

ORIGINAL

RB: AJ33174

IN THE County COURT OF OMAHA, DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA)	AFFIDAVIT AND APPLICATION FOR
)	ISSUANCE OF A SEARCH WARRANT
COUNTY OF DOUGLAS)	FOR CELLULAR PHONE RECORDS

The complaint and affidavit of Officer Derek MOIS, #1573 on this 8th day of May, 2018, who, being first duly sworn, upon oath says:

That the officer has probable cause to believe, and does believe that there is concealed or kept as hereinafter described, the following property, to wit:

A. The following customer or subscriber account information for each account registered to or associated with 402-850-5695 for the time period December 1st 2016 - February 14th 2017 in Central Standard Time (CST):

1. Subscriber names, user names, screen names, or other identities;
2. Mailing addresses, residential addresses, business addresses, email addresses, and other contact information;
3. Local and long distance telephone connection records, or records of session times and durations;
4. Length of service (including start date) and types of services utilized;
5. Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address;
6. Means and source of payment for such service (including any credit card or bank account number) and billing records.

B. All records and other information relating to account(s) and time period in Part A, including:

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1. Records of user activity for any connections made to or from the account, including the date, time, length, and method of connections, data transfer volume, user name, and source and destination Internet Protocol address(es);
2. All available toll records to include call detail, SMS detail, data sessions, per call measurement data (PCMD), round trip time (RTT), NELOS, cell site and cell site sector information and cellular network identifying information (such as the IMSI, MSISDN, IMEI, MEID, or ESN);
3. Non-content information associated with the contents of any communication or file stored by or for the account(s), such as the source and destination email addresses and IP addresses;
4. Correspondence and notes of records related to the account(s);
5. Current cellular site list, in electronic format, which includes any and all markets, switches, and areas the target phone utilized during the time period listed above.

That said property is concealed or kept in, on, or about the following described place or person, to wit:

US Cellular
Attn: Custodian of Records/Subpoena Compliance
8410 W. Bryn Mawr Ave.
Chicago, IL 60631

That said property is under the control or custody of:

Custodian of Records

That the following are the grounds for issuance of a search warrant for said property and the reasons for the officers' belief to wit:

On December 23rd 2016 at approximately 1741 hours Omaha Police Officers were dispatched to 18139 Tammy Trail, Omaha, Douglas County, Nebraska in reference to the report of a shooting. Upon arrival Officers located a male victim identified as Michael R. BRINKMAN (W/M DOB: 09/17/1966) with a gunshot wound to the chest. BRINKMAN

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was transported to the University of Nebraska Medical Center where he later died as a result of his injuries.

Officers determined at the time of the shooting event the victim was home with his girlfriend Kim MILIUS (W/F DOB: 12/20/1971) and his son Seth BRINKMAN (W/M DOB: 11/08/2000). MILIUS would state that at approximately 5:30 pm the victim and their son Seth were getting ready to go out to eat when she answered a knock at the door. MILIUS would state when she answered the door and would be confronted by two unidentified masked suspects armed with guns who began demanding money. MILIUS stated one suspect was a black male about 5'10" to 6'0" in height, heavy set with a "thick neck" and stubble on his face. MILIUS would state this suspect was approximately 220 to 250 pounds. MILIUS stated the second suspect was a black male and described him as being taller and lighter than the first suspect. MILIUS described this suspect as being approximately 6'0" to 6'3" and approximately 180 pounds.

Seth BRINKMAN would state at approximately 5:30 pm he was taking a shower preparing to go out to dinner with his parent when he heard his mother screaming. Seth would state he would come to see two intruders armed with handguns. Seth would describe one suspect as being a black male approximately 6'0" to 6'1" in height and being heavy set with a big gut and wearing a mask. Seth would describe the second suspect as being approximately 6'1" to 6'2" and having a thinner build than the first suspect.

During the subsequent scene investigation Investigators would locate items determined to have been dropped by one of the suspects during the physical altercation with the victim. Investigators and Forensic Investigations personnel would locate remnants of fast food and packaging items, including a partially eaten piece of bread. Forensic Technicians would collect a swab for possible DNA from the bread under EV#20.

During a canvass of the neighborhood Officers located exterior cameras on 18230 Tammy Trail. Investigators were able to determine those cameras did cover the victim's residence. Crime lab personnel were able to recover footage from that system which upon review did capture what appeared to be a newer model white SUV traveling eastbound on Tammy Trail and pull into 18139 Tammy Trail parking facing westbound at 5:33 pm at the victim's residence(just prior to the shooting event). Video then captures the same vehicle leaving at approximately 5:41 pm.

