



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



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

To: Ryan Styer, Tuscarawas County Prosecutor
Cc: Jon Lieber, Special Agent Supervisor, Ohio BCI
From: Joseph Goudy, Special Agent, Ohio BCI
Date: December 21, 2022
Involves: Everett Martin
Case Title: 5611 East Third Street, Mineral City, OH, Tuscarawas County 44656
BCI Case Numbers: Special Investigations (SIU): 2022-2016
Crime Scene (CSU): 2022-2016
Cyber Crime (CCU): 2022-2016
BCI Laboratory: 22-39390

Investigative Request

On Wednesday, September 28, 2022, Sheriff Orvis L. Campbell of the Tuscarawas County Sheriff's Office (TCSO) requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved shooting incident. The incident reportedly occurred on September 28, 2022, at 5611 East Third Street, Mineral City, Ohio, and resulted in the death of Everett Martin (Martin).

Preface:

This report serves as a synopsis of the investigation into the September 28, 2022, officer-involved shooting in Tuscarawas County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.



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Investigative Team

BCI Special Agent (SA) Joseph Goudy (Goudy) was assigned as the lead SIU case agent. SA Goudy received assistance in the investigation from SA Charlie Snyder (Snyder), SA Bill Conn, and SA Arvin Clar. BCI Special Agents Dan Boerner (Boerner) and Larry Hootman (Hootman) of the CSU processed the scene of the incident by documenting, preserving and collecting possible evidence. BCI Computer Forensic Specialist Natasha Branam of the Cyber Crimes Unit conducted an extraction and analysis of Matrix Evidence Item #15, a blue Motorola Moto E (2020) – model #XT2052DL – serial #ZY22CMRP9C and Evidence Item #21, a BLU View 2 cell phone, black in color – model #BL130DL – serial #1090339021031113, recovered from the vehicle previously driven by Martin, while the other was found on his person. The investigation was supervised by Special Agent Supervisor Jon Lieber. Additionally, various personnel from the BCI crime laboratory performed scientific analyses on submitted items of potential physical evidence.

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview(s) of the two officers who discharged their weapons.
- Neighborhood canvass of the area surrounding the scene.
- Interviews of family members or associates of the subject.
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen).
- Processing of the scene for potential evidence (photographing, searching, measuring, documenting and collecting).
- 3D scans/model of incident area.
- Processing of involved vehicle(s) for potential evidence.
- Bloodstain pattern analysis.
- Shooting reconstruction and trajectory analysis.
- Reviewed audio communications on the radio frequencies utilized during the incident.
- Review of 911/phone communications related to the incident.
- Review of dispatch/CAD records pertaining to the incident.
- Review of Mobile Data Terminal (MDT) communications relative to the incident.
- Reviewed phone/text records obtained via search warrant from wireless service provider.



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- Review of the department's reports, photographs and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement.
- Obtained search warrants for the subject's phone and performed an analysis of the data present.
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings and bullets
 2. Firearm operability testing
- Obtained search warrant to analyze electronic evidence, to include:
 1. Cellular phones
- Reviewed data obtained from aforementioned items of electronic evidence.
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any).
- Reviewed firearm qualification and training records for involved officers.
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons.
- Obtained the department's policies and procedures regarding use of force for prosecutorial review.
- Obtained subpoenas for Martin's medical records.
- Reviewed medical records of those injured, obtained through court order.
- Reviewed EMS records pertaining to their response and the treatment administered.
- Performed record checks, including LEADS and NCIC off-line search, for the vehicle(s) involved in the incident.
- Reviewed tips, social media posts and pertinent statements made in the media regarding the incident.

Pre-Incident Summary

On Wednesday, September 28, 2022, at approximately 0925 hours, the Tuscarawas County Sheriff's Office received a 911 call from Courtney Digenova (Digenova) that her ex-boyfriend, Martin, was at her residence (5611 East Third Street, Mineral City, Ohio) in violation of the Temporary Protection Order (TPO) filed against him previously. On September 18, 2022, Martin was arrested for Domestic Violence and aggravated menacing due to threats he made to Digenova, which resulted in the TPO being served on September 19, 2022. As a result of the TPO being filed against Martin, he was ordered to turn over all of his firearms to law enforcement.



