



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

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2025-0596

Officer Involved Critical Incident – 236 McKinley Ave, Piqua, OH  
(Miami County) (L)

**Investigative Activity:** Meeting with Prosecutor  
**Involves:** Lieutenant Marcos Rodriguez (S)  
**Date of Activity:** 05/08/2025  
**Author:** SA David Hornyak, #112

**Narrative:**

On May 8, 2025, Miami County Prosecutor Paul Watkins officially informed the Ohio Bureau of Criminal Investigation (BCI) that there would be no criminal charges stemming from the BCI investigation into the officer-involved critical incident that occurred in Piqua, Ohio, on February 21, 2025. Prosecutor Watkins further referenced the detailed letter he sent to the Piqua Police Department (PPD) on April 17, 2025, advising PPD of the same.

**References:**

No references.

**Attachments:**

Attachment # 01: Prosecutor Decision 5-8-25  
Attachment # 02: Miami Co Pros Letter to Piqua PD 4-17-25

## **Exhibit 1**

**From:** Paul Watkins [PWatkins@MiamiCountyOhio.gov]  
**To:** David Hornyak [David.Hornyak@OhioAGO.gov]  
**Subject:** RE: Final OIS Reports  
**Sent:** Thu 5/8/2025 9:28 AM GMT-04:00  
**Importance:** Normal

Thank you for the additional information Dave. As addressed in my letter, no charges are warranted in this matter. The case is closed on my end. If you need anything further from me, please let me know. Thank you for all of your work on this.

Paul



Paul M. Watkins  
Prosecuting Attorney  
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201 W. Main Street  
Troy, Ohio 45373  
Phone: (937) 440-5960  
Fax: (937) 440-5961  
pwatkins@miamicountyohio.gov

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**From:** David Hornyak <David.Hornyak@OhioAGO.gov>  
**Sent:** Monday, May 5, 2025 12:21 PM  
**To:** Paul Watkins <PWatkins@MiamiCountyOhio.gov>  
**Subject:** Final OIS Reports

Paul,

I just received internal approval on the final case reports today. They are attached for your review and inclusion with the other case documents already provided.

Also, we did receive a copy of the letter you sent to Piqua PD clearing the officer. I checked internally, and BCI still needs written notification directly to us specifying that the officer will not be charged and the case can be closed – if accurate. This can be a simple email stating such, or however you'd like to provide that.

Let me know what else you need from this end. Thanks,

***Dave Hornyak***

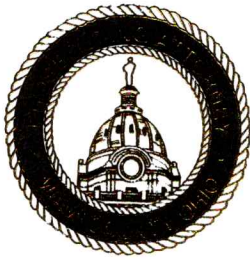


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[David.Hornyak@OhioAGO.gov](mailto:David.Hornyak@OhioAGO.gov)

## **Exhibit 2**



**PAUL M. WATKINS**  
MIAMI COUNTY PROSECUTING ATTORNEY

CHRISTOPHER L. ENGLERT, CIVIL CHIEF  
MATTHEW C. JOSEPH  
BRANDON S. MYERS  
JILLANN HENSON  
BAILEY J. ARNETT  
JESSICA A. LOPEZ  
ASSISTANT PROSECUTING ATTORNEYS

April 17, 2025

Chief Rick Byron  
Piqua Police Department  
100 North Wayne Street  
Piqua, OH 45356

RE: The officer involved critical incident in 24PI02671 on February 21, 2025

Dear Chief Byron:

