

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE)
LINCOLN POLICE)
DEPARTMENT PROPERTY)
UNIT, 575 SOUTH 10TH)
STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2407342 (SAMSUNG)
GALAXY))

CR 24-1

SEARCH WARRANT
RETURN


LANCASTER COUNTY
2024 MAY 16 PM 3:29
CLERK OF THE
DISTRICT COURT

STATE OF NEBRASKA)
COUNTY OF LANCASTER)

ss.

The undersigned states that he/she received the search warrant issued herein on the 18th day of April, 2024 and that he/she executed the same on the 10th day of May, 2024 seized the property/person described in the inventory filed herein and by delivering a copy of the said order for said property/person at the place from which the property/person was taken.

DATE this 15 day of May, 2024.


Deputy Colt Lathrop

SUBSCRIBED AND SWORN to before me this 15 day of May, 2024.




Notary Public

C4002536

210





IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE)
SEARCH WARRANT FOR)
PROPERTY LOCATED IN THE)
LINCOLN POLICE DEPARTMENT)
PROPERTY UNIT, 575 SOUTH)
10TH STREET, LINCOLN,)
LANCASTER COUNTY, NE)
Q2407342 (SAMSUNG GALAXY))

INVENTORY

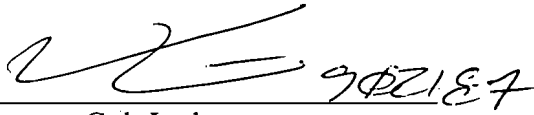
LANCASTER COUNTY
2024 MAY 16 PM 3:29
CLERK OF THE
DISTRICT COURT

STATE OF NEBRASKA)
) ss.
County of Lancaster)

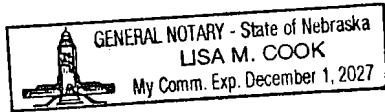
Deputy Colt Lathrop being first duly sworn upon oath, deposes and states the following is an inventory of property seized by virtue of the warrant issued herein:

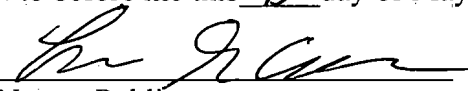
- Complete cell phone extraction of all data/contents

DATED this 15 day of May, 2024.


Deputy Colt Lathrop

SUBSCRIBED AND SWORN to before me this 15 day of May, 2024.




Notary Public

C4002536

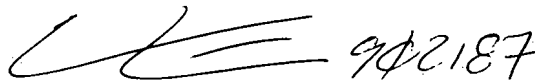
RECEIPT

The undersigned hereby acknowledges receipt of the following described property seized from Samsung Galaxy Amp Prime 2 Lancaster County, Nebraska:

- Complete cell phone extraction of all data/contents.

LANCASTER COUNTY
2024 MAY 16 PM 3:29
CLERK OF THE
DISTRICT COURT

DATED this 1st day of May 2024



Law Enforcement Officer



WITNESS

IN THE LANCASTER COUNTY COURT OF LANCASTER COUNTY NEBRASKA

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

TO: Lathrop, Colt 902187, a Deputy Sheriff with the Lancaster County Sheriff's Office, Lancaster County, Nebraska, and any and all law enforcement officers.

WHEREAS, Lathrop, Colt 902187, has filed an Affidavit before the undersigned Judge of the Lancaster County Court of Lancaster County, Nebraska, a copy of which affidavit is attached hereto and made a part hereof; 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 the following device(s) in the custody of the Lincoln Police Department Property Unit, 575 South 10th, Lincoln, Lancaster County, Nebraska:

- 1. Samsung Galaxy Amp Prime 2 labeled with Property Number Q2407342 and Case Number C4-030141.

Evidence to be searched for includes:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging "app" accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device(s);
b. Evidence of use of the device to communicate with others about Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511; via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;

- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- e. Information that can be used to calculate the position of the device, including location data; GPS satellite data; GPS coordinates for routes and destination queries; application data or usage information and related location information; IP logs or similar internet connection information; and images created, accessed or modified, together with their metadata and EXIF tags;
- f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;
- g. Records linking the suspect(s), co-conspirator(s), victim(s), and/or witness(es) to a certain screen name, handle, email address, social media identity, etc.;
- h. Records showing a relationship with suspect(s), co-conspirator(s), victim(s), witness(es), and/or location(s), etc.;
- i. Names, nicknames, account ID's, phone numbers, or addresses of specific persons;
- j. Records showing a relationships to particular areas or locations associated with the aforementioned crime(s);
- k. Photographs, images, videos, documents that contain or are evidence of Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- l. Evidence of purchases, such as items used in planning or facilitating Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- m. Internet research history conducted while planning, executing, or covering up Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, user names, screen names, remote data storage accounts, documents, files, calendars, metadata,

recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;

o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;

