

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH)
WARRANT OBTAINED FROM)
THE LANCASTER COUNTY)
SHERIFF'S OFFICE/ LINCOLN)
POLICE DEPARTMENT)
ELECTRONICS EVIDENCE UNIT, 605)
SOUTH 10TH STREET, LINCOLN,)
LANCASTER COUNTY, NE-)
Q2404451 AND Q2404454)

C24-1

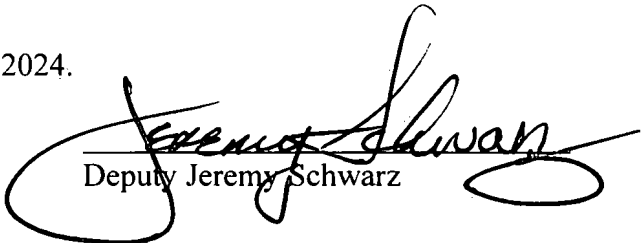
SEARCH WARRANT
RETURN

LANCASTER COUNTY
2024 MAY 29 PM 2:48
CLERK OF THE
DISTRICT COURT

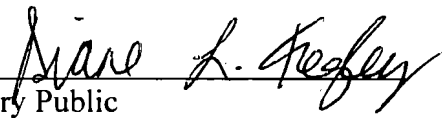
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The undersigned states that he/she received the search warrant issued herein on the 12th day of April, 2024 and that he/she executed the same on the 23rd day of May, 2024 seized the property/person described in the inventory filed herein and by delivering a copy of the said order for said property/person at the place from which the property/person was taken.

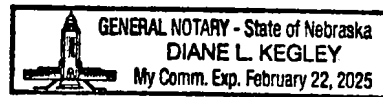
DATE this 28 day of May, 2024.


Deputy Jeremy Schwarz

SUBSCRIBED AND SWORN to before me this 28th day of May, 2024.


Notary Public

C4001823



#231



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH)
WARRANT OBTAINED FROM)
THE LANCASTER COUNTY SHERIFF'S)
OFFICE/ LINCOLN POLICE)
DEPARTMENT ELECTRONICS)
EVIDENCE UNIT, 605 SOUTH 10TH)
STREET, LINCOLN, LANCASTER)
COUNTY, NE- Q2404451 AND)
Q2404454)

INVENTORY

CLERK OF THE
DISTRICT COURT

2024 MAY 29 PM 2:48

LANCASTER COUNTY

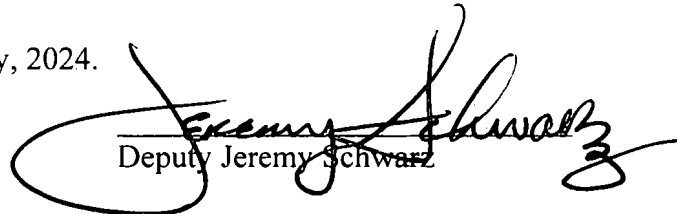
STATE OF NEBRASKA)
) ss.
County of Lancaster)

Deputy Jeremy Schwarz being first duly sworn upon oath, deposes and states the following is an inventory of property seized by virtue of the warrant issued herein:


1. A Samsung brand, model A14, unknown serial number, located in the Electronic Evidence Unit located at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404451 and with case number C4001823
2. A Samsung brand, model A13, serial number 35003882639088, located in the Lincoln Police Department Property Evidence Unit at 575 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404454 and case number C4001823

- No file extraction from either phone. File extractions from the SIM card of each phone.

DATED this 28 day of May, 2024.


Deputy Jeremy Schwarz

SUBSCRIBED AND SWORN to before me this 28th day of May, 2024.


