



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



2022-2016

Officer Involved Critical Incident – 5611 East Third Street, Mineral City, OH, Tuscarawas County, 44656

**Investigative Activity:** Information Provided/Obtained, Interview with Subject  
**Involves:** Courtney D. Digenova (W)  
**Date of Activity:** 09/28/2022  
**Activity Location:** Digenova, Courtney D. – Home – 5611 3rd. Street, Mineral City, OH 44656, Tuscarawas County  
**Author:** SA Charles H. Snyder, #90

**Narrative:**

On Wednesday, September 28, 2022, at 1211 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Charlie Snyder (Snyder) and Tuscarawas County Sheriff Office (TCSO) Lieutenant Adam Fisher (Fisher) met with and conducted a brief audio-recorded interview with Courtney D. Digenova (Digenova) in reference to this matter. The interview occurred inside Digenova's residence at 5611 3rd Street NE, Mineral City (Tuscarawas County), Ohio. Inside the residence, at this time, were two of Digenova's very large dogs and Kirby Van Fossen. Fisher cautioned Digenova that there were other actions going on outside the residence and suggested she stay inside while those were completed.

Digenova confirmed being aware of a bullet that had penetrated the rear door of the residence and traveled into the freezer. She agreed and provided consent for investigators to document and recover that projectile.

Digenova provided her personal identification information, when asked. She identified this location as her primary residence and having lived here for approximately 12 years. She indicated current employment at Dover – Cleveland Clinic Hospital as a nursing assistant. Digenova advised she clocked out of work this morning, at approximately 0703 hours, and went to local Walmart and Giant Eagle stores, shopping. After completing her shopping, Digenova indicated returning home, arriving at approximately 0900 hours. Digenova indicated she let her dogs into the house and carried groceries from her vehicle into the house.

A short time later, Digenova indicated hearing a knock on the side door. Digenova advised then calling a friend, identified as Holly, because she was "freaking out." Holly told her to look outside; and when she did, Digenova saw "...the blue truck and it was Everett's truck." Digenova told Holly, who then instructed Digenova to "...call the cops."

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Digenova advised she notified TCSO and "...never answered the door or never went outside and then they arrived." Digenova indicated decedent Martin was not heard saying anything. Digenova advised that she then went into the second-story portion of the residence and called Kirby Van Fossen, who stayed on the telephone with her during the whole incident.

Digenova advised seeing two TCSO deputies standing near the front side of the residence and could not see decedent Martin, believing he may have been under the porch roof. Digenova indicated not being able to hear what was being said between the deputies and decedent Martin because her dogs were "...going crazy." Digenova indicated she remained in the center bedroom and never left that area.

Digenova then indicated hearing what she believed were law enforcement personnel saying, "Going in the house – or – he's got a weapon – or something – and then I heard a loud noise – so I thought Everett got into the house – so I put my body up against the door – and here – my dogs – my dog got – came up to protect me but he never got in the house..." Digenova advised she remained upstairs and then heard what she believed were possibly eight gunshots. Digenova advised she looked outside but still could not see decedent; at which time, she came downstairs.

Digenova indicated during the whole incident, she remained on the telephone with Kirby Van Fossen until the TCSO began contacting her. Digenova was advised she could go to the door and speak with the deputies from the caller. Digenova indicated speaking also with Sheriff Orvis Campbell, who informed her that BCI would be coming into the investigation and to remain inside.

Digenova indicated the temporary restraining order was issued by New Philadelphia Municipal Court on Monday, September 19, 2022, as a result of threats by decedent to Digenova on Saturday and Sunday, September 17–18, 2022. Information provided by Digenova indicated the temporary protection order case number is "CRB 200686 A&B" and was timestamped 9/19/2022.

Digenova advised decedent Martin had transmitted numerous text messages, video messages, etc. "... and the reason for this to, late Saturday night into Sunday morning about 3:30 in the morning, ah – tons of text messages on my phone and him threatening my life – his life and all my friends – going to smash my head in..."

Digenova advised two deputies came to the residence when decedent Martin was released and took possession of his firearms from the home. Digenova indicated not knowing where decedent Martin had gotten a weapon and he was not allowed to have possession of a firearm. Digenova indicated decedent Martin told the judge of only having three firearms that were believed surrendered to authorities.

