

LPD Case Number: C2-106856

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

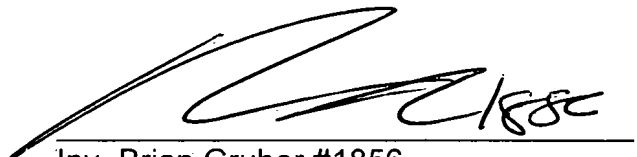
IN THE MATTER OF THE ORDER
TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

C1724-1
RETURN


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

The undersigned states that he is a Lincoln Police Department officer, that he received the Order to Produce Identifying Physical Characteristics on January 8, 2024. That pursuant to the Order, identifying characteristics 4 swabs of DNA were obtained from Nathan Shepard by Inv. Brian Gruber #1856 on January 9, 2024 at Lincoln, Lancaster County, Nebraska . That while submitting to the above-mentioned physical characteristics, Nathan Shepard was not subjected to any questioning or interrogation.

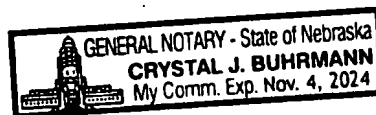
DATED this 10th day of Jan 20 24


Inv. Brian Gruber #1856

SUBSCRIBED to and sworn before me this 10th day of January, 2024


Notary Public

LANCASTER COUNTY
2024 JAN 11 PM 3:45
CLERK OF THE
DISTRICT COURT



002162735D02

5

RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from Nathan Shepard, in Lincoln, Lancaster County, Nebraska:

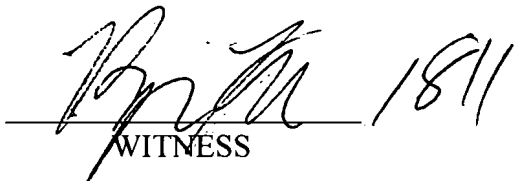
4 Swabs of DNA

LANCASTER COUNTY
2024 JAN 11 PM 3:45
CLERK OF THE
DISTRICT COURT

DATED this 9th day of January 2024.



Law Enforcement Officer



WITNESS

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY

2024 JAN 11 PM 3:45

CLERK OF THE DISTRICT COURT

STATE OF NEBRASKA,
PLAINTIFF,

VS.

ORDER TO
PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

NATHAN SHEPARD,

TO: Investigator Gruber #1856, and other law enforcement officers of the Lincoln Police Department

WHEREAS, Investigator Gruber 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 adduced 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 Possession of a Firearm by a Prohibited Person is the subject of said Affidavit referred to above
2. That there is probable cause to believe that the offense of Possession of a Firearm by a Prohibited Person has been committed.
3. That there is probable cause to believe that Nathan Shepard committed said offense.
4. That Identifying Physical Characteristics Sought is/are Swabs from the mouth of the suspect (DNA).
5. That Nathan Shepard has refused, or there is reason to believe that Nathan Shepard will refuse, to voluntarily provide the identifying physical characteristics sought.
6. That Nathan Shepard is the individual who may be detained for obtaining such identifying physical characteristics.
7. That Investigator Gruber 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 Nathan Shepard 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 the Nebraska Diagnostic and Evaluation Center, 3218 W Van Dorn Street, Lincoln, Lancaster County, Nebraska.

10. That Nathan Shepard shall appear at the Nebraska Reception and Treatment Center, 3218 W Van Dorn Street, Lincoln, Lancaster County, Nebraska, at such date and time as is designated by Investigator Gruber for the purpose of obtaining the above-mentioned identifying physical characteristics.
11. That if Nathan Shepard fails to comply with the request of said Investigator Gruber, the said Nathan Shepard shall be guilty of contempt of court and be punished accordingly.
12. That Nathan Shepard shall be required to stay no longer than one (1) hour for the purpose of Investigator Gruber 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 Nathan Shepard.
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 Nathan Shepard to produce the aforementioned identifying physical characteristics which constitutes evidence that a criminal offense has been committed, and to seize the same.

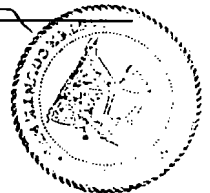
GIVEN UNDER MY HAND AND SEAL this 8^r day of January
2024.

