

LPD Case Number: C4-041562

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
CAPITAL TOWING
101 CHARLESTON STREET
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 12th day of June, 2024, and that he executed the same on the 12th day of June, 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.

Grant Powell #1512

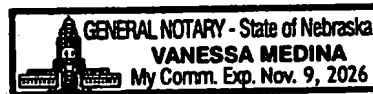
Grant Powell #1512

SUBSCRIBED to in my presence and sworn to before me this 17th day of June, 2024.

Vanessa Medina

Notary Public

LANCASTER COUNTY
2024 JUN 18 PM 3:45
CLERK OF THE
DISTRICT COURT



266

S

INVENTORY

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
CAPITAL TOWING
101 CHARLESTON STREET
LINCOLN, LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

ss.

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


Grant Powell, 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 a silver GMC Sierra pickup with Nebraska license plate APX875 and VIN: 3GTU2NEJ5HG349706, located at Capital Towing, 101 Charleston Street, Lincoln, Lancaster County, Nebraska:

- Digital photos of exterior and interior of vehicle
- Image of airbag control module data
- Bosch infotainment system (car multimedia GMBH)


LANCASTER COUNTY
2024 JUN 18 PM 3:45
CLERK OF THE
DISTRICT COURT

Inventory made in the presence of Derek Dittman #1551.



Grant Powell #1512

SUBSCRIBED to in my presence and sworn to before me this 17th day of June, 2024



Notary Public



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from a silver 2017 GMC Sierra pickup with Nebraska license plate APX875 and VIN: 3GTU2NEJ5HG349706, located at Capital Towing, 101 Charleston Street, Lincoln, Lancaster County, Nebraska:

- DIGITAL PHOTOS OF EXTERIOR AND INTERIOR OF VEHICLE
- IMAGE OF AIRBAG CONTROL MODULE DATA
- BOSCH INFOTAINMENT SYSTEM (CAR MULTIMEDIA GMBH)

LANCASTER COUNTY
 2024 JUN 18 PM 3:45
 CLERK OF THE
 DISTRICT COURT

DATED this 12th day of June, 2024.


 Law Enforcement Officer


 WITNESS

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

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

WHEREAS, Grant Powell, 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 a silver 2017 GMC Sierra pickup with Nebraska license plate APX875 and VIN: 3GTU2NEJ5HG349706, located at Capital Towing, 101 Charleston, Lincoln, Lancaster County, Nebraska in order to inspect said silver GMC for any defects mechanical, electrical, or otherwise, including, but not limited to defects in the braking system, acceleration system, lighting system and to search for and measure, photograph, videotape, forensic test, and seize the following if necessary:

- (1) tires
- (2) dashboard
- (3) maintenance and/or repair paperwork
- (4) windshield
- (5) brake and accelerator pedals
- (6) evidence of any vision obstruction
- (7) headlights
- (8) any evidence of alcohol, drugs or narcotics
- (9) evidence to identify the driver and/or occupants to include DNA and fingerprint evidence,
- (10) documentation of ownership of vehicle
- (11) any electronically recorded crash data
- (12) any evidence of cellular phone usage
- (13) DNA evidence to identify any pedestrian struck.

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 12th day of June, 2024

Timothy C Phillips
Judge of the County Court

Timothy C Phillips
Printed Name of Judge



LANCASTER COUNTY
2024 JUN 18 PM 3:45
CLERK OF THE
DISTRICT COURT

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Grant Powell, being first duly sworn upon oath deposes and states that he is a Police Officer for the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. AFFIANT states he is currently involved in the investigation of Fatal Motor Vehicle Collision Investigation occurring on a private drive of the Center Court mobile home park at 3700 Cornhusker Highway, Lincoln, Lancaster County, Nebraska between mobile homes #108G and #201G. AFFIANT has reviewed case reports by all Lincoln Police Department Officers and other involved law enforcement involved in this investigation.

Facts:

On May 14th, 2024 at approximately 8:24 PM, Lincoln Police Dispatch received a call of a medical emergency involving a hemorrhage or laceration at 3700 Cornhusker Highway, Lincoln, Lancaster County, Nebraska. Officers of the Lincoln Police Department were dispatched shortly thereafter. Alejandro Murillo with DOB February 12th, 2002, had been found lying on the roadway, face down, with blood pooling from his head as well as other road rash style injuries. At the time of the scene investigation, there were no witnesses to how Alejandro sustained the injuries. Alejandro was transported to Bryan Health-West where he was declared deceased at 9:24 PM.