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Video also shows what appears to be the same vehicle slowed in front of the victims residence at 4:55 pm continues eastbound into the circle, turn around and drive back by 18139 Tammy Trail at 4:56 pm.

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Investigators believe the vehicle in the video is a white 2015-2016 Dodge Durango SUV. Investigators believed from prior experience that it was possible suspects could have used a rented vehicle while committing this crime.

On December 27th 2016 EV#20, the possible DNA swab collected from the partially eaten bread, was submitted to UNMC Human DNA Laboratory for testing.

On December 28th 2016 Officer CAHILL served a subpoena to Budget Car rental requesting information related to any leased 2016 Dodge Durango SUV in the Omaha area during the time frame of December 23rd 2016. Budget Car rental would return information that included a rental agreement to a Carnell WATT (B/F DOB: 03/17/1979) of a 2016 Dodge Durango SUV bearing Texas plates GSB-1580 from the dates of December 13th 2016 to December 27th 2016 (Rental Agreement : AVIS RA 608359032). Affiant Officer observed within the provided rental agreement that WATT provided a contact number of 402-739-4520. Affiant Officer learned this number is currently assigned to Sprint Corporation.

On January 14th 2017 Officer CAHILL would conduct an interview with WATT. WATT would acknowledge renting the aforementioned 2016 Dodge Durango SUV from Avis/Budget on December 13th 2016. WATT would also state that during the course of her having that vehicle she loaned the vehicle out on multiple occasions to family and friends. WATT would state one of those people was an acquaintance by the name of "Lee JENNINGS".

On January 23rd 2017 Investigators were notified of a mainly single source male DNA profile was located from testing of EV#20.

On January 27th 2017 the UNMC Human DNA Laboratory submitted their findings to the Nebraska State Patrol for CODIS entry and search.

On February 13, 2017 Investigators were notified of a possible CODIS identification to the submitted sample was that belonging to LeAndre R. JENNINGS II (B/M DOB: 09/30/1987).

On February 13, 2017 subsequent research utilizing the NCJIS database, Affiant Officer observed that JENNINGS has a physical of 6' and weighing approximately 300 pounds. Affiant Officer also observed that JENNINGS was currently on US Probation beginning 04/10/2015. Affiant Officer observed JENNINGS was currently assigned to the Omaha US Probation Office under Officer Mike SLIVA. Affiant Officer spoke to

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Officer SLIVA and he would provide a current cell phone number for JENNINGS of 402-850-5695. Affiant Officer learned this number is also currently assigned to US Cellular.

Affiant Officer believes data held by US Cellular will aid in determining the possible relationship between the aforementioned individuals and provide details on the events which lead to the death of Michael R. BRINKMAN.

From training, experience and research Affiant Officer is aware that the data stored by cellular network providers can provide invaluable insight for criminal investigations. Cell phones are used for communication, access to information, socialization, research, entertainment, shopping and other functionality. In addition to personal use, cell phones are often used as tools in criminal activity. Affiant Officer is aware of numerous instances where cell phones were used by participants in crimes to communicate via voice and text messaging. Affiant Officer is also aware of instances where the cell phone was operating in the background, accessing the cell provider's network, and generating location based data. When a cell phone interacts with the cellular provider's network, it leaves records that allow for the identification of locations where the cell phone accessed the network. These interactions between the cell phone and the network can be created intentionally or accidentally by the user, or automatically by the device itself as part of it's regular functioning.

The records being requested in Part A & B are all invaluable tools when conducting investigations. Phone information, account notes, and user account information can be used to identify and/or confirm the owner of the cell phone. Call detail records can serve to establish familiarity between people involved in an incident. These records contain date and time stamps that can be significant in constructing a timeline of events regarding an investigation. The records also contain phone numbers establishing communication between parties that are invaluable in establishing co-conspirators, witness, and victim, and suspect information.

PCMD, NELOS, RTT data, Cell Site, and Cell Site Sector information are invaluable during an investigation as they can associate the cell phone with being in proximity of a location. Viewing of this data can demonstrate that the device, and thus also it's user, was in a location associated with an incident.

Communication records from SMS and MMS messaging, email, and internet usage can provide insight to establish an individual's level of culpability and knowledge regarding an investigated incident. It is not uncommon for users to send and receive

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dozens of messages a day which documents a person's activities and can aid in completing the investigation.

