



Ohio Attorney General's Office
Bureau of Criminal Investigation
 Investigative Report



2023-2059

Officer Involved Critical Incident - 205 US 250, Polk, Ohio 44866

Investigative Activity: Interview of Involved Deputy
Involves: Ashland County Sheriff's Deputy Johnie Wilcox (S)
Activity Date: August 14, 2023
Activity Location: Ashland County Sheriff's Office, 1205 East Main Street, Ashland, Ohio
Authoring Agent: Special Agent Nick Valente #139

Narrative:

On August 14, 2023, at approximately 1026 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) and SA John Tingley (Tingley) conducted an interview with Ashland County Deputy Sheriff Johnie Wilcox (Deputy Wilcox). Deputy Wilcox was one of the deputies presumed to have shot Larry Dunham (Dunham). The interview took place at the Ashland County Sheriff's Office, 1205 East Main Street, Ashland, Ohio. Deputy Wilcox was accompanied by Ohio Patrolman's Benevolent Association attorney Joseph Hegedus. The interview was audio recorded and the recording was attached to this report.

Prior to beginning the interview, Deputy Wilcox read, indicated he understood, and signed the BCI Criminal Investigation Notification Form. That form has been attached to this report.

Preliminary and Demographic Information:

Name: Johnie Wilcox	Rank: Deputy (Dep.)
Badge Number: 331	Cruiser/Vehicle Number: 331
Radio Call Sign: 331	Immediate Supervisor: Sergeant Dan Saylor
Radio Channel Utilized: A.C.S.O. 1	Mobile Data Terminal: Present; Not Used
Cruiser Description: Black Ford Explorer with Sheriff's Office markings and gold lettering, overhead light bar and siren	Occupants of Cruiser and Seating Positions: Solo
Assignment: Patrol – Zone 1	Normal Shift: 1600 hours - 0000 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present & Not Utilized	Siren: Present; Not Used
Shift Day of Incident: 1600 hours – 0000 hours	Duty Status: On-Duty
Days Off: Thursdays and Fridays	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: 8 hours	Consider Self Well Rested?: Yes
Total Length as Officer: 6 years	Length at Current Agency: Almost 4 years
Physical Disabilities (to include hearing	Corrective Lenses: No Corrective Lenses

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aid): None	
Uniform Worn: Grey pants, black boots, outer ballistic vest carrier with Sheriff patch on back, black polo shirt with sheriff patches on shoulders and a police duty belt.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Vest carrier with O.C. spray and a Taser. Duty Belt with tourniquet, handcuffs, glove pouch and key holder.
Ballistic Vest: External Armor	Body Worn Camera: Present & Used
Other Recording Devices: None	Partner: None
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: None	OPOTC Certification: EHOVE Police Academy
Military Experience/Training: None	Use-of-Force Training: Received during the police academy and twice yearly internal departmental training.
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: No
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None
Consumed alcohol in the past 24 hours? None	Last Consumed Alcohol Prior to Incident: A week before the shooting.

Officer's Firearm(s):

Weapon #1 – Duty Pistol

Make: Glock	Model: 17
Caliber/Gauge: 9 mm	Serial: Unknown to Deputy Wilcox
Type: Semi-Auto Handgun	Method of Carry: 1 round in chamber
Magazine Capacity: Deputy Wilcox believed the magazine capacity to be 18 cartridges. The actual capacity of the magazine is 17 cartridges.	Total Rounds as Carried (including chamber): 52 (1 cartridge in the chamber of the gun, 17 cartridges in the inserted magazine and 2 additional magazines containing 17 cartridges each).
Extra Magazines: 2	Number of Rounds in Extra Magazines: Fully loaded, 17 per magazine
Discharged During Incident? Yes	Primary or Backup Weapon: Primary

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Rounds Remaining After Incident: Unknown to Deputy Wilcox	Number of Rounds Fired: Unknown to Deputy Wilcox who declined to provide an estimate.
Right/Left-Handed Carry: Right-Handed	Ownership: Department Owned
Last Qualification Date: Unknown date, but qualifies with the Sheriff's Office on a yearly basis.	Type of Holster, if any: Level 3 retention holster.

Narrative:

Deputy Wilcox brought to the interview a prepared written statement detailing his actions during the incident. SA Valente asked Deputy Wilcox to read aloud his written statement and Deputy Wilcox did so. Deputy Wilcox signed his written statement and provided it to SA Valente after having read it. That statement was attached to this report.

