

APR 30 2024

Clerk of the District Court

LPD Case Number: C4-022067

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

SEARCH WARRANT RETURN

IN THE MATTER OF THE SEARCH WARRANT  
OF THE DESCRIBED PREMISES OF  
LINCOLN POLICE DEPARTMENT  
575 SOUTH 10TH STREET  
LINCOLN, LANCASTER COUNTY, NEBRASKA

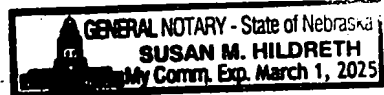
STATE OF NEBRASKA     )  
  )  
  )     ss.  
COUNTY OF LANCASTER )

The undersigned states that he received the Search Warrant issued herein on the 25th day of April, 2024, and that he executed the same on the 29th day of April, 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.

Corey H. Weinmaster #283  
Corey Weinmaster

SUBSCRIBED to in my presence and sworn to before me this 29<sup>th</sup> day of April, 2024

Susan M. Hildreth  
Notary Public



*[Handwritten mark]*

APR 30 2024

Clerk of the District Court

**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**

**STATE OF NEBRASKA     )  
  )  
COUNTY OF LANCASTER    )**

**ss.**

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


Corey Weinmaster, 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 following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska

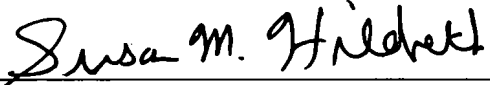
- Samsung Galaxy S9+ under LPD Property Q2404992
- Applications Usage Log - 39046
- Autofill - 9
- Calendar - 4
- Call Log - 1154
- Chats - 286
- Contacts - 3721
- Cookies - 1855
- Device Connectivity - 1
- Device Events - 1163
- Device Notifications - 7496
- Device User - 2
- Devices - 6
- Emails - 488
- Financial Accounts - 1
- Installed Applications - 14
- Locations - 16
- Notes - 1
- Passowrds - 1925
- Searched Items - 211
- SIM Data - 9

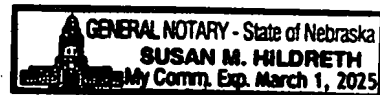
- Social Media - 617
- Transfers - 177
- User Accounts - 90
- Web Bookmarks - 1
- Web History - 10498
- Timeline - 112523
- Audio - 414
- Images - 20452
- Videos - 128

Inventory made in the presence of Derek Dittman.

  
Corey Weinmaster

SUBSCRIBED to in my presence and sworn to before me this 29<sup>th</sup> day of  
April, 2024.

  
Notary Public



## RECEIPT OF SEIZED ITEMS

The following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10<sup>th</sup> Street, Lincoln, Lancaster County, Nebraska.

### Samsung Galaxy S9+ under LPD Property Q2404992

- Applications Usage Log – 39046
- Autofill – 9
- Calendar – 4
- Call Log – 1154
- Chats – 286
- Contacts – 3721
- Cookies – 1855
- Device Connectivity – 1
- Device Events – 1163
- Device Notifications – 7496
- Device Users – 2
- Devices – 6
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- Financial Accounts – 1
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- Locations – 16
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- Passwords – 1925
- Searched Items – 211
- SIM Data – 9
- Social Media – 617
- Transfers – 177
- User Accounts – 90
- Web Bookmarks – 1
- Web History – 10498
- Timeline – 112523
- Audio – 414
- Images – 20452
- Videos – 128


Clerk of the District Court

APR 30 2024

Lancaster County NE  
FILED

Date 4/29/24

  
Law Enforcement Officer

Witness  1551

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

Lancaster County, NE  
FILED  
APR 30 2024  
Clerk of the District Court

TO: Forrest Dalton, a law enforcement officer with the Lincoln Police Department, Lancaster County, Nebraska, and any and all law enforcement officers and agents thereof.

WHEREAS, Forrest Dalton has filed an Affidavit before the undersigned Judge of the County Court of Lancaster County, Nebraska, and said written Affidavit, having been duly considered, 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 and seize the items as described in **Attachment A**, hereby attached and incorporated by reference.

This search warrant shall be executed and returned within ten (10) days to Clerk of the Lancaster District Court, Nebraska. In the event the search and/or seizure of evidence is not completed within ten (10) days, law enforcement is authorized to return the search warrant within ten (10) days upon completion of the search and seizure.

