

LPD Case Number: C4-028613

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE SEARCH WARRANT
OF THE DESCRIBED PREMISES OF
LINCOLN POLICE DEPARTMENT
575 SOUTH 10TH STREET
LINCOLN, LANCASTER COUNTY, NE

CR24-1
SEARCH WARRANT RETURN

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

The undersigned states that he received the Search Warrant issued herein on the 4th day of June, 2024, and that he executed the same on the 11th 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.

Corey Weinmaster #583
Inv Corey Weinmaster

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

LANCASTER COUNTY
2024 JUN 12 PH 2:49
CLERK OF THE
DISTRICT COURT

Laura M. Allen
Notary Public



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RECEIPT OF SEIZED ITEMS

The following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska.

iPhone 11 Pro under LPD Property Q2409455

- No data obtained for timeframe of 3-21-24 to 4-2-24

iPhone under LPD Property Q2409458

- No data obtained / Device not supported for extraction

LANCASTER COUNTY
2024 JUN 12 PM 2:49
CLERK OF THE
DISTRICT COURT

Date 6/11/24

Ray L. Kewen #883
Law Enforcement Officer

Witness [Signature] 1581

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

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

TO: Eric Dlouhy badge 1623, a law enforcement officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska, any and all law enforcement officers, and agents thereof.

WHEREAS, Eric Dlouhy has filed an Affidavit before the undersigned Judge of the County Court of 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 and seize the items as described in Attachment A, hereby attached and incorporated by reference, to include any specific authorization as contained in Attachment A.

THEREFORE, you are commanded to execute and return this Search Warrant in the manner as prescribed in Attachment A.

Given under my hand and seal this 4 day of June, 2024.



[Handwritten Signature]

Judge of the County Court

Joseph Darrow

Printed Name of Judge

LANCASTER COUNTY
2024 JUN 12 PM 2:49
CLERK OF THE
DISTRICT COURT

ATTACHMENT A: Digital Device(s) to Be Searched

Law enforcement and those assisting law enforcement is directed to seize and search the following:

- Apple iPhone, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2409458 and Case Number C4-028613.
- Apple iPhone, to include any digital device within, located in the Lincoln Police Property & Evidence Unit at 575 South 10th Street, Lincoln, Lancaster County, Nebraska, labeled with Property Number Q2409455 and Case Number C4-028613.

for the following evidence, to include any live and/or deleted data to include including any live and/or deleted data for the time frame of March 21, 2024, to April 2, 2024, specifically for the seizure of following items:

1. Device identifiers, information and configurations.
2. User account information and any associated accounts on the device.
3. Databases and file systems.
4. Device activity logs and application usage logs
5. Contact lists.
6. Short Message Service (SMS), Multimedia Messaging Service (MMS) messages and instant messages.
7. Chat messages from installed applications.
8. Installed applications and their corresponding accounts and data.
9. Images and associated metadata.
10. Document files and associated metadata.
11. Location data to include cellular tower connections, GPS (Global Positioning System) fixes, waypoints, routes, tracks, maps, and associated metadata.
12. Wireless networks, Bluetooth, IP addresses, and synchronization connection history.
13. Passwords, keychains.

To obtain and search the data from the aforementioned digital device, law enforcement and/or those assisting may:

1. Obtain data from the physical memory of the digital device itself as well as from any data storage devices housed within the digital device, specifically Secure Digital (SD) and Subscriber Identification Module (SIM) cards;

2. Obtain data from the aforementioned digital device's active file system, as well as unallocated space as to recover deleted data and file fragments;
3. Obtain data by making unobtrusive revocable setting changes to permit the digital extraction of the data unless the digital device requires disassembly to obtain the desired data which may render the device inoperable;
4. Copy, forensically image, view, photograph, record, and/or conduct forensic analysis of the data obtained;
5. Enlist the aid of non-law enforcement, who are trained in conducting forensic analysis of the data in retrieving and analyzing the data. When files have been deleted, they can be potentially recovered later using forensic tools. A person with familiarity with how digital devices work may, after examining the data, be able to draw conclusions about how the device was used, the purpose of its use, who used it, where, and when; and/or
6. Be required to examine every file and scan its contents briefly to determine whether it falls within the scope of the warrant. This is necessary as it is difficult to know prior to the search the level of technical ability of the device's user and data can be hidden, moved, encoded or mislabeled to evade detection.
7. Remove the digital device to another location conduct the digital forensic examination and/or analysis.