Affiant Officer seeks to complete a thorough, unbiased examination of the data stored with the cellular provider which could aid in the investigation.

Affiant Officer is requesting that this Court issue a search warrant for the information provided in Part A and Part B which is stored with US Cellular as Affiant Officer believes that data from the aforementioned cellular phone number will assist in the investigation.

WHEREFORE, the officers pray that a Search Warrant may be issued according to law.

A handwritten signature in black ink, appearing to be "J. L. 1573", written over a horizontal line.

Omaha Police Officer

SUBSCRIBED AND SWORN to me this 8th day of May, 2018.

A handwritten signature in black ink, appearing to be "D. B.", written over a horizontal line.

Judge of the County Court

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IN THE County COURT OF OMAHA, DOUGLAS COUNTY, NEBRASKA

STATE OF NEBRASKA)

SEARCH WARRANT FOR

)

CELLULAR PHONE RECORDS

COUNTY OF DOUGLAS)

TO: OMAHA, NEBRASKA POLICE OFFICER Derek MOIS.

This matter came on for hearing on the 8th day of May, 2018, upon the sworn application and affidavit for issuance of a search warrant of Officer Derek MOIS, #1573 and the Court, being fully advised in the premises finds as follows:

That the Court has jurisdiction of this matter pursuant to the Sections 29-812, Nebraska Revised Statutes, 1943, as amended.

That based upon the sworn affidavit and application of issuance of a search warrant of Derek MOIS dated the 8th day of May, 2018, that there is probable cause to believe that located at US Cellular ,AND/OR the authorized or designated agent for the custodian of records of the electronic communications service provider, the following described records and other information for 402-850-5695, to-wit:

A. The following customer or subscriber account information for each account registered to or associated with 402-850-5695 for the time period December 1st 2016 to February 14th 2017 in Central Standard Time (CST):

1. Subscriber names, user names, screen names, or other identities;
2. Mailing addresses, residential addresses, business addresses, email addresses, and other contact information;
3. Local and long distance telephone connection records, or records of session times and durations;
4. Length of service (including start date) and types of services utilized;

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5. Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and
6. Means and source of payment for such service (including any credit card or bank account number) and billing records.

B. All records and other information relating to account(s) and time period in Part A, including:

1. Records of user activity for any connections made to or from the account, including the date, time, length, and method of connections, data transfer volume, user name, and source and destination Internet Protocol address(es);
2. All available toll records to include call detail, SMS detail, data sessions, per call measurement data (PCMD), round trip time (RTT), NELOS, cell site and cell site sector information and cellular network identifying information (such as the IMSI, MSISDN, IMEI, MEID, or ESN);
3. Non-content information associated with the contents of any communication or file stored by or for the account(s), such as the source and destination email addresses and IP addresses;
4. Correspondence and notes of records related to the account(s).
5. Current cellular site list, in electronic format, which includes any and all markets, switches, and areas the target phone utilized during the time period listed above.

AND, if found, to seize and deal with the same as provided by law, and to make return of this warrant to me within ten days after receiving the requested information set forth in Part A and Part B.

YOU ARE, THEREFORE, ORDERED, pursuant to Nebraska Revised Statute 29-813 that US Cellular will, within fourteen (14) days of the date of this Order, turn over to the Omaha, Nebraska Police Department the records and other information as set forth in Part A and Part B.

IT IS FURTHER ORDERED, that any other person, device, computer, and/or number that is in communication with the target device shall be considered part of the

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criminal investigation and shall require the disclosure of the data in Part A and Part B from any provider of electronic communications services as defined by Nebraska Revised Statute 86-277. This shall also include the target device roaming or utilizing any electronic communications service provider's network and/or antennas, regardless of carrier or provider.

IT IS FURTHER ORDERED that US Cellular or any other person/company, shall not disclose the existence of this search warrant, or the existence of the investigation, to the listed subscriber or to any other person, unless and until authorized to do so by the Court.

IT IS FURTHER ORDERED, that execution of the Search Warrant be forthwith during the daytime hours.

IT IS FURTHER ORDERED, that Omaha, Nebraska Police Officer Derek MOIS , make return of this Search Warrant to me within ten days after receiving the requested information from the electronic communications service provider.

Given under my hand this 8th day of May, 2018.



Judge of the Douglas County Court

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