

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 STREET
LINCOLN, LANCASTER COUNTY, NEBRASKA

CLERK OF THE
DISTRICT COURT

2024 APR 16 PM 4:06

LANCASTER COUNTY

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

ss.

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

Xavier Scherdtfeger, 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:

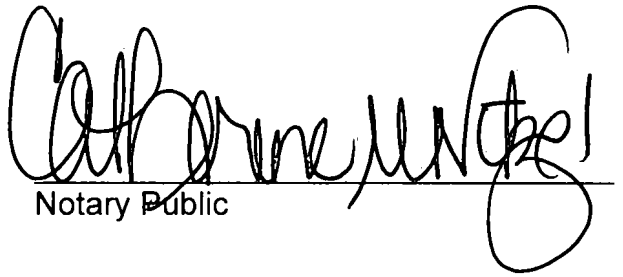
The undersigned hereby acknowledges receipt of the following described property seized from the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska from the full original extraction of the white iPhone with red case previously labeled with property number Q2321711 and with case number C3-086576:

- Device Information
- Device Locations 3133
- Log Entries 2847
- Images 12104
- Videos 619

Inventory made in the presence of Tent Petersen #1671.


Xavier Scherdtfeger #1763

SUBSCRIBED to in my presence and sworn to before me this 15th day of April, 2024


Notary Public



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska from the full original extraction of the white iPhone with red case previously labeled with property number Q2321711 and with case number C3-086576:

- Device Information
- Device Locations 3133
- Log Entries 2847
- Images 12104
- Videos 619

LANCASTER COUNTY
2024 APR 16 PM 4:06
CLERK OF THE
DISTRICT COURT

DATED this 4th day of April, 2024.


Law Enforcement Officer


WITNESS

C3-086576

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

TO: Trent Petersen, a Sergeant with the Lincoln Police Department , Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Trent Petersen, 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 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:

- A. The full original extraction from the white iPhone with a red case, previously located in the Lincoln Police Property Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, NE, that was labeled with Property Number Q2321711 labeled and with Case Number C3-086576;

Evidence to be searched for includes the below items:

- a. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
b. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;
c. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

Your AFFIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of

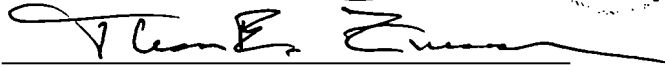
the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court.

Therefore, this search warrant shall be executed and returned within ten (10) days to a Clerk of the Lancaster District Court, Nebraska. In the event the examination is not completed within 10 days, Your Affiant requests authorization to return the search warrant within ten (10) days of receipt of the records.

Given under my hand and seal this 4 day of April, 2024



JUDGE OF THE COUNTY COURT



Printed Name of County Court Judge

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Trent Petersen, being first duly sworn upon oath deposes and states that he is a Sergeant for the Lincoln Police Department, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of First Degree Assault and Use of a Firearm to Commit a Felony in violation of Nebraska State Statute(s) 28-308 and 28-1205, occurring at 726 Y Street, Lincoln, Lancaster County, Nebraska. As part of the investigation, AFFIANT has consulted with other involved law enforcement and reviewed case reports. AFFIANT states as follows:

The item(s) to be searched for digital evidence are particularly described as:

- A. The full original extraction from the white iPhone with a red case, previously located in the Lincoln Police Property Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, NE, that was labeled with Property Number Q2321711 labeled and with Case Number C3-086576;

The items to be searched are currently located at the Lincoln Police Department's Electronic Evidence Unit, 605 South 10th Steet, Lincoln, Lancaster County, State of Nebraska. The item(s) to be searched shall be delivered to the Electronic Evidence Unit located at 605 South 10th Street, Lincoln, Lancaster County, State of Nebraska for digital forensic processing and analysis. The Electronic Evidence Unit forensic examiners may designate additional forensic services, as they may deem necessary to complete the analysis. Once examination and analysis has been completed, the listed evidence shall be returned to the Lincoln Police Department Property Unit, where it will be held until any final disposition by the Court.