On-scene investigators initially used security camera footage from 3700 Cornhusker #108G to find that Alejandro appeared in the roadway on the evening of May 14th, 2024, however, the camera was only activated by motion nearer the residence and did not capture any incident in the roadway.

2024 JUN 18 PM 3:45

CLERK OF THE DISTRICT COURT

LANCASTER COUNTY

Lincoln Police Investigator Jessica Drager #1715 interviewed Cindy Martinez with DOB October 11th, 2001. Cindy was the girlfriend of Alejandro and the mother of his children. Cindy said that she and Alejandro had been mowing at 4435 Cornhusker Highway, a place that they stay. Cindy said that Alejandro had been drinking alcohol and possibly using narcotics and was acting upset and angry. Cindy said that Alejandro walked away from the address and was walking toward Bianca Rodriguez's address, 3700 Cornhusker Highway #7A. She said that, once he left on foot, she had not seen him again. The lawn being mowed was later determined to be at 4435 Colfax Circle, Lincoln, Lancaster County, Nebraska.

An autopsy was performed by Doctor Michelle Elieff on May 15th, 2024 at the Douglas County Morgue, 3867 Leavenworth, Omaha, Douglas County, Nebraska, where the cause of Alejandro's death was determined to have been blunt force trauma to the head and neck. Doctor Elieff's opinion was that there was an initial impact with an object and a secondary impact with the ground. Doctor Elieff noted a lot of "road rash" injuries and it was consistent with a vehicle being involved.

On May 16th, 2024 at approximately 12:05 AM, Lincoln Police Investigator Jason Drager #1723 spoke to Sergio A Castillo with DOB November 27th, 1978. Sergio told Investigator Drager that Cindy's father, Jaime Martinez, had told Sergio that Alejandro had fallen from a "truck" that Cindy was driving. Jaime told Sergio that Alejandro and Cindy were arguing and Alejandro became aggressive and, at some point, Alejandro got out of the truck and was banging on the vehicle windows. Jamie told Sergio that Alejandro then fell from the truck as they were turning into a trailer park. At approximately 12:30 AM, Investigator Drager located Cindy and Alejandro's pickup, a silver 2017 GMC Sierra pickup with Nebraska license plate APX875 and VIN: 3GTU2NEJ5HG349706, at 1325 Sumner Street, Lincoln, Lancaster County, Nebraska.

On May 16th, 2024, Lincoln Police Forensic Audio Video Technician Rebecca Keller #3534 downloaded videos from the security cameras located at 3700 Cornhusker Highway #111H, a mobile home located just west and south of where Alejandro was found. Investigator Drager reviewed the video that was recorded on May 14th, 2024 and observed Cindy and Alejandro's pickup to be traveling southbound from the area that Alejandro was found at 8:19 PM, approximately only five minutes prior to the Lincoln Police Dispatch receiving the first call. At 2:43 PM, he relocated the vehicle at 1325 Sumner Street and he had it towed to Capital Towing, 101 Charleston Street, Lincoln, Lancaster County, Nebraska. Investigator Drager maintained custody of the silver GMC by following it as it was towed and secured in the evidence cage there which is where it remains at this time.

Technician Keller also collected surveillance video from Usher Custom Cabinets, 3521 North 40th, Lincoln, Lancaster County, Nebraska. The surveillance video covered the intersection of North 40th and Fremont Street, which was approximately three blocks east of the location that Alejandro was found. Lincoln Police Investigator Payne Schwerdtfeger #1763 reviewed two files of video and found Cindy and Alejandro's pickup traveling southbound on North 40th and then westbound on Fremont Street at 8:15 PM and a lawnmower handle could be seen in the back of the pickup.

On May 16th, 2024, Lincoln Police Investigator Jessica Drager #1715 collected videos from 4440 Colfax Avenue, Lincoln, Lancaster County, Nebraska. The video collected shows 4435 Colfax across the street and shows Cindy and Alejandro mowing the lawn with the silver pickup on May 14th, 2024. When they leave at 8:13 PM, Cindy is driving and Alejandro is in the passenger seat.