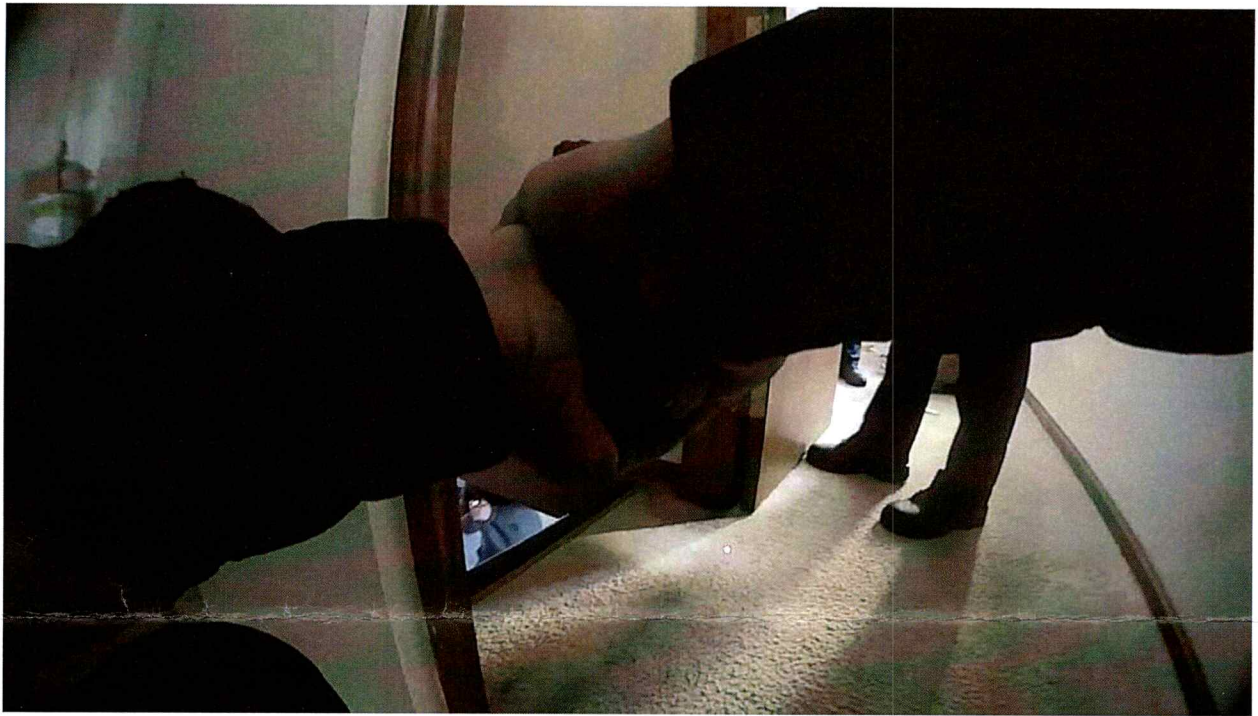
This letter is a review of the criminal investigation into the February 21, 2025 officer involved critical incident, 25PI02671, that occurred at 236 McKinley Ave., Piqua, Ohio. At your request, BCI responded to conduct the investigation into the officer involved critical incident. BCI conducted a thorough and complete investigation. My criminal staff and I have thoroughly reviewed the case file for 25PI02671 as presented by BCI. This letter includes a summary of the facts and materials BCI presented for review, along with my relevant legal conclusions.

**Factual Summary of the Incident**

On the evening of February 21, 2025, the Piqua Police Department (PPD) responded to 236 McKinley Ave. after receiving a 911 call from resident Tammy West. Ms. West stated that her son, David West (West), had assaulted her and she recommended that PPD send "...a lot of officers." After arriving, officers were invited into the home and received initial information from Ms. West. They were then led to the basement doorway having been advised that West was downstairs. The officers interacted with West from the doorway on the first floor while West remained in the basement. Duane West informed the officers that West was armed with a pepper ball gun. West told the officers he had a pistol. During the incident, West pointed the pistol, equipped with a laser optic, in a raised shooting position with arms extended directly at Lt. Marcos Rodriguez. At that time, Lt. Rodriguez fired multiple shots, striking West and ultimately killing West. West's firearm was a pepper ball pistol that was indistinguishable from a semi-automatic firearm.

When interviewed by BCI on the date of the incident, Ms. West said that West "had rage in his eyes," was "a monster" when he drank, and had clearly been drinking on the day of the incident. Duane West told BCI agents that West, had the eyes of a "serial killer" that evening. Duane West told BCI that West's pistol "looks real." Ms. West also told investigators that West's pistol looked like a gun and that she would have been scared if it had been pointed at her. On February 25, 2025 the West family stated Lt. Rodriguez was not at fault in the incident. They have since changed their position.





*Still image from Lt. Rodriguez's BWC depicting West holding his pistol in a raised shooting position with arms extended directly at Lt. Rodriguez*



*West's Pistol*



## Legal Analysis

Under Ohio law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force. The United States Supreme Court has set forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer’s use of force must: (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-97 (1989).

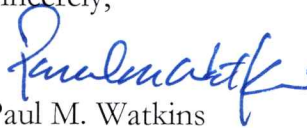
Applying the legal standard in this case, the question is whether an objectively reasonable officer, confronted with the same facts and circumstances, would have concluded that West posed an immediate threat to the safety of the officers or others such that physical force was necessary. Here, officers from the Piqua Police Department responded to a domestic dispute and were informed that West had a pistol. One family member in the residence described the pistol as a stun gun and another described the pistol as a pepper ball gun. The officers were clearly identified as police officers.

In this case, there is no dispute that Lt. Rodriguez discharged his firearm four times at West, causing his death. When Lt. Rodriguez first contacted West, he identified himself as police and West was told to come out with his hands empty. West refused to comply. West then appeared with a pistol in a raised shooting position with his arms extended pointed directly at Lt. Rodriguez. Lt. Rodriguez fired four rounds at West at that time. I find the actions of Lt. Rodriguez to be justified. There is no evidence to suggest that an objectively reasonable officer would have acted differently in this incident.

I conclude that Lt. Rodriguez was justified in all respects when he discharged his weapon in the above-described incident. Moreover, Lt. Rodriguez acted in a manner consistent with his training.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Paul M. Watkins

Miami County Prosecuting Attorney

Cc: SA Dave Hornyak, BCI