Given under my hand and seal this 25<sup>th</sup> day of April, 2024.



[Signature]  
Judge of the County Court

Haley J. Parsley  
Printed Name of Judge

## ATTACHMENT A: Property to Be Searched

Law enforcement and those assisting law enforcement is directed to seize and search the following:

- Black Samsung Galaxy telephone, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10<sup>th</sup> Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number **Q2404992** and Case Number **C4-022067**.

for the following evidence, to include any live and/or deleted data for the time frame of February/1/2024 to March/15/2024, specifically for the seizure of following items:

1. Device identifiers, information and configurations.
2. User account information and any associated accounts on the device.
3. Call logs.
4. Contact lists.
5. Short Message Service (SMS), Multimedia Messaging Service (MMS) messages and instant messages.
6. Chat messages from installed applications.
7. Email messages.
8. Installed applications and their corresponding accounts and data.
9. Images and associated metadata.
10. Videos and associated metadata.
11. Audio files, including voicemails, and associated metadata.
12. Document files and associated metadata.
13. Internet browsing history including bookmarks, searches, browser cookies and other associated cache files.
14. Location data to include cellular tower connections, GPS (Global Positioning System) fixes, waypoints, routes, tracks, maps, and associated metadata.
15. Wireless networks, Bluetooth, IP addresses, and synchronization connection history.
16. Memos and notes (typed and voice).
17. User dictionary.
18. Calendar information.
19. Passwords, keychains.
20. Databases and file systems.
21. Device activity logs and application usage logs
22. Photographs of the device and any related information or data for this search warrant.

In order to obtain and search the data from the aforementioned device, law enforcement and/or those assisting may:

1. Obtain data from the physical memory of the device itself as well as from any data storage devices housed within the device, specifically Secure Digital (SD) and Subscriber Identification Module (SIM) cards;
2. Obtain data from the aforementioned cellular telephone's active file system, as well as unallocated space as to recover deleted data and file fragments;
3. Obtain data by making unobtrusive revocable setting changes to permit the digital extraction of the data unless the cellular telephone requires disassembly to obtain the desired data which may render the device inoperable;
4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
5. Enlist the aid of non-law enforcement, who are trained in conducting forensic analysis of the data in retrieving and analyzing the data. When files have been deleted, they can be potentially recovered later using forensic tools. A person with familiarity with how cellphones work may, after examining the data, be able to draw conclusions about how the device was used, the purpose of its use, who used it, where, and when; and/or
6. Be required to examine every file and scan its contents briefly to determine whether it falls within the scope of the warrant. This is necessary as it is difficult to know prior to the search the level of technical ability of the device's user and data can be hidden, moved, encoded or mislabeled to evade detection.

**IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA**

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

Clerk of the District Court

APR 30 2024

Lancaster County, NE  
FILED

Forrest Dalton, being first duly sworn upon oath deposes and states, is a law enforcement officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. Your Affiant is currently involved in the investigation of a delivery of a controlled substance resulting in serious bodily injury, 28-416, occurring on March 14, 2024, at 2001 West O Street #140, Lincoln, Lancaster County Nebraska.

Attachments

- Attachment A: Cellular Telephones and evidence to be seized.
- Attachment B: Cellular Telephone Technical Specifications

The above are hereby attached and incorporated by reference.

Affiant's Background

Your Affiant has been a police officer for the Lincoln Police Department since 1993. Your Affiant has been investigating misdemeanor and felony crimes with the Lincoln Police Department to include delivery of a controlled substance and drug overdose investigations. Your Affiant has training and experience in conducting criminal investigations.

This Affidavit is submitted in support of a search warrant. Your Affiant may not have set forth every fact known to your Affiant regarding this investigation. The information contained in this Affidavit is from your Affiant's investigation and may include information provided by other law enforcement or others.

Case Facts

On March 14, 2024, Lincoln Fire and Rescue and the Lincoln Police Department were detailed to 2001 West O Street #140 on a report of a suspected drug overdose. Jessica Holmer (9-25-98) was contacted here and required medical intervention to include Narcan and treatment at Bryan West Hospital. Alexis Totenhagen (1-14-01) was present and was a witness to the delivery of a controlled substance and subsequent overdose of Jessica Holmer. At the scene, police officers seized a small baggie with suspected



residue, an Apple iPhone in a black and green case, and a black Samsung Galaxy phone in black case.