Digenova then advised, "...I come home – it was the Browns/Steelers game – it was Thursday – last Thursday – and it was the first time I had been at my house – and I started to go in to clean – because it was trashed – I started cleaning up – and I heard a noise but didn't think anything of it – and I looked up and Everett was standing in the kitchen – and I was scared – and he's – you know how I got in here – he pulled out one of those credit cards – debit card – and said just like this – I had no way to get to my phone – he stayed for about two hours – I

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was freaking out – he kept saying that – if he couldn't have me then no one could have me – he was going to kill me – and then he was going to kill himself – and he would kill Kirby– and ...do you know what you did to me – you ruined my life – I'm looking at ten years in prison – you cost me a lot of money – and he just threatened to kill my if I ever told anybody – and I was just too afraid – and as soon as he left – I left the house and went straight to his [Kirby Van Fossen] house and I haven't been back here since – and then I came back after court." Decedent Martin also told Digenova he was aware of the consequences coming to the house and violating the temporary protective order and didn't care and that he would go out in a body bag and was on a mission.

Digenova advised when decedent left the residence, he asked that she drop the restraining order, and he indicated he would not kill Kirby Van Fossen. Digenova advised she was afraid to report this incident because she was afraid of decedent Martin and also felt bad for him.

Digenova indicated believing that decedent Martin has been following her and reported that she has often seen his truck and believed he was "on a mission."

With no further questions or request for information from Digenova, the interview concluded at approximately 1228 hours.

NOTE: This report only summarizes information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. This report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full audio recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

#### **Attachments:**

Attachment # 01: 2022-09-28: Courtney Digenova – Initial Contact Interview

Attachment # 02: 2022\_2016 TPO MartinDigenova 20221007\_23291541

SEP 19 2022

CLERK  
JULIE A. STAMETS

IN THE NEW PHILADELPHIA MUNICIPAL COURT  
TUSCARAWAS COUNTY, OHIO

# Order of Protection

Per R.C. 2903.213(G)(3), this Order is indexed at

TCSO

LAW ENFORCEMENT AGENCY WHERE INDEXED

330-339-2000

PHONE NUMBER

STATE OF OHIO/  
CITY OF \_\_\_\_\_

v.

**Martin, Everett M**  
**DEFENDANT**

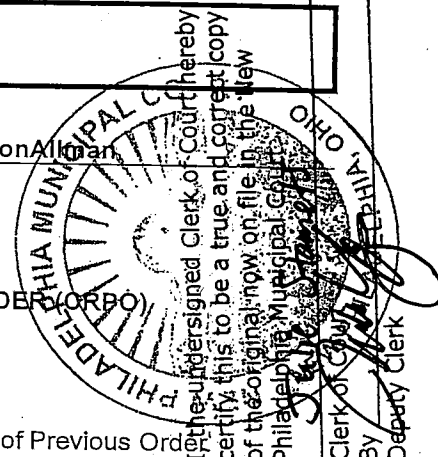
Case No. **CRB 2200686 A-B**

Judge **Nanette DeGarmo VonAllman**

State **OHIO**

**CRIMINAL PROTECTION ORDER (CRPO)**  
(R.C. 2903.213)

New Order     Modification of Previous Order



### PERSON(S) PROTECTED BY THIS ORDER:

Alleged Victim **COURTNEY DIGENOVA** DOB: **11/28/1974**

Alleged Victim's Family or Household Members:  
 Additional forms attached

\_\_\_\_\_  
DOB: \_\_\_\_\_  
\_\_\_\_\_  
DOB: \_\_\_\_\_  
\_\_\_\_\_  
DOB: \_\_\_\_\_  
\_\_\_\_\_  
DOB: \_\_\_\_\_

### ALLEGED VICTIM:

**COURTNEY DIGENOVA**

First Middle Last

v.

### DEFENDANT:

**EVERETT M MARTIN**

First Middle Last

### DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
M	WH	5'08	185
EYES	HAIR	DOB	
BRO	BLK	03-21-1979	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing features: \_\_\_\_\_

Address where Defendant can be found: \_\_\_\_\_

WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS - PROCEED WITH CAUTION

Ex Parte CRPO Granted: \_\_\_\_\_ (Date)

CRPO Granted: 9 1 19 1 22 (Date)

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Orders not required for enforcement.