The search of digital devices is a lengthy process requiring special steps to ensure the integrity of the digital devices. In the event the search and/or seizure of evidence is not completed within ten (10) days, law enforcement is authorized to return the search warrant within ten (10) days upon completion of the search and seizure.

ATTACHMENT B: Technical Information Regarding the Search of Digital Devices

Through your Affiant's training and past experience, and from information provided by Electronic Evidence Unit forensic examiners, your Affiant is aware that:

Digital device data can provide valuable insight for criminal investigations. Digital devices are used by the general public for communication, access to and sharing of information, research, socialization, entertainment, mapping, shopping, note taking and other functionality. Individuals also use digital devices for the aforementioned purposes, and as a tool for facilitating criminal activity.

Digital devices are often used to communicate via voice, text messaging, social media or other communication applications; and share data with other users and that such digital data can be transferred between various digital devices. Information associated with such data may show evidence of current, on-going, future, and past criminal activity as well as assist law enforcement 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, victims and/or witnesses. As such, digital devices 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.

There have been numerous instances where criminal participants utilized digital devices to photograph themselves, associates and/or co-conspirators, and victims; instances in which digital devices were used by criminal participants to create videos of their criminal activity; instances where criminals participants have used digital devices' internet applications to research crimes they have or intend to participate in; instances in which criminal participants have maintained notes within digital devices; and instances in which criminal participants used global positioning, mapping and other location services to facilitate in-person meetings with co-conspirators and/or a victim.

On a digital device, data can be created in a matter of moments because most operations can be performed almost instantly, which would be relevant to the incident being investigated. The data can be created intentionally or accidentally by the user, or automatically by the device itself as a part of its regular functioning.

Electronic evidence can remain on the digital devices for indefinite periods of time after the data was created, even if deleted by the user. Data generally is stored on the physical memory of the digital device, but also can be stored on removable storage devices such as Secure Digital (SD) and Subscriber Identification Module (SIM) cards. A forensic examiner may be able to recover information deleted by the user throughout the working life span of the device.

The following are examples of how types of data on digital devices can assist investigators. A full, all-inclusive list would be impossible due to the ever-increasing development of digital devices and their applications:

1. Phone information, configurations, calendar events, notes and user account information which can be used to identify or confirm who owns or was using a digital device. Because of their small size, digital devices can easily be passed from one person. As such it is necessary to document evidence that reveals or suggests who possessed or used the device. This evidence is akin to the search for venue items when executing a search warrant at a residence.
2. Call logs can establish familiarity between people involved in an incident. These records are consistently stamped with dates and times which can be significant regarding the reconstruction of the timeline of events regarding an investigation. Associated contact lists stored in the device can provide names to correspond with voice calls as well as other forms of communication. Voicemails can indicate the purpose of the phone call when the phone call was not answered. This information can also be invaluable to establish conspirators, witnesses, and suspect information.
3. Data from associated supplemental software applications (apps), both standard and manually installed, stored on the digital devices can demonstrate the user's association with investigated people, locations, and events. Digital devices can run apps which allow them to increase their functionality. Common programs include social media applications, such as Facebook, as well as messaging applications Snapchat and Facebook Messenger to name a few. These applications are increasingly used as alternative methods for users to communicate from the standard messaging service as they offer additional functionality. Many of these applications can determine the user's geographic location which can be instrumental to completing an investigation.
4. Media files such as images, videos, audio, and documents provide first-hand documentation of actions regarding an event. Additionally, files can contain embedded metadata that show additional information which is valuable to investigators such as when and where the file was created. Digital devices can create, store and exchange media with other devices and computers.

Your Affiant seeks to complete a comprehensive and unbiased examination of the data on the device for information which could aid in the investigation; seeking only prescribed information would jeopardize the completeness of the search as it is typically unknown how the electronic device was used or the technical ability and intent of the user before the device has been examined. 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 search 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 that digital devices are constantly changing system data on the device as programmed by their manufacturer. Additionally, your Affiant knows that searching the digital device itself would irreversibly alter data and/or evidence on the device. To search a device for evidence, the commonly accepted best practice of digital forensics is to utilize forensic software to obtain an extraction of the data on the device. Attempts will be made to obtain the devices data by only making unobtrusive revocable changes to the system settings to permit the extraction of the data. If necessary, the digital device may require disassembly to obtain the desired data which may render the device inoperable. These processes do not change or alter any of the user data stored on the device. The extraction is then searched using analysis software to locate, identify, and seize the evidence authorized by this warrant. The device and the image are then preserved in evidence.

