to believe that Eric Rivas will refuse, to voluntarily provide the identifying physical characteristics sought.
6. That Eric Rivas is the individual who may be detained for obtaining such identifying physical characteristics.
7. That Eric Dlouhy and other officers of the Lincoln Police Department are the peace officers authorized to obtain such identifying physical characteristics and to effectuate any detention which may be necessary to obtain the same.

8. That Eric Rivas will be under no legal obligation to submit to an interrogation or to make any statement during the period of his appearance.
9. That such identifying physical characteristics may be obtained at the Lancaster County Jail 3801 West O Street, Lincoln, Lancaster County, Nebraska.
10. That Eric Rivas shall appear at the Lancaster County Jail 3801 West O Street, Lincoln, Lancaster County, Nebraska, at such date and time as is designated by Eric Dlouhy for the purpose of obtaining the above-mentioned identifying physical characteristics.
11. That if Eric Rivas fails to comply with the request of said Eric Dlouhy, the said Eric Rivas shall be guilty of contempt of court and be punished accordingly.
12. That Eric Rivas shall be required to stay no longer than one (1) hour for the purpose of Eric Dlouhy obtaining the above-mentioned identifying physical characteristics.
13. That this Order shall remain in force and effect for a period of fifteen (15) days only.
14. That a copy of this Order shall be served upon Eric Rivas.
15. 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 identifying physical characteristics obtained. 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 Eric Rivas to produce the aforementioned identifying physical characteristics which constitutes evidence that a criminal offense has been committed, and to seize the same.

GIVEN UNDER MY HAND AND SEAL this 22nd day of March,
2024

BY THE COURT:


JUDGE OF THE COUNTY COURT

Holly J. Parsley

PRINTED NAME OF JUDGE

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
ERIC RIVAS,

AFFIDAVIT FOR
ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

COMES NOW, Investigator Eric Dlouhy badge 1623 of the Lincoln Police Department , being first duly sworn upon oath, deposes and states as follows:

1. Your AFFIANT was assigned to investigate a 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person that occurred at 1230 South 18th Street apartment 1 in Lincoln, Lancaster County, Nebraska.
2. Your AFFIANT has reviewed reports of other peace officers involved in the investigation of 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person and has conducted additional follow up into the investigation of the incident. According to the information that your AFFIANT obtained:

On November 5, 2023, at approximately 8:30 P.M., Officer Johnson badge 1850 and Officer Dirks badge 1840 were dispatched to 1230 South 18th Street apartment 1 on a domestic disturbance in progress. Kyle Burget, neighbor directly across the hall, stated he observed a male and female to be going in and out of apartment 1 and throwing items out into the hall while yelling back and forth. Upon Officer’s arrival, Officer Johnson could hear a male voice yelling “get the fuck out” from within apartment 1. Officer Johnson then knocked on the apartment door and identified himself as a police officer. A female voice was immediately heard to scream “help me” several times. Due to the sounds of what Officer Johnson thought to be violent noises coming from the apartment and the cries for help, Officer Johnson and Officer Dirks made entry into the apartment through the unlocked door. Officer Johnson observed a female, later identified as Rose Henderson, to be lying flat on her back inside the bedroom that was directly across the living room from the front door. A male, later identified as Eric Rivas,

then stepped into view from within the bedroom. Officers gave Eric commands to exit the bedroom. Eric complied and was taken into custody.

Rose remained on the floor and was observed to be crying. Rose stated her and Eric had returned home from a family gathering at approximately 8:00 P.M. Once at home, Rose stated Eric accused her of flirting with his cousin who was at the family gathering and yelled at her to leave the apartment. Rose said Eric then began to break and throw items across the apartment. Rose informed Officer Johnson that Eric then grabbed ahold of her by the upper portion of her jacket which caused him to scratch her exposed skin. Eric then struck Rose in the left side of her face multiple times causing pain. Rose stated Eric then threw her down on the couch that was in the living room. Afterwards, Eric drug Rose into the bedroom where he threw her against the bedframe which caused Rose pain to her back and she again fell to the floor. Rose stated Eric again struck her in the face multiple times while she was on the ground until Officers arrived and placed him into custody. Officer Johnson observed several red, raised abrasions across Rose's chest that were consistent with being scratched. In addition, there was swelling to the left side of Rose's face where Eric had struck her. Officer Johnson observed the apartment to be covered in broken items to include furniture, a television, glass and decorations to the point we could not walk through the apartment without stepping on items.

Rose informed Officer Johnson that her and Eric have been in an intimate dating relationship for approximately two years and have been living together since May of 2023. Rose stated Eric owned a gun that he kept on a shelf in his closet. Rose stated she keeps all her belongings in a different closet and only Eric's possessions were in that closet. Eric is a convicted felon out of California. He was arrested August 8, 2001, and convicted of felony inflict corporal injury to spouse or inhabitant.

Officer Johnson authored a search warrant of the residence which was signed by a Lancaster County Judge. While executing a search warrant, Officer Johnson located a silver Polymer 80 handgun serial number PF940C on a shelf from within his bedroom closet. In addition, two 9mm magazines were located on the bedroom floor next to the bed. One magazine contained 9 rounds of 9mm and ammunition, the other contained six rounds.

The Polymer 80 handgun was placed in the Lincoln Police Department's property unit and is associated with property number Q2326016. The black 9mm magazine and 9 rounds of ammunition were placed in the Lincoln Police Department's property unit and are associated with property number Q2325018. The black 9mm magazine and 6 rounds of ammunition was placed in the Lincoln Police Department's property unit and are associated with property number Q2325019.

On March 8, 2024, at 10:25 A.M. your Affiant emailed Eric's attorney to see if Eric would voluntarily provide a DNA sample, your Affiant did not get a response. On March 14, 2024, your Affiant emailed Eric's attorney to see if Eric would voluntarily provide a DNA sample. Your Affiant did not get a response. On March 18, 2024, at 10:10 A.M. your Affiant met with Eric at the Lancaster County Jail 3801 West O Street, in Lincoln, Lancaster County, Nebraska. Eric refused to voluntarily provide a 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 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person described herein. The identifying physical characteristics sought from Eric Rivas is a sample of his 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 Eric Rivas as being the person responsible for the 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person herein.

The identifying physical characteristics sought can be obtained from Eric Rivas at the Lancaster County Jail 3801 West O Street, Lincoln, Lancaster County, Nebraska and should require a detention not to exceed one (1) hour.

AFFIANT further states that there is probable cause to believe that Eric Rivas is responsible for 3rd degree domestic assault subsequent offense and possess firearm by a prohibited person as described herein, and in violation of the laws of the State of Nebraska.

4. Your AFFIANT has been advised by Eric Rivas that he has refused to voluntarily provide a DNA sample via buccal swabs.

Further your affiant saith not.

DATED this 22 day of March, 2024.

E. Dlouhy #1623

Eric Dlouhy #1623 Lincoln Police Department

SUBSCRIBED AND SWORN to before me this 22~~nd~~ day of March,
2024

[Signature]
JUDGE OF THE COUNTY COURT

Holly J. Parsley
PRINTED NAME OF JUDGE

