

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

CR24-1

STATE OF NEBRASKA)
) SS.
COUNTY OF LANCASTER)

RETURN AND INVENTORY

On the 17th of May 2024, Trooper Regan Holst #358 was on duty, in uniform, wearing the badge of office, and in a marked patrol unit in Lancaster County, Nebraska.

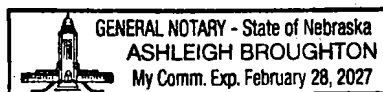
Trooper Holst responded to a welfare check for a male unconscious in a running vehicle at the Federal Surplus Property. The male identified himself a Chad YOUNKIN DOB 06/17/1977). Trooper Holst placed YOUNKIN under arrest for DUI. YOUNKIN was transported to Bryan West Hospital. At Bryan West, Trooper Holst read YOUNKIN post arrest chemical test advisement, and asked for his consent for blood. YOUNKIN gave consent and withdrew consent when a phlebotomist attempted to draw blood. Trp. Holst obtained a warrant for blood drawn and served the warrant to YOUNKIN. At approximately 0400 hours YOUNKIN refused the blood draw.

LANCASTER COUNTY
2024 MAY 24 PH 2:58
CLERK OF THE
DISTRICT COURT

TRP. R HOLST #358
Officer name

SUBSCRIBED AND SWORN TO before me this 22 day of May, 2024.

Ashleigh Broughton
NOTARY



231

CR

NEBRASKA STATE PATROL

IR #: NSP24016576

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA)
) SS
COUNTY OF LANCASTER)

AFFIDAVIT AND APPLICATION
FOR A SEARCH WARRANT TO OBTAIN
WHOLE BLOOD AND/OR URINE
FOR CHEMICAL TESTING

COMES NOW The Affiant, Trooper Holst #358 of the Nebraska State Patrol who requests that a search warrant be issued for the collection of:

WHOLE BLOOD
 URINE

LANCASTER COUNTY
2021 MAY 24 PM 2:58
CLERK OF THE
DISTRICT COURT

FROM THE PERSON AND UNDER THE CONTROL OF:

NAME: CHAD WAYLAND YOUNKIN, herein referred to as **THE SUSPECT**.
D.O.B: 6/17/1977
SEX: Male
RACE: White
OLN AND STATE: H14340425 of Nebraska

who is currently suspected of the offense of **DRIVING UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR AND/OR DRUGS**.

The following are the facts and circumstances establishing the probable cause for the issuance of this search warrant:

The Affiant is a certified, full-time law enforcement officer employed by the Nebraska State Patrol and has been employed in law enforcement for 3 years. The Affiant has successfully completed training at the Nebraska State Patrol Training Academy and is trained to administer Standardized Field Sobriety Tests (SFST). This education and experience has trained the Affiant to detect impaired or intoxicated drivers by:

- 1) Observing their driving behavior which includes, but is not limited to: weaving in and/or out of their lane of travel, traffic signal violations, speeding, and involvement in motor vehicle collisions;
- 2) Observing their physical characteristics which include, but are not limited to: bloodshot eyes, unsteady balance, slurred speech, and/or an odor of alcoholic beverage about their person; and
- 3) The use of Standardized Field Sobriety Tests including: Horizontal Gaze Nystagmus, the One Leg Stand, and the Walk and Turn tests. These tests are used by law enforcement professionals, and Affiant finds they are accurate and reliable indicators of alcohol and/or drug impairment, or lack thereof. Affiant has arrested numerous people for driving under the influence of alcohol and/or drugs based upon clues of impairment observed on these tests, as well as releasing many people based upon lack of impairment observed on these tests.

Additionally, the Affiant has attended and successfully completed:

Advance Roadside Impaired Driving Enforcement (A.R.I.D.E.) training: A sixteen (16) hour course of instruction that conformed to the curriculum standards established by the National Highway Traffic Safety Administration and the Technical Advisory Panel of the International Association of Chiefs of Police.

Drug Evaluation and Classification Program (D.E.C.P.) – Drug Recognition Expert (DRE) training: A training course that conformed with the curriculum standards established by the National Highway Traffic Safety Administration and the Technical Advisory Panel of the International Association of Chiefs of Police requiring seventy-two (72) hours of classroom instruction, successful completion of a written examination, and the completion of twelve (12) drug evaluations under the supervision of a DRE instructor with a 75% toxicological corroboration rate.

OTHER: _____

Over Affiant's law enforcement career, Affiant has made numerous arrests of individuals for driving under the influence of alcoholic liquor and/or drugs in which your Affiant has observed the same or similar driving behaviors and/or physical characteristics of alcohol and/or drug impaired drivers as are listed above. Affiant has also formed opinions on alcohol and/or drug impaired drivers on many occasions and Affiant's opinions have been confirmed by breath, blood, or urine tests that were administered after Affiant had performed an investigation.