Notary Public

C4001823



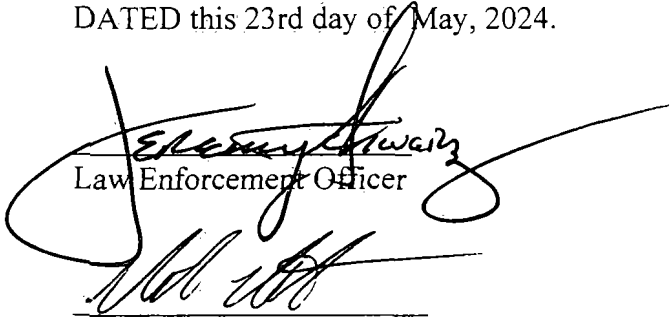
RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from:

- A Samsung brand, model A14, unknown serial number, located in the Electronic Evidence Unit located at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404451 and with case number C4001823;
- A Samsung brand, model A13, serial number 35003882639088, located in the Lincoln Police Property Evidence Unit at 575 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with property number Q2404454 and case number C4001823;

No file extraction from both phones. File extractions from the SIM card of each phone.

DATED this 23rd day of May, 2024.


Law Enforcement Officer

WITNESS

C4001823

LANCASTER COUNTY
2024 MAY 29 PM 2:48
CLERK OF THE
DISTRICT COURT

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

TO: Jeremy Schwarz, a Deputy Sheriff with the Lancaster County Sheriff's Office, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Jeremy Schwarz, has filed an Affidavit before the undersigned Judge of the County Court of Lancaster County, Nebraska, a copy of which affidavit is attached hereto and made a part hereof; 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

1. A black Samsung smart phone belonging to Ricki Polak labeled with Lincoln Police Department Property Report number Q2404451 and located inside the Electronic Evidence Unit at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska.

2. A black IRIS connect smart phone belonging to Ricki Polak labeled with Lincoln Police Department Property Report number Q2404452 and located inside the Electronic Evidence Unit at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska

LANCASTER COUNTY
2024 MAY 29 PM 2:48
CLERK OF THE
DISTRICT COURT

for the following items listed below between the dates July 1, 2023 and March 8, 2024:

Evidence to be searched for includes:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging “app” accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;
- b. Evidence of use of the device to communicate with others about the above-listed crime(s), via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;
- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to above listed crime(s);
- e. Information that can be used to calculate the position of the device between the above dates, including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; “app” data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified between the above-listed dates, together with their metadata and EXIF tags;

- f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;
- g. Records linking the suspect(s), co-conspirators, victim(s), witness(es) to a certain screen name, handle, email address, Social media identity, etc.;
- h. Records showing a relationship with victim(s), location(s), other suspects, etc.;
- i. Names, nicknames, account ID's, phone numbers, or addresses of specific persons;
- j. Records showing a relationship to particular areas or locations.;
- k. Photographs, images, videos, documents that contain or are evidence of above listed crime(s);
- l. Evidence of purchases, such as items used in planning or carrying out above listed crimes(s);
- m. Internet research history conducted while planning, executing, or covering up to commit above listed crimes(s);
- n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, user names, screen names, remote data storage accounts, documents, files, calendars, metadata,

recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;

o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;

p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

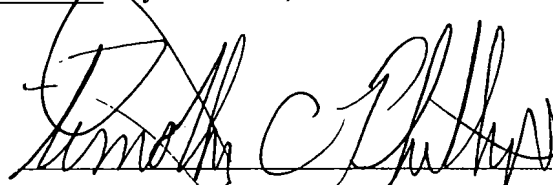
q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others

to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

Your AFFIANT would also like to advise the court that the examination of digital 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 10 days normally required by the court

Given under my hand and seal this 12th day of April, 2024 TCP



JUDGE OF THE COUNTY COURT

Timothy C Phillips

Printed Name of County Court Judge



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Jeremy Schwarz, being first duly sworn upon oath deposes and states that he is a Investigator for the Lancaster County Sheriff's Office, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of possession of a controlled substance N.R.S. 28-416, occurring at 13821 Guildford, Waverly, Lancaster County, Nebraska. As part of the investigation, AFFIANT has consulted with other involved law enforcement and reviewed case reports. AFFIANT states as follows:

The item(s) to be searched for digital evidence are particularly described as:

- A Samsung brand, model A14, unknown serial number, located in the Electronic Evidence Unit located at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404451 and with case number C4001823;
- A Samsung brand, model A13, serial number 35003882639088, located in the Lincoln Police Property Evidence Unit at 575 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with property number Q2404454 and case number C4001823, for the following items:

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

LANCASTER COUNTY

2024 MAY 29 PM 2:48

CLERK OF THE DISTRICT COURT

Facts:

Your AFFIANT knows through investigative reports and personal conversations with Deputy T. Castaneda the following events occurred.

