

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE
APPLICATION OF THE STATE
OF NEBRASKA FOR AN ORDER
AUTHORIZING THE RELEASE
OF RECORDS

CR 24-1
ORDER TO UNSEAL
AFFIDAVITS,
SEARCH WARRANTS
AND RETURNS

This matter came before the Court upon the motion of Eric S. Miller, Deputy County Attorney of Lancaster County, for an order of this Court directing the Clerk of the District Court to unseal and prepare one (1) certified copy of:

The Affidavits, Search Warrants, Returns and Inventories referenced below are related to Law Enforcement case number C3-104461 and to the arrest of the defendant, Garrett D. Hanika.

- In the Matter of the Search Warrant for Order to Produce Identifying Physical Characteristics (Garrett Hanika) - delivered to the Lancaster County District Court on or about November 28, 2023
- In the Matter of the Search Warrant for Lincoln Police Department Police Garage 100 Oakcreek, Lincoln, Lancaster County, Nebraska - delivered to the Lancaster County District Court on or about December 4, 2023
- In the Matter of the Search Warrant for Order to Produce Identifying Physical Characteristics (Garrett Hanika) - delivered to the Lancaster County District Court on or about December 20, 2023
- In the Matter of the Search Warrant for Lincoln Police Department Property Division (Q2326227 and Q2326651) - delivered to the Lancaster County District Court on or about December 26, 2023

CLERK'S OFFICE, DISTRICT COURT
LANCASTER COUNTY, NEBRASKA

MAR 27 2024

FILED
Clerk of District Court



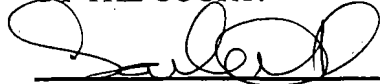
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- In the Matter of the Search Warrant for Premier Estates Rehabilitation, 438 12th Street, Pawnee, Nebraska for Order to Produce Identifying Physical Characteristics (Christina Miller) - delivered to the Lancaster County District Court on or about January 17, 2024.**

IT IS THEREFORE ORDERED that the Clerk of the District Court of Lancaster County, Lincoln, Nebraska unseal and prepare one (1) certified copy of the Affidavit, Search Warrant, and Return.

Dated this 27 day of March, 2024

BY THE COURT:



DISTRICT COURT JUDGE

Submitted by:
Eric S. Miller, #19480
Deputy Lancaster County Attorney

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE
APPLICATION OF THE STATE
OF NEBRASKA FOR AN ORDER
AUTHORIZING THE RELEASE
OF RECORDS

MOTION TO UNSEAL
AFFIDAVITS,
SEARCH WARRANTS
AND RETURNS

CLERK'S OFFICE, DISTRICT COURT
LANCASTER COUNTY, NEBRASKA

MAR 27 2024

FILED
Clerk of District Court

COMES NOW the State of Nebraska by Eric S. Miller, Deputy Lancaster County Attorney and hereby requests the Court to direct the Clerk of the District Court's Office to unseal and prepare one certified copy of:

The Affidavits, Search Warrants, Returns and Inventories referenced below are related to Law Enforcement case number C3-104461 and to the arrest of the defendant, Garrett D. Hanika.

- In the Matter of the Search Warrant for Order to Produce Identifying Physical Characteristics (Garrett Hanika) - delivered to the Lancaster County District Court on or about November 28, 2023**
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- In the Matter of the Search Warrant for Premier Estates Rehabilitation, 438 12th Street, Pawnee, Nebraska for Order to Produce Identifying Physical Characteristics (Christina Miller) - delivered to the Lancaster County District Court on or about January 17, 2024.**

Dated this 27th day of March, 2024

STATE OF NEBRASKA, PETITIONER
PATRICK F. CONDON, LANCASTER
COUNTY ATTORNEY

/s/Eric S. Miller
Eric S. Miller, #19480
Deputy County Attorney
605 South 10th Street
Lincoln, NE 68508
402-441-7321
emiller@lancaster.ne.gov

CR-24-2

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)	RETURN ON ORDER TO
INVENTORY OF IDENTIFYING)	PRODUCE IDENTIFYING
CHARACTERISTICS FROM)	PHYSICAL
)	CHARACTERISTICS
Christina Miller)	EVIDENCE

STATE OF NEBRASKA)	
)	ss.
County of Lancaster)	

The undersigned states that she received the Order to Produce Identifying Physical Characteristic Evidence issued herein on the 16th day of January, 2024 and that he did execute the same on the 17th day of January, 2024 by obtaining the evidence described, to-wit:

Buccal Swab Sample from Christina Miller

DATED this 17th day of January, 2024.