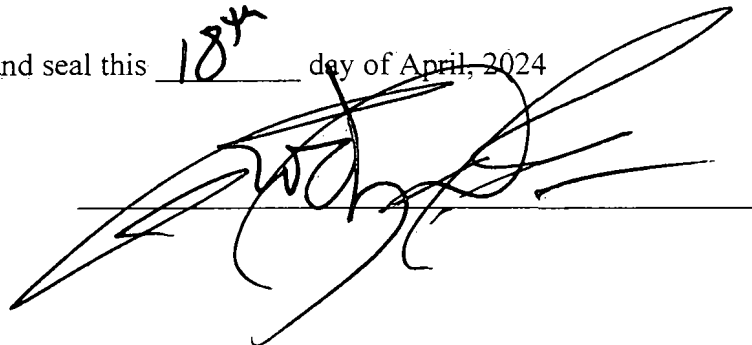
p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;

q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;

r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital device(s) listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies, bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

This Court, being duly advised that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of the electronic evidence, finds it may not be possible to complete a return for the Court within the 10 days normally required by the Court.

Given under my hand and seal this 18th day of April, 2024

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

JUDGE OF THE LANCASTER COUNTY
COURT

Rodney D. Reuter

Printed Name of Lancaster County Court
Judge



IN THE LANCASTER COUNTY COURT OF LANCASTER COUNTY
NEBRASKA

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

Deputy Lathrop, Colt 902187, being first duly sworn upon oath deposes and states that he is a DEPUTY SHERIFF for the Lancaster County Sheriff's Office, Lancaster County, Nebraska. Your AFFIANT further states he is currently involved in the investigation of Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511, occurring at 9535 S 53rd St, 5300 Shady Hollow Rd, 5960 Trinitate Pkwy, and 5910 Veritas Dr, all in Lincoln, Lancaster County, Nebraska. As part of the investigation, your AFFIANT has consulted with other law enforcement and reviewed case reports. Your AFFIANT states as follows:

The item(s) to be searched for digital evidence are particularly described as:

- 1. Samsung Galaxy Amp Prime 2 labeled with Property Number Q2407342 and Case Number C4-030141.

The item(s) to be searched is in the custody of the Lincoln Police Department Property Unit, 575 South 10th, Lincoln, Lancaster County, Nebraska. The item(s) to be searched shall be delivered to the Electronic Evidence Unit, located at 605 South 10th, Lincoln, Lancaster County, Nebraska for digital forensic processing and analysis. The Electronic Evidence Unit forensic examiners may designate additional forensic services, as deemed necessary, to complete the analysis. Once examination and analysis has been completed, the listed evidence shall be returned to the Lincoln Police Department Property Unit, where it will be held until any final disposition by the Court.

RELEVANT FACTS

On April 5th, 2024, I was dispatched to the residence of 9535 S 53rd St Lincoln Lancaster County Nebraska in reference a larceny from vehicle. Gary

Chmelka of 9535 S 53rd St reported having the rear passenger window of his 2017 GMC 2500 pried and shattered out, resulting in items stolen from his vehicle. Chmelka listed the items as his wallet containing his Mastercard, Nebraska Driver's License, his social security card, a box with at least 10 sets of keys to various shop locks and machinery on his property, a Canon Camera, a checkbook belonging to Ogden Insurance, and vehicle registration and insurance cards. A neighborhood canvass revealed video surveillance from two houses showing a silver Saturn Vue with no plates driving through the area at approximately 2:33am CST on April 5th, 2024. Video surveillance would show this Saturn Vue pulling into the driveway of Chmelka's residence at approximately 2:40am CST.

Throughout investigation and other calls for service, it was discovered that the homeowners of 5300 Shady Hollow Rd St Lincoln Lancaster County Nebraska, 5960 Trinitate Pkwy St Lincoln Lancaster County Nebraska, and 5910 Veritas Dr St Lincoln Lancaster County Nebraska, all report having vehicles that were parked in the driveway of their residences having the rear passenger window pried out and shattered, along with their vehicles rummaged through. This mode of criminal pattern matched my original call from 9535 S 53rd St.