On March 18, 2024, Your Affiant re-interviewed Jessica Holmer and Alexis Totenhagen and they provided the same details about this event. Jessica Holmer said she has been getting free cocaine from Johnny Rabago (7-31-95) for the past week or so. On two prior occasions, Johnny Rabago brought her cocaine and they shared it. Each time she had no ill effects from using the cocaine. In the early hours of March 14, 2024, Jessica Holmer said she communicated with Johnny Rabago, via phone, and asked him to bring her some cocaine. Johnny Rabago said he would and arrived at 2001 West O St #140 shortly before 6:00 am. Johnny Rabago produced the small baggie with suspected cocaine that was seized at the scene. Inside this baggie was approximately ½-1 gram of suspected cocaine. Initially Jessica Holmer and Alexis Totenhagen were each going to use some of this cocaine. Johnny Rabago removed some of the substance from the baggie and two lines were made. Johnny Rabago was also smoking some of this substance by putting some on a piece of foil and adding some water. Alexis Totenhagen then decided she did not want to use any, so Jessica Holmer put these two lines together and snorted the substance through a straw. Several minutes later Jessica Holmer said she began to feel sick and dizzy and suspected she may have used fentanyl. Jessica Holmer then passed out and started turning blue, so Alexis Totenhagen began CPR and called 911. Alexis Totenhagen said at this point Johnny Rabago told her not to tell anyone he was here and he fled the scene. Jessica Holmer was given Narcan and transported to Bryan West Hospital for treatment.

Jessica Holmer said the Apple iPhone with black and green case (Q2404991) was hers and the black Samsung Galaxy phone (Q2404992) belongs to Johnny Rabago. Jessica Holmer said she believed Johnny Rabago left the black Samsung Galaxy phone behind when he ran from the scene. Jessica Holmer said she has been communicating with Johnny Rabago for the past week or so. She said Johnny Rabago's Snap Chat username is johnnyblaze402 and his Facebook Messenger user name is Johnny Rabago. Jessica Holmer consented to a search of her phone and the information within was analyzed by Your Affiant. In the early morning hours on March 14, 2024, Your Affiant found Snap Chat messages between Jessica Holmer and username johnnyblaze402. At 0305 hours Jessica Holmer sends johnnyblaze402 a message that includes “..and okay..you got any coke tho? If you do, share with me pleaseeee we can keep it low key..” and then another one that read “I'll love you for lifeeeeee”. Shortly thereafter johnnyblaze402 sends a response message that reads “Lol yeah ill save a lil for you”. The conversation continues and they discuss meeting up at Jessica Holmer's location. During this conversation, Jessica Holmer has a few short calls with Facebook Messenger contact “Johnny Rabago”. The baggie with residue that was seized at the scene was submitted to the Nebraska State

Patrol Crime Laboratory for testing. On March 28<sup>th</sup>, 2024, the Crime Laboratory confirmed the substance inside the baggie was cocaine, a Schedule II controlled substance.

The above does constitute grounds of probable cause for an issuance of a search warrant to search and seize the evidence specifically identified in Attachment A

Your Affiant would advise the court that the search of cellular 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 ten (10) days normally required by the court.

Further AFFIANT saith not;

Dated this 25 day of ~~March~~<sup>April</sup>, 2024.

  
\_\_\_\_\_  
Forrest Dalton, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 25<sup>th</sup> day of April, 2024.

  
\_\_\_\_\_  
Judge of the County Court



  
\_\_\_\_\_  
Printed Name of Judge

## **ATTACHMENT A: Property to Be Searched**

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12. Document files and associated metadata.
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15. Wireless networks, Bluetooth, IP addresses, and synchronization connection history.
16. Memos and notes (typed and voice).
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2. Obtain data from the aforementioned cellular telephone's active file system, as well as unallocated space as to recover deleted data and file fragments;
3. Obtain data by making unobtrusive revocable setting changes to permit the digital extraction of the data unless the cellular telephone requires disassembly to obtain the desired data which may render the device inoperable;
4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
5. Enlist the aid of non-law enforcement, who are trained in conducting forensic analysis of the data in retrieving and analyzing the data. When files have been deleted, they can be potentially recovered later using forensic tools. A person with familiarity with how cellphones work may, after examining the data, be able to draw conclusions about how the device was used, the purpose of its use, who used it, where, and when; and/or
6. Be required to examine every file and scan its contents briefly to determine whether it falls within the scope of the warrant. This is necessary as it is difficult to know prior to the search the level of technical ability of the device's user and data can be hidden, moved, encoded or mislabeled to evade detection.