On March 8, 2024, at approximately 12:38 a.m., at or near 13821 Guildford Street, Waverly, Lancaster County, Nebraska, Deputy Castaneda conducted a traffic stop on a gray Chevy Impala bearing Nebraska license YFV361 for no valid registration. Deputy Castaneda contacted the driver later identified as Elijah Scott-Goods, and the front seat passenger, Ricki Polak.

As Deputy Castaneda was approaching and making contact on the driver side of the Chevy Impala bearing Nebraska license YFV361, Deputy Castaneda observed Ricki Polak using her cellphone, described as a black device with a sticker on the rear of the case. According to Deputy Castaneda's report, it appeared Ricki Polak was texting or sending messages.

Deputy Castaneda informed Elijah Scott-Goods and Ricki Polak the purpose of the traffic stop. Ricki Polak told Deputy Castaneda there was an issue with the title and that's why the vehicle is not registered. Ricki Polak told Deputy Castaneda the Chevy Impala bearing Nebraska license YFV361 belongs to her friend (unknown person), and they have been trying to get the title switched over.

Ricki Polak provided Deputy Castaneda with the title for the Chevy Impala bearing Nebraska license YFV361 and told him DMV would not accept it due to the date being altered and written over. Deputy Castaneda observed a date of sale to be '11-15-2023.' Deputy Castaneda observed the last two digits '23' were altered. The printed name of the seller was Dejaun Ammons, and the name of the purchaser was William R. Koontz with an Omaha address.

Ricki Polak, who spoke very fast, told Deputy Castaneda her friend (unknown name) sold the vehicle to her. Deputy Castaneda noticed Ricki Polak is not listed on the title as a purchaser. Ricki Polak also told Deputy Castaneda, her friend 'Bill' who is on the title, presumably William Koontz, bought the car from his friend, and then sold Ricki Polak the car. According to the vehicle title, Deputy Castaneda discovered the vehicle had not been registered since Dejaun

owned it. Deputy Castaneda documented in his report he believed there was likely some title fraud and sales violations due to the lack of vehicle registration prior to the most current sale. During the conversation about vehicle title, Deputy Castaneda continued to observe Ricki Polak use her cellphone.

Deputy Castaneda asked Elijah Scott-Goods to exit the vehicle after he was unable to provide his driver's license. Deputy Castaneda asked Ricki Polak, who was still using her cellphone, and leaning uncomfortably towards Deputy Castaneda's direction, and over the center console, if she had a license on her. Deputy Castaneda observed Ricki Polak's legs were closed together, as if she was shielding the area near the front passenger seat floorboard and covering the center console. Ricki Polak provided Deputy Castaneda with her driver's license and informed Deputy Castaneda she has insurance on the car and was in the process of trying to locate it.

Suspecting criminal activity was taking place, Deputy Castaneda had to direct Ricki Polak, twice, to step from the Chevy Impala bearing Nebraska license YFV361. Outside the vehicle, Ricki Polak was non-compliant and stopped walking toward Deputy Castaneda's cruiser and continued to manipulate and use her cellular phone.

Deputy Castaneda asked Ricki Polak about any weapons. Ricki Polak provided Deputy Castaneda with a pocketknife from her waistband. When Deputy Castaneda asked Ricki Polak consent to search her person, Ricki Polak began walking away back toward Chevy Impala bearing Nebraska license YFV361 while using her cellular phone. Deputy Castaneda had redirect Ricki Polack back toward the front of his cruiser. Ricki Polak informed Deputy Castaneda she doesn't like cops. When Deputy Castaneda attempted to explain the reason behind search (approximately 30 degrees before the wind chill factor), and the need to detain them inside his cruiser, Ricki Polak began to slowly walk away and distance herself from Deputy Castaneda. Ricki Polack began to pace back and forth. Deputy Castaneda documented in his report it was his perception that Rick Polak was very nervous and agitated by his presence. Ricki Polak was detained after she walked off again and had to be escorted back to Deputy Castaneda's cruiser.