Your affiant knows on April 5th, 2024, Officer's with Lincoln Police Department were sent to the area of 61st and Hidcote Dr on reports of a suspicious vehicle. Officer 1812 Estrada, an employee of the Lincoln police Department currently assigned to the southeast team, responded and made note the vehicle was a silver 2004 Saturn Vue with no license plates, a trailer-hitch matching surveillance video obtained from neighbors. Ofc. 1812 Estrada also observed broken tinted and un-tinted glass inside of the vehicle. On April 5th, 2024, Officers with Lincoln Police Department interview Erin Blankenship in regards to a suspicious person. Blankenship stated at 6:30am CST on April 5th, 2024, she observed a person wearing a bright blue sweatshirt unloading items from a light-colored SUV into a beige Ford F150 (bearing Nebraska plate: YRN887). This light-colored SUV was identified as the same silver Saturn Vue Ofc. 1812 Estrada contacted earlier in the day. The beige Ford F150 would be later reported stolen by Douglas Campbell at 7240 Upton Grey Ln Lincoln Lancaster County Nebraska.

On April 6th, 2024, Officers with Lincoln Police Department were again dispatched to 61st and Hidcote on a suspicious party by a silver 2004 Saturn Vue. Officers contacted Amanda Rodriguez in a red Jeep Cherokee who claimed ownership of the Saturn Vue and stated she had recently purchased it and had not registered it yet. Rodriguez told officers she let Lamont Stuart utilize the Saturn Vue for the night of April 4th, 2024, Lamont then returned to her on April 5th, 2024, at approximately 6:00am CST and stated he lost the key for the vehicle.

#1669 Sgt. Tran, An employee of Lincoln Police Department currently assigned to the Southeast Team, spoke with Lamont Stuart who stated he was driving the Saturn Vue on the evening of April 4th, 2024, and into the morning of April 5th, 2024, and was driving in the area of s 61st St and Hidcote Dr to 'look for girls to hook up with'.

On April 5th, 2024, at approx. 6:15am CST, Officers with Lincoln Police Department take a report from Morgan McDonald that her vehicle, a silver 2007 Lexus R 400H had been broken into while parked in the driveway of her home at 5530 Grouse PL. At approximately 7:00am CST she came back out to the vehicle and it was no longer in the driveway.

On April 11th, 2024, at approximately 6:23pm CST Officers with Lincoln Police Department took report from Illiana Maxwell who stated she observed the 2007 Silver Lexus stuck on the railroad tracks by 1040 Y Street. Maxwell stated it appeared the Lexus tried to keep driving, but it couldn't. Maxwell stated she observed a black male, blue hoodie, and white shorts get out of the driver's seat and run away. Maxwell took pictures of this black male. Inv. Buhrman #1828, an employee of Lincoln Police Department currently assigned to the Southeast Team, located Lamont, the defendant, matching this description in the area of Transformation and Antelope Valley. The defendant matched the party in the pictures and during search incident to arrest in his wallet was a 7 Brew gift card with McDonald's name on it and a Samsung Galaxy Amp Prime 2. Stuart denied ownership of this phone and claimed that he 'broke his phone and threw it out the car window some time ago.'

Due to the circumstance in which the cellular phone was seized in relation to the arrest scene and crime, the statements made by Lamont Stuart placing him

in the area of the of multiple larcenies from vehicles at the times of the crimes, Stuart stating he was driving in the Saturn Vue during the time of the larcenies, the Saturn Vue being observed to have shattered tinted and un-tinted glass within the vehicle, all larcenies having a pattern of criminal behavior so distinctive that separate crimes or unlawful conduct are recognized as the work of the same person, it is probable the cellular phone was in possession of the person(s) responsible for the Criminal Mischiefs and Theft by Unlawful Taking and it is reasonable to believe the device contains information pertinent to this investigation.

