

LANCASTER COUNTY

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CLERK OF THE DISTRICT COURT

N24147  
Case Number

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

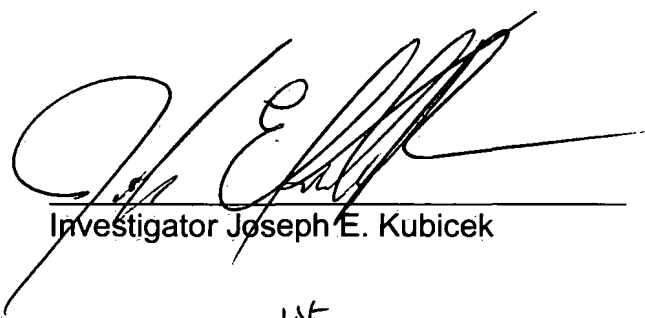
CR 24-1

IN THE MATTER OF THE SEARCH WARRANT  
OF THE DESCRIBED PREMISES OF  
(LOCATION)  
LINCOLN, LANCASTER COUNTY, NEBRASKA

SEARCH WARRANT RETURN

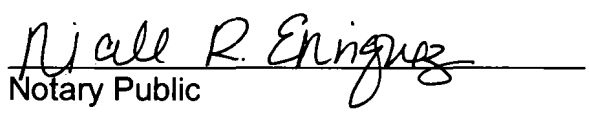
STATE OF NEBRASKA )  
County of Lancaster ) ss.

The undersigned states that he/she received the Search Warrant issued herein on the 19<sup>th</sup> day of MARCH, 2024, and that he/she executed the same on the 30<sup>th</sup> 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.

  
Investigator Joseph E. Kubicek

SUBSCRIBED to in my presence and sworn to before me this 1<sup>st</sup> day of April, 2024.

NICOLE R. ENRIQUEZ  
General Notary State of Nebraska  
My Commission Expires  
February 1, 2027

  
Notary Public

Warrant Return



002107607D02







**ATTACHMENT A**

**Property to Be Searched**

This warrant applies to records and information associated with the cellular telephone assigned call number **(402) 405-9857**, ("the Account"), that are stored at premises controlled by AT&T ("the Provider"), headquartered at 11760 US Highway 1 Suite 300, North Palm Beach, Florida 33408.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be Disclosed by the Provider**

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any information that has been deleted but is still available to the Provider. The Provider is required to disclose to the government the following information pertaining to the Account listed in Attachment A for the time period January 1, 2024 to February 29<sup>th</sup>, 2024:

- a. The following information about the customers or subscribers of the Account:
  - i. Names (including subscriber names, user names, and screen names);
  - ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
  - iii. Local and long distance telephone connection records;
  - iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
  - v. Length of service (including start date) and types of service utilized;

- vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifier (“MEID”); Mobile Identification Number (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”); International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);
  - vii. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and
  - viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. All records and other information (not including the contents of communications) relating to wire and electronic communications sent or received by the Account, including:
- i. the date and time of the communication, the method of the communication, and the source and destination of the communication (such as the source and destination telephone numbers (call detail records), email addresses, and IP addresses); and
  - ii. information regarding the cell tower and antenna face (also known as “sectors”) through which the communications were sent and received

## **II. Information to be Seized by the Government**

All information described above in Section I that constitutes [evidence, fruits, contraband, and instrumentalities] of violations of Title Fraud Prohibited Acts NRS 60-179, Forgery NRS 28-602, Theft By Deception NRS 28-512, Willful Avoidance of Sales Tax NRS 77-2713 involving Derrick T. Powers during the period January 1<sup>st</sup>, 2024 to February 29<sup>th</sup>, 2024.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.





