

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE)
LINCOLN POLICE)
DEPARTMENT PROPERTY)
UNIT, 575 SOUTH 10TH)
STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2400993)

CR24-1

SEARCH WARRANT
RETURN

LANCASTER COUNTY
2024 FEB - 7 PM 3:56
CLERK OF THE
DISTRICT COURT

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The undersigned states that he/she received the search warrant issued herein on the 23rd day of January, 2024 and that he/she executed the same on the 23rd day of January, 2024 and on the 1st day of February, 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.

DATE this 5th day of February, 2024.

Alex Kelly
Inv. Alex Kelly

SUBSCRIBED AND SWORN to before me this 5th day of February, 2024.

Diane L. Kegley
Notary Public

C4000471



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IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE) INVENTORY
LINCOLN POLICE DEPARTMENT)
PROPERTY UNIT, 575 SOUTH)
10TH STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2400993)

STATE OF NEBRASKA)
) ss.
County of Lancaster)

Inv. Alex Kelly being first duly sworn upon oath, deposes and states the following is an inventory of property seized by virtue of the warrant issued herein:

- Applications
- Calendar
- Contacts
- Locations
- Shortcuts
- Databases
- Device Users
- Downloads
- Text
- User Accounts
- Web History
- Applications Usage Log
- Call Log
- Images
- Network Usages
- SIM data
- Device Connectivity
- Device Notifications
- Social Media
- Timeline
- User Dictionary
- Wireless Networks
- Archives
- Chats

LANCASTER COUNTY
2024 FEB - 7 PM 3:56
CLERK OF THE
DISTRICT COURT

- Installed Apps
- Passwords
- Cookies
- Device Events
- Devices
- Emails
- Transfers
- Videos
- Audio
- Configurations
- Instant Messages
- Searched Items
- Credit Cards
- Device Info
- Documents
- Financial Accounts
- Uploads
- Web Bookmarks

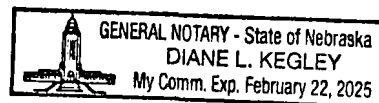
DATED this 5th day of February, 2024.

AK
Inv. Alex Kelly

SUBSCRIBED AND SWORN to before me this 5th day of February, 2024.

Diane L. Kegley
Notary Public

C4000471



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from a grey colored android cellphone with black case having blue trim, assigned to case C4000471 and property number Q2400993, in Lincoln, Lancaster County, Nebraska:

- Applications •Applications Usage Log •Archives •Audio
- Calendar •Call Log •Chats •Configurations
- Contacts •Images •Installed Apps •Instant Messages
- Locations •Network Usages •Passwords •Searched Items
- Shortcuts •SIM data •Cookies •Credit Cards
- Databases •Device Connectivity •Device Events •Device Info
- Device Users •Device Notifications •Devices •Documents
- Downloads •Social Media •Emails •Financial Accounts
- Text •Timeline •Transfers •Uploads
- User Accounts •User Dictionary •Videos •Web Bookmarks
- Web History •Wireless Networks

DATED this 1ST day of February, 2024.

LANCASTER COUNTY
2024 FEB - 7 PM 3:56
CLERK OF THE
DISTRICT COURT



Law Enforcement Officer



Witness

LANCASTER COUNTY

2024 FEB - 7 PM 3: 56

CLERK OF THE DISTRICT COURT

IN THE DISTRICT OF LANCASTER COUNTY, NEBRASKA

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

TO: Alex Kelly, an Investigator with the Lancaster County Sheriff's Office, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Inv. Alex Kelly, has filed an Affidavit before the undersigned Judge of the District 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 the grey colored android cellphone with a black case having blue trim, assigned to case number C4000471 and property number Q2400875, located in the Lincoln Police Property/Evidence Unit, 575 South 10th St., Lincoln, Lancaster County, Nebraska, for the following items:

Evidence to be searched for includes:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging "app" accounts, and other accounts

that may be accessed through the digital device that will aid in determining the possessor/user of the device;

b. Evidence of use of the device to communicate with others about the above-listed crime(s), via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;

c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;

d. Evidence of use of the device to conduct internet searches relating to above listed crime(s);

e. Information that can be used to calculate the position of the device around the time frame of the crime(s), including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; "app" data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified between the above-listed dates, together with their metadata and EXIF tags;

f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;

