

LPD Case Number: C4-033958

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

CR 24-1

IN THE MATTER OF THE ORDER  
TO PRODUCE IDENTIFYING  
PHYSICAL CHARACTERISTICS

RETURN

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

The undersigned states that he is a Lincoln Police Department officer, that he received the Order to Produce Identifying Physical Characteristics on June 3, 2024. That pursuant to the Order, identifying characteristics buccal swabs were obtained from Michael W. Wade by Inv. Christopher Johnson on June 4, 2024 at 3801 W O Street, Lincoln, Lancaster County, Nebraska at 1840 hours. That while submitting to the above-mentioned physical characteristics, Michael W. Wade was not subjected to any questioning or interrogation.

DATED this 5<sup>th</sup> day of June, 2024.

Chris Johnson #1736  
INV. CHRISTOPHER JOHNSON #1736

SUBSCRIBED to and sworn before me this 5<sup>th</sup> day of June, 2024

Catherine M. Nitzel  
Notary Public

LANCASTER COUNTY  
2024 JUN -6 PM 2:57  
CLERK OF THE  
DISTRICT COURT



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IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,  
PLAINTIFF,

VS.

Michael W. Wade,  
DOB: 06-09-1986

ORDER TO PRODUCE IDENTIFYING  
PHYSICAL CHARACTERISTICS

TO: Christopher Johnson, Joseph Gallagher, and other law enforcement officers  
of the Lincoln Police Department

WHEREAS, Christopher Johnson 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 for purposes of this Order the facts set forth in said Affidavit are true, and said facts and the evidence adduced constitute grounds and probable cause for the issuance of an Order to Produce Identifying Physical Characteristics. The Court further finds and orders as follows:

1. That the offense of POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) is the subject of said Affidavit referred to above
2. That there is probable cause to believe that the offense of POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) has been committed.
3. That there is probable cause to believe that Michael W. Wade committed said offense.
4. That Identifying Physical Characteristics Sought is/are DNA Buccal swabs.
5. That Michael W. Wade has refused to voluntarily provide the identifying physical characteristics sought.
6. That Michael W. Wade is the individual who may be detained for obtaining such identifying physical characteristics.
7. That Christopher Johnson, Joseph Gallagher, and other officers of the Lincoln Police Department are the peace officers authorized to obtain such identifying physical characteristics and to effectuate any detention which may be necessary to obtain the same.

8. That Michael W. Wade will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance.
9. That such identifying physical characteristics may be obtained in the city of Lincoln, Lancaster County, Nebraska.
10. That Michael Wade shall appear at 3801 West O Street, Lincoln, Lancaster County, Nebraska, at such date and time as is designated by Christopher Johnson for the purpose of obtaining the above-mentioned identifying physical characteristics.
11. That if Michael W. Wade fails to comply with the request of said Christopher Johnson, the said Michael W. Wade shall be guilty of contempt of court and be punished accordingly.
12. That Michael Wade shall be required to stay no longer than one (1) hour for the purpose of Christopher Johnson obtaining the above-mentioned identifying physical characteristics.
13. That this Order shall remain in force and effect for a period of fifteen (15) days only.
14. That a copy of this Order shall be served upon Michael W. Wade.
15. That a Return of this Order shall be made within 30 days after the identification procedures have been carried out, setting forth the type of identifying physical characteristics obtained. If the Order is not executed, a Return shall be filed within 30 days stating the same.

THEREFORE, you are commanded to search the said Michael W. Wade to produce the aforementioned identifying physical characteristics which constitutes evidence that a criminal offense has been committed, and to seize the same.

GIVEN UNDER MY HAND AND SEAL this 3rd day of June, 2024.

BY THE COURT

JUDGE OF THE COUNTY COURT

MATTHEW L. JOHNSON  
PRINTED NAME OF JUDGE



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,  
PLAINTIFF,  
VS.