This warrant shall be executed and returned within ten (10) days to the undersigned Judge of the District Court of Lancaster County, Nebraska. Given under my hand and seal this 19<sup>th</sup> day of March, 2024.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

JUDGE OF THE DISTRICT COURT

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Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA )  
COUNTY OF LANCASTER )

ss. AFFIDAVIT FOR SEARCH WARRANT

I, Joseph E. Kubicek, being first duly sworn upon oath deposes and states that he is a Deputy State Sheriff for the State of Nebraska Department of Motor Vehicles Fraud Unit, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of a case involving Title Fraud, Forgery, Theft by Deception, Willful Avoidance of Sales Tax occurring at the address of 625 North 46<sup>th</sup>, Lincoln, Lancaster County, Nebraska.

1. Your AFFIANT makes this affidavit in support of an application for a search warrant for information associated with a certain cellular telephone assigned call number (402) 405-9857 ("the SUBJECT PHONE"), that is stored at premises controlled by AT&T, a wireless telephone service provider headquartered at 11760 US Highway 1, Suite 300 North Palm Beach Florida 33408. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant to require AT&T to disclose to the government copies of the information further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review the information to locate items described in Section II of Attachment B.

2. I am an Investigator with the State of Nebraska Department of Motor Vehicle Fraud Unit and have been since 2017. Your Affiant is a certified law enforcement officer and an Investigator with over 26 years of experience in law enforcement in the State of Nebraska. Your Affiant is currently assigned to the State of Nebraska Department of Motor Vehicles Fraud Unit based in Lincoln Nebraska where said Affiant conducts investigations of criminal matters, including felony and misdemeanor violations of laws of the State of Nebraska and Federal violation of law. Your Affiant has conducted and assisted in numerous investigations concerning person using fraudulent tactics to obtain personal identification documents, drivers licenses, and vehicle identification documents. Your Affiant has conducted and assisted in several investigations concerning identity theft and fraud involving electronic devices. Additionally, your affiant has assisted Federal, State, County and Local Agencies with investigations concerning these types of crimes.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your AFFIANTS knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title Fraud, Forgery, Theft by Deception, Willful

Avoidance of Sales Tax have been committed, are being committed, and will be committed by Derrick T. Powers, Tyrone McGee and Zoran Predavac. There is also probable cause to search the information described in Attachment A for [evidence, instrumentalities, contraband, or fruits] of these crimes as further described in Attachment B.

5. On February 8<sup>th</sup>, 2024, Derrick T. Powers was contacted via his cell phone 402-405-9857, by Zoran Predavac who stated he had arrived at the Lancaster County Treasurers Office. Derrick T. Powers and Zoran Predavac entered the Lancaster County Treasurers Office located at 625 North 46<sup>th</sup>, Lincoln, Lancaster County Nebraska. Powers and Predavac used a fraudulent Illinois title had been recreated to remove an existing lien on a 2020 Volvo Semi Tractor and obtained a vehicle inspection for a 2020 Volvo Semi Tractor. Predavac paid for the vehicle inspection with his credit card that had been logged with the Lancaster County Sheriffs Office. Powers took the fraudulent the title to the title clerk at the Lancaster County Treasurers Office and used the fraudulent title and title inspection to obtain a valid Nebraska Title in his name. Powers did not pay sales tax on the vehicle. The previous owner of the vehicle on the title showed to be AV Xpress Ltd from Illinois.

On February 22<sup>nd</sup>, 2024, Inv Kubicek was contacted by Lancaster County Treasurers Office Manager who advised Derrick Powers and another person were attempting to title a second semi tractor using a second Illinois title to AV



Xpress Ltd. Inv Kubicek proceeded to the Lancaster County Treasures Office and observed the fraudulent title being used in Powers possession, and had been altered by removing the titles true information and replacing it with the information to the second semi tractor. The information altered included but not limited to the holder information and fraudulent stamp showing a lien release, vehicle identification number. Inv Kubicek and Inv Elwell contacted Derrick Powers and identified the other person as Tynaee Bigby. Investigators identified themselves and explained to them their concerns with the title. Powers and Bigby agreed to speak with investigators about the titles. Powers and Bigby advised Powers had been contacted by his cousin, identified as Tyrone McGee. Powers provided the telephone number for Tyrone McGee 306-331-5034. Powers advised McGee paid him to obtain Nebraska titles and place the titles in Powers name and provide them to McGee or who he had directed them to. Powers advised he had given the first title to the driver of the semi tractor, Zoran Predavac before he had left the Lancaster County Treasurers Office. Powers advised he texts Magee when he had obtains a title and Magee replies with a text containing the address to send the title. Powers confirmed this by displaying the text messages to Inv Kubicek. Inv Kubicek asked Powers to text Magee that he had obtained the title. Inv Kubicek provided a Nebraska Title for the vehicle for Powers to photograph and then text Magee. Powers agreed and texted Magee the information as requested.

