

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CE24-1

IN THE MATTER OF THE SEARCH WARRANT  
OF THE DESCRIBED VEHICLE

SEARCH WARRANT RETURN

2015 NISSAN ALTIMA VIN: 1N4AL3AP0FC122363

LOCATED AT NEBRASKA STATE PATROL EVIDENCE FACILITY AT  
3921 W CRAW STREET LINCOLN, LANCASTER COUNTY, NEBRASKA 68524.

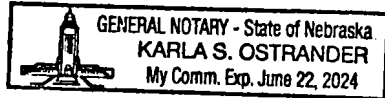
STATE OF NEBRASKA            )  
  )  
COUNTY OF LANCASTER        )        ss.

The undersigned states that they received the Search Warrant issued herein on the 1st day of May, 2024, and that said search warrant was executed on the 8<sup>th</sup> day of May, 2024.

DATED this 15th day of May, 2024.

 280  
\_\_\_\_\_  
Trp. J. Krvin #280

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of May, 2024.



Karla S. Ostrander  
\_\_\_\_\_  
Notary Public

LANCASTER COUNTY  
2024 MAY 29 PM 2:49  
CLERK OF THE  
DISTRICT COURT



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#236

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

TO: Jay Irvin #280, a law enforcement officer of the Nebraska State Patrol, and to all other law enforcement officers:

1. This matter came on for consideration on the May 1st, 2024, upon the sworn affidavit and application for issuance of a search warrant of Trooper Jay Irvin, of the Nebraska State Patrol, and the Court, being fully advised in the premises finds as follows:

2. That the Court has jurisdiction of this matter pursuant to Neb.Rev.Stat. § 29-812 through Neb.Rev.Stat. § 29-829.

3. That based upon the sworn affidavit and application for issuance of a search warrant of Trooper Jay Irvin, of the Nebraska State Patrol dated the first day of May, 2024; there is probable cause to believe that secured on the premises at W Mathis Street and NW 39<sup>th</sup> Street, Lincoln, Lancaster County Nebraska, 68524, commonly known as NSP WEST CRAW the following property, to-wit:

- a. Any airbag Sensing and Diagnostic Module(s) on a **2015 Nissan Altima, VIN 1N4AL3AP0FC122363**. Any and all data located in an airbag Sensing and Diagnostic Module (SDM) or any other module of a similar nature, which may include pre-collision, collision, and post collision data including, but not limited to, vehicle speed, throttle position, brake position and engine revolutions per minute (RPM's) prior to airbag deployment, changes in velocity (delta-v), and seatbelt usage. Said data may be either downloaded via the diagnostic port on the vehicle or the entire module may be removed from the vehicle for later examination off site. It shall be within the sole discretion of the law enforcement officer executing this warrant as to how such data shall be retrieved.

LANCASTER COUNTY  
2024 MAY 29 PM 2:49  
CLERK OF THE  
DISTRICT COURT

4. YOU ARE THEREFORE ORDERED, with the necessary and proper assistance, to search the above described vehicle for the purpose of seizing the before described property, and if found, to seize and deal with the same as provided by law.

5. IT IS FURTHER ORDERED, that execution of the search warrant be forthwith during daylight hours.

6. IT IS FURTHER ORDERED, that Trooper Jay Irvin, of the Nebraska State Patrol, or his designee, make return of this search warrant to me within ten days after the date hereof. An amended return may be filed after ten days, if seized and inventoried evidence pursuant to this warrant is further analyzed as authorized herein.

GIVEN under my hand this 1<sup>st</sup> day of May, 2024.

  
JUDGE OF THE COUNTY COURT



IN THE COUNTY COURT OF LANCASTER COUNTY NEBRASKA

STATE OF NEBRASKA ) LANCASTER COUNTY AFFIDAVIT AND APPLICATION  
COUNTY OF LANCASTER ) 2024 MAY 29 PM 2:49 FOR ISSUANCE OF A  
SEARCH WARRANT

CLERK OF THE DISTRICT COURT

The complaint and affidavit of Trooper Jay Irvin Badge #280, Nebraska State Patrol, on this May 1st, 2024, who being first duly sworn, upon oath says:

Your affiant is a Nebraska State Patrol Trooper assigned to the Patrol Division and is stationed in Nebraska City, NE. The affiant has been a certified law enforcement officer since 2016 and an accredited Crash Reconstructionist since 2021.

That he has just and reasonable grounds to believe, and does believe, that there is concealed or kept hereinafter described, the following property, to-wit:

- 1. Any airbag Sensing and Diagnostic Module(s) on a 2015 Nissan Altima, VIN 1N4AL3AP0FC122363. Any and all data located in an airbag Sensing and Diagnostic Module (SDM) or any other module of a similar nature, which may include pre-collision, collision, and post collision data including, but not limited to, vehicle speed, throttle position, brake position and engine revolutions per minute (RPM's) prior to airbag deployment, changes in velocity (delta-v), and seatbelt usage. Said data may be either downloaded via the diagnostic port on the vehicle or the entire module may be removed from the vehicle for later examination off site. It shall be within the sole discretion of the law enforcement officer executing this warrant as to how such data shall be retrieved. Furthermore, such law enforcement officer or agency shall be entitled to request and receive the services of any person to assist such law enforcement officer or agency in retrieving, reading, examining, and/or analysis said data.

That said property is concealed or kept in, on, or about the following described place or person, to-wit:

- 1. NSP WEST CRAW, W Mathis Street and NW 39th Street, Lincoln, Lancaster County Nebraska, 68524. The said items described previously are contained in or are presently attached to a 2015 Nissan Altima, VIN 1N4AL3AP0FC122363 presently stored in said facility. That said property is under the control or custody of the Nebraska State Patrol, NSP WEST CRAW, Lincoln, Lancaster County Nebraska, 68524.