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

### THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

**WARNING TO DEFENDANT: See the warning page attached to the front of this Order.**

This matter came before the Court on \_\_\_\_\_ for an  *Ex parte* CRPO

CRPO hearing on Alleged Victim's Motion for a Criminal Protection Order. The Court finds that the Motion of the Alleged Victim for a Criminal Protection Order is well-taken. The Court finds that the safety and protection of the Alleged Victim and protected persons named in this Order may be impaired unless the Court acts. The following orders are designed to ensure the safety and protection of the protected persons named in this Order and are issued to the Defendant as pretrial conditions, in addition to any bail under Crim.R. 46.

The Court also finds:

Defendant consented to the order

Additional findings on a separate page are included and attached herein.

DEFENDANT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO DEFENDANT

- 1. DEFENDANT SHALL NOT ENTER the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a protected person.** [NCIC 04]
- 2. DEFENDANT SHALL NOT INTERFERE with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 3. DEFENDANT SHALL SURRENDER all keys and garage door openers to the following residence

5611 3rd St. NE  
Mineral City, Ohio

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:

TUSC. CO. SHERIFF

- 4. DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER, and shall not be present within 500 feet or \_\_\_\_\_ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission.** If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS owned or possessed by the protected persons named in this Order.

6. THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS owned by Alleged Victim from the possession of the Defendant:

Exchange of the listed companion animals or pets shall take place as follows:

7. DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order even with the permission of a protected person. [NCIC 05]

8. DEFENDANT SHALL NOT use any form of electronic surveillance on protected persons.

9. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON to do any act prohibited by this Order.

10. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Defendant may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

11. DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than 9/19/22 or as follows:

TO THE TUSC. SHERIFF OFFICE

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order has not been issued arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

13. DEFENDANT SHALL NOT USE OR POSSESS  alcohol or  illegal drugs.

14. IT IS FURTHER ORDERED: [NCIC 08]

*Defendant may go back to the residence one time with the Sheriff Dept. within 72 hours to get his personal belongings.*

15. IT IS FURTHER ORDERED a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

16. THIS ORDER IS EFFECTIVE until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Civil Stalking Protection Order (CSPO) or Civil Sexually Oriented Offense Protection Order (CSOOPO) arising out of the same activities as those that were the basis of the complaint filed in this action pursuant to R.C. 2903.213(B).

IT IS SO ORDERED.

MAGISTRATE

DATE

JUDGE

DATE

EX PARTE

EX PARTE

CRPO

CRPO

MAGISTRATE

DATE CRPO

JUDGE

DATE CRPO

**NOTICE TO DEFENDANT**

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.


NOTES: By its own definitions [see R.C. 2903.213(A)], this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the Alleged Victim is a family or household Member of the Defendant, use the Domestic Violence Temporary Protection Order ("DVTPO") form and procedures under R.C. 2919.26, and/or Domestic Violence Civil Protection Order ("DVCPO") forms and procedures under R.C. 3113.31.

A HEARING on this Order shall be held before  
 Judge/Magistrate \_\_\_\_\_  
 on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 at \_\_\_\_\_  a.m.  p.m.,  
 at the following location:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TO THE CLERK:

A COPY OF THIS ORDER SHALL BE SERVED ON  
 DEFENDANT (by personal service).  
 COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Prosecutor  
 Alleged Victim  
 Defendant's Attorney /Public Defender  
 Law Enforcement Agency Where Alleged Victim Resides:  
 \_\_\_\_\_  
 Law Enforcement Agency to collect deadly weapons:  
TUSC. Co. SHF  
 Sheriff's Office / Police Department:  
 \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Law Enforcement Agency to enter into LEADS: SHF

Service acknowledged:  
  
 \_\_\_\_\_  
 DEFENDANT

9/19/22  
 \_\_\_\_\_  
 DATE

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

\_\_\_\_\_  
 DEFENDANT

\_\_\_\_\_  
 DATE