



Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary



Involves: Mark E. Evers (S)
Date of Activity: 08/19/2022
Author: SA Richard Ward, #55

To: Warren County Prosecutor, David Fornshell

CC: Special Agent Supervisor William Jones

From: Special Agent Richard Ward

Date: 08/22/2022

Case Title: Clearcreek Township Officer–Involved Critical Incident

Case Number: 2022–1480

Preface:

The following prosecutor summary serves as an overview into the criminal investigation of an Officer–Involved Critical Incident (OICI) that took place at 5945 State Route 48–North, Clearcreek Township, Warren County, Ohio. The incident occurred between Mark Evers and Clearcreek Township Police Sergeant Nicole Cordero and Officer Eric Ney. The investigation was conducted by Ohio Bureau of Criminal Investigation (BCI) Senior Special Agent Richard Ward (SA Ward) and additional Special Agents with BCI at the request of Clearcreek Township Police Department, Chief of Police John Terrill.

This report only summarizes the investigative activity and information gathered by BCI. Every fact, detail, and full summary of all interviews is not presented in this report. Therefore, it is recommended that each individual report from which this document was derived be reviewed in order to obtain a complete understanding of this investigation. Audio and/or video recordings exist for some of the interviews conducted revealing further details of statements given regarding the incident. Synopsis of Incident:

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In the evening of Tuesday, July 12, 2022, Sylvia Norris contacted 911 emergency (Warren County Communications Center), and reported a domestic dispute between she and her husband, Mark Evers at their horse farm located at 5945 State Route 48–N, Clearcreek Township. Simultaneously, Sergeant Cordero and Officer Ney arrived at the residence and

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spoke with Sylvia Norris who had greeted the officers while hiding nearby, at the front gate. Prior to Cordero and Ney's arrival, the communications center had upgraded the service call from a domestic dispute to an active domestic and informed the officers that Evers had rammed Norris's vehicle with a Gator.

After obtaining a statement from Norris, Cordero and Ney attempted to locate Evers who had been observed earlier operating a Gator and had evaded the officers upon their arrival. While Cordero was speaking with Norris in the back seat of her patrol vehicle, Evers had called Norris and informed her if she left then he would kill himself.

Cordero and Ney sought the assistance of David Ward, a farmhand and resident in an apartment on the property. Ward called Evers and convinced him to come and speak with the officers although Evers informed Ward to have the officers keep their distance. Within fifteen to twenty minutes, Evers returned on the Gator to the area where the officers were located; between two barns beside the residence. Cordero spoke with Evers while he remained seated in the Gator and requested he complete a written statement. Cordero asked Evers if he was in possession of a firearm and Evers stated, "yes", indicating the firearm was close or near the dash area of the Gator, which Cordero did not observe. During Cordero's conversation with Evers, Ney stood nearby toward the front driver's area of the Gator.

Once Evers completed the written statement, Cordero had ordered Evers from the Gator; however, he started the ignition and attempted accelerate the Gator. Cordero was able to turn off the ignition, but was turned back on by Evers. On Cordero's second attempt to turn the ignition off, Evers stepped from the driver's side of the Gator, leveled a Sig Sauer 9mm handgun at Ney who had begun to approach Evers at the driver's side of the Gator. Evers shot Ney in the face as he approached and Ney immediately fell to the ground. Cordero returned fire from the passenger area of the Gator and struck Evers who as a result, fell to the ground. As Evers fell, he shot himself on the right side of his head. Ney was treated at the scene and removed to Miami Valley Hospital via Care Flight.

Summary of Investigative Process:

- OICI scene and involved officers processed by the BCI Crime Scene Units
- Autopsy completed by Hamilton County Coroner's Office, attended by SA David Hornyak
- Firearms, casings, and projectiles examined at the BCI laboratory
- Obtained written letter of request for BCI assistance
- Obtained body-worn camera, cruiser camera videos
- Obtained training records/personnel records for the Sergeant Nicole Cordero
- Retrieved dispatch logs, detail call sheet, radio recordings, and the uniform incident report face sheet from the Warren County Sheriff's Office, Communications Center and Springboro Police Department, which included initial photographs of Evers
- Obtained a copy of Clearcreek Twp. Police Department's *Use of Force Policy*
- Obtained EMS Run Reports
- E-trace on Evers's Sig Sauger 9mm handgun
- OCCIC modified enhancement of Cordero's cruiser dash camera
- Obtained all other known pertinent records or recordings.