INVESTIGATOR BACKGROUND

Your AFFIANT is a certified law enforcement officer in the State of Nebraska with 5 years of experience investigating crimes including, but not limited to Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511, Your AFFIANT is a DEPUTY SHERIFF assigned to the Lancaster County Sheriff's Office Patrol Division and has received training and experience in technologically based investigative tools, including cellular devices. Through such training and experience, your affiant understands the capabilities of cellular devices and the valuable information contained within pertaining to criminal investigations. Furthermore, most people possess cellular telephones and other connected devices (tablets, watches, laptops, etc.) used to communicate electronically. It can be generally recognized that cellular devices tend to accompany their users everywhere, and thus, it may be inferred that a suspect's cellular phone accompanied the suspect at the time of the crime.

Your AFFIANT knows from his training and experiences that dedicated GPS devices store large amounts of data. Location data including waypoints, search history, home location and routes of travel all are stored on the device. GPS devices record location points while powered on, and this data is also stored on the device. GPS devices can also be used as removable media, with the capability of storing any digital data. GPS devices record location points while powered on, and this data is also stored on the device.

Your AFFIANT knows from his training and experiences that SIM cards, or Subscriber Identification Module, are used in GSM cellular networks. SIM cards can contain subscriber identification numbers, text messages, and contacts, among other identifying information.

Your AFFIANT knows from his training and experiences that images and data captured on cellular devices or tablets are easily transferred. Data or data files can be transferred from device to device via storage cards, and wireless technologies. Data can also be transferred to computers via data cables or wireless technology.

Your AFFIANT knows that cellular devices and tablets can contain data in memory such as email, text messages, calendar events, contacts, photographs, videos, and call records.

Your AFFIANT also knows from his training and experiences that cellular devices, especially 'smart phones', and tablets can access the internet in the same capacity as a desktop computer. Smart phones and tablets have internet web browsers, email clients, and software to enable the same functionality as a traditional desktop or laptop computer.

Your AFFIANT knows from his training and experience those cellular devices, especially 'smart phones' and tablet devices using the Android and Apple iOS operating systems, create and store GPS (Global Positioning System) data. This data can be stored for the lifetime of the phone or tablet.

Your AFFIANT also has knowledge in the forensic analysis of computers, cellular devices, and other digital media. Your AFFIANT advises that the examination of computer files, documenting the examination, and making evidentiary and discovery copies of evidence found on a computer and storage devices is a lengthy, technical process. It is necessary to determine that no security devices are in place, which causes the destruction of evidence during the search. In some cases, it is impossible to even conduct a search without expert technical assistance.

Electronic device data search protocols are exacting procedures designed to protect the integrity of the evidence and to recover even “hidden”, erased, compressed, password-protected, or encrypted files. Using these procedures, it is also possible to recover evidence from “slack space” and/or “unallocated space” of the storage media. The data in these areas is not controlled by the user of a computer and can exist on a computer for extended periods of time. In theory, it can exist for several years. It is possible that evidence is contained within the data stored in the slack space and/or unallocated space.

Your AFFIANT also advises the Court that technical expertise is necessary to complete examination of electronic evidence. Because of the possibility that files may be hidden, or codes put in place to prevent the retrieval of data, it may become necessary to request assistance of an individual/s who are not commissioned law enforcement officers but who are trained and/or learned in the retrieval of data stored in a computer or related devices.

Your AFFIANT also advises that an examination requires all peripheral devices, software and documentation, printed and handwritten, be seized since it would be impossible without examination to determine that it is standard, commercially available software and/or hardware. In some instances, it is necessary to have the software used to create data files and records in order to read the files and records. In addition, without examination, it is impossible to determine that the disks purporting to contain standard commercially available software program has not been used to store records instead.

Your AFFIANT knows digital data can be found in numerous locations and formats. Evidence can be embedded into unlikely files for the type of evidence, such as a photo included in a document or converted into a PDF file or other format to conceal their existence. Information on devices and media can be stored in random order; with deceptive file names; hidden from normal view; encrypted or password protected; and stored within applications on cellular devices.