On May 16th, 2024 at approximately 3:00 PM, Investigator Schwerdtfeger interviewed Brianna Beranek with DOB August 30th, 1997 who is a reading teacher at Everett Elementary School and who spoke to Zelycia Martinez with

DOB August 24th, 2017. Zelycia is a niece of Cindy and Alejandro. Brianna spoke to Zelycia who said that her Uncle Alejandro was drinking alcohol and “acting crazy” and started hitting the window and her Aunt Cindy ran over his leg. Zelycia told Brianna that they went to Bianca’s residence to get away from Alejandro, but then he became angry. Zelycia said that Alejandro was jumping on the vehicle and hitting the windows as Cindy was driving and/or backing up. Zelycia said that Alejandro hit his head and then Cindy ran over his leg. Zelycia said that Cindy did not mean to run Alejandro over, but because he was on the vehicle and hit his head and fell, she did.

On May 16th, 2024 at approximately 6:15 PM and at the request of law enforcement, Cindy turned herself in at the Lancaster County Jail, 3801 West O Street, Lincoln, Lancaster County, Nebraska, where she was lodged for Leaving the Scene of an Accident-Death, Nebraska Revised Statute 60-697.

On May 18th, 2024 at 2:31 PM, Lincoln Police Investigator Giselle Hogan #1765 interviewed Juan Murillo Alvarado with DOB March 29th, 1976, who had driven himself to the Hall of Justice, 575 South 10th, Lincoln, Lancaster County, Nebraska, in order to give a statement. Juan said that Cindy had called him on Tuesday, May 14th, 2024 at 9:30 PM. She told him that Alejandro had fallen and hit his head. Cindy directed Juan to go to 3700 Cornhusker Highway. When Juan arrived, Cindy told Juan that she and Alejandro had gone to their apartment near 44th Street and Colfax Street to mow. Their daughter, Aurora and another female child were with them. Cindy told Juan that Alejandro was intoxicated as he had been drinking wine and may have done other other drugs. She said that they got into an argument and the argument continued inside the vehicle as they left. Cindy saidt hat Alejandro got out of the vehicle as she was driving and walked toward the driver’s side. Cindy told Juan that she was frightened by his behavior and that she thought he was going to try to get her to exit the vehicle. Cindy told Juan that Alejandro was holding the driver’s door when she drove off and that she saw Alejandro fall and hit his head. Cindy told Juan that, because she had

kids in the car, she ran to a woman's trailer house named Martha, who is the sister of Bianca Rodriguez.

On May 22nd, 2024 at 1:00 PM, Zelycia Martinez and Aurora Martinez with DOB March 17th, 2020 were both interviewed by Joann Diaz with DOB August 2nd, 1993, who is a Forensic Interview Specialist at the BraveBe Child Advocacy Center. Zelycia said that she was in the vehicle at the time of the accident, that Alejandro had been drinking "shooters" and was upset at Cindy for not letting him drive. Zelycia said that Alejandro was "going after" Cindy and Cindy kept having to move toward the window to avoid him. She said that Alejandro also punched the window and tried to break it. She said that he fell and bumped his head as Cindy was driving fast. Zelycia thought that Cindy ran over Alejandro's legs as well, but she didn't see that and only felt the bump of Alejandro being hit. Aurora only said that Alejandro was mad and trying to break a window.

Your AFFIANT states that, through his training and experience as Crash Reconstruction Investigator, he has learned that evidence obtained from damaged portions and systems of a motor vehicle can be helpful in determining with precision how a traffic collision occurred.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for the silver 2017 GMC Sierra pickup with Nebraska license plate APX875 and VIN: 3GTU2NEJ5HG349706, located at Capital Towing, 101 Charleston, Lincoln, Lancaster County, Nebraska, in order to inspect said silver GMC for any defects mechanical, electrical, or otherwise, including, but not limited to defects in the braking system, acceleration system, lighting system and to search for and measure, photograph, videotape, forensic test, and seize the following if necessary: (1) tires, (2) dashboard, (3) maintenance and/or repair paperwork, (4) windshield, (5) brake and accelerator pedals, (6) evidence of any vision obstruction, (7) headlights, (8) any evidence of alcohol, drugs, or narcotics, (9) evidence to identify the driver and/or occupants to include DNA and

fingerprint evidence, (10) documentation of ownership of vehicle, (11) any electronically recorded crash data, (12) any evidence of cellular phone usage, (13) DNA evidence to identify any pedestrian struck.

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

Further AFFIANT saith not;

Dated this 12th day of June, 2024.

Grant Powell #1512

Grant Powell, AFFIANT

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

Timothy C Phillips

Judge of the County Court

Timothy C Phillips
Printed Name of Judge