In this case, at approximately 23:39 hours, on 05/13/2024, the Affiant was working in an official capacity with the Nebraska State Patrol. During that time Affiant made contact with a motor vehicle under the following circumstance(s) or reason(s): Trp. Holst was dispatched to a white Jeep trespassing on the Federal Surplus property. It should be noted the vehicle was reported to be running and a male was asleep behind the wheel.

The individual in actual physical control of the motor vehicle was identified by verbally and confirmed by DMV photo on NCJIS as the above-named Suspect: **CHAD WAYLAND YOUNKIN**

During contact with the Suspect, Affiant made the following observations or was advised of such by a fellow law enforcement officer:

Odor of an alcoholic beverage or drugs

Bloodshot, watery and / or glassy eyes

Slurred speech

Flush face

Open container of alcohol

Drugs or drug paraphernalia

Admission to consumption of alcohol and / or drugs

Unsteady balance

Inability to follow instructions

OTHER: Poor memory of contact

Witness Statement: Corp. Christopher Lakosky, provided the following information with respect to Suspect's operation of a motor vehicle, circumstances of the motor vehicle collision, or observations that led them to believe the Suspect was intoxicated:

Corp. Lakosky was on normal patrol on grounds and found vehicle. The vehicle was running and male was asleep behind wheel.

That the Affiant requested the Suspect to submit to Standardized Field Sobriety Tests. The Suspect submitted to the following tests:

- Horizontal Gaze Nystagmus
 - Walk and Turn
 - One Leg Stand
 - Unable to perform SFST. **EXPLAIN:** _____
 - Refused to perform SFST
 - OTHER: _____
-

That the Affiant noted the following indications of impairment during the administration of the above noted tests:

- **Horizontal Gaze Nystagmus:**

- Lack of smooth pursuit in both eyes
 - Distinct & sustained nystagmus at maximum deviation in both eyes
 - Onset of nystagmus prior to 45 degrees in both eyes
 - OTHER OBSERVATIONS / NOTES: _____
-

- **Walk and Turn:**

- Unable to maintain balance during instructional phase
 - Starts walking too soon during instructional phase
 - Stops walking
 - Misses heel-to-toe
 - Steps off line
 - Raises arms to balance
 - Improper Turn
 - Incorrect number of steps
 - OTHER OBSERVATIONS / NOTES: _____
-

- **One Leg Stand:**

- Sways while balancing
- Raises arms to balance

- Hops
 - Puts foot down
 - OTHER OBSERVATIONS / NOTES:
-
-

That the Affiant is a Class C Permit holder authorized to utilize specific preliminary breath testing devices and is trained in the administration and interpretation of such tests. The Affiant requested the Suspect submit to a preliminary breath test after a 15- minute observation period.

The Suspect submitted to the preliminary breath test (PBT). RESULT: _____

The Suspect refused or was otherwise unable to submit to the preliminary breath test (PBT).

That in addition to the above-described observations and witness accounts, it is imperative that I, as Affiant, convey the following additional facts, circumstances or observations obtained through my investigation which are or could be material to the establishment of the requisite probable cause (i.e. additional facts supporting probable cause or other material facts related to Suspect's operation of a motor vehicle under the influence of alcohol): Trp. Holst arrived on scene to the Federal Surplus Property and observed Lincoln Fire and Rescue with a white Jeep Cherokee. Trp. Holst observed a male in the driver's seat of the vehicle. Lincoln Fire and Rescue reported to Trp. Holst that EMTs turned the vehicle off and placed keys of roof of vehicle. Trp. Holst observed the distinct odor of alcoholic beverages emitting from the vehicle and male's person. Driver was identified as Chad YOUNKIN DOB(06/17/1977). Trp. Holst observed YOUNKIN had bloodshot/ glossy eyes. Trp. Holst observed YOUNKIN to have slurred speech. Trp. Holst observed an open bottle (750mL) of whiskey, approximately one fourth gone. Trp. Holst observed YOUNKIN have a poor balance and swaying while standing. Trp. Holst attempted to administer SFST. YOUNKIN cried and ignored the request to participate. After 15-minute observation period, YOUNKIN refused the preliminary breath test. Trp. Holst placed YOUNKIN under arrest for DUI. YOUNKIN requested to be transported due to mental health crisis. YOUNKIN was transported to Bryan West in an ambulance, accompanied by Trp. Kirkendall #368. Once at the Bryan West, Trp. Holst read YOUNKIN post arrest chemical test advisement and asked consent for a blood draw at 0108 hours. YOUNKIN consented to a blood draw. At 0141 hours, YOUNKIN withdrew consent when a phlebotomist attempted to draw blood. YOUNKIN is currently being held by medical personal due to elevated blood pressure. A check on his criminal history disclosed two prior DUI convictions out of Denver, CO.