Deputy Wilcox told to agents that he was dispatched to Dunham's residence in reference to "a male sitting by a campfire with a gun and the caller advised he was threatening suicide by cop." Deputy Wilcox arrived at the same time as Deputy Hemenway and Deputy Pennywitt. The three deputies made their way around the side of the house. Deputy Wilcox observed the subject, Larry Dunham, sitting in a chair in the backyard facing away from the deputies and talking on a phone. Deputy Hemenway asked Dunham if his name was 'Larry' and Dunham replied "yes." As Deputy Wilcox continued to approach Dunham he observed a pistol resting on Dunham's left leg. Deputy Wilcox notified the other deputies "he had at least one visible gun on his left leg."

Dunham then tossed the phone to the ground and reached for the gun on his left leg. Deputy Pennywitt fired her taser at Dunham. The taser was not successful in stopping Dunham. Deputy Wilcox, who had already drawn his duty weapon, then drew his taser with his other hand. Deputy Wilcox fired his taser at Dunham. Deputy Wilcox was also unsuccessful in stopping Dunham's movement with the use of the taser. Deputy Wilcox stated "I then tossed my taser to the ground as I watched Larry grab the pistol off of his left leg with his right hand. We repeatedly asked him to not pick up the gun and told him to drop the gun. Larry turned to his right with the pistol in his right hand turning towards us. I was in fear for my life and the other deputies' lives. At this point I had my service weapon pointed at Larry and fired it multiple times striking him which ultimately lead to him dropping the gun. I radioed to dispatch advising them of 'shots fired' and we immediately approached him to check for a pulse and render aid."

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Investigative Report



2023-2059

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While approaching Dunham to render aid, Deputy Wilcox noticed two additional pistols on Dunham's person. The pistols were removed from Dunham's person and placed on the ground. Deputy Wilcox and Deputy Hemenway then removed Dunham from the chair he was sitting in and placed him on the ground. As the deputies placed Dunham on the ground a female exited the backdoor of the home and began to yell at the deputies. Deputy Pennywitt walked over to the female and was able to get her to go back into the home.

Deputy Wilcox then returned his attention to Dunham, stating "After laying him down we observed that the injuries he sustained during the shooting were not sustainable with life and we were unable to find a pulse."

Deputy Wilcox then briefly spoke with a neighbor who approached the scene. Deputy Wilcox confirmed with the neighbor that no one else was outside at the time of the shooting. Deputy Wilcox asked the neighbor to go back into his home. Deputy Pennywitt placed crime scene tape around the scene. Deputy Wilcox and Deputy Hemenway returned to the front of the home and stayed there until advised by Sergeant Saylor they could turn off their body-worn cameras and return to the sheriff's office.

After Deputy Wilcox completed reading his written statement detailing the above, SA Valente asked Deputy Wilcox follow-up questions.

When asked if he knew or believed the subject fired his weapon at the time of the incident, Deputy Wilcox stated he was unsure if Dunham fired at them during the incident.

When asked if anyone shared with him that the subject fired at the deputies, Deputy Wilcox stated "I thought I heard three people shooting, but, I mean obviously, later on I was able to confirm that was the case." Deputy Wilcox then shared that the chief deputy later met with him and shared with him that Dunham did fire his gun at the deputies.

When asked if he could recall who was the first to fire, Deputy Wilcox shook his head no indicating he could not.

When asked to describe the weather conditions at the time, Deputy Wilcox described the weather as overcast and cloudy but with no hinderance to his visibility.

When asked how far away from Dunham he was when he fired his taser, Deputy Willcox stated he believed he was approximately 15 to 20 feet away from the subject.

When asked where Dunham's attention was focused at the time Deputy Wilcox fired both his taser and pistol, Deputy Wilcox stated "to his right" and "directly face to face with Deputy Hemenway."

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Investigative Report



2023-2059

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When asked if the subject said anything to him or the other deputies, Deputy Wilcox stated only when he responded to the question asking if he was Larry and the subject stated he was.

When asked what his point of aim was when he fired his pistol, Deputy Wilcox stated "I was intending to take the threat away, so."

SA Valente clarified the question and asked Deputy Wilcox if he aimed at a specific point on the subject's person. Deputy Wilcox replied "I mean it happened so quick. And we were, I mean I, I'm moving, he's moving, so."

When asked where he believed his rounds hit, Deputy Wilcox replied "If I had to guess, his shoulder and his, the back of his head."

When asked what lead to his decision to fire at the moment he did so, Deputy Wilcox stated "cause' everything else wasn't working. I mean the taser, obviously, didn't make a good connection. I mean those three. We fired, you know, a total of three times with the taser, so I mean, um and him turning and pointing a gun at us was obviously you know the end determination. I was in fear for my life and the other deputies there."

