

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH
WARRANT OBTAINED FROM
GOOGLE, 1600 AMPHITHEATRE
PARKWAY, MOUNTAIN VIEW, CA

)
)
)
)

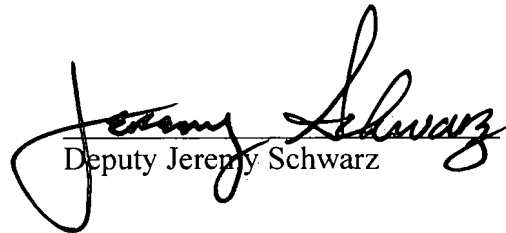
CR24-1

SEARCH WARRANT RETURN

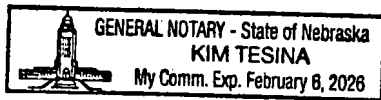
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

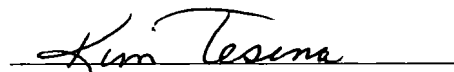
The undersigned states that he/she received the Search Warrant issued herein on the 10th day of April, 2024, and that he/she executed the same on the 10th day of April, 2024 seized the property/person described in the inventory filed herein and by delivering a copy of the said order for said property/person at the place from which the property/person was taken.

DATED this 10th day of April, 2024.


Deputy Jeremy Schwarz

SUBSCRIBED AND SWORN to before me this 10th day of April, 2024.




Notary Public

C2005540



002107617D02

LANCASTER COUNTY
2024 APR 10 PM 3:10
CLERK OF THE
DISTRICT COURT



IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH)
WARRANT OBTAINED FROM)
GOOGLE, 1600 AMPHITHEATRE)
PARKWAY, MOUNTAIN VIEW, CA) SEARCH WARRANT INVENTORY

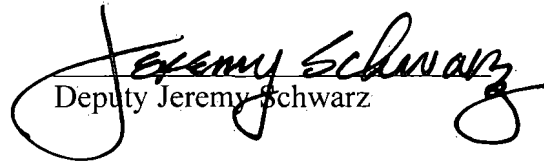
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

LANCASTER COUNTY
2024 APR 10 PM 3:10
CLERK OF THE
DISTRICT COURT

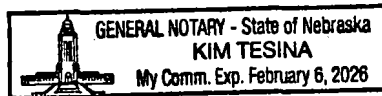
Deputy Jeremy Schwarz being first duly sworn upon oath, deposes and states the following is an inventory of property seized by virtue of the warrant issued herein:

· Reverse Google Location Data Stage 1

DATED this 10th day of April, 2024.


Deputy Jeremy Schwarz

SUBSCRIBED AND SWORN to before me this 10th day of April, 2024.




Notary Public

C2005540

RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from 1600 Amphitheatre Parkway, Mountain View, California:

Reverse Google Location Data (^{Stage 1}~~1st warrant~~)

LANCASTER COUNTY
2024 APR 10 PM 3:10
CLERK OF THE
DISTRICT COURT

DATED this 10th day of April, 2024.


Law Enforcement Officer


WITNESS

C2005540

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY
2024 APR 10 PM 3:10
CLERK OF THE
DISTRICT COURT

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 July 20, 2022, upon proper Application based on probable cause by Investigator Jeremy Schwarz 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 criminal 1st degree murder N.R.S. 28-303 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:

10001 West Davey Road, Raymond, Lancaster County, Nebraska 40.97991806441079, -96.8559416767238

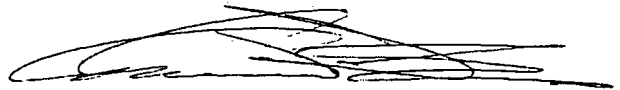
as set forth in Attachment A and Attachment B to this Order.

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 1st degree murder N.R.S. 28-303 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 20 day of July, 2022



Judge of the District Court

Andrew Jacobsen

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:

July 19, 2022

11:00 p.m. (CST) to 11:59 p.m. (CST)

Branched Oak Lake Marina: 10001 West Davey Road, Raymond, Lancaster County, Nebraska 40.97991806441079, -96.8559416767238

1. 40.988076, -96.857500
2. 40.988085, -96.845254
3. 40.959003, -96.844311
4. 40.960506, -96.862020

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.

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY
2024 APR 10 PM 3:10

CLERK OF THE
DISTRICT COURT

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

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

1. 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:

July 19, 2022
11:00 p.m. (CST) to 11:59 p.m. (CST)
Branched Oak Lake Marina: 10001 West Davey Road, Raymond,
Lancaster County, Nebraska 40.97991806441079, -96.8559416767238

- 40.988076, -96.857500
- 40.988085, -96.845254
- 40.959003, -96.844311
- 40.960506, -96.862020

2. In support of this application, the State of Nebraska asserts:

LEGAL AND FACTUAL BACKGROUND

3. The Lancaster County Sheriff's Office, a law enforcement agency and governmental entity, is investigating a case of 1st degree murder N.R.S. 28-303 at:

Branched Oak Lake Marina: 10001 West Davey Road, Raymond,
Lancaster County, Nebraska 40.97991806441079, -96.8559416767238

4. Your AFFIANT is a Nebraska certified law enforcement officer with 21 years of law enforcement experience and is an employee of the Lancaster County Sheriff's Office permanently assigned to the Criminal Investigative Division. Your AFFIANT is responsible for investigating crimes under Chapter 28 of the Nebraska Revised Statute. Your AFFIANT is familiar with Google and knows through his training and experience, Google is able to provide law enforcement location data associated with Google Identification Numbers through a two-step process.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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).
13. 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.

