

LPD Case Number: C4-026083

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
LINCOLN POLICE DEPARTMENT PROPERTY UNIT
575 S 10TH ST
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 18th day of April, 2024, and that he executed the same on the 25th day of April, 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.


Sgt. Derek Dittman #1551

SUBSCRIBED to in my presence and sworn to before me this 25th day of April, 2024.


Notary Public

LANCASTER COUNTY
2024 APR 29 PM 3:24
CLERK OF THE
DISTRICT COURT



002176132D02

S

R E C E I P T

The undersigned hereby acknowledges receipt of the following described property seized from a Motorola Moto G Power labeled with case number C4-026083 and property number Q2405969 located in the Lincoln Police Department Property Unit at 575 S. 10 St., Lincoln, Lancaster County, Nebraska:

-Full file system extraction and UFDR report for the requested time frame

LANCASTER COUNTY
2024 APR 29 PM 3:24
CLERK OF THE
DISTRICT COURT

DATED this 25 day of April, 2024.


Law Enforcement Officer


Witness

C4-026083

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

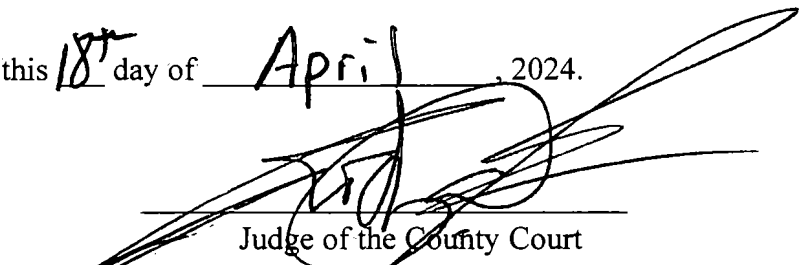
TO: Investigator Timothy Dolberg, a law enforcement officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska, any and all law enforcement officers, and agents thereof.

WHEREAS, Timothy Dolberg 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, to include any specific authorization as contained in **Attachment A**.

THEREFORE, you are commanded to execute and return this Search Warrant in the manner as prescribed in **Attachment A**.

Given under my hand and seal this 18th day of April, 2024.



Judge of the County Court
Rodney D. Reuter
Printed Name of Judge

LANCASTER COUNTY
2024 APR 29 PM 3:24
CLERK OF THE
DISTRICT COURT



ATTACHMENT A: Digital Device(s) to Be Searched

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

- 1 each, black Motorola Cellular 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 Q2405969 and Case Number C4-026083.
- 1 each, Kyocera cellular flip phone, to include any digital device within, located in the Lincoln Police Property and Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2407380 and Case Number C4-026083.
- 1 each, Kyocera cellular flip phone, to include any digital device within, located in the Lincoln Police Property and Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2407381 and Case Number C4-026083.

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 March 6th, 2017, to March 18th, 2024, 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. Databases and file systems.
4. Device activity logs and application usage logs
5. Call logs.
6. Contact lists.
7. Short Message Service (SMS), Multimedia Messaging Service (MMS) messages and instant messages.
8. Chat messages from installed applications.
9. Email messages.
10. Installed applications and their corresponding accounts and data.
11. Images and associated metadata.
12. Videos, and associated metadata.
13. Audio files, including voicemails, and associated metadata.
14. Document files and associated metadata.
15. Internet browsing history, including bookmarks, searches, browser cookies and other associated cache files.
16. Location data to include cellular tower connections, GPS (Global Positioning System) fixes, waypoints, routes, tracks, maps, and associated metadata.
17. Wireless networks, Bluetooth, IP addresses, and synchronization connection history.

18. Memos and notes (typed and voice).
19. User dictionary.
20. Calendar information.
21. Passwords, keychains.

To obtain and search the data from the aforementioned digital device, law enforcement and/or those assisting may:

1. Obtain data from the physical memory of the digital device itself as well as from any data storage devices housed within the digital device, specifically Secure Digital (SD) and Subscriber Identification Module (SIM) cards;
2. Obtain data from the aforementioned digital device'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 digital device 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 digital devices 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.
7. Remove the digital device to another location conduct the digital forensic examination and/or analysis.

The search of digital devices is a lengthy process requiring special steps to ensure the integrity of the digital devices. 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.

ATTACHMENT B: Technical Information Regarding the Search of Digital Devices

Through your Affiant's training and past experience, and from information provided by Electronic Evidence Unit forensic examiners, your Affiant is aware that:

Digital device data can provide valuable insight for criminal investigations. Digital devices are used by the general public for communication, access to and sharing of information, research, socialization, entertainment, mapping, shopping, note taking and other functionality. Individuals also use digital devices for the aforementioned purposes, and as a tool for facilitating criminal activity.