- g. Records linking the suspect(s), co-conspirators, victim(s), witness(es) to a certain screen name, handle, email address, social media identity, etc.;
- h. Records showing a relationship with victim(s), location(s), other suspects, etc.;
- i. Names, nicknames, account ID's, phone numbers, or addresses of specific person(s);
- j. Records showing a relationship to particular areas or locations.;
- k. Photographs, images, videos, and documents that contain or are evidence of above listed crime(s);
- l. Evidence of purchases, such as items used in planning or carrying out above listed crimes(s);
- m. Internet research history conducted while planning, executing, or covering up to commit above listed crimes(s);
- n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, usernames, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;
- o. 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;

p. 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;

q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control

the digital device such as viruses, trojan horses, malware, and other forms of malicious software.

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.

Given under my hand and seal this 23rd day of January, 2024.



JUDGE OF THE DISTRICT COURT

Kevin R. McManaman
~~Kevin R. McManaman~~

Printed Name of District Court Judge

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY

2024 FEB - 7 PM 3: 56

CLERK OF THE DISTRICT COURT

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

1. Alex Kelly, being first duly sworn upon oath deposes and states that he is a Investigator for the Lancaster County Sheriff's Office, Lancaster County, Nebraska. AFFIANT further states he is currently involved in a burglary investigation in violation of N.R.S. 28-507 (Class IIA felony), occurring at 17001 SW 72nd Street, Lancaster County, Nebraska. As part of the investigation, AFFIANT has consulted with other involved law enforcement and reviewed case reports. AFFIANT states as follows:

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

a. Grey colored android cellphone with a black case having blue trim, assigned to case number C4000471 and property number Q2400875, located in the Lincoln Police Property/Evidence Unit, 575 South 10th St., Lincoln, Lancaster County, Nebraska.

3. The items to be searched are currently located at the Lincoln Police Department Property/Evidence Unit, 575 South 10th St., Lincoln, Lancaster County, Nebraska. The item(s) to be searched shall be delivered to the Electronic Evidence Unit, located at 605 South 10th St., Lincoln, Lancaster County, Nebraska for digital forensic processing and analysis. The Electronic Evidence Unit forensic examiners may designate additional forensic services as deemed 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.

THE RELEVANT FACTS

4. On Wednesday, January 17, 2024, around 11:08 AM, Hugh Sieck III reported an unknown individual(s) burglarized the storage property located at 17001 SW 72nd Street, Martell, Lancaster County, Nebraska, sometime between 01/08/2024 and 01/17/2024. Sieck III advised Dep. Lathrop the person(s) responsible gained access to the secured property after cutting off a padlock used to lock a fenced gate, which is the single access point to the location as a fence with barbed wire is around the perimeter of the property. Sieck III further reported the person(s) responsible also forced entry into three (3) separate outbuildings located on the property and removed multiple 1950-1960 classic car parts and miscellaneous tools. Sieck III stated the car parts were owned by his father, Hugh Sieck Jr., and the tools belonged to H & S Plumbing and Heating, which is his father's business, and Sieck III is the president of the business. Sieck III estimated the value of the stolen items to be \$10,000 but would need time to complete a comprehensive inventory of the items stolen.
5. Sieck III further advised Dep. Lathrop he discovered the crime occurred after he had driven past the property and observed the entrance gate to be propped open and the lock cut off. Sieck III said he parked and walked the property, where he noticed at least 3 outbuildings and a CONEX box had been accessed through pried windows and kicked in doors. In some of the locations, Sieck III reported items had been placed into piles as if the person(s) responsible might come back to steal additional items. Sieck III believed the property

might have been victimized twice based on impressions left in the snow on the property. Sieck III reported to Dep. Lathrop he observed tire impressions in the snow which seemed to have been made prior to the most recent snow fall and then covered by fresh snow. Recent estimated dates of snow fall in Lancaster County, Nebraska occurred 12/25/2023, 01/08-09/2024, and 01/11-13/2024.