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Incident Summary/Overview

When deputies arrived on scene, they immediately made contact with Martin. Sergeant (Sgt.) [REDACTED] ([REDACTED] and Deputy (Dep.) [REDACTED] [REDACTED] were positioned in the front of the residence attempting to negotiate with Martin. According to reports and interviews, Martin was making suicidal threats and suggested that he had a knife and would use it to “slit his throat or wrists,” to kill himself. During this time, Sgt. [REDACTED] and Dep. [REDACTED] were attempting to de-escalate the situation. Additional units were requested for further assistance.

While Sgt. [REDACTED] and Dep. [REDACTED] were attempting to de-escalate the situation, additional units arrived to assist. Sgt. [REDACTED] [REDACTED] was the first deputy to arrive on scene, followed by Lieutenant (Lt.) [REDACTED] ([REDACTED], Dep. [REDACTED] ([REDACTED], and Dep. Megan Cox (Cox). After arriving on scene, Lt. [REDACTED] and Dep. [REDACTED] made their way around to the rear of the property and entered the backyard over a fence. Once in the backyard, Lt. [REDACTED] and Dep. [REDACTED] took up a position behind a large tank/grill. As planned prior to entering the property, Lt. [REDACTED] had a less-lethal bean bag shotgun, while Dep. [REDACTED] was to be his lethal cover with his patrol rifle.

While Lt. [REDACTED] and Dep. [REDACTED] were taking up their position, Sgt. [REDACTED] and Dep. [REDACTED] continued with their attempts at de-escalating the situation. As the conversation continued, Martin was heard saying, “I will blow my head off.” When Sgt. [REDACTED] asked Martin again if he had a gun, Martin said that he did not have a gun. At this point, it was reported that the situation escalated. According to the interview with Lt. [REDACTED] he stated it appeared as if Martin turned and was trying to gain access into the house through a side door next to where he was standing.

Lt. [REDACTED] then stated he fired his less-lethal bean bag round at Martin to prevent him from entering the residence where Digenova was reportedly at. According to the interviews with the deputies, it appeared as if the bean bag round had no effect on Martin. At this point, it was reported that Martin pulled a handgun from his right front jacket pocket and fired at least one round in the direction of Sgt. [REDACTED] Dep. [REDACTED] and Sgt. [REDACTED] who were positioned in the front yard.

Immediately after Martin fired his handgun at the deputies, Dep. [REDACTED] fired his duty weapon at Martin, while Dep. [REDACTED] fired his patrol rifle at Martin from his position of cover in the rear of the property. After Martin was struck by the responding gunfire, he immediately fell to the ground. The deputies on scene moved up and secured Martin. After Martin was secured, EMS was notified and arrived soon thereafter to provide emergency medical assistance to him. Martin was pronounced deceased on scene. As indicated in the Bolivar Fire Department report, “due to injuries incompatible with life,” and Martin showing “asystole,” no life-saving measures were attempted for the sustained gunshot wounds to the head and body.

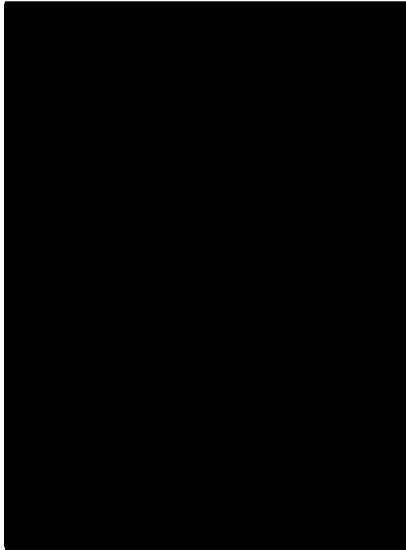


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Subject



Name: Everett Michael Martin
 DOB: March 21, 1979
 SOC: [REDACTED]
 OL#: [REDACTED]
 Height: 5 feet – 8 inches
 Weight: 220 pounds
 Hair/Eyes: Black/Brown
 Address: 5611 3rd Street, Mineral City, Ohio 44656

Everett Martin was ruled deceased by the Mineral-Sandy Joint Ambulance District and also confirmed by the Bolivar Fire Department on September 28, 2022. As indicated in the Bolivar Fire Department report, “due to injuries incompatible with life,” and Martin showing “asystole,” no life-saving measures were attempted for the sustained gunshot wounds to the head and body.