Inv Kubicek shared this information with Inv. Dingbaum of the Iowa Department of Transportation who had been working on several cases in Iowa involving vehicles titled to AV Xpress Ltd. Inv Dingbaum had interviewed suspects who had attempted to obtain valid Iowa titles who stated they had received the altered titles from Tyrone McGee, who had advised them to obtain a valid Iowa title in another name and sign for the title. The suspects identified the location they were given the titles by Tyrone McGee as being Tesla T and R, located at 2150 Bernice Road, Lansing Illinois.

Inv Kubicek interviewed Tynaee Bigby on February 28<sup>th</sup>, 2024, at the Nebraska Department of Motor Vehicles. Bigby consented and agreed to speak with Inv Kubicek concerning the incident on the 22<sup>nd</sup> of February 2024. Bigby advised she and Powers had gone to Illinois where Powers worked for McGee to make some money because he had lost his job. This occurred in the first week of January 2024 and continued until the end of January when Bigby and Derrick Powers left Illinois for Nebraska. Bigby advised Powers had met the driver of the semi tractor during the first transaction with the first fraudulent title. Bigby advised on the 22<sup>nd</sup> of February 2024 they had met the second driver of the second semi tractor in Omaha Nebraska and obtained an inspection for another semi tractor. After obtaining the inspection Bigby and Powers left and went to the Lancaster County Treasurers Office where they presented the second fraudulent title and vehicle inspection to the title clerk to obtain a valid Nebraska

title. Bigby stated she observed McGee give the fraudulent titles to Powers at Tesla T and R located at 2150 Bernice Road Lansing Illinois 60438.

Inv Dingbaum had arrested and interviewed two suspects who had stated they had received fraudulent documents from Tyrone McGee at Tesla T and R as well.

On February 29<sup>th</sup>, 2024, Inv Kubicek interviewed Powers. Inv Kubicek advised Powers of his Miranda rights of which he had waived wanting to speak to Inv Kubicek. Powers stated McGee was a childhood friend that Powers had contacted for money in late December of 2023. McGee agreed to help Powers if he would come up and work for him in Illinois. Powers and Bigby went to Illinois and Powers worked for McGee for over three weeks. Powers advised he had worked on vehicles at McGees car lot and at the truck lot that McGee has a relationship with. Inv Kubicek displayed a photo of a building to Powers. Powers stated the building in the photo was the place where Powers worked for McGee, but Powers could not remember the address. Powers continued this is where McGee provided the fraudulent titles for Powers to take to Nebraska. (Note: Inv Kubicek displayed the building known as Tesla T and R in Lansing Illinois.)

6. In my training and experience, I have learned that AT&T is a company that provides cellular telephone access to the general public. I also know that providers of cellular telephone service have technical capabilities that allow them to collect and generate information about the locations of the cellular

telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (i.e., antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (i.e., faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data.

7. Based on my training and experience, I know that AT&T can collect cell-site data about the SUBJECT PHONE. I also know that wireless providers such as AT&T typically collect and retain cell-site data pertaining to cellular phones to which they provide service in their normal course of business in order to use this information for various business-related purposes.

8. Based on my training and experience, I know that AT&T also collects per-call measurement data, which AT&T also refers to as the “real-time tool” (“RTT”). RTT data estimates the approximate distance of the cellular device from a cellular tower based on the speed with which signals travel between the device and the tower. This information can be used to estimate an approximate location range that is more precise than typical cell-site data.