6. Dep. Lathrop, who responded to the call for service, reported he observed no signs of fresh tire impressions in the snow, but observed copious footwear impressions in the snow. The footwear impressions Dep. Lathrop observed went from the entrance gate of the property and led to a CONEX box and two outbuildings, which had been forcibly accessed. Dep. Lathrop also reported that he observed a broken snow shovel on the property. Part of the snow shovel had been found outside the entrance gate and the other part was observed within the secured area near a defunct guard shack. Dep. Lathrop said it appeared the person(s) responsible brought and used the snow shovel to remove snow blocking access to the property from the entrance gate, but discontinued efforts once the shovel had broken.
7. Dep. Lathrop said he and Sieck III walked the property together as part of the on-scene investigation. In doing so, Dep. Lathrop reported finding a makeshift sled left near an old building. The sled, created with what appeared to be a wooden door for the base, 2 x 4 lumber for side rails, and a metal chain for a handle, appeared to be designed to transport items through the snow. Later, near the makeshift sled, Dep. Lathrop observed a freshly smoked cigarette on the ground. Sieck III denied being a smoker and the cigarette was collected. Past the makeshift wooden sled, a black truck bed liner had been modified with an extension cord, to create another makeshift sled to transport items through the snow, with the extension cord being the handle. The truck bed liner contained a box of spark

plugs and a used firearms target. Dep. Lathrop noticed a path had been created from the truck bed liner being dragged in the snow from the outbuildings on the north side of the property. Sieck III informed Dep. Lathrop the truck bed liner and extension cord belonged to him and had been inside an outbuilding on the property further to the north.

8. Dep. Lathrop and Sieck III went inside an old building on the property near the front entrance gate and inside observed a deer practice target and hand operated ice auger. Sieck III said the two items had been inside one of the outbuildings to the north of their current location. Also observed near the pedestrian door of the building was a drawstring bag which contained a mini crowbar and handheld cutters. Sieck III said the bag and tools did not belong on the property.
9. To the north of the aforementioned old building is a trailer for a semi-truck, which had been secured with a padlock. At the time of the observation, the padlock had been cut off and items inside the trailer had been moved and stacked out of place. At the time of the report, it was not known if items were stolen from the trailer or moved and left behind.
10. Dep. Lathrop and Sieck III continued to the north where Dep. Lathrop observed drag marks in the snow consistent with the bottom of the truck bed liner modified into a transportation sled. Dep. Lathrop also reported he observed areas of less snow accumulation which made footwear impression discernable. The discernable footwear impressions were photographed and were determined to not have an origin from Dep. Lathrop or Sieck III.
11. As Dep. Lathrop and Sieck III continued north, a CONEX box was observed. The CONEX box is secured with a padlock; however, the padlock had been cut off from the CONEX box and the interior had been accessed. Inside the CONEX box, Sieck III reported the items stored inside to be in disarray and rummaged through.

12. The pair continued to the west of the CONEX box which led to two (2) outbuildings. Near the more eastern outbuilding, Sieck III pointed out an unfamiliar cellular phone abandoned in the snow. Dep. Lathrop noted a lack of snow on top of the cellular phone which gave him the impression it had been dropped after the recent snow fall. The cellular phone was described by Dep. Lathrop as an android based phone, grey in color, with a black hard case and blue trim on it. Dep. Lathrop said the cellular phone was an estimated five (5) feet from the pedestrian door of the outbuilding and the outbuilding door had been kicked in. The cellular phone was collected and entered to evidence under property report Q2400875.
13. On entering the eastern outbuilding, Sieck III reported the person(s) responsible had removed tools from inside the building, which were later found relocated in the western outbuilding. Sieck III noted a portable battery jumper had been connected to a four-wheeler inside the outbuilding as if the person(s) responsible had attempted to jump start it.
14. Additionally, inside the eastern outbuilding were four (4) classic cars. Some of the classic cars had a layer of dust on them from exposed long-term storage, but obvious new disturbances to the dust were observed. Multiple fingerprints with ridge detail were observed in the dust on some of the vehicles, particularly on a blue Oldsmobile 442. Photographs were taken of the fingerprints and submitted to the Lincoln Police Department (LPD) Identification Lab for comparison and analysis. LPD fingerprint examiner Puhmann #3504 examined fingerprint submissions and made source identification from comparison with a tenprint card being the name Preston Kelch, Date of Birth 11-26-1994. Source Identification is the strongest degree of association between two friction ridge impressions. It is the conclusion that the observations provide extremely strong support

for the proposition that the impressions originated from the same source. Dep. Lathrop contacted Sieck III with the fingerprint identification and confirmed Preston Kelch was not authorized to be on the property nor was he even known to Sieck III. This vehicle also had footwear impressions in the dust on the hood and, front windshield, and roof. DNA swabs were also collected from some of the vehicles which appeared to have been entered or the doors appeared to have been opened.