BY THE COURT:



JUDGE OF THE COUNTY COURT

Laune T Tardle
PRINTED NAME OF JUDGE



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
PLAINTIFF,
VS.
NATHAN SHEPARD,

AFFIDAVIT FOR
ORDER TO PRODUCE IDENTIFYING
PHYSICAL CHARACTERISTICS

COMES NOW, Officer Brian Gruber #1856 of the Lincoln Police Department, being first duly sworn upon oath, deposes and states as follows:

1. Your AFFIANT was assigned to investigate a Possession of a Firearm by a Prohibited Person case that occurred at 31st and Fair Street, Lincoln, Lancaster County, Nebraska.

2. Your AFFIANT has reviewed reports of other peace officers involved in the investigation of Possession of a Firearm by a Prohibited Person and has conducted additional follow up into the investigation of the incident. According to the information that your AFFIANT obtained:

Your Affiant states he has not set forth each and every fact learned during the course of this investigation. Rather, your Affiant has set forth only the facts that he believes are necessary to establish probable cause for the issuance of a search warrant based on the affidavit.

On 11-29-2022 at 2333 hours, your Affiant located a stolen dark blue 2007 Hyundai Sonata with Nebraska license plate VLB214 parked and occupied on N 28th Street, between Clinton and Potter Street in Lincoln, Lancaster County, Nebraska. Your Affiant began conducting surveillance on the vehicle and began coordinating with other Lincoln Police officers for Stop Stick deployments. Your Affiant, operating a fully marked police cruiser observed the vehicle to begin driving southbound on N 28th Street and attempted to contact the vehicle at the intersection of N 28th/Clinton Street. Your Affiant initiated his emergency lights and sirens and the vehicle turned westbound and fled on Clinton Street. Lincoln Police Officer Eastman deployed Stop Sticks on the vehicle at N 27th Street/Clinton

Street and the vehicle turned north on N 27th Street and a vehicle pursuit was initiated.

Your Affiant was the lead pursuing officer with emergency lights and sirens activated as the vehicle made an eastbound turn onto Fair Street from N 27th Street. Your Affiant continued pursuing the stolen vehicle eastbound on Fair Street and observed several items being thrown from the vehicle, specifically a 12 gauge shotgun as the vehicle was approaching N 31st Street on Fair Street. The shotgun was later located and collected by investigators with the Criminal Investigations Unit. The vehicle pursuit continued with the stolen vehicle as it continued to drive and flee from your Affiant. During the vehicle pursuit, your Affiant was directly behind the vehicle as it was driving northbound on N 17th Street from Y Street. Your Affiant observed the vehicle turn westbound into a driveway and stop. Your Affiant exited his marked police unit and began giving the driver of the vehicle commands to stop. After your Affiant exited the police cruiser, the stolen vehicle was placed into reverse and intentionally rammed your Affiant's police cruiser, causing damage to the front end of the police cruiser. During this time, your Affiant was forced to run away from the police cruiser in an attempt to not be struck by the vehicle. Your Affiant was able to observe the driver of the vehicle to be a white male wearing a brown jacket and grey stocking cap. Your Affiant observed a single other occupant seated in the rear seat of the vehicle. Your Affiant observed the additional occupant of the vehicle to be a white male wearing a black sweatshirt.

The vehicle continued to flee after ramming your Affiant's police cruiser. The stolen vehicle began driving southbound on N 17th Street from Y Street and passed Lincoln Police Officer Fullerton, who was operating a fully marked police cruiser with emergency lights and sirens activated. Officer Fullerton observed the back seat passenger wearing a black sweatshirt direct, what Officer Fullerton believed to be a black handgun out of the window of the vehicle and in the direction of Officer Fullerton. Officer Fullerton observed the male to continue to point the suspected firearm at him as the vehicle drove past him. The vehicle pursuit continued with your Affiant as the primary pursuing Officer until the vehicle pursuit was terminated by the Lincoln Police Department duty commander. At the time of the termination, your Affiant was still directly behind the stolen vehicle and as your Affiant came to a stop, he observed the vehicle turn eastbound on T Street from N 34th Street, Lincoln, Lancaster County, Nebraska. Your Affiant knew that

T Street came to a dead end eastbound and officers began searching for the vehicle, as it did not drive back westbound.

Within minutes of the pursuit being terminated, the stolen vehicle was located abandoned east of N 34th Street past the dead end on T Street. After the vehicle was located, a perimeter was quickly established by officers with the Lincoln Police Department and surrounding police agencies. While holding a perimeter around the stolen vehicle, your Affiant knows that several officers located and arrested Anthony Olderbak (11-06-1993) as he was attempting to exit the perimeter. Your Affiant knows that when Anthony Olderbak was located and taken into custody that he was sweating. Your Affiant knows that at the time Anthony Olderbak was taken into custody that it was near single digit temperatures. During the arrest, Anthony Olderbak was found to be in possession of a dark teal Cricket Cell Phone. Anthony Olderbak was initially interviewed after waiving Miranda and denied being involved in the incident and stated he was walking in the area. Anthony was ultimately lodged in the Lancaster County Jail for an unrelated domestic assault incident.