When asked if he perceived any other options available to him at the moment he fired his pistol, Deputy Wilcox stated "No."

When asked, Deputy Wilcox stated he felt his actions and the actions of the other involved deputies were consistent with his training.

When asked who called for emergency medical services to the scene, Deputy Wilcox stated he did so and he thought he did so before he even holstered his pistol.

When asked, Deputy Wilcox stated he had no previous knowledge of or interactions with the subject.

When asked if he experienced any tunnel vision or auditory exclusion during the event, Deputy Wilcox stated he did not hear the subject fire his weapon.

When asked how many times he had viewed his body camera recording of the incident prior to the interview, Deputy Wilcox stated he had watched the video recording two times.

When asked if he recalled anything noteworthy from the event he had not already shared with agents that was not captured on his body-worn camera recording, Deputy Wilcox stated "not that I can think of."



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



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When asked if there was anything else he wished to share with agents prior to ending the interview, Deputy Wilcox shook his head indicating there was not.

Attachments:

1. 2023-08-14: Audio - Interview of Deputy Johnie Wilcox
2. 2023-08-14: Written Statement From Deputy Johnie Wilcox
3. 2023-08-14: Criminal Investigation Notification Form -Deputy Johnie Wilcox

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On 8/5/2023 at approximately 7:56 pm Deputies were dispatched to 205 US Route 250 in Rowsburg. In reference to a male sitting by a camp fire with a gun and the caller advised he was threatening suicide by a cop. I, Deputy Wilcox, went en route to the address with my lights and sirens. Deputy Hemenway, Deputy Pennywitt and I all arrived on scene simultaneously and exited our cruisers to locate the male. While approaching the west side of the house, dispatch notified us of the male's name, Larry Dunham. We continued to the back yard and I could see an older male sitting in a camp chair facing away from us talking on his cell phone, wearing a hat with glasses. Deputy Hemenway called out to him and asked if his name was Larry, he answered yes I am. While approaching the male I could see a pistol on his left leg so I notified the other two deputies he had at least one visible gun on his left leg.

While approaching the male he tossed his cell phone to the ground and we could see him reach for the gun on his left leg. At this time Deputy Pennywitt attempted to deployed her tazer and it was unsuccessful. While having my service weapon in my right hand I was able to deploy my tazer with my left hand, it was also unsuccessful. I then tossed my tazer to the ground as I watched Larry grab the pistol off of his left leg with his right hand. We repeatedly asked him to not pick up the gun and told him to drop the gun. Larry turned to his right with the pistol in his right hand turning towards us. I was in fear for my life and the other deputy's life. At this point I had my service weapon pointed at Larry and fired it multiple times striking him which ultimately lead to him dropping the gun. I radioed to dispatch advising them "shots fired" and we immediately approached him to check for a pulse and render aid. Dispatch asked if EMS was clear for entry, I said yes and they are clear to respond straight to the scene.

When we approached Larry to render aid, Deputy Hemenway and I went to lift him out of the chair and found two more pistols on his person. The pistols were placed onto the ground and we lifted him out of the chair placing him on his back. While we were in the process of moving him, a female came out from the back door of the house yelling and screaming at us. Deputy Pennywitt walked

over to her and was able to get her to go back inside the house. After laying him down, we observed that the injuries he sustained during the shooting were not sustainable with life and we were unable to find a pulse. I then noticed a male at the house directly to the east of where we were standing. I walked over to the garage where I saw him walk inside to ask if he and the female were both okay and to make sure that no one else was outside at the time of the incident. They said they came outside after hearing gun shots, but no one else was outside with them and their kids were upstairs sleeping. I asked them to go back inside and let them know that someone would be over to speak with them. I walked back over to the scene as Deputy Pennywitt was putting up crime scene tape. She suggested that I go for a walk and take a breath. I walked back to my cruiser and stood with Deputy Hemenway until Sergeant Saylor arrived and took over the scene. Other deputies on shift and State Highway Patrol arrived and stood by with us in the meantime. Sergeant Saylor eventually advised us that we could turn our body cameras off and return back to station to wait for BCI.

 #331
Deputy J. Wilcox #331



Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is **not** a "Garrity" interview (where you could be required to answer).

Johnie Wilcox
Printed Name of Interviewee

8/14/2023
Date / Time

Johnie Wilcox
Signature of Interviewee

Nick Valente S/A
BCI Agent (Printed)

Nick Valente
BCI Agent (Signature)