[Handwritten Signature]
 Matthew Franken

LANCASTER COUNTY
 2024 JAN 18 AM 9:05
 CLERK OF THE
 DISTRICT COURT

SUBSCRIBED AND SWORN to before me this 17th day of January, 2024.

[Handwritten Signature]
 Notary Public



002167889D02



C3-104461

CRS

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
CHRISTINA MILLER

AFFIDAVIT FOR
ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

COMES NOW, Investigator Matthew Franken of the Lincoln Police Department being first duly sworn upon oath, deposes and states as follows:

Your AFFIANT was assigned to investigate the crimes of: First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B occurring at the Microtel Inn located at 2505 Fairfield, Lincoln, Lancaster County, Nebraska.

Your AFFIANT has reviewed reports of other peace officers involved in the investigation of First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B, and has conducted additional follow up into the investigation of the incident.

Affiant's Background

Your affiant has been a police officer for the Lincoln Police Department since May of 1997. Since 2002 Affiant has been investigating misdemeanor and felony with the Lincoln Police Department to include homicide, burglary, robbery, assault,

CLERK OF THE DISTRICT COURT

2024 JAN 18 AM 9:06

LANCASTER COUNTY

weapon offenses, narcotics, sexual assault, human trafficking, child enticement, and pornography. Your Affiant has training and experience in conducting criminal investigations.

This Affidavit is submitted in support of a search warrant. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, your Affiant has not set forth every fact known to me regarding this investigation. The statements contained in this Affidavit are based in part on the investigation that your Affiant has conducted, and information provided to your Affiant by other law enforcement officers verbally, and through written reports.

Case Facts

On November 21, 2023 Officers of the Lincoln Police Department received a briefing and an intelligence flier for Officer Safety concerning Garrett Hanika. The briefing included information that Garrett Hanika was a suspect in case number C3-102641 which involved the theft of multiple firearms and ammunition from a locked vehicle at a business in Lincoln, Nebraska. Also included on the briefing was information that Garrett Hanika was wanted on Federal warrants for Probation Violation. The briefing included a photo of Garrett Hanika and his 2011 Orange Jeep Wrangler bearing Nebraska plate ABF641.

On 11-21-23 at approximately 1221 a Lincoln Police Officer made contact with Garrett Hanika and his vehicle at the Microtel Inn located at 2505 Fairfield and the vehicle was occupied at that time with one other unknown passenger in the front passenger seat. The Lincoln Police Officer activated his overhead lights on his marked Lincoln Police Cruiser and then, dressed in full Lincoln Police Department uniform, made contact with Garrett Hanika in the driver's seat of the Jeep described above. Video evidence shows the Jeep accelerating rapidly in reverse and crashing into the marked LPD cruiser.

The Lincoln Police Officer was left standing in the open after the Jeep crashed into his cruiser. The Jeep is seen accelerating rapidly toward the Lincoln Police Officer's position.

The Lincoln Police Officer begins to retreat and fires his weapon at the same time. The Jeep pauses briefly and the passenger, now known to be Christina Miller, exits the front passenger seat of the Jeep.

The Jeep accelerates in reverse crashing into the Lincoln Police Officer's cruiser again and then quickly accelerates toward the Lincoln Police Officer's position a

second time and additional shots are fired by the Lincoln Police Officer. The Jeep drives over the curb, onto the sidewalk, and Garrett Hanika then drives over Christina Miller and traps her under the vehicle before coming to rest. Garrett Hanika is taken into custody and Officers then are able to extricate Christina Miller from under the Jeep.

Christina Miller was transported and has sustained serious bodily injury. The multiple attempts to assault the Lincoln Police Officer are clearly depicted on video sources. Garrett Hanika was resisting the Lincoln Police Officer's attempts to arrest him by utilizing his own vehicle as a weapon.