During a search of Ricki Polak person, Deputy Castaneda discovered a cellular phone in a coat pocket, two syringes in a coat pocket near her chest, and a large amount of cash, in what appeared to be \$20.00 bills, that were wrapped and banded. Deputy Castaneda asked Ricki Polak if she had been paid recently. Ricki Polak told Deputy Castaneda she was on her way to look for a car. Also located in Ricki Polak's pockets were two .380 caliber hollow point rounds. These items were placed inside a bag and put in Deputy Castaneda's cruiser with the cellular phone placed on the dashboard. Deputy Castaneda noticed when he placed the phone on the dashboard it began to ring.

Elijah Scott-Goods consented to a search of his person and was subsequently placed inside Deputy Castaneda's car. Elijah Scott-Goods told Deputy Castaneda he and Ricki Polak were coming from Omaha.

According to investigative reports, your AFFIANT knows Deputy Castaneda checked the local and state record management system and learned Elijah Scott-Goods has an expired and suspended Nebraska operator's license and he had two Lincoln Police Department broadcasts for suspected vehicle theft and assault. Additionally, Elijah Scott-Goods was suspected of a vehicle theft in January 2024.

Deputy Castaneda discovered Ricki Polak has an extensive criminal history involving narcotics, resisting arrest, and assault on an officer. Ricki Polak is a Nebraska convicted felon and has previous arrests to include but not limited to possession of methamphetamine, cocaine, carrying a concealed weapon, assaulting an officer, motor vehicle theft, robbery, resisting arrest, and drug paraphernalia.

A probable cause and inventory search of the Chevy Impala bearing Nebraska license YFV361 revealed a glass bong containing a white powdery residue, suspected methamphetamine, was located inside the center console. Additional used syringes were located inside the vehicle. Inside the trunk a glass stem that contained a small amount of fluid and white powdery residue along with multiple torches were located. A locked black box containing numerous watches was also located inside the trunk. Additionally, a small black bag was located in the trunk and contained a large number of keys, some of which, belonged to

vehicles that matched the descriptions of auto thefts Elijah Scott-Goods was a suspect in.

A backpack was located on the front passenger side floorboard that was previously being shielded by Ricki Polak's legs. Inside the backpack on the front passenger floorboard area, deputies located and seized 432.1 grams of suspected methamphetamines. The methamphetamines were packaged for sales and transportation separately as follows; 7.6 grams, 3.3 grams, 51.2 grams, 1.2 grams, 100.1 grams, 268.7 grams (all gross weights). Also located in the backpack were two working digital scales with a powdery residue, hundreds of empty self-sealing baggies of various sizes. The backpack also contained feminine products such as nail polish and hairbrushes. Inside a wallet on the front passenger seat right next to the backpack, deputies located a small package containing 32 pills with imprint 'M30'. One of the vials was subjected to a pretest and indicated positive for the presence of codeine.

Furthermore, deputies located a purse containing an additional \$409 of cash. Ricki had \$1,180 of cash on her person, meaning she was in possession of \$1,589 total. Ricki's identification card and social security card were inside the wallet with the pills as well.

According to Deputy Castaneda's report, through his training and experience, he knows the typical user amount of methamphetamine is 0.2 grams, therefore; Ricki Polak and Elijah Scott-Goods were in possession of 2,160.5 doses, which is consistent with a dealer amount of methamphetamine. Additionally, the digital scales with residue, empty baggies, and the separate packaging and weights of the methamphetamines was also consistent with the distribution of methamphetamine. Deputy Castaneda later learned a notebook was seized from the center console area that contained potential notes of drug sales. Through discussions with narcotics investigators and previous experience, Deputy Castaneda is familiar the average dealer number of pills is approximately 20, therefore; the number of pills located was consistent with the distribution of a controlled substance.

Ricki Polak and Elijah Scott-Goods were cited and lodged at the Lancaster County Adult Detention Facility located at 3801 West O Street, Lincoln, Lancaster County, Nebraska for various narcotic related offenses.

According to investigative report, when Elijah Scott-Goods was processed at the Lancaster County Jail, 14 baggies (.4 grams) of meth were located inside of Elijah's underwear. A 'snort tube' was also located in the holding cell drain tube where Elijah Scott-Goods was located.