## **ATTACHMENT B: Technical Information Regarding Cellular Telephone and Searches**

Through your Affiant's training and past experience, and from information provided by Electronic Evidence Unit forensic examiners, your Affiant is aware that cellular telephone data can provide valuable insight for delivery of a controlled substance investigations. Cellular telephones are used by the general public for communication, access to and sharing of information, research, socialization, entertainment, mapping, shopping, note taking and other functionality. Your Affiant knows from training and criminal investigation experience that individuals also use cellular telephones for the aforementioned purposes, and as a tool for facilitating criminal activity. The data contained on cellular telephones seized in investigations can provide a wealth of information that can assist investigators in determining identity and culpability of participants, including identifying those with knowledge of a criminal offense or identify those who have aided a criminal participant in the commission of a criminal offense. As such, a cellular telephone possessed by criminal participants can serve both as an instrument for committing crime as well as a storage medium for evidence of the crime, including communications to plan, execute, and otherwise document the commission of a crime.

Your Affiant also knows that such devices are often used to communicate and share data with other users and that such digital data can be transferred between various devices. Your Affiant knows that information associated with such data may show evidence of current, on-going, future, and past criminal activity. Your Affiant knows that this type of information can be used to identify and locate potential victims, witnesses, and co-conspirators.

Your Affiant is aware, from past criminal investigation experience, of numerous instances where cellular telephones were used by criminal participants to communicate via voice, text messaging, social media or other communication applications; instances in which criminal participants utilized cellular telephones to photograph themselves, associates and co-conspirators; instances in which cellular telephones were used by criminal participants to create videos of their criminal activity; instances where criminal participants have used cellular based internet applications to research crimes they have or intend to participate in; instances in which criminal participants have maintained notes within cellular telephones and instances in which criminal participants used global positioning, mapping and other location services to facilitate in- person meetings with co-conspirators or a victim.

On a cellular telephone, data can be created in a matter of moments because most operations can be performed almost instantly, which would be relevant to the incident being investigated. The data can be created intentionally or accidentally by the user, or automatically by the device itself as a part of its regular functioning. Your Affiant seeks to complete a comprehensive and unbiased examination of the data on the device for information which could aid in the investigation; seeking only prescribed information would jeopardize the completeness of the

search as it is typically unknown how the cellular telephone was used or the technical ability and intent of the user before the device has been examined.

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. Data generally is stored on the physical memory of the device, but also can be stored on removable storage devices such as Secure Digital (SD) and Subscriber Identification Module (SIM) cards. A forensic examiner may be able to recover information deleted by the user throughout the working life span of the device.

The following are examples of how types of data on digital devices can assist investigators. A full, all-inclusive list would be impossible due to the ever increasing development of digital devices and their applications.

1. Phone information, configurations, calendar events, notes and user account information which can be used to identify or confirm who owns or was using a cellular telephone. Because of their small size, cellular telephones can easily be passed from one person. As such it is necessary to document evidence that reveals or suggests who possessed or used the device. This evidence is akin to the search for venue items when executing a search warrant at a residence.
2. Call logs can establish familiarity between people involved in an incident. These records are consistently stamped with dates and times which can be significant regarding the reconstruction of the timeline of events regarding an investigation. Associated contact lists stored in the device can provide names to correspond with voice calls as well as other forms of communication. Voicemails can indicate the purpose of the phone call when the phone call was not answered. This information can also be invaluable to establish conspirators, witnesses and suspect information.
3. Communication records from SMS and MMS messaging, chats, instant messages and e-mails can provide invaluable insight to establish an individual's level of culpability and knowledge regarding an investigated incident. It is not uncommon for users to send and receive dozens and even hundreds of messages a day which document the person's activities and can aid in completing an investigation.
4. Data from associated supplemental software applications (apps), both standard and manually installed, stored on the cellular telephone can demonstrate the user's association with investigated people, locations and events. Cellular telephones have the ability to run apps which allow them to increase their functionality. Common programs include social media applications such as Facebook and Twitter as well as messaging applications Snapchat and Facebook Messenger to name a few. These applications are increasingly used as alternative methods for users to communicate from the standard messaging

service as they offer additional functionality. Many of these applications are able to determine the user's geographic location which can be instrumental to completing an investigation.