A search warrant for the Jeep driven by Garrett Hanika was signed by Lancaster County Judge Parsley on 11-27-23. The warrant was executed on 11-28-23 by members of the Lincoln Police Department Crime Scene Unit being led by Sgt. Wendi Ground. Ground advised your affiant (as documented in Lincoln Police Case Numbers C3-102641, C3-104461, C3-106573):

'On 11-28-23, Crime Scene Technicians with the Lincoln Police Department executed a search warrant on the listed Jeep Wrangler as it related to ongoing investigations documented under LPD cases C3-102641 (theft) and C3-104461 (assault). Garrett Hanika was a suspect for the theft case and arrested for multiple felony's under the assault case where he was originally the driver of the Jeep Wrangler. During the execution of the search warrant, CSIs located a black duffel back on the floorboard behind the driver's seat which contained a Smith & Wesson SD9 VE 9mm handgun (SN: FCW1280) reported stolen under the listed theft case, 3 different self-seal plastic bags containing a gross weight of 291.4g of methamphetamines (71.7, 202.0, 17.7 each with a positive pre-test), and a digital scale with residue. Garrett Hanika has a prior conviction from 2-7-11 for Attempted Possession of a Deadly Weapon (firearm) by a Prohibited Person as he has a felony conviction from 3-26-10 for Criminal Impersonation.'

Your AFFIANT knows that buccal DNA swabs are a way of producing non-testimonial identification evidence regarding the person responsible for the offense of: First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B described herein. The identifying physical characteristics sought from Christina Miller is a sample of her 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 Christina Miller as being the person responsible for the Stolen Firearm Possession 28-1212.03, and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B described herein.

The identifying physical characteristics sought can be obtained from Christina Miller at Premier Estates Rehabilitation at 438 12th street in Pawnee Nebraska and should require a detention not to exceed one (1) hour.

AFFIANT further states that there is probable cause to believe that Christina Miller is responsible for the crimes of: Stolen Firearm Possession 28-1212.03, and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B described herein, and in violation of the laws of the State of Nebraska.

On 12-2-23 Officer Melissa Ripley of the Lincoln Police Department made contact with Christina Miller and requested a sample of DNA. Christina Miller denied consensual collection of her DNA. Investigator Ripley notes in ACI 85 that the reason that Christina Miller denied consent was because she admitted to holding the bag of Methamphetamine that was found inside of the Jeep following the shooting incident.

Christina Miller has been transferred to a treatment facility outside of Lancaster County and it will be necessary to travel to her to collect the sample in the event this order is granted.

Further your affiant saith not.

DATED this 16th day of January, 2024



Matthew Franken

SUBSCRIBED AND SWORN to before me this 16 day of January, 2024



JUDGE OF THE DISTRICT COURT

Andrew Jacobsen

PRINTED NAME OF JUDGE

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
Christina Miller,

ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

TO: Matthew Franken, and other law enforcement officers of the Choose an item.

WHEREAS, Matthew Franken 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 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 offense of: First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B are the subject of said Affidavit referred to above
2. That there is probable cause to believe that the offense of: First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C)

F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B have been committed.

3. That there is probable cause to believe that Garrett Hanika committed said Offense and that his passenger, Christina Miller may have committed a portion of the listed offenses.
4. That Identifying Physical Characteristics Sought are DNA samples in the form of a buccal swab.
5. That Christina Miller has refused to voluntarily provide the identifying physical characteristics sought.
6. That Christina Miller is the individual who may be detained for obtaining such identifying physical characteristics.
7. That Matthew Franken 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 Christina Miller will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance.
9. That such identifying physical characteristics may be obtained at Premier Estates Rehabilitation at 438 12th street in Pawnee, Nebraska.
10. That Christina Miller shall appear at the Premier Estates Rehabilitation at 438 12th street in Pawnee, Nebraska, at such date and time as is designated by Matthew Franken for the purpose of obtaining the above-mentioned identifying physical characteristics.
11. That if Christina Miller fails to comply with the request of said Matthew Franken, the said Christina Miller shall be guilty of contempt of court and be punished accordingly.
12. That Christina Miller shall be required to stay no longer than one (1) hour for the purpose of Matthew Franken 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 Christina Miller.
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 Garrett Hanika 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 16 day of January, 2024.