Your AFFIANT also knows Deputy Castaneda contacted Ricki Polak inside the Lancaster County Adult Detention Facility about her phone. Ricki Polak was informed her phone was being seized. Ricki Polak asked for phone numbers out of her phone while she was inside her holding cell. Ricki Polak unlocked her phone and gave Deputy Castaneda consent to manipulate her phone for the purpose of retrieving the requested phone numbers.

Going through Ricki Polak's cellular contacts per her request, Deputy Castaneda observed the name Nefertity Sandoval AKA 'Shorty.' Deputy Castaneda recognized the name and from a prior arrest. According to investigative reports, Deputy Castaneda arrested Nefertity Sandoval with 40.1 grams of meth and 20 Xanax pills. Deputy Castaneda documented in his report Nefertity Sandoval is a known narcotics user and dealer in the Lincoln and Omaha area with a similar criminal history of Ricki Polak.

According to Deputy Castaneda's report, while retrieving numbers for Ricki Polak, she became very defensive about deputies searching the phone and making sure it was locked. Near the end, Ricki Polak quickly lunged and grasped her phone while in handcuffs in an attempt to grab it from Deputy Castaneda. Ricki Polak claimed she was trying to lock the phone so Deputy Castaneda would not search them. Ricki Polak's phones were seized and turned into property.

During investigative follow-up, Deputy Castaneda reviewed his body worn and cruiser camera of Elijah Scott-Goods and Ricki Polak who seated together in the back of his marked Lancaster County cruiser. Elijah Scott-Goods and Ricki Polak shared several 'I love you's' with one another and discussed the search and inventory of the Chevy Impala bearing Nebraska license YFV361.

Ricki Polak displayed numerous physical indicators of extreme nervousness, such as heavy and rapid breathing as well as frantically looking around and watching deputies. Elijah Scott-Goods attempted to calm Ricki Polak by telling her to calm down, stop watching, and deputies were not legally allowed to search the vehicle. Additionally, Ricki Polak asked Elijah Scott-Goods to shove a bag of methamphetamine inside her vagina in order to stay high while she was handcuffed. Ricki Polak was observed in the footage to be physically shuffling, straining, and making several furtive movements digging her hands into her groin area while she was alone with Elijah Scott-Goods in the cruiser.

Deputy Caldwell, an employee of the Lancaster County Sheriff's Office, who assisted in the traffic stop reviewed jail calls placed by Ricki Polak and Elijah Scott-Goods. According to investigative reports, Ricki Polak called Roni Salas on March 8, 2024, and told him,

'I'm so fucked man. I'm so fucked. I was just wondering if you'd be able to go onto my Facebook and erase all my messages, go to find my phone and erase the devices'. Ricki continues by explaining to Roni the phones are an Android A14 and a Samsung A13, both which were seized at the time of her arrest. Ricki tells Roni to delete the cellphones as soon as possible and reiterated to erase everything. Roni stated he would and also said he sent a message with a command to delete the cellphone contents as soon as it was powered on. In the same jail call, Ricki tells Roni she had Elijah pull over because she did not think he was a good enough driver to get away. Ricki also stated she drives every other time because it makes her feel better.'

Deputy Caldwell also documented a call made by Ricki Polack to her mother. The phone number is XXX-XXX-0444. During the phone call, Polak tells her mother,

'Polak states that 'the drugs were in a common area' and 'the pills were in a wallet that she had cards in.' 'Do you remember the pills my dude was doing?' 'It was those don't say it.' 'And there's more than 20'.'

Your AFFIANT knows the Lancaster County Attorney's office has charged Ricki Polak with Possession with Intent to Deliver 140g/more of a controlled substance, possession of a controlled substance and possession of money while in violation of the drug statute (CR 24 0002583).

Your AFFIANT verified through property reports and a physical inspection, the black Samsung brand, model A14, unknown serial number, has a sticker on the back of the phone and belongs to Ricki Polak. The phone is located in the Electronic Evidence Unit located at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404451 and with case number C4001823. Your AFFIANT also verified the Samsung brand, model A13, serial number 35003882639088, also belongs to Ricki Polak. The phone is located in the Lincoln Police Property Evidence Unit at 575 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with property number Q2404454 and case number C4001823.

