


RECEIPT


The undersigned hereby acknowledges receipt of the following described property seized from the 1 blue Motorola cell phone, to include any digital device within, located in the Lincoln police Department Property & Evidence Unit at 575 South Street, Lincoln, Lancaster County, Nebraska labeled with Property number Q2313894 and Case number C3-054073.

Full file system data extraction from phone narrowed to data between dates January 1, 2023, 0001 hrs to June 21, 2023, 2359 hrs

LANCASTER COUNTY
2024 MAR 13 PM 2:39
CLERK OF THE
DISTRICT COURT

DATED this 26th day of February 2024


Law Enforcement Officer


WITNESS

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

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

WHEREAS, Investigator Andrew Barksdale 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 22nd day of February, 2024.

[Handwritten Signature]

Judge of the County Court

[Handwritten Name]

Printed Name of Judge



LANCASTER COUNTY
2024 MAR 13 PM 2:39
CLERK OF THE
DISTRICT COURT

ATTACHMENT A: Property to Be Searched

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

- **1 blue Motorola cell phone**, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number **Q2313894** and Case Number **C3-054073**.

for the following evidence, to include any live and/or deleted data to include including any live and/or deleted data for the time frame of 01-01-2023 to 06-21-2023, 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)

Investigator Andrew Barksdale, 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 Possess Meth w/ Intent to Deliver (10-28g) – 28-416(10)(C), occurring on 06-21-2023, at 3211 South 13th Street, Lincoln, Lancaster County Nebraska.

Attachments

- Attachment A: Property to Be Searched.
- 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 2013. Your Affiant has been investigating misdemeanor and felony crimes with the Lincoln Police Department, including narcotics possession and sales, and has been a member of the Lincoln/Lancaster County Narcotics Task Force since 2019. 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 06-21-2023, your Affiant received information from a Confidential Informant (CI#1), who is of known and proven reliability. The CI had identified Jeromie M Austin (03-05-1980) as a source of methamphetamine. The CI had reported being with Jeromie M Austin on two prior occasions where the CI observed him in possession of large quantities of methamphetamine. The CI reported that during the evening of 06-20-2023 into the early morning hours of 06-21-2023, the CI was texting Jeromie M Austin at his

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phone number of 402-418-4426. The CI reported the purposes of these text communications was to arrange for the CI to purchase 3.5 grams of methamphetamine from Jeromie M Austin. During the text communications, the CI reported that Jeromie M Austin reported that he was going to Jennifer R Crumley's (03-05-1991) residence located at 2672 South 12th Street, Lincoln, Lancaster County, Nebraska.

On 06-21-2023 at approximately 1800 hours, the CI reported that Jeromie M Austin had agreed to sell the CI a 3.5 gram quantity of methamphetamine and was at Jennifer M Crumley's residence located 2672 South 12th Street, Lincoln, Lancaster County, Nebraska. The CI also reported that Jeromie M Austin would likely be driving a silver 2008 Kia Spectra with Nebraska license plates 22-K789. The CI reported Jeromie M Austin always carries his methamphetamine with him, or in his vehicle. The CI reported he carries it or conceals it in the handle of one of his canes, as well as in plastic shopping bags. The CI reported Jeromie M Austin would always take his methamphetamine with him because he does not trust Jennifer R Crumley, and did not trust her to leave his methamphetamine at her residence if he was to leave from there.

Your Affiant along with other members of the Lincoln Lancaster County Narcotics Task Force located the silver 2008 Kia Spectra with Nebraska license plates 22-K789 parked outside of Jennifer R Crumley's residence located at 2672 South 12th Street, Lincoln, Lancaster County, Nebraska. Your Affiant and other Investigators began conducting surveillance on the residence. At approximately 1840 hours, your Affiant directed the CI to call Jeromie M Austin at his phone number of 402-418-4426 and attempt to get him to leave the residence to sell the CI the 3.5 grams of methamphetamine. The CI then called Jeromie M Austin. Your Affiant then observed Jeromie M Austin exit the residence and walk towards the Kia Spectra while holding a cell phone up to his ear. Your Affiant also observed he was carrying an orange and black tool bag. Your Affiant then observed Jeromie M Austin leave in the vehicle and Investigators followed the vehicle away.

Your Affiant and other Investigators followed the vehicle to the parking lot of 3211 South 13th Street, Lincoln, Lancaster County, Nebraska. Jeromie M Austin, who had a warrant for his arrest, was removed from the driver's seat of the vehicle and arrested. During a search of his person, Investigator Masek #902174 located \$91 US currency as well as a blue Motorola cell phone. Your Affiant spoke with the CI who reported during the phone call to Jeromie M Austin that he told the CI that he did have methamphetamine to sell the CI, however did not want to meet with the CI at another

location and only wants to meet the CI at 2672 South 12th Street, Lincoln, Lancaster County, Nebraska. The CI again said that Jeromie M Austin always takes his methamphetamine with him, he typically conceals it in his cane, in bags, or under his seat in his vehicle. The CI also indicated again Jeromie M Austin did not trust Jennifer R Crumley in regards to leaving methamphetamine at her residence.

Based on this information that Jeromie M Austin was in possession of methamphetamine to sell to the CI, as well as the information that Jeromie M Austin would not leave the methamphetamine at Jennifer R Crumley's residence, and that he always carries it with him, and that the CI provided very specific locations that Jeromie M Austin keeps his methamphetamine; your Affiant believed the methamphetamine was likely in the tool bag, that he was observed to walk out of the residence with, or inside of the vehicle. Investigators conducted a probable cause search of the vehicle. During the search of the vehicle, Investigator Strode #242, obtained the black and orange Ridgid drill bag that Jeromie M Austin was observed walking out of Jennifer R Crumley's residence carrying. This was located on the back passenger floorboard of the vehicle. During the search of this bag, Investigator Strode located a black digital scale with crystalline residue on the surface, as well as a baggie containing approximately 18.5 grams of suspected methamphetamine. This methamphetamine did pre-test positive for amphetamine/methamphetamine. Nothing else of note was located inside the vehicle.

Your Affiant knows from training and experience that the amount of methamphetamine Jeromie M Austin possessed is a dealer quantity of methamphetamine. Your Affiant knows from training and experience that the typical user amount of methamphetamine is approximately .2 grams. Jeromie M Austin was in possession of approximately 92.5 user doses of methamphetamine. Your Affiant believes Jeromie M Austin possessed the methamphetamine with the intent to deliver and or sale based on the amount, the scale, no means of ingesting the methamphetamine, the money, as well as agreeing to sell the CI methamphetamine. Jeromie M Austin was cited and lodged at the Lancaster County jail for Possess Meth with the Intent to Deliver and Possess Money While Violating 28-416(1). The blue Motorola cell phone was tagged into the Lincoln Police Department Property Unit under property report Q2313894.

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 22nd day of February 2024.

[Signature] 1733
Investigator Andrew Barksdale, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 22nd day of February, 2024.

[Signature]
Judge of the County Court

Holly J. Parsley
Printed Name of Judge



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4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
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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 Possession with Intent to Deliver 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 10th 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 10th 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.