Digital devices are often used to communicate via voice, text messaging, social media or other communication applications; and share data with other users and that such digital data can be transferred between various digital devices. Information associated with such data may show evidence of current, on-going, future, and past criminal activity as well as assist law enforcement 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, victims and/or witnesses. As such, digital devices 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.

There have been numerous instances where criminal participants utilized digital devices to photograph themselves, associates and/or co-conspirators, and victims; instances in which digital devices were used by criminal participants to create videos of their criminal activity; instances where criminals participants have used digital devices' internet applications to research crimes they have or intend to participate in; instances in which criminal participants have maintained notes within digital devices; and instances in which criminal participants used global positioning, mapping and other location services to facilitate in-person meetings with co-conspirators and/or a victim.

On a digital device, 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.

Electronic evidence can remain on the digital devices for indefinite periods of time after the data was created, even if deleted by the user. Data generally is stored on the physical memory of the digital 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 digital device. Because of their small size, digital devices 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. Data from associated supplemental software applications (apps), both standard and manually installed, stored on the digital devices can demonstrate the user's association with investigated people, locations, and events. Digital devices can run apps which allow them to increase their functionality. Common programs include social media applications, such as Facebook, 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 can determine the user's geographic location which can be instrumental to completing an investigation.
4. 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. Digital devices can create, store and exchange media with other devices and computers.

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 electronic device was used or the technical ability and intent of the user before the device has been examined. 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 search 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 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 extraction of the data. If necessary, the digital 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 digital device has been stored in a manner in which its/their contents are, to the extent material to this investigation, substantially the same state as when it first came into the possession of law enforcement.

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Timothy Dolberg, being first duly sworn upon oath deposes and states that he is an Investigator for the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. AFFIANT states he is currently involved in the investigation of a Possession of Child Pornography by a Person Nineteen Years of Age or Older, Statute 28-813.01, occurring on March 18th, 2024, at 330 North 29th Street, Lincoln, Lancaster County Nebraska. AFFIANT has reviewed case reports regarding this investigation prepared by other involved Law Enforcement Officers.

LANCASTER COUNTY
2024 APR 29 PM 3:24
CLERK OF THE
DISTRICT COURT

Attachments
Include Name of Attachment Exactly

- Attachment A: Digital Devices to be searched
- Attachment B: Technical Information Regarding the Search of Digital Devices.

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 2008. Your Affiant has training and experience in conducting criminal investigations to include sexual assault, child abuse, human trafficking, and child exploitation.

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 criminal investigation and may include information provided by other law enforcement, or others.

Case Facts

On March 28th, 2024, United States Probation Officer Megan Davis contacted Captain Jake Dilsaver #1596 who oversees the Lincoln Police Department's Special Victims Unit. Megan Davis informed Captain Dilsaver that she is the United States Probation Officer assigned to Frank L. Tonini (W/M/9-11-84), who is currently on

Federal Probation for being in possession of child pornography. Megan Davis explained to Captain Dilsaver that on March 18th, 2024, she was involved in a search of Frank Tonini's residence due to concerns that he was in violation of his probation conditions. During this search, unauthorized cellular telephones were located within Frank Tonini's residence. In total, the United States Probation Officers seized three unauthorized communication devices most notably, a black Motorola G Power smartphone. Megan Davis further informed Captain Dilsaver that during a preliminary search of the Motorola smartphone as authorized under the conditions of Frank Tonini's supervision, distinct images of child pornography were located. Megan Davis advised that she was currently in possession of the Motorola G Power smartphone and would be delivering the device to the Lincoln Police Department for further examination. On March 28th, 2024, Megan Davis delivered the black Motorola G Power smartphone to Captain Todd Kocian #940 of the Lincoln Police Department, who entered the device into evidence at the Lincoln Police Department's Property Unit, located at 575 South 10th Street, Lincoln, Lancaster County, Nebraska. The device was tagged into evidence and assigned property number Q2405969.

As an Investigator with the Lincoln Police Department's Special Victims Unit, your Affiant was assigned to continue this investigation and to consult with the United States Attorney's Office for a potential indictment that may come. Your Affiant has spoken with United States Probation Officer Megan Davis, who provided detailed reports justifying their search of Frank Tonini's residence, a full search summary from March 18th, 2024, a search document detailing that approximately 156 images and 64 videos of child pornography were discovered on Frank Tonini's Motorola G Power smartphone and a chain of custody document for the seized devices.

In speaking with Megan Davis and reviewing the documentation she provided your Affiant, Frank Tonini was sentenced to fifty-six months in Federal custody followed by five years of supervised released for being in Possession of Child Pornography on March 6th, 2017. As a part of his supervision treatment plan, Frank Tonini is to participate in polygraph examinations to ensure he is being truthful and is not involved in additional criminal conduct. On September 22nd, 2022, Frank Tonini participated in a polygraph examination and was asked, "Since March 24, have you used any internet devices not reported to your probation officer?" It was determined by the polygraph examiner that Frank Tonini's response was deceptive. Frank Tonini was also asked, "After March 24, have you had contact with any minor not reported to your probation officer?" Frank Tonini's response was also determined to be untruthful. Megan Davis informed me that the significance of the March 24th, 2022, date, is that would have been the polygraph examination previous to the polygraph examination conducted on September 22nd, 2022.

