

LPD Case Number: C4-026894

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, NEBRASKA

CR24-1

SEARCH WARRANT RETURN

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) ss.

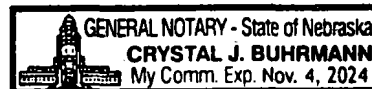
The undersigned states that he received the Search Warrant issued herein on the 14th day of May, 2024, and that he executed the same on the 21st day of May, 2024, by seizing the property described in the Inventory filed herein and by delivering a copy of the Search Warrant for the said property at the place from which the property is taken.

Corey R. Weinmaster #883
Inv. Corey Weinmaster #883

SUBSCRIBED to in my presence and sworn to before me this 21st day of May, 2024.

[Signature]
Notary Public

LANCASTER COUNTY
2024 MAY 22 PM 4:20
CLERK OF THE
DISTRICT COURT



Warrant Return & Inventory



002181759D02

220

[Handwritten mark]

LANCASTER COUNTY

2024 MAY 22 PM 4: 20

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
LINCOLN POLICE DEPARTMENT
575 SOUTH 10TH STREET
LINCOLN, LANCASTER COUNTY, NEBRASKA**

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


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

Corey Weinmaster, 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:

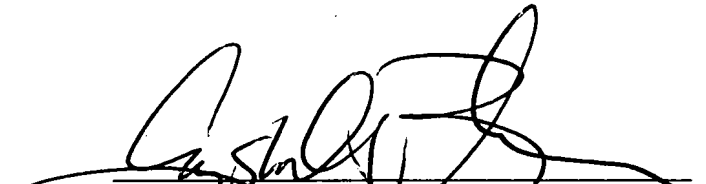
The following is a list of the items seized and removed as evidence during the execution of a search warrant at the premise of the Lincoln Police Department, 575 South 10th Street, Lincoln, Lancaster County, Nebraska.

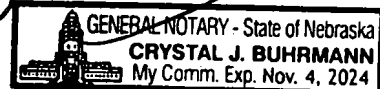
SanDisk 32GB MicroSD Memory Card under LPD Property Q2406129
-21 .E01 Image Files

Inventory made in the presence of Inv. Tyler Loos #902163.


Inv. Corey Weinmaster #883

SUBSCRIBED to in my presence and sworn to before me this 21st day of May, 2024.


Notary Public



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.

SanDisk 32GB MicroSD Memory Card under LPD Property Q2406129

- 21 .E01 Image Files

LANCASTER COUNTY
2024 MAY 22 PM 4:20
CLERK OF THE
DISTRICT COURT

Date 5/21/24

Cory G. Kowalec #883
Law Enforcement Officer

Witness [Signature] 902163

IN THE COUNTY OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY

2024 MAY 22 PM 4:20

CLERK OF THE DISTRICT COURT

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

TO: Brent Lovett, a law enforcement officer with the Lincoln Police Department, Lincoln, Lancaster County, Nebraska, any and all law enforcement officers, and agents thereof.

WHEREAS, Officer Brent Lovett 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 14th day of May, 2024.



[Handwritten Signature]

Judge of the County Court

Holly J. Parskey

Printed Name of Judge

ATTACHMENT A: Digital Device(s) to Be Searched

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

- Go Pro Camera, 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 Q2406129 and Case Number C4-026894.

for the following evidence, to include any live and/or deleted data to include including any live and/or deleted data from March 30th, 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. Images and associated metadata.
6. Videos, and associated metadata.
7. Audio files

To obtain and search the data from the aforementioned digital device, law enforcement is requesting to:

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 requests to return the search warrant within ten (10) days upon completion of the search and seizure.

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- Go Pro Camera, 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 Q2406129 and Case Number C4-026894.

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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. Images and associated metadata.
6. Videos, and associated metadata.
7. Audio files

To obtain and search the data from the aforementioned digital device, law enforcement is requesting to:

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 requests to return the search warrant within ten (10) days upon completion of the search and seizure.

