

MAY 07 2024

Clerk of the District Court

LPD Case Number: C4-037217

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

SEARCH WARRANT RETURN

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
2900 FLETCHER AVENUT #214
LINCOLN, LANCASTER COUNTY, NEBRASKA

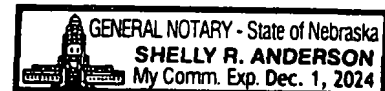
STATE OF NEBRASKA)
)
) ss.
COUNTY OF LANCASTER)

The undersigned states that he received the Search Warrant issued herein on the 1st day of May 2024, and that he executed the same on the 1st day of May, 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.

[Handwritten Signature]
Inv. Kiefer Hyland #1708

SUBSCRIBED to in my presence and sworn to before me this 2nd day of May, 2024.

[Handwritten Signature: Shelly R Anderson]
Notary Public



[Handwritten initials]

MAY 07 2024

Clerk of the District Court

INVENTORY

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

**IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
2900 FLETCHER AVENUE #214
LINCOLN, LANCASTER COUNTY, NEBRASKA**

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

ss.

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

Inv. Hyland 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.

Digital scale X3
Gun holster
\$1 with residue
THC vape carts & pen

Grinder
LES bill to Ibanez
Bags with marijuana residue
Baggie with residue

Inventory made in the presence of Inv. Nicholas Berry #1794

[Handwritten Signature]
#1708
Inv. Kiefer Hyland #1708

SUBSCRIBED to in my presence and sworn to before me this 2nd day of

May, 2024.

[Handwritten Signature: Shelly R. Anderson]
NOTARY PUBLIC



RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from 2900 Fletcher Avenue #214, Lincoln, Lancaster County, Nebraska:

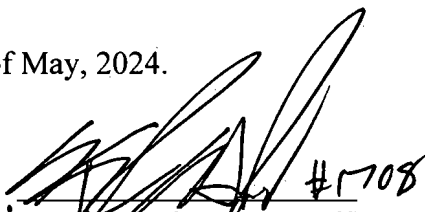
Digital scale x3
Gun holster
\$1 with residue
THC vape carts + pen
Grinder
LES bill to Ibanez
Bags with Marijuana residue
Baggie w/ residue

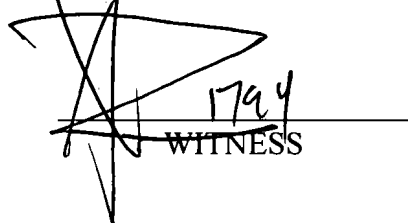
Clerk of the District Court

MAY 07 2024

Lancaster County, NE
FILED

DATED this 15 day of May, 2024.


#1708
Law Enforcement Officer


1794
WITNESS

MAY 07 2024

Clerk of the District Court

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

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

WHEREAS, Kiefer Hyland, 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 2900 Fletcher Avenue #214, Lincoln, Lancaster County, Nebraska, for the following items:

Any and all controlled substances, including but not limited to fentanyl; drug paraphernalia items commonly used for the ingestion of controlled substances; drug paraphernalia items commonly used for the preparation and distribution of controlled substances including, but not limited to scales, plastic bags, film canisters, tin foil, or other packaging containers such as vials and plastic wrap; any documentary evidence relating to the source of the controlled substance including, but not limited to customer lists, account sheets, ledgers, notes, or diaries; receipts; maps; cellular telephones and any other electronic storage devices that could be used in the communication and/storage of information of the sale of controlled substances; any proceeds directly attributable to the sale of controlled substances including, but not limited to United States currency, bank accounts, property, or other financial records, permission to photograph the same; any evidence of occupancy or ownership; and authorizing and directing seizure of the same.

Law enforcement is authorized to measure, photograph, video tape, and seize the aforementioned items.

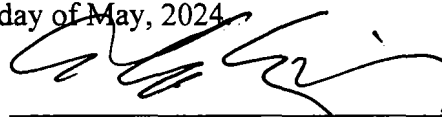
The court has also granted permission to access any safe or lockable

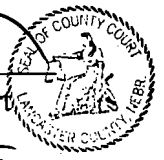
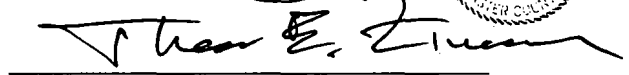
storage containers by any means necessary.

FURTHERMORE, this court finds that the public interest requires that the search warrant be served at any time of the day, including nighttime hours.