Facts:

On September 24, 2023, at approximately 3:15 p.m., Officers with the Lincoln Police Department responded to 4900 Mike Scholl Street, Lincoln, Lancaster County Nebraska after Brent Lopez (DOB: 06-25-1985) called to initially report a disturbance where people were refusing to leave the location, were being belligerent and threatening.

4900 Mike Scholl Street, Lincoln, Lancaster County Nebraska is the location for the Airpark Community Center. Brent Lopez was identified to be an employee of the Community Center.

During the investigation, Brent Lopez was interviewed by law enforcement. Brent stated one of his sons, T.L., 12 years-old, was pushed and threatened by two female youth inside the gym area. Brent Lopez was working at the time and instructed the two female youth that they were banned from the center for one week and must leave. Brent Lopez attempted to escort the females out of the building, when a group of 15-20 attacked him. Brent Lopez stated he had to defend himself. Brent disclosed to law enforcement that he had a firearm with him while he was working and went to grab it due to threats made by the youth about their parents coming to get him. The firearm in Brent Lopez's possession was not used or displayed during this incident.

Jaime Kelley, an employee with the Airpark Community Center had video footage of the incident involving Brent Lopez and the youth at the Community Center. The video showed Brent Lopez punch one of the female youths and then throw her to the ground. When a separate female youth attempted to interject by pulling Brent Lopez off the female youth, Brent Lopez punched the second female and then punched the female he had thrown to the ground again. This video was collected by Lincoln Police Officer Sladek and placed into evidence under property report #Q2321611. After review of the video, Brent Lopez was cited for two counts of Third-Degree Assault against the female youths. Brent Lopez was subsequently terminated from employment at the Airpark Community Center. The incident and video of the incident gained a lot of media attention on local media outlets. This case was documented under Lincoln Police case number C3-085896.

In addition to T.L., Brent Lopez has two other sons, L.L. and I.L. The following day, on September 25, 2023, at approximately 12:47 p.m., Lincoln Police officers received a call for service to check the welfare of Brent Lopez's son, I.L., 8 years-old. The check welfare was generated after school staff called Lincoln Police to notify them that I.L. was absent from school. Staff had spoken with Brent Lopez via telephone and were notified by Brent Lopez of the previous days' incident at the Airpark Community Center. Brent Lopez informed the school staff that he was concerned people would come to his residence and that he had armed himself with a gun.

Lincoln Police responded to the residence of Brent Lopez to check on his three children. The children were located and appeared to be safe in their father's care. Brent Lopez expressed concerns about people coming to his residence due to the previous incident. Brent Lopez told officers during the call for service that he would not comply with any questioning and wanted no interaction with Child Protective Services. He confirmed that he had a firearm inside of his residence and needed money to leave town, as he did not feel safe. This incident was documented under Lincoln Police case number C3-086204.

On September 26, 2023, at approximately 1:07 p.m., Lincoln Police officers were again dispatched to Brent Lopez's residence to check the welfare of Brent Lopez's children. The reporting party was Brent Lopez's estranged wife and the mother of T.L., the son involved in the Airpark Community Center incident. She believed that Brent Lopez assaulted one of their sons at the Airpark Community Center during the incident on September 24, 2023.

Responding officers interviewed both Brent Lopez and T.L. During the officers contact with Brent Lopez, they noticed the oldest son, L.L., 14-years-old, recording the interaction on a cellular telephone with a red case. This cellphone is seen in the body worn camera of the officers. Additionally, Brent Lopez was on a cellular telephone, speaking with media outlets at the time of this police contact. Brent Lopez denied assaulting T.L., and T.L. confirmed he was not assaulted. Brent Lopez again expressed concern over the 'angry mob' that was upset with him due to the Airpark Community Center incident. Brent Lopez blamed the media for their coverage of the event. The children did not appear to be neglected and were in good health. When officers re-contacted the reporting party, she advised she had notified

Child Protective Services who were also following up on her concerns. This incident was documented under Lincoln Police case number C3-086526.