Your Affiant knows that Anthony Olderbak is a convicted felon for Terroristic Threats 28-311.01 on 06-02-2015, prohibiting him from possessing the shotgun, which your Affiant knows was discarded from the stolen vehicle. Your Affiant lodged Anthony Olderbak on 12-05-2022 for this case which includes Felony Theft by Receiving, Felony Operate Motor Vehicle to Avoid Arrest, and Attempted 2nd Degree Assault on an Officer.

Your Affiant is aware that at the time Anthony Olderbak was lodged in the Lancaster County Jail, he denied consent for officers to obtain his DNA for this investigation. Your Affiant applied for a search warrant to obtain Anthony Olderbak's DNA. Your Affiant collected Anthony Olderbak's DNA and sent it to the Nebraska State Patrol Crime Laboratory to compare with any DNA on the shotgun located in this investigation. On November 9, 2023, the results of the DNA analysis were returned. The Nebraska State Patrol Crime Lab's report stated within the swabs taken from the shotgun there was a mixture consistent with three individuals. Their analysis concluded that there was support that Anthony Olderbak was included as a contributor of the mixture of DNA on the shotgun. During this investigation, Anthony Olderbak provided information that the second individual

in the vehicle at the time of the vehicle pursuit was Nathan Shepard (07-18-1994). Anthony Olderbak stated during the vehicle pursuit, Nathan Shepard 'coked' the gun and told him to drive the vehicle. Anthony Olderbak claimed he drove off during this pursuit so Nathan Shepard would not use the firearm on the police officers. Anthony Olderbak also stated Nathan Shepard was throwing items out of the fleeing vehicle during the pursuit.

Your Affiant was able to confirm that Nathan Shepard has a previous address of 3836 Vine Street, Lincoln, Lancaster County, Nebraska and is a close associate to Julia Killeen (08-02-1985). Your Affiant is aware that Julia Killeen's cellphone was recovered from inside of the stolen vehicle after the vehicle pursuit. Your Affiant also knows the other individual in the vehicle was last observed by officers fleeing on foot near the front yard of 3836 Vine Street. Your Affiant believes based on the information above that Nathan Shepard's DNA may be present on the firearm seized in this investigation. Your Affiant is aware that Nathan Shepard is a convicted felon and was prohibited from possessing a firearm during the date of the vehicle pursuit. Nathan Shepard has previously been convicted of Possessing a Controlled Substance, a felony offense in Lancaster County, Nebraska on 05-12-2016.

3. Your AFFIANT knows that buccal DNA swabs are a way of producing non-testimonial identification evidence regarding the person responsible for the Possession of a Firearm by a Prohibited Person 28-1206(3)(B) (F1D) described herein. The identifying physical characteristics sought from Nathan Shepard is a sample of his/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 Nathan Shepard as being the person responsible for the Possession of a Firearm by a Prohibited Person 28-1206(3)(B) (F1D) herein.

The identifying physical characteristics sought can be obtained from Nathan Shepard at the Nebraska Reception and Treatment Center, 3218 W Van Dorn Street, Lincoln, Lancaster County, Nebraska and should require a detention not to exceed one (1) hour.

AFFIANT further states that there is probable cause to believe that Nathan Shepard is responsible for Possession of a Firearm by a Prohibited Person 28-1206(3)(B) (F1D) as described herein, and in violation of the laws of the State of

Nebraska.

4. Your AFFIANT has reason to believe that Nathan Shepard will refuse to voluntarily provide a DNA sample via buccal swabs due to his previous contacts with the Lincoln Police Department when he has resisted arrest and obstructed officers, those incidents occurred on 02-13-2023, 11-23-2015, and 12-01-2014. In addition, there is probable cause to believe Shepard was the passenger of the stolen vehicle who ran from the scene, was never located by law enforcement at the time, and never voluntarily came forward in the days after the crime.

Further your affiant saith not.

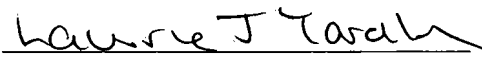
DATED this 8th day of January 2024.



Officer Brian Gruber #1856

SUBSCRIBED AND SWORN to before me this 8th day of January 2024.


JUDGE OF THE COUNTY COURT


PRINTED NAME OF JUDGE

