

LPD Case Number: C4-023810

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
754 WEST BELMONT AVENUE
LINCOLN, LANCASTER COUNTY, NEBRASKA

SEARCH WARRANT RETURN

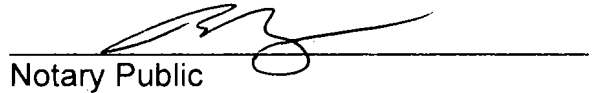
STATE OF NEBRASKA)
)
) ss.
COUNTY OF LANCASTER)

The undersigned states that he received the Search Warrant issued herein on the 20th day of March, 2024, and that he executed the same on the 20th day of March, 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.



Mohammad Rasooly #1970

SUBSCRIBED to in my presence and sworn to before me this 24th day of April, 2024



Notary Public

LANCASTER COUNTY
2024 APR 24 PM 3:33
CLERK OF THE
DISTRICT COURT



002176104D02



INVENTORY

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

**IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
754 WEST BELMONT AVENUE
LINCOLN, LANCASTER COUNTY, NEBRASKA**

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

ss.

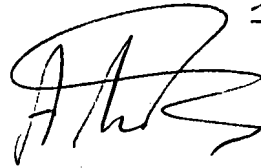
**INVENTORY OF PROPERTY
SEIZED BY VIRTUE OF THE
SEARCH WARRANT ISSUED HEREIN**

Mohammad Rasooly #1970, 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 undersigned hereby acknowledges receipt of the following described property seized from 754 West Belmont Avenue, Lincoln, Lancaster County, Nebraska:

- Brown Crosman Air Rifle
- Camo Holster
- THC Cartridges
- AR-15 Style Pellet Rifle with Case
- Blanks Pistol with Holster
- Flash Bang

Inventory made in the presence of Nathan Wagner #1760.



Mohammad Rasooly #1970

LANCASTER COUNTY
2024 APR 24 PM 3:33
CLERK OF THE
DISTRICT COURT

SUBSCRIBED to in my presence and sworn to before me this 24th day of April, 2024.



Notary Public

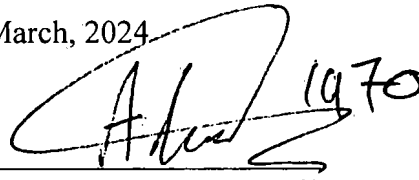
RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from 754 West Belmont Avenue, Lincoln, Lancaster County, Nebraska:

- brown Crossman air rifle
- camo holster
- THE coats
- AR-15 style pellet rifle w/case
- planks pistol w/holster
- Flash bang

LANCASTER COUNTY
2024 APR 24 PM 3:33
CLERK OF THE
DISTRICT COURT

DATED this 20th day of March, 2024



Law Enforcement Officer



WITNESS

LANCASTER COUNTY

2024 APR 24 PM 3:34

CLERK OF THE DISTRICT COURT

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
) ss. SEARCH WARRANT
County of Lancaster)

TO: Mohammad Rasooly #1970, a Police Officer with the Lincoln Police Department, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Mohammad Rasooly #1970, has filed an Affidavit before the undersigned Judge of the County Court of Lincoln, 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 754 West Belmont Avenue, Lincoln, Lancaster County, Nebraska. The residence can generally be described as the western-half a south-facing duplex/townhome. The residence has light-colored siding with brick accents near the south-facing garage door. The brick accent to the east of the garage door displays the numbers '754' in black lettering on light brick blocks. Officers are already on location with a resident and have consent to search the common spaces of the residence. The bedroom areas on the second floor in the northwest corner and a northwest corner basement bedroom area have not been identified as to who they belong to and are the remaining locations to be searched. The bedrooms in 754 West Belmont Avenue, Lincoln, Lancaster County, Nebraska should be searched for the following items:

All firearms, ammunition, containers or firearms related accessories and any documentation relating to the ownership or purchase of any firearms. Proof of Occupancy.

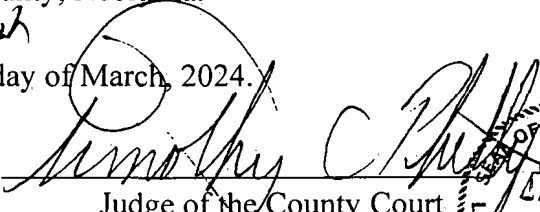
Your AFFIANT is authorized to measure, photograph, video tape, and seize the aforementioned items.