On January 9th, 2023, and August 22, 2023, Frank Tonini participated in additional polygraph examinations. The polygraph examiner who conducted these processes noted that Frank Tonini showed a significant physiological response when asked about his use of electronic devices and questions related to his use of sexually explicit material since his previous polygraph examination. These polygraph results ultimately led United States Probation Officers to conduct a search of Frank Tonini's residence, which was executed on March 18th, 2024.

On March 18th, 2024, at approximately 6:45 AM, United States Probation Officers Megan Davis, Kala Hayden, Michael Gill, Avidan Perez and Jessica Curd met with Frank Tonini at his residence located at 330 North 29th Street, in Lincoln, Lancaster County, Nebraska. During the search of Frank Tonini's residence, United States Probation Officer Michael Gill located three cellular telephones. Two of the cellular telephones were discovered to be Kyocera flip phones, which were located in a nightstand near Frank Tonini's bed. Both of the flip phones were found to be powered off. Megan Davis informed me that the two flip phones were not searched by probation officers. Between the two mattresses of Frank Tonini's bed, United States Probation Officer Michael Gill located the black Motorola G Power smartphone. All three devices were collected as evidence of their search.

At the conclusion of United States Probation's search, the black Motorola G Power smartphone was turned over to United States Probation Officer Leslie Van Winkle who conducted a forensic examination of the smartphone. The search of the black Motorola G Power smartphone was performed on the grounds of Frank Tonini's consent and under the authority of the conditions of his supervision. During Van Winkle's search approximately 156 images and 64 videos were located which involved individuals who appeared to be minor children. Van Winkle also noted that Frank Tonini appeared to be communicating with individuals who were sharing child pornography through applications such as OnlyFans, Kik and Snapchat. Due to the vast amount of suspected child abuse sexual assault material, the United States Probation Office reached out to Kearney (Nebraska) Police Department's Investigator Robert Taillon #228, who is an Internet Crimes Against Children (ICAC) Task Force Member. To ensure a more extensive search of Frank Tonini's Motorola G Power smartphone, the United States Probation Office released the smartphone to Investigator Robert Taillon on March 20th, 2024.

After Investigator Robert Taillon conducted a forensic examination of Frank Tonini's black Motorola G Power smartphone, the Assistant United States Attorney's Office determined that this investigation should take place at the jurisdiction in which the

child pornography possession occurred. That venue being in Lincoln, Lancaster County, Nebraska, the investigation was re-directed to the Lincoln Police Department.

On April 12th, 2024, your Affiant collected two Kyocera cellular flip phones from the custody of the United States Probation Office located in Lincoln, Lancaster County, Nebraska. Megan Davis provided those phones to me, along with an updated chain of custody form. Those devices were then transported to the Lincoln Police Department and entered into the Lincoln Police Department Property Unit as evidence under property numbers Q2407380 and Q2407381.

Your Affiant knows from his training and experience that individuals who engage in production, collection or dissemination of child pornography often have multiple electronic storage devices which may contain child pornography. Having confirmed child pornography through United States Probation and Investigator Robert Taillon, it will be important to eliminate or confirm any presence of child pornography on the two flip phones that have not any cursory searches completed on them.

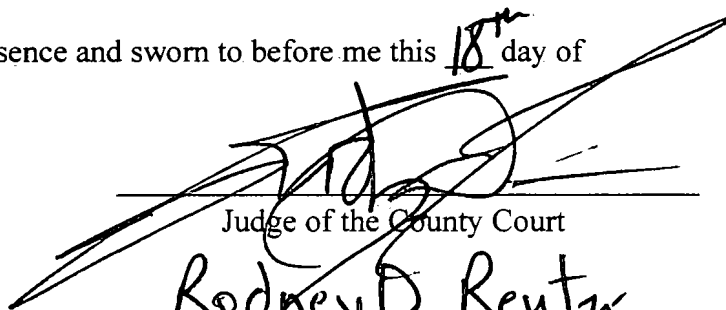
The above does constitute grounds of probable cause for the issuance of a search warrant to search and seize the evidence specifically identified in Attachment A, to include any specific authorization requested authorization to be ordered by the court.

Further AFFIANT saith not;

Dated this 18th day of April, 2024.

 #1613
Investigator Timothy Dolberg - AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 18th day of April, 2024.


Judge of the County Court
Rodney D. Reuter
Printed Name of Judge