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Investigative Interviews:

Sylvia Norris:

Norris stated she and Evers have been married for eighteen-years and have no children together, but Evers has a daughter from another marriage. According to Norris, she and Evers jointly own a business (horse farm) and their relationship has been turbulent for some time. Norris stated Evers has been verbally abusive for several years, but has not physically harmed her. Over the last few months, Norris stated Evers will "fly off the handle" over little issues. Agent Ward asked Norris if Evers abused drugs and/or alcohol and she stated no. Norris stated she didn't want to call the police tonight, but she'd "had enough." On this day, Norris stated the day started normally and because she had forgotten to wrap the horse's back legs, Evers became agitated. Because of this, Evers did not want the horses to participate in races slated for Saturday and requested the horses be "scratched," which Norris did.

Norris stated she left the residence and met with her mother and returned home at approximately 1730 hours. When she arrived home, Norris noticed the the horses, which are normally fed at 1700 hours, had not been fed. Norris encountered Evers while feeding the horses in the barn, but the two did not speak and she continued to feed the horses. Norris stated when she returned to the house, Evers requested their laptop computer, which was inside her vehicle. Evers asked Norris if she removed the horses from the Saturday races and she replied, "yes", that he wanted them removed. Shortly thereafter, when Norris is upstairs she heard a noise and observed from a window Evers ramming her SUV with the Gator.

Norris called 911 and informed the dispatcher that Evers was ramming her vehicle. While on the phone with 911, Evers attempted to grab the telephone while he asked who she was talking with. Evers left on the Gator and Norris walked down the lane toward the stone wall to hide and waited for the police. Agent Seitzman asked Norris why she hid and she stated Evers was mad and she was scared. While down by the residence entrance, Norris stated the two officers arrived together, but in separate vehicles. Norris remained with the female officer [Nicole Cordero] who drove her back up toward the track and the male officer [Eric Ney] proceeded up the lane. While talking with Sergeant Cordero, Evers called her and stated he wanted a divorce. Evers continued to state she (Norris) had mental problems and called her crazy. Evers attempted to call her a second time and she did not answer at the advice of Cordero. Agent Ward asked Norris if Evers knew the police were there, she stated Evers had ran from the police while on the Gator. Norris stated Cordero had Norris retrieve some clothing to leave the residence. Norris attempted to locate keys to the truck, but was informed by Cordero that she could use the SUV that was damaged. According to Norris, Cordero asked her if Evers was a threat to commit suicide and she responded he's a weak person and possibly could. Norris moved the SUV toward the exit of the driveway.

David Ward:

He was a friend and employee of Mark Evers and Sylvia Norris, who raised race horses at their farm known as Velocity Standardbreds. He has known Evers since he was 15 years old, was employed by him once previously, and again now works as a horse trainer and has resided on-site in an apartment in the barn for the past 3-4 months.

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Earlier in the evening, Evers and Norris had a domestic dispute that resulted in Evers driving a John Deere Gator into Norris' Denali. Norris was later observed speaking to two police officers at the house. Evers called Ward numerous times, but would not say where he was located. Ward tried to get Evers to return and talk to the officers. During one of the conversations Evers said he was not going to jail. Evers was also crying saying "This is it..." between him and Norris. Ward was told by the officers that Evers would not be arrested tonight and Ward relayed that Evers. Ward asked Evers if he was armed to which Evers replied, "David, you know I always have a gun on me." Ward said Evers was "...not in a good frame of mind..." responding in a way Ward has never heard before.

Evers eventually agreed to talk with the police officers if they would stay 10 feet away from him. Evers then came up to meet the officers on the gravel road near the barn where the officers asked him to fill out a form. Shortly after, he heard gunshots and came outside to find both Evers and the male officer had been shot. Ward tried tending to Evers and attempted to "save" the officer, but could not immediately see where he had been shot due to all of the blood. Evers was lying on his back, had been shot in the head, and was lying on his own gun, which was partly visibly underneath him. The officer was turned to his side while aid was being rendered. Ward called Megan Cranmer, Norris' cousin and former employee of the farm, to tell her that Evers had been shot and instructed her to call an ambulance. Ward knew that Norris was with Cranmer when he called.

Although a nearby tractor had blocked Ward's direct view of the shooting, Ward believes that Evers shot at the police and they returned fire. Ward stated he was "...almost 100% sure..." that Evers shot first. Ward said the officers would have had no reason to shoot Evers, reiterating this conclusion by restating, "None."