Your AFFIANT researched the arrest of Nefertility N. Sandoval by Deputy Castaneda. Your AFFIANT knows Nefertility Sandoval was arrested on July 22, 2023, for possession of methamphetamine with intent to deliver 140 grams or more (CR 24 0000252).

Digital Storage Devices

Your AFFIANT knows from training and experience that digital media devices and related digital storage devices, such as cell phones, can be used to create, edit, delete, share, and store files and other data including, live and deleted documents, photographs, videos, electronic mail (e-mail), search history and other relevant user information.

Your AFFIANT also knows from training and experience that computers and mobile devices, such as cell phones, connected to the Internet, are used to search the World Wide Web for content and such access can allow users to access and control data such as pictures, videos, documents, and other files.

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 also knows that data associated with these devices can often include user attribution data that can help identify the person(s) who sent, received, created, viewed, modified, or otherwise had control over particular content.

AFFIANT has been involved in investigations and has received training in various types of criminal investigations to include narcotics investigations. Through your AFFIANT's training and past experience, your AFFIANT is aware that cellular telephone data can provide valuable insight for narcotic 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. Cellular telephones contain location data that can assist in an investigation by both corroborating and disproving statements. Cellular telephones can also show any possible relationships between parties involved through past communications, location data, and contact information stored.

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;

Through your Affiant's training and criminal investigation experience examining cellular telephones, your Affiant is aware cellular telephones typically contain electronic records concerning calls made to, from, or missed by the cellular telephone. In addition, cellular telephones typically contain electronic records of text messages sent to and from the telephone, and other types of communication between persons. Cellular telephones typically contain a "phone book" of stored names and telephone numbers.

Through your Affiant's training and experience with examining digital devices, your Affiant is aware cellular telephones typically contain electronic records concerning calls made to, from, or missed by cellular telephone. In addition, digital devices typically contain electronic records of messages sent to and from the device, and other types of communications between persons. Digital devices typically contain a "contact list" of stored names, telephone numbers, usernames, and accounts.

Your AFFIANT know 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. A forensic examiner may be able to recover information deleted by the user throughout the working life span of the device.

Your AFFIANT knows digital data can be found in numerous locations, and formats. Evidence can be embedded into unlikely files for the type of evidence, such as a photo included in a document or converted into a PDF file or other format in an effort to conceal their existence. Information on devices and media can be stored in random order; with deceptive file names; hidden from normal view; encrypted or password protected; and stored on unusual devices for

the type of data, such as routers, printers, scanners, game consoles, or other devices that are similarly capable of storing digital data.

Your AFFIANT knows, that, wholly apart from user-generated files and data, digital devices and media typically store, often without any conscious action by the user, electronic evidence pertaining to virtually all actions taken on the digital device, and often information about the geographic location at which the device was turned on and/or used. This data includes logs of device use; records of the creation, modification, deletion, and/or sending of files; and uses of the internet, such as uses of social media websites and internet searches/browsing.

Your AFFIANT knows device-generated data also includes 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 knows digital devices can also reveal clues to other locations at which evidence may be found. For example, digital devices often maintain logs of connected digital or remote storage devices. A scanner or printer may store information that would identify the digital device associated with its use. Forensic examination of the device can often reveal those other locations where evidence may be present.

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 searching the digital device itself would irreversibly alter data and/or evidence on the device. The commonly accepted best practice method to search a digital device for evidence involves creating a digital image of the device and then searching that image for the responsive evidence. Creating a forensic image does not alter any evidence on the device; it only copies the data into a searchable format. The image is then searched using search tools to locate and identify that evidence whose seizure is authorized by this warrant. The unaltered device and the image are then preserved in evidence.

Your AFFIANT knows modern digital devices and media can contain many gigabytes and even terabytes of data. Due to the potential for an extremely large volume of data contained in devices and media, and that fact that evidence can be stored/located in unanticipated locations or formats and/or embedded in other items stored on the device/media, investigators typically need to use specialized equipment in their search. Such large volumes of data also mean that searches can take days or even weeks to complete.

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 this warrant authorizes for seizure, and to assist in securing such evidence.