The digital device has been stored in a manner in which its/their contents are, to the extent material to this investigation, substantially the same state as when it first came into the possession of law enforcement.

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

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

Eric Dlouhy badge 1623, being first duly sworn upon oath deposes and states that he is an Investigator for the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. AFFIANT states he is currently involved in the investigation of an 1st degree domestic assault, 28-323, occurring on March 21, 2024, at 7821 Mandalay Drive apartment 2, Lincoln, Lancaster County Nebraska. AFFIANT has reviewed case reports regarding the investigation prepared by other involved Law Enforcement Officers.

LANCASTER COUNTY

2024 JUN 12 PM 2:50

CLERK OF THE DISTRICT COURT

Attachments

- Attachment A: Digital Devices to be searched
- Attachment B: Technical Information Regarding the Search of Digital Devices.

The above are hereby attached and incorporated by reference.

Affiant's Background

Your Affiant has been a police officer for the Lincoln Police Department since 2008. Your Affiant has training and experience in conducting criminal investigations. Your Affiant has experience in investigating domestic assault investigations.

This Affidavit is submitted in support of a search warrant. Your Affiant may not have set forth every fact known to your Affiant regarding this investigation. The information contained in this Affidavit is from your Affiant's criminal investigation and may include information provided by other law enforcement, or others.

Case Facts

On April 12, 2024, at approximately 11:09 A.M. Officer Sandman badge 1242 with the Lincoln Police Department was dispatched to Bryan West hospital at 2300 South 16th Street in Lincoln, Lancaster County, Nebraska on a domestic assault report. When Officer Sandman arrived, she met with Tori Macia in room 600. Tori appeared to be paranoid and fearful that Dupree Prentice would find out where she was at and wanted it to be confidential where she was at. Tori stated that she was assaulted by Dupree. Tori stated that she and Dupree have been in an off and on intimate relationship for the last eight years, the two live together and share a child together. Tori stated that on March 21, 2024, at approximately 8:00 P.M. she and Dupree had been at their home at 7821

Mandalay Drive apartment 2 in Lincoln, Lancaster County, Nebraska. She said that she and Dupree had been arguing that evening. Tori stated that she was in their bedroom doing laundry and Dupree had come in talking on his cellphone, Tori admittedly said she was in the background making obnoxious noises to interrupt his conversation. She said Dupree started yelling at her. Tori stated that Dupree's back was towards her and she had been facing him. Tori stated that Dupree swung his body around to face her and that she was suddenly punched by Dupree on the left side of her face. Tori stated that she then fell to the ground. Tori felt her hands swelling up and that felt "tingly" instantly. Tori stated that her daughter, Amariah Roberts, did not see the assault but had heard the yelling and came into the bedroom. Tori stated that Amariah helped her up off of the ground and drove her to Bryan East hospital. Tori said that she was having trouble even holding her purse and that it seemed "really heavy" for some reason. Tori said she could walk for a little while but then she could no longer move her legs. Tori ended up being transported to Bryan West hospital. Tori told Officer Sandman that she had to have surgery and that she was still unable to move her left leg. Movement in her arms started to come back. After surgery Tori was then admitted to rehabilitation hospital. Tori stated that around the date of April 2, 2024, Dupree texted her while she was in the hospital apologizing and asking for forgiveness. Officer Sandman did not observe visible injuries to Tori and did obtain photographs of Tori which were uploaded to Axon.

Tori reported to your Affiant that on April 22, 2024, at 2:45 P.M. she had initially told the hospital staff that she was scared of Dupree and scared to tell them what actually happened. Tori said she had told them her boyfriend and her were horse playing and was accidentally hurt. Tori said that was not true and that Dupree had purposely hit her in the face. She said, "when he hit me, I've never felt so much pain in my life".

On April 24, 2024, at 2:45 P.M. your Affiant interviewed Amariah Roberts. Amariah stated that she could not recall the exact date this happened. She said it was towards the end of March and that it was nighttime. Your Affiant gave her the date that Tori gave the Police which was March 21, 2024. Amariah said she was not sure just that it was the end of March. Amariah stated that she lives at 7821 Mandalay Drive apartment 2 with Tori and Dupree. She said that her bedroom is in the basement and that her room is below Tori and Dupree's bedroom. Amariah said that she was in her room and heard Tori and Dupree yelling in their bedroom. Amariah said she thought she heard what she thought was pushing. She said this went on for a few minutes and then went upstairs to check on them. Amariah said she went into their bedroom and saw Tori laying on the ground "bawling". Tori was holding her arms and that they were red. Tori told Amariah that she could not feel her arms or her legs. Your Affiant asked Amariah if Tori told her what had happened. She said Tori told her that Dupree hit her in the face and or had pushed her. She said after the assault she felt a radiating shock in her body. Amariah stated that she then walked Tori to her car and drove her to the hospital.