Megan Cranmer:

Cranmer explained earlier in the evening that she received a text message from her cousin, Sylvia Evers, Mark's wife, asking her to come and pick her up from the house after Mark had hit her car several times with a John Deere Gator. Cranmer said the text message also stated she had called the police for assistance. Cranmer said while headed to the property; she received a phone call from Sylvia at 1932 hours asking her to get her. Cranmer said Sylvia was in her vehicle positioned at the front entrance to the property when she pulled up to the house. Cranmer said while speaking to Sylvia, a female officer approached. Cranmer said Sylvia asked the officer if she could return to the house and get her dog. The female officer told her no. They wanted to get Mark under control first, and once that was done, she could return so she could get her dog. Cranmer said about half an hour went by when they heard gunfire. Cranmer was asked what Sylvia told her the problem was that evening for the police to be called. Cranmer said Mark told Sylvia to "scratch" the horses from the upcoming weekend race, which she did. Cranmer said Sylvia told her when Mark saw she scratched the horses, Mark went off, which sent him "over the deep end which triggered this whole thing off." Cranmer said Mark had a terrible temper and was verbally abusive. Cranmer was asked if Mark carried a gun. Cranmer said Mark had many guns but never threatened Sylvia with a weapon or laid a hand on her. Cranmer followed up with Mark had been verbally abusive to Sylvia over the years but had never hit her.

Cranmer was asked if Mark was suicidal. While heading to the Evers home to pick up Sylvia,

Cranmer said David Ward, a farmhand with an apartment on the property, called her and said Mark wanted to shoot a police officer and kill himself. Cranmer said she relayed that information to the female police officer when she got Sylvia's statement for the report. Cranmer said she believed the male officer was up at the property looking for Mark.

Cranmer was asked when was the last time she had spoken to Mark. She explained she worked for Mark on the farm for about a year and worked about twenty hours weekly. Cranmer said she quit her job this past Friday because Mark was verbally abusive toward her and felt guilty that she might be the reason for his actions that day. Cranmer said Mark had attempted to call her several times after quitting, but she refused to take his calls.

Cranmer was asked if there were money or health issues with Mark. Cranmer said she was unaware of any money issues, but Mark had heart issues and was subject to a heart attack. She continued and said Mark had been hospitalized for his heart health in the past. Cranmer told agents the horses were the primary income of Mark and Sylvia's livelihood. Cranmer said the Evers' traveled all over Ohio and Canada with their horses. Cranmer said they had around thirty horses, and while she was employed, she performed standard barn duties on the property. Cranmer said David was a horse trainer on the farm for the Evers. Cranmer was asked if Mark had any friends or a lover. Cranmer said no to both questions.

Springboro Police Sergeant Eric Kuhlman:

Sergeant Kuhlman arrived on scene to assist and quickly assumed command of the inner-perimeter. Additionally, Kuhlman had officers secure the out buildings on the property. Kuhlman observed a the Sig Sauer Model 365 pistol on Evers' right side and was able to photograph the pistol in relation to the body of Evers prior to the pistol being moved.

Officer-Involved Interview-Sergeant Nicole Cordero:

Sergeant Cordero stated she and Officer Ney were at the Clearcreek Police Department eating dinner when a call for service on a "verbal domestic" which was upgraded to an "active domestic" violence [dispute]. According to Cordero, the call was upgraded because Mark Evers had repeatedly rammed her [Sylvia Norris] vehicle with a Gator. Once she arrived (5945 State Route 48) and pulled into the driveway, Cordero observed Norris crouched down on the phone by the front gate and appeared to be hiding. Cordero described Norris to be crying and shaken up as she explained Evers had rammed her unoccupied vehicle with the Gator. Cordero stated Ney observed Evers had approached their location while on the Gator, but once he observed she and Ney, he veered off and traveled toward the house.

Sergeant Cordero stated she placed Norris in her patrol vehicle while Officer Ney proceeded toward the house in the same direction as Evers. Although she did not see the Gator, Cordero observed the bloom of dirt created by the Gator as Evers proceeded onto the horse track location on the property as she and Ney followed. While in the back of Cordero's patrol vehicle, Norris received a phone call from Evers who informed her if she leaves, he (Evers) will "kill himself." Cordero described Norris as "crying hysterically" while on the phone with Evers. Norris then called her cousin [Megan Cranmer] to come pick her up. Cordero brought Norris back to her house to retrieve items including car keys. Once she obtained the items, Norris moved her vehicle to the front gate area where she eventually met her cousin. Cordero stated she followed

Norris to the front gate and Ney remained near the house.