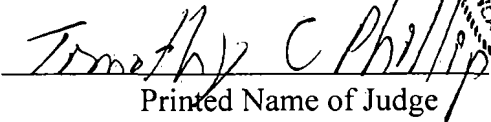
Night time is upon us and the public interest requires that the requested search warrant not be restricted to daytime service and that it may be serve any

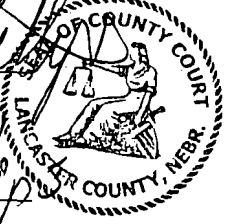
time for the following reasons: Officers are on location inside of the residence and need only to search the remaining areas where residency is in question. The evidence is of a transitory nature and could be removed if officers were to leave the residence prior to the execution of this search warrant

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

Given under my hand and seal this 20th day of March, 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)

Mohammad Rasooly #1970, being first duly sworn upon oath deposes and states that he is a Police Officer for the Lincoln Police Department, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of Possession of a Deadly Weapon by a Prohibited Person (28-1206 (1b))occurring at 754 West Belmont Avenue, 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 March 20, 2024, Your Affiant and officers with the Lincoln Police Department were dispatched to a weapons violation that had just occurred at the Top Hat, 736 West Cornhusker Highway, Lincoln, Lancaster County, Nebraska. Upon arrival, Your Affiant was informed that a male, later identified as Michael Kunath (04-13-1971), was found to have been inside the bar with a suspected firearm. There was additional reports that Kunath was verbal with a female. Kunath was identified by a significant other, Rene Bogner (07-08-1975) and video surveillance confirmed his identity. Patrons of the bar removed the suspected firearm from Kunath's person and secured it until law enforcement arrival. Kunath fled the scene in an orange Chevrolet Cobalt. Kunath has an orange 2005 Chevrolet Cobalt registered to him. When speaking with Bogner about the incident, she made a comment to Ofc. Fencl #1587 asking if Kunath was carrying a real firearm or a fake one during this incident. Further inspection of the suspected firearm found that it was a blanks gun and not capable of shooting projectiles.

Bogner made further comments that Kunath possesses what she believes to be actual firearms in addition to the 'fake' one. Bogner stated that the real firearms would be located in a bedroom at their shared residence at 754 West Belmont Avenue, Lincoln, Lancaster County Nebraska underneath a bed. The firearms are unsecured under the bed and ammunition would be located in a safe

that should be unlocked in a bedroom. Bogner was adamant that the firearms would be in her residence and repeatedly stated that she would like them removed from her residence. Bogner stated that she wished for the firearms to be removed from her residence because they were a threat to her safety. Bogner stated she has been threatened with one of the firearms as recently as yesterday (either March 18 or March 19, 2024). Bogner would not go into further detail as to how she was threatened during that incident. Bogner gave consent to search her residence, but the bedroom spaces could not be identified as to who they belonged to. When informed that a space belonging solely to Kunath could not be searched by law enforcement without his consent, Bogner stated she would go into the bedroom on her own accord and provide law enforcement with the firearms. When told that this was not an option, Bogner stated law enforcement could disregard and that she had 'people' that would assist her in removing the firearms.

On December 29, 2023, Bogner reported to the Lincoln Police Department under case C3-115005 that she had been assaulted by Kunath. Bogner sustained injuries from a physical assault, to include strangulation. During the domestic assault under that case, Bogner also reported that Kunath had threatened to shoot her in the head and then kill himself. Another party inside of the residence confirmed hearing Kunath say that he was going to kill Bogner and that he had a gun. No firearms were recovered at the end of that investigation and charges are pending under docket #24C0000020. Part of the bond conditions under that case provide that Kunath should not have contact with Bogner or '754 W Belmont Ave' and that he shall not possess any firearms or weapons as signed by Judge Phillips on January 2, 2024.

Kunath has a prior conviction for 3rd Degree Domestic Assault (bodily injury). Kunath was convicted on September 5, 2019 of that charge under docket #19C0001309. The conviction for domestic assault is within the past seven years and therefore prohibits Kunath from possessing firearms or brass or iron knuckles.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for 754 West Belmont Avenue, Lincoln, Lancaster County, Nebraska. The residence can generally be described as the western-half a south-facing duplex/townhome. The residence has light-colored siding with brick accents near the south-facing garage door. The brick accent to the east of the garage door displays the numbers '754' in black lettering on light brick blocks. Officers are already on location with a resident and have consent to search the

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All firearms, ammunition, containers or firearms related accessories and any documentation relating to the ownership or purchase of any firearms.

Proof of Occupancy

Your AFFIANT is authorized to measure, photograph, video tape and seize the aforementioned items.

Your Affiant states that it is approximately 4:00 a.m. at the time that this Affidavit for Search Warrant is being drafted. Night time is upon us and the public interest requires that the requested search warrant not be restricted to daytime service and that it may be serve any time for the following reasons: Officers are on location inside of the residence and need only to search the remaining areas where residency is in question. The evidence is of a transitory nature and could be removed if officers were to leave the residence prior to the execution of this search warrant.

Further AFFIANT saith not;

Dated this 20 day of March, 2024.

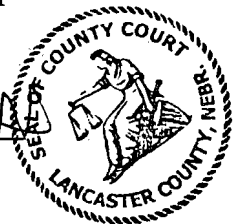
AA 1970

Mohammad Rasooly #1970, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 20th day of March, 2024.

Timothy C Phillips
Judge of the County Court

Timothy C Phillips
Printed Name of Judge



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Further AFFIANT saith not;

Dated this 20 day of March, 2024.

[Signature]

Mohammad Rasooly #1970, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 20th day of March, 2024.

[Signature]

Judge of the County Court

Timothy C Phillips

Printed Name of Judge