Approximately three hours later at 3:56 p.m., on September 26, 2023, Department of Health and Human Services employees Caden Dirks and Kenny Nguyen arrived at 726 Y Street, the residence of Brent Lopez. Caden Dirks had been assigned a 'Priority One' case for Brent Lopez's children to be checked on. Kenny Nguyen was there with Caden Dirks to assist in the check welfare of the children. As Caden Dirks and Kenny Nguyen approached the residence, a person, later identified as Brent Lopez opened the door and began discharging a firearm at them, striking Caden Dirks. Both retreated behind the State of Nebraska's vehicle and waited for police and rescue units to respond. Caden Dirks sustained a single gunshot wound to his left buttocks hip area. Kenny Nguyen did not sustain gunshot injuries.

Brent Lopez was subsequently taken into custody and has since been charged with First Degree Assault, Attempted First Degree Assault, and two counts of Use of a Firearm to Commit a Felony.

Following the shooting incident of Caden Dirks by Brent Lopez, a search warrant for 726 Y Street was applied for and granted. The warrant was served on September 26, 2023, at approximately 6:56 p.m.

The search of the residence by law enforcement yielded multiple evidentiary items to include spent firearm casings, ammunition, a holster, a G2C 9mm handgun, electronic tablets, ballistic vest, and a magazine for a firearm, along with proof of occupancy and other items. A cellular telephone was in the living room where Brent Lopez was observed to be talking to media outlets when he was contacted by law enforcement earlier that day under C3-086526. The cellular telephone was tagged into Lincoln Police evidence under property #Q2321722

During the investigation into the shooting of Caden Dirks, it was discovered that Brent Lopez has a YouTube page entitled 'I Am Brent Lopez' with the tag '@IAmBrentLopez' and URL <https://www.youtube.com/@IAmBrentLopez>. In review of the public content posted to his page, it was discovered that a five-part series was posted to the page on September 26, 2023, relating to the events from the Airpark Community Center and the check welfare related calls for service.

These posts include the video of the check welfare documented under Lincoln Police case number C3-086526, recorded on L.L's cellular telephone, along with separate audio recordings. The recordings are entitled as follows:

- Brent Lopez Vs. The City of Lincoln | Part One: 1011 News
- Brent Lopez Vs. The City of Lincoln | Part Two: Parks & Recreation
- Brent Lopez Vs. The City of Lincoln | Part Three: Lincoln Journal Star Pre-Interview
- Brent Lopez Vs. The City of Lincoln | Part Four: Lincoln Journal Star Interview
- Brent Lopez Vs. The City of Lincoln | Part Five: Police Are At The Door

An additional video was posted to Brent Lopez's page from September 4, 2023. This music video appears to depict a phone conversation with Brent Lopez's wife and at the end of the music video shows a ballistic vest and firearm similar to those located in the search warrant at Brent Lopez's residence.

During this investigation, through review of the officers' body worn cameras, and the YouTube channel belonging to Brent Lopez, it is apparent that Brent Lopez is utilizing his cellular telephone to communicate with media outlets and speaks openly about the mentioned incidents. Furthermore, your Affiant knows through previous investigations, training, and experience, that individuals utilize cellular devices to communicate through messaging, to record, upload and store audio, video, and photographic images. Brent Lopez has knowledge of the media outlets reporting of his incident at the Airpark Community Center which can be found through web searches.

Through the investigation it was learned that L.L utilized his cellular phone to record law enforcement contact and to call emergency services at the time of the shooting. During the investigation L.L provided law enforcement with his cellphone. L.L's cellphone was tagged into evidence at the Lincoln Police Department under Q2321711. The cellphone was downloaded with consent from L.L., however the downloaded material from the phone was only been preserved and not reviewed due to L.L's age. Additionally, through email correspondence L.L. has inquired on when he can get his cellular phone back to continue to communicate with media and 'going public' in his father, Brent Lopez's defense.

On October 11, 2023, a search warrant for L.L and Brent Lopez's cellular telephones to be searched was applied for and granted by Judge Thomas Zimmerman.