1. Based upon my above recited training and experience as well as the totality of the circumstances, the Affiant believes the Suspect was impaired due to alcohol at the time they were in actual physical control of a motor vehicle in violation of Neb. Rev. Stat § 60-6,196. A court authorized blood draw will allow law enforcement to determine the concentration of alcohol in the Suspect's blood and assist in the prosecution of a DUI charge. A blood draw is requested due to the Suspect being transported to the hospital or other reason and based upon the following facts: That in addition to the above-described observations and witness accounts, it is imperative that I, as Affiant, convey the following additional facts, circumstances or observations obtained through my investigation which are or could be material to the establishment of the requisite probable cause (i.e. additional facts supporting probable cause or other material facts related to Suspect's operation of a motor vehicle under the influence of alcohol): Trp. Holst arrived on scene to the Federal Surplus Property and observed Lincoln Fire and Rescue with a

white Jeep Cherokee. Trp. Holst observed a male in the driver's seat of the vehicle. Lincoln Fire and Rescue reported to Trp. Holst that EMTs turned the vehicle off and placed keys of roof of vehicle. Trp. Holst observed the distinct odor of alcoholic beverages emitting from the vehicle and male's person. Driver was identified as Chad YOUNKIN DOB(06/17/1977). Trp. Holst observed YOUNKIN had bloodshot/ glossy eyes. Trp. Holst observed YOUNKIN to have slurred speech. Trp. Holst observed an open bottle (750mL) of whiskey, approximately one fourth gone. Trp. Holst observed YOUNKIN have a poor balance and swaying while standing. Trp. Holst attempted to administer SFST. YOUNKIN cried and ignored the request to participate. After 15-minute observation period, YOUNKIN refused the preliminary breath test. Trp. Holst placed YOUNKIN under arrest for DUI. YOUNKIN requested to be transported due to mental health crisis. YOUNKIN was transported to Bryan West in an ambulance, accompanied by Trp. Kirkendall #368. Once at the Bryan West, Trp. Holst read YOUNKIN post arrest chemical test advisement and asked consent for a blood draw at 0108 hours. YOUNKIN consented to a blood draw. At 0141 hours, YOUNKIN withdrew consent when a phlebotomist attempted to draw blood. YOUNKIN is currently being held by medical personal due to elevated blood pressure. A check on his criminal history disclosed two prior DUI convictions out of Denver, CO.

That based upon my understanding of alcohol and drugs and their effects on the body it is necessary to serve this warrant immediately upon its approval to avoid elimination or dissipation of alcohol from the Suspect's system thereby losing evidence relating to the offense(s) for which the Suspect was arrested. For this reason, public interest requires this warrant be served **anytime**, daytime or nighttime, to prevent any further loss of evidence.

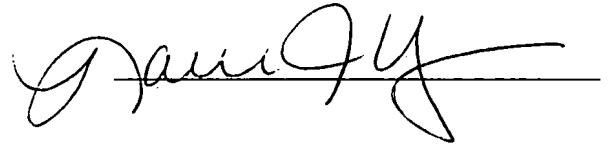
Further, the requested blood samples will be collected in a medically and scientifically acceptable manner that is in conformity with *Neb. Rev. Stat. § 60-6,201*, which provides that such blood samples shall be drawn by a physician, registered nurse, or other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act, a clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act, as amended to withdraw human blood for scientific or medical purposes. Also that the blood samples collected will be tested in accordance with *Neb. Rev. Stat. § 60-6, 201* and the applicable regulations promulgated by Department of Health and Human Services.

That based upon the Affiant's previous impaired driving investigations and experiences with obtaining blood samples for blood alcohol concentration, Affiant is aware two vials of blood are typically collected for subsequent testing and should be collected as a part of any blood withdrawal authorized pursuant to this application for search warrant.

WHEREFORE, your Affiant based upon the aforementioned information, prays for the Court to issue a search warrant authorizing the collection of two vials of blood from the Suspect, for the express and sole purpose of determining the blood alcohol concentration in a scientific and medically acceptable manner; and that said warrant be served **anytime** given that blood alcohol in the human body will dissipate rapidly and eventually become undetectable as time passes.

Trp. Holst #358
Trooper Holst #358, Nebraska State Patrol

SUBSCRIBED AND SWORN TO before me this 14^r day of May, 2024.

A handwritten signature in cursive script, appearing to read "Dawn J. Y.", written over a horizontal line.

County Court Judge, Lancaster County, NE