15. Dep. Lathrop and Sieck III then proceeded to the outbuilding to the west of the eastern outbuilding. The western outbuilding contained some tools which had been gathered and moved from the eastern outbuilding. Of additional note, Sieck III advised gasoline had been poured over a snowmobile stored inside the outbuilding and it was his belief this would have been done in an effort to start the snowmobile. A tractor was also observed to have had its door open and a truck with a plow had been subject to tampering.
16. Dep. Lathrop said Sieck III could not be certain of the exact items missing at the time of the report, however, he would conduct an inventory of the property in the coming days to provide a list of items stolen. Dep, Lathrop said based on the walk-through of the property, Sieck III estimated the potential loss to be around \$10,000.
17. On Monday, January 22, 2024, Sieck III provided a list of missing items to Dep. Lathrop. The list reported mostly classic car parts missing, but also included some fishing tackle, for a total loss of \$7,175. The following was provided as stolen from Sieck III:
 - a. 17" custom 5 spoke aluminum rims with gray centers including chrome lug nuts.
 - b. Vintage American Racing torque thrust wheel boxes (2).
 - c. Heavy duty jumper cables made from welding lead 20' long black.
 - d. 1956 Chevrolet Belair hubcaps (4).

- e. 1962 Impala SS 409 hubcaps with red/white/blue center 3 bar spinners (4).
- f. 1955 Nomade chrome tail gate trim.
- g. 1959 Impala taillight housings and lenses.
- h. Spectrum Big Block Chevy aluminum cogged pulley set.
- i. 1960 aluminum "Corvette" script valve covers (4).
- j. 1962 Impala positraction rear end center section.
- k. Miscellaneous 1958-1964 Chevrolet hubcaps.
- l. Miscellaneous 1955-1964 Chevrolet stainless steel trim pieces (Approx. 20 pieces).
- m. Miscellaneous fishing tackle.

18. Due to the circumstances in which the cellular phone was found in relation to the scene of the crime and the information discovered, it is probable the cellular phone was in possession of the person(s) responsible for the burglary at the time of the crime and it is reasonable to believe the device contains information pertinent to this investigation.

DIGITAL STORAGE DEVICES

19. Your AFFIANT knows from training and experience that digital media devices and related digital storage devices, such as cell phones, can be used to create, edit, delete, share, and store files and other data including, live and deleted documents, photographs, videos, electronic mail (e-mail), search history and other relevant user information.
20. Your AFFIANT also knows from training and experience that computers and mobile device, such as cell phones, connected to the Internet, are used to search the World Wide Web for content and such access can allow users to access and control data such as pictures, videos, documents, and other files.

21. 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.
22. Your AFFIANT also knows that data associated with these devices can often include user attribution data that can help identify the person(s) who sent, received, created, viewed, modified, or otherwise had control over particular content.
23. Your affiant is a certified law enforcement officer in the state of Nebraska with nearly 14 years of experience investigating crimes including, but not limited to: homicides, narcotics, sexual assaults, thefts, and burglaries. Your affiant is assigned to the Criminal Investigations Division of the Lancaster County Sheriff's Office and has received training and experience in technologically based investigative tools, including cellular telephones. Through such training and experience, your affiant understands the capabilities of cellular devices and the valuable information contained within pertaining to criminal investigations. Furthermore, most people possess cellular telephones and other connected devices (tablets, watches, laptops, etc.) used to communicate electronically. It can be generally recognized that cellular telephones tend to accompany their users everywhere, and thus, it may be inferred that a suspect's cell phone probably accompanied the suspect at the time of the crime.
24. Your AFFIANT is aware 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 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. Cellular telephones contain location data that can assist in an investigation by both corroborating and disproving statements. Cellular telephones can also show any possible relationships between parties involved through past communications, location data, and contact information stored.

25. 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;

26. Through training and criminal investigation experience examining cellular telephones, your AFFIANT is aware cellular telephones typically contain electronic records concerning calls made to, from, or missed by the cellular telephone. In addition, cellular telephones typically contain electronic records of text messages sent to and from the telephone, and other types of communication between persons. Digital devices typically contain a "contact list" of stored names, telephone numbers, usernames, and accounts.
27. 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.
28. 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 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.
29. Your AFFIANT knows, that, wholly apart from user-generated files and data, digital devices and media typically store, often without any conscious action by the user, electronic evidence pertaining to virtually all actions taken on the digital device, and often information about the geographic location at which the device was turned on and/or used.

