

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

C724-1

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
2017 N 31ST STREET
LINCOLN, LANCASTER COUNTY, NEBRASKA

SEARCH WARRANT RETURN

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

The undersigned states that she received the Search Warrant issued herein on the 21st day of February, 2024, and that she executed the same on the 22nd day of February, 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.

[Handwritten Signature] #1765

Inv. Hogan #1765

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

[Handwritten Signature]

Notary Public

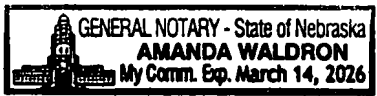
LANCASTER COUNTY
2024 FEB 26 PM 4:00
CLERK OF THE
DISTRICT COURT



002162838D02

S

Amanda Waldron
Notary Public



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from 2017 N 31st Street, to include any detached buildings on the property, Lincoln, Lancaster County, Nebraska:

- ~~4 Milwaukee Batteries~~
- 4 Milwaukee 18v Battery
- 18v battery
- 2 Dewalt Laser Levels
- 1 Milwaukee drill
- 1 Milwaukee impact drill
- 1 Milwaukee saw - Sawzall
- 1 Milwaukee grinder
- 1 miter saw - Milwaukee
- NUMEROUS drug paraphernalia
- Marijuana

LANCASTER COUNTY
 CLERK OF THE
 DISTRICT COURT
 2024 FEB 26 PM 4:00

DATED this 22nd day of February 2024.

G. Hooper #1765
 Law Enforcement Officer

B. Agnew 1249
 WITNESS

ce


- Chop saw with broken piece.
- Proof of occupancy or residency.


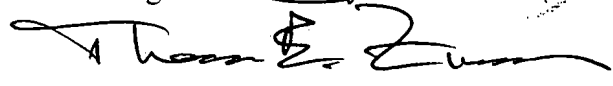
Law enforcement is authorized to measure, photograph, video tape, and seize the aforementioned items.

This court finds that the public interest requires that this search warrant be served at anytime of the day, including nighttime hours.

This search warrant shall be executed and returned within ten (10) days to a Clerk of the District Court of Lancaster County, Nebraska.

Given under my hand and seal this 21st day of February 2024.



Judge of the County Court



Printed Name of Judge

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Giselle Hogan, being first duly sworn upon oath deposes and states that she is a Investigator for the Lincoln Police Department, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of Theft by Unlawful Taking over \$5,000, occurring at 400 South 90th Street, Lincoln, Lancaster County, Nebraska. As part of the investigation, AFFIANT has consulted with other involved law enforcement and reviewed case reports. AFFIANT states as follows:

Facts:

On February 5, 2024 at approximately 0806 hours, Officer Poole with the Lincoln Police Department responded to the report of a larceny at 400 South 90th Street, Lincoln, Lancaster County, Nebraska. Zachary Whitson of Whitson Contracting reported that he discovered his construction trailer had been vandalized and that multiple items had been taken from inside. Zachary reported that when he arrived at the trailer, he noticed several tools and associated batteries were missing. He reported that the side door lock had been cut off and that the lock bracket to the trailer had been damaged. During a preliminary inventory, Zachary reported the following items missing:

- Fifteen- Dewalt 60V Batteries
- Seven- Milwaukee tool batteries
- Six- Makita tool batteries
- One Dewalt hammer drill
- One Dewalt reciprocating saw
- Three- Dewalt Circular saws
- One Milwaukee reciprocating saw

LANCASTER COUNTY
2024 FEB 26 PM 4: 01
CLERK OF THE
DISTRICT COURT

- One Milwaukee circular saw
- One Makita reciprocating saw
- Two Makita circular saws
- Three Milwaukee 18V cordless drills
- One Milwaukee impact wrench
- Two Dewalt Laser Line level
- One Milwaukee battery chop saw
- One Dewalt 12 in battery chop saw

The total loss amount for these items was reported to be \$12,850.00. Zachary reported most tools are marked “WC” for Whitson Contracting or “ZW” for Zachary Whitson.

On February 19, 2024, Officer Poole received electronic communication from Zachary who had located a Dewalt battery with a ‘WC’ written on it for sale on Facebook Marketplace amongst other batteries for sale, with seller information coming back to Tyler Yates. The communication included an address that Yates sent via Facebook Marketplace messenger indicating the items were located at 2017 North 31st Street, Lincoln, Lancaster County, Nebraska.

On February 21, 2024, your Affiant communicated with Tyler Yates via Facebook messenger asking about the Dewalt battery. Yates responded that he had sold the battery in question, but had others. Your Affiant asked about other potential tools to which Yates responded with photos of a Dewalt leaf blower, Dewalt circular saw, and Dewalt chop saw. Yates sent your Affiant multiple photos of Dewalt and Milwaukee tools. Your Affiant arranged for Zachary to look at these photos for any potential identification markers. Zachary identified the leaf blower as potentially his, the circular saw as his, and was 100% confident the chop saw was his due to a broken corner piece on the saw. Yates negotiated with your Affiant to sell the chop saw and two flex volt 6AH batteries for \$380.00 and reconfirmed items were in a garage at 2017 N 31st Street, Lincoln, Lancaster County, Nebraska.

On this same date, Lieutenant Agnew met with, who he believed to be, Joshua Yates at 2017 N 31st Street, Lincoln, Lancaster County, Nebraska. Lieutenant

Agnew contacted Joshua Willits, who was in possession of the chop saw with the broken end piece and reported that he had been instructed by Tyler Yates to sell it.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for 2017 N 31st Street, to include any detached buildings on the property, Lincoln , Lancaster County, Nebraska, for the following items:

- Fifteen- Dewalt 60V Batteries
- Seven- Milwaukee tool batteries
- Six- Makita tool batteries
- One Dewalt hammer drill
- One Dewalt reciprocating saw
- Three- Dewalt Circular saws
- One Milwaukee reciprocating saw
- One Milwaukee circular saw
- One Makita reciprocating saw
- Two Makita circular saws
- Three Milwaukee 18V cordless drills
- One Milwaukee impact wrench
- Two Dewalt Laser Line level
- One Milwaukee battery chop saw
- One Dewalt 12 in battery chop saw
- Other tools with 'WC' for Whiston Contracting or 'ZW' for Zachary Whitson.
- Chop saw with broken piece.
- Proof of occupancy or residency.

Your AFFIANT requests authorization to measure, photograph, video tape and seize the aforementioned items.

Your AFFIANT states that the public interests requires that the search warrant be served any time of the day or night as the items to be seized are easily moved or available to be sold as exhibited by law enforcement buying a stolen item during the nighttime hours.

Further AFFIANT saith not;

Dated this 21st day of February, 2024.

Giselle Hogan #1765
Giselle Hogan, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 21st day of February, 2024:

[Signature]
Judge of the County Court

[Signature]
Printed Name of Judge

