

LPD Case Number: C4-033958

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA


C24-1

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
5551 LOWELL AVENUE
LINCOLN, LANCASTER COUNTY, NEBRASKA

SEARCH WARRANT RETURN

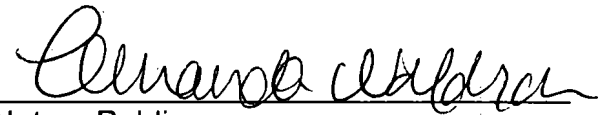
STATE OF NEBRASKA)
)
) ss.
COUNTY OF LANCASTER)

The undersigned states that he received the Search Warrant issued herein on the 22nd day of April, 2024, and that he executed the same on the 22nd 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.

 #1846

Joseph Gallagher #1846

SUBSCRIBED to in my presence and sworn to before me this 1 day of
 May , 20 24



Notary Public

LANCASTER COUNTY
2024 MAY -2 PM 2:37
CLERK OF THE
DISTRICT COURT



002176205D02

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INVENTORY

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
5551 LOWELL AVENUE
LINCOLN, LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

ss.

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


Joseph Gallagher, 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 5551 Lowell Avenue, Lincoln, Lancaster County, Nebraska:

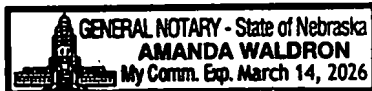
- One black Ruger handgun
- Black holster
- One handgun magazine
- Ammunition
- Wells Fargo mail
- Wallet with personal items
- Cell phone


LANCASTER COUNTY
2024 MAY -2 PM 2:37
CLERK OF THE
DISTRICT COURT

Inventory made in the presence of Cody Elgan, #1776.

 #1846
Joseph Gallagher #1846

SUBSCRIBED to in my presence and sworn to before me this 1 day of May, 2024.




Notary Public

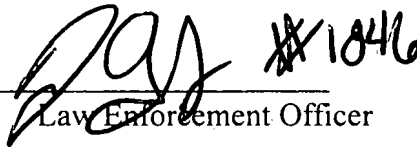
RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from 5551 Lowell Avenue, Lincoln, Lancaster County, Nebraska:

- One black Ruger handgun
- Black holster
- One handgun magazine
- Ammunition
- Wells Fargo mail
- Wallet with personal items
- Cell phone

LANCASTER COUNTY
2024 MAY -2 PM 2:38
CLERK OF THE
DISTRICT COURT

DATED this 22 day of April 2024.


Law Enforcement Officer


WITNESS

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
)
County of Lancaster)

ss. SEARCH WARRANT

CLERK OF THE
DISTRICT COURT

2024 MAY -2 PM 2:38

LANCASTER COUNTY

TO: Joseph Gallagher, a Police Officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Joseph Gallagher, 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 5551 Lowell Avenue, a North facing one-story duplex with brick and tan siding with a white garage and "5551" affixed above the garage door in Lincoln, Lancaster County, Nebraska, for the following items:

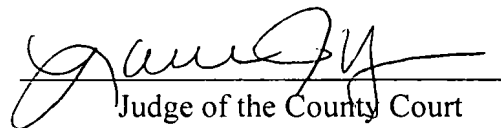
1. Proof Of Occupancy
2. All firearms, firearms, ammunition, containers or firearms related accessories and any documentation relating to the ownership or purchase of any firearms.

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

Your Affiant states that it is approximately 1205 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: : The residence is currently seized by officers and there is potential for evidence to be lost.

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 April 2024.


Judge of the County Court

Laurie Hardy
Printed Name of Judge



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Joseph Gallagher, 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 Domestic Assault – 3rd Degree (28-323), occurring at 4210 South 33rd 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 04-21-2024 at 2010 hours, your Affiant was dispatched to 1505 Superior Street #5, Lincoln Nebraska, on a domestic assault report. Tony D reported his roommate, Sally Vongphakdy, was assaulted earlier in the day by her boyfriend, Michael Wade. Sally was also present at 1505 Superior Street #5. Your Affiant observed several injuries on Sally’s person, to include bruising and swelling to her left eye; scratches and lacerations to her left chest and neck area; and dark bruising to her right upper arm and forearm. Sally reported she was in two physical altercations with Michael earlier in the day on 04-21-2024.

Sally stated the first altercation occurred at approximately 1000 hours at their shared residence, 5551 Lowell Avenue. Sally stated she was cleaning up food in the kitchen and Michael became upset at her for throwing away food and struck her once in the back of the head with an open hand. Sally stated she then went to her salon at 4210 South 33rd Street, Lincoln Nebraska. Sally stated Michael showed up shortly after. Sally stated Michael again became physical with her and began grabbing at her and scratching her. Sally stated she attempted to block Michael from grabbing at her, and during the altercation sustained the previously mentioned injuries.

LANCASTER COUNTY
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CLERK OF THE
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Sally stated she owns and keeps a firearm at their shared residence, 5551 Lowell Avenue, and Michael is a convicted felon. Your Affiant confirmed Michael has a felony conviction and is prohibited from possessing a firearm. Sally told your Affiant, that Michael previously took the firearm from her, and placed it under their bed, in their shared bedroom at 5551 Lowell Street, Lincoln Nebraska.

Officers attempted to contact Michael at his residence, 5551 Lowell Avenue, both by knocking at his bedroom door and announcing themselves but were unsuccessful. When officers arrived at 5551 Lowell Avenue, Tony was on location and let officers inside. Tony stated Michael was inside his bedroom and Tony directed officers to a bedroom on the South side of the residence. There was an officer watching the exterior of the house and the officer observed Michael's bedroom light turn off as officers were making announcements.

Sally told your Affiant she and Michael have been in a dating relationship for approximately three to four years. Sally told your Affiant, Michael has been physically abusive to her throughout their relationship. Through researching the Lincoln Police Department's record management system, Michael was found to have a recent arrest for Domestic Assault against Sally on 03-27-2024.

Officers surrounded Michael's residence, 5551 Lowell Avenue, and yelled verbal commands for Michael to surrender. At approximately 2342 hours, Michael exited the residence, and he was taken into custody by officers. Michael did not have possession of the firearm at the time of his arrest, leading officers to believe the firearm was still inside the residence, 5551 Lowell Avenue.

Your Affiant states that it is approximately 1205 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: The residence is currently seized by officers and there is potential for evidence to be lost.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for 5551 Lowell Avenue, a North facing one-story duplex with brick and tan siding with a white garage and "5551" affixed above the garage door in Lincoln, Lancaster County, Nebraska, for the following items:

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

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

Further AFFIANT saith not;

Dated this 22 day of April, 2024.

[Signature] #1846
Joseph Gallagher, AFFIANT

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

[Signature]
Judge of the County Court

Laurie J Taiden
Printed Name of Judge