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 1st day of May, 2024



Judge of the County Court



Printed Name of Judge

MAY 07 2024

Clerk of the District Court

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Kiefer Hyland, being first duly sworn upon oath deposes and states that he is an Investigator for the Lincoln Police Department, Lancaster County, Nebraska. AFFIANT further states he is currently involved in the investigation of a fentanyl overdose, occurring at 2900 Fletcher Avenue #214, 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 05-01-2024 at approximately 2056 hours, Officer Gallagher #1846 was dispatched to an overdose with Lincoln Fire and Rescue at 2900 Fletcher Avenue #214, Lincoln, Lancaster County, Nebraska. Upon Officer Gallagher’s arrival, Lincoln Fire and Rescue was already on scene providing medical attention to the victim, who was later identified as Marcos Ibanez (DOB: 03-23-1998). Lincoln Fire and Rescue used Narcan on Ibanez, which specifically works to reverse overdose from opioids, to include fentanyl, and he regained consciousness. Ibanez was transported to Bryan West Emergency Room for further treatment.

Officer Gallagher also spoke with the reporting party, Mae Rose Cunningham (DOB: 10-11-2003), who called 911 when Ibanez began overdosing. Cunningham stated she and Ibanez are just friends and she came over to his residence tonight because she knows him to be a drug dealer and believed he may overdose. Cunningham observed Ibanez with a small, round, blue pill that he called a “Percocet” wrapped in a chewing gum wrapper. Cunningham stated she assumed the pill was laced with fentanyl because of it was a small blue pill. Based on your Affiant’s experience, these small, round, blue pills are consistent with pressed fentanyl pills known as “blues,” “M30s,” or “Percs.”

Your Affiant and Investigator Wiarda #1789 with the Lincoln/Lancaster Narcotics Task Force responded to the scene of the overdose where Officer Gallagher was inside speaking with Cunningham. Inside the apartment, your Affiant observed a used THC vape cartridge in plain view on the kitchen counter and a half-full bottle of fake urine (commonly used to pass drug screenings) on the breakfast bar of the kitchen.

Your Affiant also observed a marijuana grinder and a small blue shard of a pill or tablet that could be a portion of a pressed fentanyl pill on the nightstand in the bedroom.

Investigator Wiarda #1789 went to the hospital to interview Ibanez about what happened. Ibanez stated he was hanging out with Cunningham today in the afternoon hours. Ibanez wanted to use fentanyl and knew Cunningham to be a regular user of fentanyl. Cunningham contacted an unknown W/M who met them both in the North Bottoms in Lincoln and they purchased three blues or pressed fentanyl pills from him. Ibanez stated he and Cunningham returned to his apartment where he snorted one of the blues 1-2 hours before his overdose and then snorted another one shortly before the overdose. Ibanez stated he used the second pill in his bedroom on the nightstand where your Affiant observed the small shard of a pill.

The apartment of 2900 Fletcher Avenue #214, Lincoln, Lancaster County, Nebraska is a red brick three story building with white trim on the north side of Fletcher Avenue east of N 29th Street. Specifically, apartment #214 is on the north side of the first floor. The front door is brown and wooden with a brass knocker that has 214 on it.

The above does constitute grounds of probable cause for the issuance of a Search Warrant for 2900 Fletcher Avenue #214, Lincoln, Lancaster County, Nebraska, for the following items:

Any and all controlled substances, including but not limited to fentanyl; drug paraphernalia items commonly used for the ingestion of controlled substances; drug paraphernalia items commonly used for the preparation and distribution of controlled substances including, but not limited to scales, plastic bags, film canisters, tin foil, or other packaging containers such as vials and plastic wrap; any documentary evidence relating to the source of the controlled substance including, but not limited to customer lists, account sheets, ledgers, notes, or diaries; receipts; maps; cellular telephones and any other electronic storage devices that could be used in the communication and/storage of information of the sale of controlled substances; any proceeds directly attributable to the sale of controlled substances including, but not limited to United States currency, bank accounts, property, or other financial records, permission to photograph the same; any evidence of occupancy or ownership; and authorizing and directing seizure of the same.

Your Affiant states that it is approximately 2230 hours at the time that this Affidavit for Search Warrant is being drafted and Investigators currently have the residence seized. Nighttime 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 so

that Investigators do not have to hold the residence until morning and the victim can return to his residence once his treatment at the hospital is complete.

Your AFFIANT requests permission from the court to access any safe or lockable storage container by any means necessary.

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

Further AFFIANT saith not;

Dated this 15 day of May, 2024.

[Signature] #1708
Kiefer Hyland, AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 15 day of May, 2024.

[Signature]
Judge of the County Court



[Signature]
Printed Name of Judge