



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



2023-1626  
Officer Involved Critical Incident – 439 E Mulberry Street,  
Lebanon, Ohio 45036 (L)

**Investigative Activity:** Interview with Officer  
**Involves:** ██████████ (O)  
**Date of Activity:** 06/20/2023  
**Activity Location:** Lebanon Police Department – Business – 25 West Silver Street,  
Lebanon, OH 45036  
**Author:** SA Kenneth J. Smith, #53

**Narrative:**

On June 18, 2023, the Ohio Bureau of Criminal Investigation (BCI) was requested by the Lebanon Police Department and the Warren County Sheriff's Office to investigate an Officer-Involved Critical Incident (OICI) that occurred at 439 E. Mulberry, Lebanon, Ohio (Warren County), between Lebanon Police Department and the Warren County Sheriff's Office and Dione Kellum.

On June 20, 2023, Warren County Deputy ██████████ was interviewed regarding his involvement related to the OICI. The interview was recorded on a handheld digital recording device. This report is a summary only. The entire interview can be reviewed on the recording.

The interview was conducted by Ohio Bureau of Criminal Investigation (BCI) Special Agents Dave Hornyak and Ken Smith at the Lebanon Police Department. Attorney Steve Lazarus was present on behalf of Deputy ██████████. The interview began at approximately 1440 hours. Deputy ██████████ was read the BCI Criminal Investigation Notification form which he then signed.

Deputy ██████████ has been a Deputy with the Warren County Sheriff's Office for approximately seven years and is currently assigned to road patrol on second shift from 0000–0800 hours. On June 17th, Deputy ██████████ was working overtime from 1600–0000 hours, prior to his regular shift. He stated he was wearing a black shirt with gray uniform pants, that was clearly marked with a 'Deputy' badge and Warren County Sheriff's Office patches. Deputy ██████████ said that he was carrying his department issued Smith and Wesson M&P 40 cal. pistol, as well as his issued Smith and Wesson patrol rifle, equipped with a red dot sighting system, both loaded with department issued duty ammunition. Deputy ██████████ stated that he carries approximately 30 rounds in his rifle magazine. Deputy ██████████ also advised that he was trained in Crisis Intervention as well as Advanced Crisis Intervention.

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Deputy ██████ heard the call over Lebanon Dispatch which he scans in his vehicle. He began responding to the area and Lebanon called for additional units as he was already enroute to the scene. It took him approximately five minutes to get there. When he arrived, Sergeant ██████ Officers Greg Stallard and Brandon Magee were already there soon to be joined by Hawthorne. Deputy ██████ could see the other units stacked on two sides of the house as he grabbed his rifle and approached the other officers. He could hear Stallard and ██████ giving commands to Dione Kellum. Stallard heard Deputy ██████ charge his rifle and asked him to come up front with it. They continued talking to Dione Kellum for about ten minutes between the houses before Dione Kellum moved to the rear of the houses. Deputy ██████ described Dione Kellum standing under an arch with ivy on it with a handgun under his chin stating that this was the only way this was going to go and wanting to talk to his son in the house. He also had a shotgun hidden under a rag in his left hand. Dione Kellum disregarded their commands to stay in place and put the weapons down.

As Dione Kellum walked to the rear of the house, ██████ and Stallard followed while Deputy ██████ and Magee went around the neighbor's garage. Deputy ██████ took up a position of cover with his rifle where he could see Dione Kellum. Deputy ██████ stated that Dione Kellum was upset about the light on his rifle and pointed a flashlight of his own in their direction to where they couldn't see what Kellum was doing. During this time, a round was fired by Kellum and according to Deputy ██████ no one fired because they couldn't see what Kellum was doing. Kellum then pointed the flashlight at ██████ and Stallard and then put it down and grabbed the shotgun. Kellum kept telling them he was going to show them what he could do and that he could shoot them all from 30 feet. Kellum began to raise the shotgun and Deputy ██████ stated that when the shotgun broke about a 45 degree angle, he saw a muzzle flash so he fired his rifle one time. Kellum went to the ground and it appeared to Deputy ██████ that Kellum was reacting to ██████'s shot. Dione Kellum was yelling and screaming. As Deputy ██████ and the other officers were approaching, Dione Kellum took his handgun and shot himself in the head. The officers removed Kellum's weapons and called for the medics who were staged nearby to respond.

Deputy ██████ had previously dealt with Dione Kellum over six years ago, when ██████ had worked in the jail. Deputy ██████ was unaware any other officers had fired until he was later told that ██████ had also fired his weapon. This happened about 15 minutes after the shooting.

Deputy ██████ then reviewed body worn camera footage of the incident with Agents Hornyak and Smith.

The interview was concluded at 1509 hours.

**Attachments:**

Attachment # 01: 2023-06-20 / Dep. ██████ interview

Attachment # 02: Crim. Inv. Notification form - ██████

# **Exhibit 1**

**Included as a separate file.**

## **Exhibit 2**



# Ohio Attorney General's Office Bureau of Criminal Investigation



## 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).

[Redacted Name]

Printed Name of Interviewee

6/20/23 1441

Date / Time

[Redacted Signature]

Signature of Interviewee

DAVE HORNIAK

#112

BCI Agent (Printed)

[Handwritten Signature]

BCI Agent (Signature)