14. 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.
15. 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:
16. "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."
17. 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

18. According to Computer Automated Dispatch Records (CAD), your AFFIANT knows at 11:26 p.m., Lancaster County Sheriff's Office deputies were dispatched to the Branched Oak Lake Marina located at 10001 W. Davey Road, Raymond, Lancaster County, Nebraska regarding two gun shots, someone screaming "help someone has a gun" and a four-door maroon car leaving at a high rate of speed.
19. Your AFFIANT spoke to Deputy John Brady, an employee of the Lancaster County Sheriff's Office assigned to the patrol division, and knows he was at NW

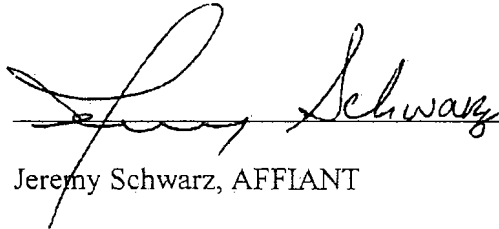
48th and Hwy 34 when the call for service at Branched Oak Lake was dispatched. Deputy Brady told your AFFIANT he passed a Ford Fusion, possibly red or maroon, approximately two miles east of Branched Oak Lake on W. Raymond Road (NW 84th to NW 70th). According to CAD, Deputy Brady arrived nine (9) minutes later at 11:33 p.m.

20. Deputy Brady told your AFFIANT when he arrived, he parked near the dock and was summoned by people to help the victim, later identified as Benjamin Case, who was still breathing aboard the boat. Deputy Brady was also told the party responsible left northbound in a maroon car.
21. According to Deputy Brady, he boarded a white and blue 1992 Bayliner Sierra with a cuddy cabin, VIN: BPIA60STD292, and observed an unknown male and female performing CPR. Deputy Brady stated he observed a gunshot wound to the head and neck. Deputy Brady told your AFFIANT he assisted with first aid until Raymond Rescue arrived and then continued to assist medical personnel by moving Benjamin Case inside the cuddy cabin.
22. Your AFFIANT knows through additional conversations with Deputy Brady there were five people, two females and three males one of which was Benjamin Case, aboard the white and blue 1992 Bayliner Sierra with a cuddy cabin, VIN: BPIA60STD292, when Benjamin Case felt an unknown person board the boat. When Benjamin Case opened the cuddy cabin door two shots were fired, and Benjamin Case collapsed. The party responsible is described as a black male wearing a ski mask. The unknown black male directed everyone on the boat to move to the front, to stay off their phones and asked where the "green bag" was at. A fight ensued between one of the male witnesses and the black male which prevented additional shots from being fired before the black male fled to the parking lot and then north out the parking lot in a maroon vehicle.
23. Deputy Brady informed your AFFIANT, he observed inside the cuddy cabin, two phones, a \$100.00 bill, a rolled up \$1.00 bill commonly used to ingest drugs, and a small amount of marijuana. Deputy Brady told your AFFIANT he also observed a blunt (marijuana rolled cigar) on the deck of the boat and on the dock. Your AFFIANT knows one of the phones appears to be a Samsung cellular phone plugged in at the helm (steering wheel) of the boat.
24. Deputy Brady also informed your AFFIANT video surveillance at Branched Oak Lake Marina captured a vehicle pull up on the north end of

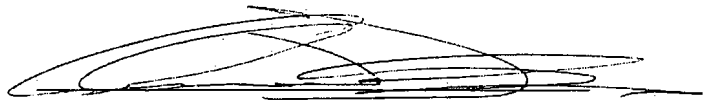
- the Marina near the dock, a person run to the car, and then leave northbound.
25. Your AFFIANT knows Lieutenant Stacey Lewton, a law enforcement officer employed with the Nebraska Department of Game and Parks is familiar with Benjamin Case and knows the white and blue 1992 Bayliner Sierra VIN: BPIA60STD292 belongs to Benjamin Case and the boat never leaves the Slip.
 26. Your AFFIANT knows Deputy Brady located a gray 2006 Honda Civic LX, four door, Nebraska license WWG879, registered to Benjamin Case, parked near the dock. Your AFFIANT knows according to the Nebraska Department of Motor Vehicles, Benjamin Case is the registered owner of the white and blue 1992 Bayliner Sierra VIN: BPIA60STD292.
 27. Your AFFIANT has attempted to try and identify the unknown black male through the local Record Management System and open-source information without success.
 28. 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.
 29. The records which are the subject of this search warrant are material and relevant to a legitimate law enforcement ongoing 1st degree murder N.R.S. 28-303 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 20 day of July 2022.


Jeremy Schwarz, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 20th
day of July 2022.



Judge of the District Court

Andrew Jacobsen

Printed Name of Judge