Your AFFIANT knows, 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 warrant. This type of information

The above does constitute grounds of probable cause for the issuance of a Search Warrant for the following device:

1. Samsung Galaxy Amp Prime 2 labeled with Property Number Q2407342 and Case Number C4-030141.

Evidence to be searched for includes:

- a. Evidence of other accounts associated with this device including email addresses, social media accounts, messaging “app” accounts, and other accounts that may be accessed through the digital device that will aid in determining the possessor/user of the device;
- b. Evidence of use of the device to communicate with others about Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511, via email, chat sessions, instant messages, text messages, app communications, social media, internet usage, and other similar digital communications;
- c. Photographs, images, videos, documents, and related data created, accessed, read, modified, received, stored, sent, moved, deleted or otherwise manipulated;
- d. Evidence of use of the device to conduct internet searches relating to Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- e. Information that can be used to calculate the position of the device, including location data; GPS satellite data; GPS coordinates for routes and destination queries; application data or usage information and related location information; IP logs or similar internet connection information; and images created, accessed or modified, together with their metadata and EXIF tags;
- f. Evidence of the identity of the person in possession of the device(s) and the associated times and dates. Such evidence may be found in digital communications, photos and video and associated metadata, IP logs, documents, social media activity, and similar data;
- g. Records linking the suspect, co-conspirator(s), victim(s), and/or witness(es) to a certain screen name, handle, email address, social media identity, etc.;
- h. Records showing a relationship with suspect, co-conspirator(s), victim(s), witness(es), and/or location(s), etc.;

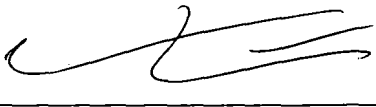
- i. Names, nicknames, account ID's, phone numbers, or addresses of specific persons;
- j. Records showing a relationships to particular areas or locations associated with Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- k. Photographs, images, videos, documents that contain or are evidence of Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- l. Evidence of purchases, such as items used in planning or facilitating Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- m. Internet research history conducted while planning, executing, or covering up Criminal Mischief - Nebraska Revised Statute 28-519(C) and Theft by Unlawful Taking \$0-\$500 - Nebraska Revised Statute 28-511;
- n. Any live and deleted user attribution data including user accounts, e-mail accounts, passwords, PIN codes, patterns, account names, user names, screen names, remote data storage accounts, documents, files, calendars, metadata, recycle bin files, and any other information and evidence that may demonstrate attribution to a particular user or users;
- o. Any live and deleted applications, programs, or software, used to facilitate the creation, storage, display, or transmission of digital visual recordings and the logs and data associated with the applications, programs or software, and any device backup files;
- p. Any live and deleted audio or visual recording files including files bearing file extensions jpg, jpeg, png, gif, tif, wav, aiff, mp3, mp4, avi, mpg, mpeg, flv, mp4, mov, and wmv along with any descriptive metadata within or associated with the visual recording files, which may include date and time the recording was created, the device used to create the recording and location the recording was made;
- q. Any live and deleted passwords, password files, keys, encryption codes, or other information necessary to access the digital device, software or data stored on the digital device;
- r. Any live and deleted records, documents, programs, applications, information, or materials created, modified, or stored in any form on the digital device listed in this affidavit, that show the actual user(s) of the computers or digital devices including web browser history; temporary Internet files; cookies,

bookmarked or favorite web pages; e-mail addresses used from the computer; MAC IDs and/or Internet Protocol addresses used by the computer; e-mails, instant messages, text messages (SMS/MMS), application data and other electronic communications; address books; contact lists; records of social networking and online service usage; calendar entries, notes, journals, and any software that would allow others to control the digital device such as viruses, Trojan horses, malware, and other forms of malicious software.

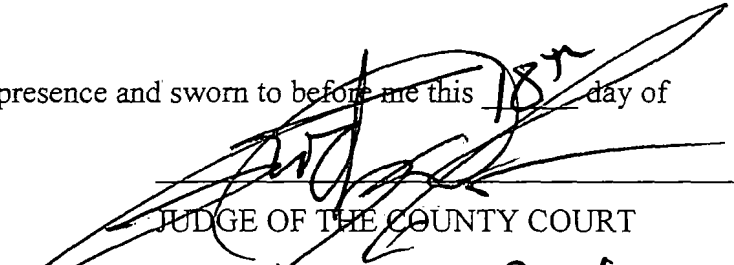
Your AFFLIANT would also like to advise the court that the examination of digital devices is a lengthy process requiring special steps to ensure the integrity of the electronic evidence. Therefore, it may not be possible to complete a return for the court within the 10 days normally required by the court.

Further AFFLIANT saith not;

Dated this 18th day of April, 2024.


DEPUTY LATHROP, COLT 902187
WITH
LANCASTER COUNTY SHERIFF'S OFFICE

SUBSCRIBED to in my presence and sworn to before me this 18th day of April, 2024


JUDGE OF THE COUNTY COURT
Rodney D. Reuter
Printed Name of County Court Judge