~~BY THE COURT:~~



JUDGE OF THE DISTRICT COURT

Andrew Jacobsen

PRINTED NAME OF JUDGE

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH
WARRANT FOR:

APPLICATION FOR A
COURT ORDER TO SEAL
A SEARCH WARRANT

CLERK OF THE
DISTRICT COURT

2024 JAN 18 AM 9:05

LANCASTER COUNTY

Premier Estates Rehabilitation
438 12th Street Pawnee, Nebraska

COMES NOW Matthew Franken an Investigator for the Lincoln Police Department, in Lancaster County, Nebraska, and after being first duly sworn upon oath, deposes and states as follows:

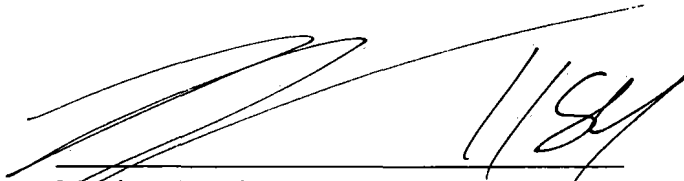
THE APPLICANT is currently involved in the investigation of a case involving a First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B, occurring at the Microtel Inn located at 2505 Fairfield Lincoln, Lancaster County, Nebraska. The APPLICANT has applied for a search warrant regarding the previously mentioned investigation.

The court further finds that the public interest requires that this search warrant and affidavit shall be placed under seal and the existence of the information not be disclosed, except as otherwise ordered by the Court, for the reason that this is an ongoing First Degree Assault 28-308, Criminal Attempt 28-201, Resist Arrest 28-904, Use of a Deadly Weapon to Commit a Felony 28-1205, Stolen Firearm, Possession 28-1212.03, Deadly Weapon Possession by a Prohibited Person 28-1206, Firearms and Drug Violations 28-416 (16), Manufacture or Distribution of a Controlled Substance 28-416, Possess Meth

with the Intent to Deliver, 140+ grams-NRS 28-416 (10) (A) F1B, Possess Stolen Firearm-NRS28-1212.03, F2A, Possess Firearm by Prohibited Person, 2nd Offense-NRS28-1206(3)(B) F1B, Possess Firearm During Commission of a Felony-NRS 28-1205 (2) (C) F2, and Possess Firearm with F1B Drug Violation NRS 28-416 (16) F1B investigation and release of this information could compromise future investigative strategies or compromise any known or unknown witness.

Because of these facts, Your APPLICANT is requesting the search warrant, the affidavit for the search warrant, receipt, inventory, return, this application and any resulting court order be sealed and maintained by the Clerk of the County Court of Lancaster County until otherwise ordered by this Court.

Further Your APPLICANT saith not.



Matthew Franken, APPLICANT
Lincoln Police Department

SUBSCRIBED to in my presence and sworn to before me this 16 day of January, 2024.



Judge of the District Court, Lancaster County

Andrew Jacobsen
Printed Name of Judge

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH
WARRANT FOR:

COURT ORDER

Premier Estates Rehabilitation
438 12th Street Pawnee, Nebraska

This court, being duly advised in the premises, finds that the search warrant, search warrant affidavit, receipt, inventory, return and this order regarding the search of above mentioned address shall be sealed and maintained by the Clerk of the County Court of Lancaster County, Nebraska until otherwise ordered by this Court.

IT IS SO ORDERED.

Given under my hand and seal this 17 day of January, 2024.



JUDGE OF THE DISTRICT COURT

Andrew Jacobsen
PRINTED NAME OF JUDGE

LANCASTER COUNTY

2024 JAN 18 AM 9:05

CLERK OF THE
DISTRICT COURT

SEALED

Court Staff Information:

Judge: Andrew Jacobsen

Date of Warrant/Order: January 16, 2024

Sealed until: 90 days

Until ordered by the court

Other: _____

Filed Date:

Unsealed On:

Envelope Contains: Affidavit

Search Warrant/Court Order

Return

Inventory

Warrant/Order Details: (only include details that won't jeopardize the investigation)

Lincoln Police Department Case No.: C3-104461

Name of Officer: Matthew Franken #1184

Name of Subject: Defendant's Name

Address of Property: Address

Type of Property: Type of Property