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

LANCASTER COUNTY
2024 MAY 22 PM 4:20
CLERK OF THE
DISTRICT COURT

STATE OF NEBRASKA)

) ss. AFFIDAVIT FOR SEARCH WARRANT

COUNTY OF LANCASTER)

Brent Lovett, being first duly sworn upon oath deposes and states that he is a Police Officer for the Lincoln Police Department, Lincoln, Lancaster County, Nebraska. AFFIANT states he is currently involved in the investigation of a Felony Operate Motor Vehicle to Avoid Arrest 28-905 (3) (F4) occurring on March 30th, 2024, at throughout the city of Lincoln, Lancaster County Nebraska. AFFIANT has reviewed case reports regarding this investigation prepared by other involved Law Enforcement Officers.

Attachments

Attachment A: Digital Device(s) 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 2015. Your Affiant has training and experience in conducting criminal investigations. Your Affiant has experience in investigating burglaries, robberies, sexual assaults, etc.

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 March 30th, 2024 at approximately 1920 hours, Sergeant Romshek #1662 was on routine traffic patrol in the area of 52nd Street and 'O' Street in Lincoln, Lancaster County, Nebraska. Sgt. Romshek used his police radio and advised dispatch he was going to attempt a traffic stop with two motorcycles that were not observed to have any license plates, were driving erratic and riding wheelies amongst the traffic. While Sgt. Romshek was attempting to get close enough to the motorcycles to conduct the traffic stop he

noticed the motorcyclists continued to look back at Sgt. Romshek, which from experience he identified as a sign they would flee the scene.

Officer Bryan Gruber #1856 was operating as a Tactical Flight Officer (TFO) for the Nebraska State Patrol Aviation Support Unit. While operating as a TFO, Officer Gruber was able to respond to Sgt. Romshek's location and observe the traffic stop. The motorcyclists turned northbound from 'O' Street onto 44th Street and Sgt. Romshek activated his police cruiser overhead lights, signaling to the motorcyclists to stop, but they fled the area at a high rate of speed traveling northbound. Due to Lincoln Police policy and safety concerns to the public, Sgt. Romshek did not pursue the motorcycles and Officer Gruber and the Aviation Unit began to follow them. Even with no marked cruisers around, the defendant was driving extremely recklessly as to endanger numerous motorists, citizens, and property. The defendant fled from another traffic stop attempted by Ofc. Fitch #1955 in the North Bottoms area of Lincoln. During this time, TFO Gruber never lost sight of the defendant. The defendant continued to drive recklessly even without anyone trying to stop him. Nebraska State Patrol Trooper Schwarz #91 also attempted a traffic stop on the defendant, but he fled from the traffic stop again.

TFO Gruber continued with updates and eventually told officers the defendant was on the MoPac Trail, approaching the North 48th Street bridge. Sgt. Romshek ran up to the trail and hid behind a group of trees as the defendant was now pushing his motorcycle. Sgt. Romshek then heard the defendant start the motorcycle back up and decided he needed to step out to apprehend him before he fled again. The defendant started riding towards officers while being given loud verbal commands to stop at gunpoint. The defendant complied and was placed in custody without further incident.

The defendant was found to be operating a GRY 2022 Yamaha MT-07 motorcycle with no license plates (VIN: JYARM32E9NA006284) and had a Go Pro affixed to his orange and white helmet.

Your Affiant is aware that the defendant was taken into custody, he was wearing a helmet which was equipped with a Gro Pro Camera. Your Affiant is aware that the Go Pro

Camera indicated that it was recording at the time of the defendant's arrest. Your Affiant believes that evidence of this crime of fleeing to avoid arrest will be located on the Go Pro Camera and/or the storage device the camera utilizes to store videos. Your Affiant is aware that the arresting officers seized the camera and helmet and placed them in LPD Property Unit under property report number Q2406129.

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.

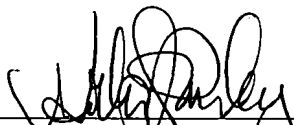
Further AFFIANT saith not;

Dated this 19th day of May 2024.



Brent Lovett AFFIANT

SUBSCRIBED to in my presence and sworn to before me this 19th day of May, 2024.



Judge of the County Court



Holly J. Parsley

Printed Name of Judge

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.