MICHAEL W. WADE,  
DOB: 06-09-1986

AFFIDAVIT FOR  
ORDER TO PRODUCE IDENTIFYING  
PHYSICAL CHARACTERISTICS

COMES NOW, Investigator Christopher Johnson #1736 of the Lincoln Police Department, being first duly sworn upon oath, deposes and states as follows:

1. Your AFFIANT was assigned to investigate a POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) that occurred at 5551 Lowell Avenue in Lincoln, Lancaster County, Nebraska.
2. Your AFFIANT has reviewed reports of other peace officers involved in the investigation of POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) and has conducted additional follow up into the investigation of the incident. According to the information that your AFFIANT obtained:

On Sunday, April 21<sup>st</sup>, 2024, at approximately 8:10 p.m. hours, Officer Joseph Gallagher #1846 of the Lincoln Police Department was dispatched to 1505 Superior Street, Apartment #5, regarding a belated domestic assault. Tony Do, reported that his roommate, Sally Vongphakdy, was assaulted by her boyfriend, Michael W. Wade (DOB: 06-09-1986) earlier in the day. Officer Joseph Gallagher #1846 made contact with Vongphakdy, who reported that Wade and herself were at their shared residence located at 5551 Lowell Avenue, Lincoln, Lancaster County, Nebraska, between the hours of 10:00 a.m. and 12:00 p.m. Vongphakdy stated that Wade became upset due to her disposing some food, which resulted in Wade striking her on the back of her head with an open hand, causing her to fall down. Vongphakdy reported that she then went to work at 4210 South 33<sup>rd</sup> Street, Lincoln, Lancaster County, Nebraska.

Vongphakdy stated that Michael also arrived to her place of work, where he once again became physical with her, grabbing her face, chest, neck, and her arms, causing injury. Officer Joseph Gallagher #1846 observed Vongphakdy to have several injuries to her person, including bruising and swelling to her left eye, scratches and lacerations to her left chest and neck area, and large dark bruises to her right arm. Vongphakdy stated that all her injuries were a sustained from Wade grabbing her.

During Officer Gallagher's interview with Vongphakdy, she stated that Wade is a convicted felon and prohibited from possessing a firearm. Vongphakdy stated that she owns a firearm, which Wade obtained and placed it under their mattress.

Lincoln Police Officers attempted to contact Michael at his residence, located at 5551 Lowell Avenue as they had received information that he was inside the bedroom area. While attempting to make contact with Wade, his bedroom light turned off, giving Lincoln Police Officers further reason to believe that Wade was inside the residence. A search warrant was obtained to enter the residence to arrest Wade and to search for the firearm that he had placed under his mattress to be seized. While the search warrant was being drafted, Wade exited the residence, where he was placed into custody without incident. The search warrant was executed, and upon a search of the residence, a loaded black Ruger handgun (serial number: 371867815) was located under the mattress in Wade's room. Wade was found to have a felony conviction out of Virginia on 07-22-2015 for 3<sup>rd</sup> offense DUI within 5 to 10 years under State Statute 18.2-266.

3. Your AFFIANT knows that buccal DNA swabs are a way of producing non-testimonial identification evidence regarding the person responsible for the POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) described herein. The identifying physical characteristics sought from Michael W. Wade is a sample of his DNA in the form of DNA buccal swabs. The procurement of these identifying physical characteristics is likely to contribute evidence to the further identification of Michael W. Wade as being the person responsible for the POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) herein.

The identifying physical characteristics sought can be obtained from Michael W. Wade at 3801 West O Street, in the city of Lincoln, Lancaster

County, Nebraska and should require a detention not to exceed one (1) hour.

AFFIANT further states that there is probable cause to believe that Michael W. Wade is responsible for POSSESSION OF A FIREARM BY A PROHIBITED PERSON 28-1206(3)(B)(F1D) as described herein, and in violation of the laws of the State of Nebraska.

4. Officer Joseph Gallagher #1846 has been advised by Michael W. Wade that he has refused to voluntarily provide a DNA sample via buccal swabs.

Further your affiant saith not.

DATED this 3rd day of June, 2024.

Chris Johnson #1736  
Christopher Johnson #1736

SUBSCRIBED AND SWORN to before me this 3rd day of June,  
2024

[Signature]  
JUDGE OF THE COUNTY COURT

MATTHEW L ACTON  
PRINTED NAME OF JUDGE