5. Media files such as images, videos, audio and documents provide first-hand documentation of actions regarding an event. Additionally, files can contain embedded metadata that show additional information which is valuable to investigators such as when and where the file was created. Cellular telephones have the ability to create, store and exchange media with other devices and computers.
6. Internet browsing history including bookmarks, browser cookies and other associated cache files stored on cellular telephones can demonstrate the planning or desire to participate in a crime by documenting the viewing of websites associated with the incident.
7. Cellular tower connections, GPS data, wireless networks, Bluetooth and synchronization logs can associate the cellular telephone with being in proximity of a location or other digital devices. Viewing this data can demonstrate that the device, and thus also its user, was in a location associated with an incident.
8. The user dictionary on a phone contains user generated entries such as names and uncommon words. The presence of these records can demonstrate familiarity with the crime being investigated.
9. Device generated files and data, wholly apart from user-generated files and data, contains electronic evidence pertaining to virtually all actions taken on the digital device, often without any conscious action by the user. This data is stored in multiple databases within a file system, which are determined by the application creating the data. This data includes logs of device use; records of the creation, modification, deletion, and/or sending of files; uses of the internet, such as uses of social media websites and internet searches/browsing; information regarding the user identity at any particular date and time; usage logs and information pertaining to the physical location of the device over time; pointers to outside storage locations, such as cloud storage, or devices to which data may have been removed, and information about how that offsite storage is being used. If the device is synced with other devices, it will retain a record of that action. Digital device users typically do not erase or delete this evidence, because special software or use of special settings are usually required for the task. However, it is technically possible to delete this information.

Your Affiant also requests authority to obtain assistance from a technical specialist, to review the digital device(s) and digital media for the best and least intrusive method of securing digital evidence that the warrant authorizes for seizure, and to assist in securing such evidence. For the technical reasons described, the digital evidence listed above shall be submitted to the Electronic Evidence Unit located at 605 South 10<sup>th</sup> Street, Lincoln, Lancaster County, State of Nebraska for digital forensic processing and analysis, or another location convenient to law enforcement.

Your Affiant knows, as with other types of evidence, the context, location, and data surrounding information in the device data is often necessary to understand whether evidence falls within the scope of the warrant. This type of information will be important to the forensic examiner's ability to piece together and recognize evidence of the above-listed crimes.

Your Affiant knows the forensic examiner may also need the following items in order to conduct a thorough and accurate search of the devices: computer hardware, software, peripherals, internal or external storage devices, power supplies, cables; internet connection and use information; security devices; software; manuals; and related material.

Your Affiant knows that digital devices are constantly changing system data on the device as programmed by their manufacturer. Additionally, your Affiant knows that searching the digital device itself would irreversibly alter data and/or evidence on the device. To search a device for evidence, the commonly accepted best practice of digital forensics is to utilize forensic software to obtain an extraction of the data on the device. Attempts will be made to obtain the devices data by only making unobtrusive revocable changes to the system settings to permit the digital extraction of the data. If necessary, the device may require disassembly to obtain the desired data which may render the device inoperable. These processes do not change or alter any of the user data stored on the device. The extraction is then searched using analysis software to locate, identify, and seize the evidence authorized by this warrant. The device and the image are then preserved in evidence.

The item(s) has/have been stored in a manner in which its/their contents are, to the extent material to this investigation, in substantially the same state as they were when the device(s) first came into the possession of the Lincoln Police Department.

The item(s) to be searched may be delivered to the Electronic Evidence Unit located at 605 South 10<sup>th</sup> Street, Lincoln, Lancaster County, State of Nebraska, or other location, 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 or pursuant to Neb. Rev. Stat. §29-820.