That the following are the grounds for issuance of a search warrant for said property and the reasons for his belief, to-wit:

- 1. The affiant has been trained in the specialized field of traffic accidents and crash reconstruction. The affiant is requesting the retrieval of crash data from vehicle airbag sensing and diagnostic modules (SDM's).
- 2. On April 12th, 2024, a three-vehicle crash occurred on Highway 77 near Little Salt Road in Lancaster County, Nebraska. This crash resulted in the death of ROSS C. BARTLETT D.O.B. – 03/04/1970 and the injury of KEVION HILL D.O.B. – 04/06/1997. ROSS was on a traffic stop parked behind HILL on the outside southbound outside shoulder of Highway 77. Road

evidence indicates a blue 2018 Ford F150 Supercrew, was southbound on Highway 77 in the right lane when the driver admitted to being distracted by a cell phone and drifted onto the shoulder, where it collided into the back of the white police Charger. The Charger then collided with a Nissan Altima **VIN 1N4AL3AP0FC122363**, occupied by HILL. BARTLETT was transported to Bryan West via helicopter where he was pronounced deceased. The Nissan Altima was driven by KEVION HILL.

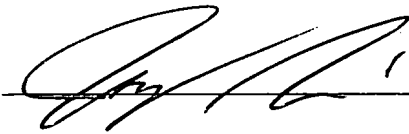
2. For the purposes of this application for a search warrant, SDM (sensing and diagnostic modules), RCM (restraint control module), EDR (event data recorders) and a vehicle's black box provide relatively the same information and the terms are used interchangeably. Based upon a review of literature provided by Vetronix, a company that manufactures diagnostic tools and components capable of reading SDM's, the above-described vehicle contains an SDM that may contain pre-crash and crash information that would aid in the investigation of the accident/crash. I believe that the vehicle contains a sensing and diagnostic module (SDM) that may contain pre-crash information that would aid the investigation of this case.
3. Crash data useful to determine the cause, location, and conditions of an accident or crash may be available and obtained from certain select model vehicles via airbag sensing and diagnostic modules or SDM's where the airbag has deployed or where there has been a near deployment. SDM is the name typically used by General Motors while Ford calls it an RCM, or Restraint Control Module.
4. For a number of years automotive manufactures have installed event data recorders on many of their vehicles equipped with air bags. Initially very limited information, including the presence of any air bag fault codes and a variety of times associated with sensing and deployment, were recorded. Over time, the recording systems have evolved so that additional data, such as the vehicle's longitudinal change in velocity (delta-V), are captured. The most recent generation of sensing and diagnostic modules (SDM) also records some pre-crash data. Specific data elements recorded are vehicle speed, engine rpm, brake light status, and throttle position. These variables are currently recorded at each of five, one second intervals prior to the occurrence of a crash. Also stored is the state of the driver's seat belt switch which can provide an indication of restraint use. The EDR in vehicles can record both an air bag deployment event and a so-called "near deployment". If the SDM identifies a potential crash, it monitors the vehicle's acceleration-time history and its built-in algorithm determines whether or not the air bag systems should be deployed. If the collision is not of sufficient severity to warrant deployment, the incident is recorded in the near-deployment file. Minor near deployment events are over-written by more severe near-deployment events, or are cleared after 250 ignition cycles. In the event that a command to deploy is issued, the associated pre-crash and crash data are permanently written out to the deployment file in the SDM's memory. In the latter case, a warning code is set and, if the vehicle is to be repaired, the SDM must be replaced
5. If the SDM identifies a potential crash, it monitors the vehicle's acceleration-time history and a computer determines whether the air bag systems should be deployed. If the collision is not of sufficient severity to warrant deployment, the incident is recorded in the near-deployment file. Minor near deployment events are over-written by more severe near-deployment events, or are cleared after over 100 ignition cycles. In the event that an airbag is deployed, the associated pre-crash and crash data are permanently written out to the deployment file in the SDM's memory. In the latter case, a warning code is set and, if the vehicle is to be repaired, the SDM must be replaced.
6. It is my belief that the ignition of this involved vehicle has not been cycled 250 times, but less

than 10 times since the crash, therefore any near deployment information would still be available through downloading. It is my belief that the force of the crash was likely sufficient to trigger a deployment response in this involved vehicle.

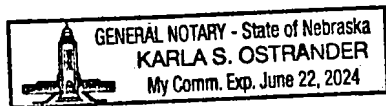
7. Therefore, I am asking for permission to enter the above described vehicle for the purposes of retrieving and all information located in the SDM module. The SDM itself may or may not be removed. If possible, the retrieval, examination, and/or downloading of the SDM will consist of simply plugging a computer into the diagnostic connection on the vehicle and download the data on the SDM. The data will then be processed by a computer and printed in appropriate graphs and forms. However, due to lack of power, damage to the vehicle or other factors, the SDM may have to be removed from the vehicle. If removed from the vehicle, the data will be removed from the SDM and will be placed back with the vehicle as the data obtained from the SDM is the evidence.
8. I request that a search warrant be issued to enter said vehicle and retrieve such data as mentioned above and to be entitled to request and receive the services of any person to assist such law enforcement officer or agency in retrieving, reading, examining, and/or analysis said data.

A warrant authorizing a DAY time search is requested.

WHEREFORE, your affiant requests that a Search Warrant may be issued according to law.

  
280  
Jay Irvin, Trooper  
Nebraska State Patrol

SUBSCRIBED AND SWORN TO before me this 1<sup>st</sup> day of May, 2024.



Karla S. Ostrander  
Notary Public