This data includes logs of device use; records of the creation, modification, deletion, and/or sending of files; and uses of the internet, such as uses of social media websites and internet searches/browsing.

30. Your AFFIANT knows device-generated data also includes 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.
31. Your AFFIANT knows digital devices can also reveal clues to other locations at which evidence may be found. For example, digital devices often maintain logs of connected digital or remote storage devices. A scanner or printer may store information that would identify the digital device associated with its use. Forensic examination of the device can often reveal those other locations where evidence may be present.
32. 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.
33. Your AFFIANT knows the forensic examiner may also need the following items 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.

34. Your AFFIANT knows that searching the digital device itself would irreversibly alter data and/or evidence on the device. The commonly accepted best practice method to search a digital device for evidence involves creating a digital image of the device and then searching that image for the responsive evidence. Creating a forensic image does not alter any evidence on the device; it only copies the data into a searchable format. The image is then searched using search tools to locate and identify that evidence whose seizure is authorized by this warrant. The unaltered device and the image are then preserved in evidence.
35. 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.
36. 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 this warrant authorizes for seizure, and to assist in securing such evidence.
37. Based on all the foregoing information, there is probable cause to believe that evidence of the above-listed crime(s) exists in the above-described digital devices and that there is probable cause to search the device(s) for the evidence of the above crime(s).

38. Your AFFIANT knows from my training and experience, and from information provided to me by Electronic Evidence Unit technical investigators that it is necessary to search live and deleted data recovered from digital devices from the time when the device was first used through the time when the device was seized. This is specifically necessary to establish associations between a particular device and associated applications and files to a particular user (or users). This scope of time is necessary to identify potential inculpatory and exculpatory evidence during the planning, execution, and post event activities of potential criminal activity. These activities may include communication, contact, calendar entries, pictures, videos, location information (including GPS, navigation, and maps), This scope of time is also necessary to determine accurate device date and time settings, including time zone changes, and allow for the analysis any associated data within a proper context. I know from my training and experience that it is important to understand events of a particular day and time in proper context that may exist before and to attribute particular users of a device and associated applications.
39. Furthermore, has been recognized by the Nebraska Supreme Court that law enforcement cannot predict where evidence of a crime will be located in a cell phone or call records or in what format, such as texts, videos, photographs, emails, or applications. And it has been further stated that there is no way for law enforcement to know where in the digital information associated with cell phones it will find evidence of the specified crime. Consequently, a brief examination of all electronic data associated with a cell phone is usually necessary to find where the information to be seized is located, and such examination is reasonable under the Fourth Amendment.

40. 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, Nebraska for digital forensic processing and analysis.

41. The above does constitute grounds of probable cause for the issuance of a Search Warrant for the grey colored android cellphone with a black case having blue trim, assigned to case number C4000471 and property number Q2400875, located in the Lincoln Police Property/Evidence Unit, 575 South 10th St., Lincoln, Lancaster County, Nebraska, for the following items:

Evidence to be searched for includes:

a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging “app” accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;

b. Evidence of use of the device to communicate with others about the above-listed crime(s), via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;

c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;

d. Evidence of use of the device to conduct internet searches relating to above listed crime(s);

e. Information that can be used to calculate the position of the device around the time frame of the crime(s), including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; “app” data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified between the above-listed dates, together with their metadata and EXIF tags;

f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;

g. Records linking the suspect(s), co-conspirators, victim(s), witness(es) to a certain screen name, handle, email address, social media identity, etc.;

h. Records showing a relationship with victim(s), location(s), other suspects, etc.;

i. Names, nicknames, account ID's, phone numbers, or addresses of specific person(s);

j. Records showing a relationship to particular areas or locations.;

k. Photographs, images, videos, and documents that contain or are evidence of above listed crime(s);

l. Evidence of purchases, such as items used in planning or carrying out above listed crimes(s);

m. Internet research history conducted while planning, executing, or covering up to commit above listed crimes(s);

n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, usernames, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;

o. 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;

p. 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;

q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, trojan horses, malware, and other forms of malicious software.

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 23rd day of January, 2024.


Alex Kelly, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 23rd day of January, 2024.



JUDGE OF THE DISTRICT COURT

Kevin R. McManaman

Printed Name of District Court Judge