While at the front gate, Cordero had Norris complete a written statement. Agent Ward asked Cordero if she inquired about Evers having firearms available to him and she stated Norris did not see Evers retrieve any firearms, but there were firearms on the property. Cordero stated she contacted Evers via his cell phone and Evers informed her if she arrests him "it's over". When Cordero asked Evers to clarify that statement, Evers terminated the call. Cordero stated she drove back toward the house and parked between the two barns and Ney arrived shortly thereafter. Cordero and Ney spoke with David Ward an employee and resident on the property who described Evers's behavior. Cordero had Ward call Evers who agreed to come back and speak with officers; however, the officers needed to stay ten feet away. Within ten to fifteen minutes, Cordero stated Evers arrived to their location and remained seated inside the Gator. Prior to Evers pulling up, Cordero informed Ney they needed to get Evers outside the Gator and she would have Evers complete a witness statement to accomplish this. Cordero stated as she talked with Evers, he was adamant she and Ney remain ten feet away and refused to exit the Gator.

Sergeant Cordero made the determination to arrest Evers for domestic violence. When Cordero handed Evers the statement, she asked if he was in possession of a firearm and Evers stated yes that he was a CCW permit holder. When Cordero asked the location of the firearm, Evers pointed to the passenger dash area of the Gator; the side Cordero was standing. Cordero stated the Gator had a closed compartment and a open recessed area, which she ran her hand through. At one point while Evers was completing the written statement, he asked Cordero why she and Ney were "closing in" on him. Once Evers was done with the statement, Cordero realized Evers was not going to exit the Gator. Cordero informed Evers to exit the Gator and he was under arrest. According to Cordero, Evers placed the Gator in gear and attempted to accelerate. Cordero reached into the Gator and turned the ignition key off and Evers immediately turned the ignition back on. Once Cordero turned the ignition back off, she observed Evers standing outside the Gator, had raised his arm toward Ney with a handgun. Cordero stated she discharged her service weapon and fired between the bars on the Gator and was not sure if she shot Evers. When Evers fell to the ground, Cordero stated she did not know if Evers was still a threat; moved and shot Evers while he was on the ground. After she shot, she noticed Evers did not react to the shot. Cordero stated she approached Evers, but did not observe the handgun. When asked, Cordero stated she did not know where Evers retrieved the handgun from prior to him shooting Ney.

Sergeant Cordero stated after she approached Evers, she then tendered to Officer Ney. Cordero stated her handgun remained in her holster until she released the handgun to Lieutenant Stacy at the Clearcreek Police Department. Cordero stated she did secure Ney's duty weapon in her patrol vehicle.

Agent Ward asked Sergeant Cordero if she knew how many rounds Evers fired and she stated no nor does she know how many times she discharged her duty weapon. Agent Ward asked Cordero if she viewed her dashboard camera and she stated she watched a short snippet prior to the video being released to the media. Agent Ward asked Cordero if there were any other options other than the use of deadly force and Cordero stated no. Agent Ward asked Cordero if she complied with the Clearcreek Township Police Department Use of Force Policy and she

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stated yes. Cordero signed the typed written statement provided to me, which is attached to this report. Also attached below is the Notice of Criminal Investigation and audio interview with Cordero.

Ballistic Findings:

Four (4) 9mm Luger casings located at the scene (scene #1) confirmed fired from the Sig Sauer Model 365 9mm pistol/handgun possessed by Evers. Four (4) 9mm Luger casings located at the scene (scene #1) confirmed fired by Cordero's Glock Model 17, 9mm pistol/handgun. Four (4) fired bullets recovered from the autopsy (Scene #3) confirmed fired from Cordero's Glock Model 17 pistol/handgun.

Postmortem Examination:



Summary:

All persons known to have relevant information regarding this investigation have been interviewed, and all known records have been obtained and reviewed. BCI has striven to conduct a thorough and impartial investigation into this OICI. BCI will continue to offer investigative assistance into any newly identified witnesses or information relative to this criminal investigation. It appears that BCI's investigation into this OICI is concluded, unless such new information or witnesses are identified through the grand jury or other processes.

As always, we remain available for consultation and look forward to your assessment of this investigation and your decision as to any additional efforts, processes, or further assistance or involvement you might determine to be necessary.

End of Summary.