On April 25, 2024, at 3:09 P.M. Tori provided your Affiant with screen shots of text messages she says are between her and Dupree. Dupree had been messaging her from his known number to her 531-739-7483. LeadsToolBox shows this phone number is registered to Dupree Prentice with the address of 7821 Mandalay Drive apartment 2. Tori

had this number saved in her phone as “Dupree”. The text messages that Tori provided show dates starting March 30, 2024, through April 2, 2024. In these messages Tori mentions to Dupree that he paralyzed her. Dupree in this conversation states “Idc what you’ve done to me you don’t deserve this I want you to know I apologize with everything in me. You gave me my daughter and I thank you so much for that. I hope you and God will forgive me”. These images were uploaded to Axon.


On April 29, 2024, at 9:42 A.M. your Affiant spoke with Doctor Vande Guchte. Doctor Vande Guchte works at Nebraska Orthopedic and performed Tori’s surgery. Doctor Vande Guchte stated that on March 21, 2024, Tori came to the hospital and had told hospital staff that was accidentally hit by her boyfriend under the chin. Tori described to medical staff an undercut to the jaw area and later described it as an impact to her face. Doctor Vande Guchte stated that Tori has a known preexisting condition which is a multi-level cervical degenerative spondylosis stenosis. Doctor Vande Guchte stated that an undercut to Tori’s jaw could cause a whiplash and that caused a “central cord syndrome” which stretched through the spinal cord. He says the whiplash mechanism fits but imaging did not show it and imaging did not show visible injury to Tori’s face. Doctor Vande Guchte said that the time frame with the association of Tori’s symptoms from March 21, 2024, and Tori’s report of being assaulted is a connecting component. Doctor Vande Guchte said that an undercut can be a direct association of her injuries and the timing matches her symptoms. Doctor Vande Guchte performed surgery on Tori which brought feeling back in her arms however she still is experiencing isolated leg weakness to her left leg.

On May 13, 2024, at 12:35 P.M. Dupree was arrested by the Metro Fugitive Task Force at 1376 South 32nd Street in Lincoln, Lancaster County, Nebraska. Dupree was arrested and on his person was an Apple iPhone, which is now labeled with Property Number Q2409458 and case number C4-028613. Members of the Metro Fugitive Task Force were informed from reports that Dupree was possibly armed with a handgun, and it may be in the center console of his silver 2020 Chevy Blazer Nebraska license Nebraska license YJE892, which is registered to Dupree, that was parked legally in the street in front of 1376 S. 32nd Street, Lincoln, Lancaster County, Nebraska. Sergeant Hipps badge 22153, an employee of the Lancaster County Sheriff’s Office and assigned to the Metro Fugitive Task Force asked Dupree for and was denied consent to search the silver 2020 Chevy Blazer Nebraska license YJE892. Sergeant Hipps contacted Trooper Donner, an employee of the Nebraska State Patrol, and his partner for a K-9 sniff of silver 2020 Chevy Blazer Nebraska license Nebraska license YJE892. Trooper Donner informed the Metro Fugitive Task Force that his K-9 gave the prescribed “Alert and Indication” to the odor of narcotics emanating from said vehicle. During a probable cause search of the vehicle a loaded Smith and Wesson .45 caliber handgun, hydrocodone-acetaminophen, a scheduled III controlled substance in a prescription bottle not prescribed to Dupree and a

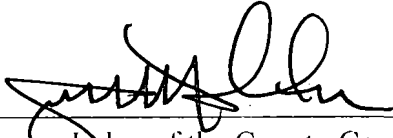
Gray iPhone, which is now labeled with Property Number Q2409455 and case number C4-028613, were located.

The above does constitute grounds of probable cause for the issuance of a search warrant to search and seize the evidence specifically identified in Attachment A, to include any specific authorization requested authorization to be ordered by the court.

Further AFFIANT saith not;

Dated this 4th day of June, 2024.

Eric Dlouhy #1623
Eric Dlouhy #1623 AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 4 day of
June, 2024.



Judge of the County Court
Joseph [Signature]

Printed Name of Judge