Based on all the foregoing information, there is probable cause to believe that evidence of the above-listed crimes exists in the above-described digital devices and that there is probable cause to search those devices for the evidence of the above crimes.

Your AFFIANT knows from my training and experience, and from information provided to me by Electronic Evidence Unit Personnel that it is necessary to search live and deleted data recovered from digital devices from the time when the device was first used through the time when the device was seized. This is specifically necessary to establish associations between a particular device

and associated applications and files to a particular user (or users). This scope of time is necessary to identify potential inculpatory and exculpatory evidence during the planning, execution and post event activities of potential criminal activity. These activities may include communication, contact, calendar entries, pictures, videos, location information (including GPS, navigation, and maps), This scope of time is also necessary to determine accurate device date and time settings, including time zone changes, and allow for the analysis any associated data within a proper context. I know from my training and experience that it is important to understand events of a particular day and time in proper context that may exist before and to attribute particular users of a device and associated applications.

For the technical reasons described, the digital evidence listed above shall be submitted to the Electronic Evidence Unit located at 605 South 10th St, Lincoln, Lancaster County, State of Nebraska for digital forensic processing and analysis.

Your AFFIANT is asking the court to allow a full search (Items A through R) of the black Samsung brand, model A14, unknown serial number, with a sticker on the back and labeled with Property Number Q2404451 and with case number C4001823 along with the Samsung brand, model A13, serial number 35003882639088, and labeled with property number Q2404454 and case number C4001823 between the dates of July 1, 2023, and March 8, 2024. Your AFFIANT believes both Samsung phones contain material evidence relevant to this case-based Ricki Polak's behavior during the traffic stop, narcotic evidence recovered during the traffic stop, communications with Roni Salas to erase the entire contents of both phones along with her association with Nefertity N. Sandoval.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for

- A Samsung brand, model A14, unknown serial number, located in the Electronic Evidence Unit located at 605 S. 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with Property Number Q2404451 and with case number C4001823;

- A Samsung brand, model A13, serial number 35003882639088, located in the Lincoln Police Property Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, and labeled with property number Q2404454 and case number C4001823, for the following items:

the following items:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging “app” accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;
- b. Evidence of use of the device to communicate with others about the above-listed crime(s), via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;
- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to above listed crime(s);
- e. Information that can be used to calculate the position of the device between the above dates, including location data; GPS satellite data; GPS coordinates for routes and destination queries between the above-listed dates; “app” data or usage information and related location information; IP logs or similar internet connection information, and images created, accessed or modified between the above-listed dates, together with their metadata and EXIF tags;

- f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;
- g. Records linking the suspect(s), co-conspirators, victim(s), witness(es) to a certain screen name, handle, email address, social media identity, etc.;
- h. Records showing a relationship with victim(s), location(s), other suspects, etc.;
- i. Names, nicknames, account ID's, phone numbers, or addresses of specific persons;
- j. Records showing a relationship to particular areas or locations.;
- k. Photographs, images, videos, documents that contain or are evidence of above listed crime(s);
- l. Evidence of purchases, such as items used in planning or carrying out above listed crimes(s);
- m. Internet research history conducted while planning, executing, or covering up to commit above listed crimes(s);
- n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, usernames, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;
- o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;

- p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;
- q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;
- r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital devices listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

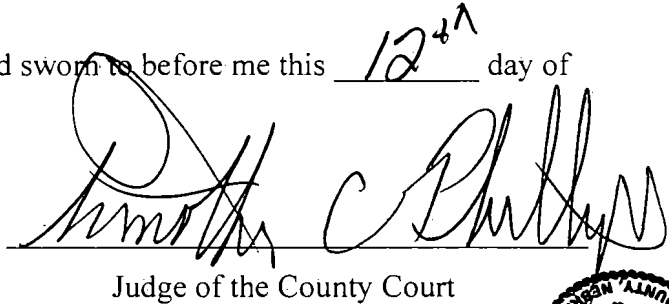
Your AFFIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court

Further AFFIANT saith not;

Dated this 12th day of April 2024.


Jeremy Schwarz, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 12th day of April 2024.


Judge of the County Court

Timothy C Phillips
Printed Name of Judge