John Donahue, an employee of the Electronic Evidence Unit for the City of Lincoln Police Department completed the download extraction of L.L's cellular telephone and turned over the requested files subject to the search warrant granted by Judge Zimmerman. These files included the same type of evidence requested in this warrant as stated in a-c below, but included a specific date range of September 2nd, 2023, at 0001 hours CST and September 27th, 2023, at 2359 hours CST.

John Donahue was able to collect a full file system data extraction from L.L's cellular telephone. He then parsed the data so that it was in compliance with the authorized search warrant, then provided the data that was extracted for evidentiary review. The electronic evidence program utilized to parse the data operates in a manner such that if the program does not recognize and/or code certain data, such as dates, some items may not parse into the reviewable format. To identify any items not recognized by the electronic evidence program generated review the original extraction of the device would need to be reviewed in its entirety. This would include all data excluding time frame designation. The red iPhone belonging to L.L was authorized to be returned to L.L after the full file system data extraction was completed, and L.L has since re-possessed the iPhone. However, the full file data extraction still exists and remains in the custody of the Lincoln Police Department's Electronic Evidence Unit, and can be searched with the authorization of this warrant.

In reviewing the extraction provided by John Donahue, it was discovered that at least two videos did not transfer over from the full extraction to the extraction provided for review that was within the dates and times of the scope of the warrant.

The two videos include the video of L.L video recording law enforcement on the check welfare call for service prior to the shooting incident as well as a video recording L.L made on the same device just after the shooting incident. In reviewing Lincoln Police Officer J. Fencil's body worn camera, L.L is observed video recording the contact with Officer Fencil. Following the shooting incident, L.L takes his red iPhone, and shows Lincoln Police Officer A. Strode a video he

took on the phone just after the shooting incident. Both videos can be seen on responding officer's body worn cameras and are confirmed to have been made on the check welfare call for service prior to, as well as the just after the shooting incident.

Your Affiant requests that John Donahue or his designate be permitted to review the full phone extraction taken from L.L.'s cellular telephone, currently retained by the Electronic Evidence Unit, and search for relevant videos and images as it relates to the Brent Lopez's alleged assault at the Lincoln Recreation Center and the shooting of Caden Dirks.

Digital Storage Devices

Your AFFIANT knows evidence can remain on the device or media for indefinite periods of time after the communication originally took place, even if deleted by the user. A forensic examiner may be able to recover information deleted by the user throughout the working life span of the device.

Your AFFIANT knows digital data can be found in numerous locations, and formats. Evidence can be embedded into unlikely files for the type of evidence, such as a photo included in a document or converted into a PDF file or other format in an effort to conceal their existence. Information on devices and media can be stored in random order; with deceptive file names; hidden from normal view; encrypted or password protected; and stored on unusual devices for the type of data, such as routers, printers, scanners, game consoles, or other devices that are similarly capable of storing digital data.

Your AFFIANT knows modern digital devices and media can contain many gigabytes and even terabytes of data. Due to the potential for an extremely large volume of data contained in devices and media, and that fact that evidence can be stored/located in unanticipated locations or formats and/or embedded in other items stored on the device/media, investigators typically need to use specialized equipment in their search. Such large volumes of data also mean that searches can take days or even weeks to complete.

Based on all the foregoing information, there is probable cause to believe that evidence of the above-listed crimes exists in the above-described digital extractions and that there is probable cause to search those extractions for the evidence of the above crimes.

For the technical reasons described, the digital evidence listed above shall be submitted to the Electronic Evidence Unit located at 605 South 10th St, Lincoln, Lancaster County, State of Nebraska for digital forensic processing and analysis.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for:

- A. The full original extraction from the white iPhone with a red case, previously located in the Lincoln Police Property Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, NE, that was labeled with Property Number Q2321711 labeled and with Case Number C3-086576;

Evidence to be searched for includes the below items

- a. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- b. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;
- c. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

Your AFFIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court

Further AFFIANT saith not;

Dated this 4th day of April, 2024.

Sgt. Trent Petersen #1671
Sergeant Trent Petersen, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 4 day of April, 2024.

[Signature]
Judge of the County Court

Thomas E. Zuercher
Printed Name of Judge

