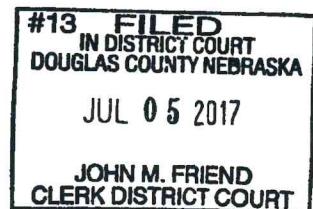


IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA,) CR 16-3170
)
Plaintiff,)
)
vs.) ORDER
)
ROLANDER L. BROWN,)
)
Defendants.)



This matter came on for hearing on the Motion to Suppress evidence and the Amended Motion to Suppress evidence filed by the defendant herein. Hearing was held on the 21st day of June, 2017, and a final additional hearing was held on July 3, 2017. The State was represented by Chad Brown and Amy Jacobsen, and the defendant was present and represented by Tom Riley and Yvonne Sosa. A record of the proceedings was taken by Susan McKenzie. Evidence was adduced. The matter was briefed by the parties and now comes on for decision.

The Court has examined all the evidence submitted and finds that this Motion to Suppress falls clearly within the ambit of *State of Nebraska vs. Jenkins* 294 Neb. 684, 884 N.W.2d 429 (2016), this Court determines that the defendant had no reasonable expectation of privacy in the CSLI data (*Jenkins, supra*) and that no search occurred.

The Court is further satisfied that the "search warrant for cellular phone records" required the production of only historical data and did not constitute a "real time" tracking of the defendant. In addition, the order constitutes more accurately an order for production pursuant to the applicable Federal Statute (the Federal Stored Communications Act). This is therefore not technically a search warrant but rather an order of production as aforesaid. The Court specifically finds that the affidavit in support of said order is sufficient within the context of said statute.

IT IS SO ORDERED, ADJUDGED AND DECREED that the Motion to Suppress and the Amended Motion to Suppress submitted to the Court by the defendant herein be and the same are each hereby overruled.



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Appendix B.

DATED this 5^o day of July, 2017.

BY THE COURT:

James J. Gleason
JAMES T. GLEASON
DISTRICT COURT JUDGE