9. Based on my training and experience, I know that wireless providers such as AT&T typically collect and retain information about their subscribers in their normal course of business. This information can include basic personal information about the subscriber, such as name and address, and the method(s) of payment (such as credit card account number) provided by the subscriber to pay for wireless telephone service. I also know that wireless providers such as AT&T typically collect and retain information about their subscribers' use of the wireless service, such as records about calls or other communications sent or received by a particular phone and other transactional records, in their normal course of business. In my training and experience, this information may constitute evidence of the crimes under investigation because the information can be used to identify the SUBJECT PHONE's user or users and may assist in the identification of co-conspirators and/or victims.

#### **AUTHORIZATION REQUEST**

10. Based on the foregoing, I request that the Court issue the proposed search warrant

11. I further request that the Court direct AT&T to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control. Because the warrant will be served on AT&T, 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.

12. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation, including by giving targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, and flee from prosecution.

Further AFFIANT saith not.

The above does constitute grounds of probable cause for the issuance of a Search Warrant to search the premises located at 11760 US Highway 1 Suite 300, North Palm Beach, Florida 33408 for the following items:

- a. The following information about the customers or subscribers of the Account:
  - i. Names (including subscriber names, user names, and screen names);
  - ii. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
  - iii. Local and long distance telephone connection records;

- iv. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
  - v. Length of service (including start date) and types of service utilized;
  - vi. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"); Mobile Identification Number ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"); International Mobile Subscriber Identity Identifiers ("IMSI"), or International Mobile Equipment Identities ("IMEI");
  - vii. Other subscriber numbers or identities (including the registration Internet Protocol ("IP") address); and
  - viii. Means and source of payment for such service (including any credit card or bank account number) and billing records.
- b. All records and other information (not including the contents of communications) relating to wire and electronic communications sent or received by the Account, including:
- i. the date and time of the communication, the method of the communication, and the source and destination of the communication (such as the source and destination

telephone numbers (call detail records), email addresses, and IP addresses); and

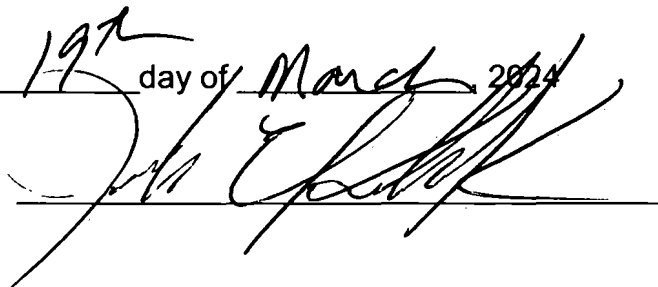
- ii. information regarding the cell tower and antenna face (also known as "sectors") through which the communications were sent and received

## II. Information to be Seized by the Government

All information described above in Section I that constitutes [evidence, fruits, contraband, and instrumentalities] of violations of Title Fraud Prohibited Acts NRS 60-179, Forgery NRS 28-602, Theft By Deception NRS 28-512, Willful Avoidance of Sales Tax NRS 77-2713 involving Derrick T. Powers during the period January 1<sup>st</sup>, 2024 to February 29<sup>th</sup>, 2024.

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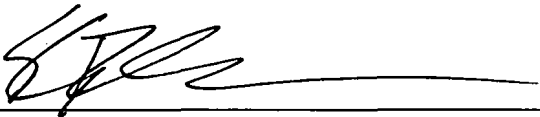
Dated this 19<sup>th</sup> day of March, 2024





Joseph E. Kubicek, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 19<sup>th</sup> day of  
March, 2024

  
\_\_\_\_\_  
Judge of the District Court, Lancaster County

Kevin R. McManaman

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## ATTACHMENT B

### Particular Things to be Seized

#### III. Information to be Disclosed by the Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any information that has been deleted but is still available to the Provider. The Provider is required to disclose to the government the following information pertaining to the Account listed in Attachment A for the time period January 1, 2024 to February 29<sup>th</sup>, 2024:

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  - i. Names (including subscriber names, user names, and screen names);
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