(For further information, please refer to the EMS run reports from the Mineral-Sandy Joint Ambulance District and the Bolivar Fire Department.)

Background

Everett Michael Martin

- 43-year-old male
- Driver’s license status: Valid
- Computerized Criminal History (CCH): [REDACTED]





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Physical Evidence

The BCI Crime Scene Unit was requested to respond to the scene of the shooting in order to document and preserve any items of potential evidence. Multiple agents responded and processed the scene, to include photographing and mapping the area, as well as the search for, documentation and collection of items of possible evidence. Detailed crime scene reports were completed with the below information only summarizing some of the more significant findings.

SA Boerner and SA Hootman responded to the property to process the scene. SA Boerner photographed the scene from multiple angles, to include the residence and where Martin was positioned at, along with the locations of where the deputies fired from.



The photographs below represent the photos taken from the area where Dep. [REDACTED] fired his duty weapon, along with the five evidence placards representing the spent cartridge casings:





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The photographs below represent the photos taken from where Dep. [REDACTED] fired two rounds from his patrol rifle:



The photographs below represent the photos taken of the spent, less-lethal bean bag round shell casing fired by Lt. [REDACTED]. Lt. [REDACTED] was in the same area as Dep. [REDACTED]:



The photographs below represent the photos taken of the area showing Martin and where he fired his weapon from during incident:





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The photographs below represent the photos taken of a spent cartridge casing fired by Martin during the incident:



The photograph below represents the photo taken of the handgun Martin was previously in possession of:



The photograph below represents the photo taken of the patrol rifle used by Dep. [REDACTED] during the incident:





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The photograph below represents the photo taken of the duty-issued handgun used by Dep. [REDACTED] during the incident:



Firearms Analysis

The BCI Firearms Section performed an analysis of the officers' firearms, as well as the firearm-related evidence collected from the scene and surgeries (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications were able to be made as to which casings/projectiles were fired from each firearm. Of the casings/projectiles recovered, the following identifications were made:

The following Items were submitted for comparisons and analysis:

1. Envelope containing cartridge case (Matrix Item #001)
-One (1) 9mm Luger fired cartridge case.
2. Envelope containing cartridge case (Matrix Item #002)
-One (1) 9mm Luger fired cartridge case.
3. Envelope containing cartridge case (Matrix Item #003)
-One (1) 9mm Luger fired cartridge case.
4. Envelope containing cartridge case (Matrix Item #004)
-One (1) 9mm Luger fired cartridge case.
5. Envelope containing cartridge case (Matrix Item #005)
-One (1) 9mm Luger fired cartridge case.
6. Envelope containing cartridge case (Matrix Item #006)
-One (1) 223 Remington fired cartridge case.



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7. Envelope containing cartridge case (Matrix Item #007)
 -One (1) 223 Remington fired cartridge case.
8. Envelope containing cartridge case (Matrix Item #013)
 -One (1) 9mm Luger fired cartridge case.
9. One box containing firearm (Serial# 1C151792) with cartridge and magazine recovered from the scene (Matrix Item #020)
 -One (1) Taurus 9mm Luger semi-automatic pistol, model G2C, serial number 1C151792; one (1) manila envelope containing one (1) 9mm Luger cartridge; and one (1) manila envelope containing one (1) magazine and one (1) envelope containing ten (10) 9mm Luger cartridges.
10. One box containing firearm (SN: [REDACTED] with cartridge and magazine (Matrix Item #022)
 -One (1) Smith & Wesson 9mm Luger semi-automatic pistol, model M&P9, serial number [REDACTED] one (1) magazine; one (1) plastic jar containing one (1) 9mm Luger cartridge; and one (1) manila envelope containing eleven (11) 9mm Luger cartridges.
11. One box containing firearm (SN: [REDACTED] with cartridge and magazine (Matrix Item #024)
 -One (1) Colt 5.56mm select-fire rifle, model M-16A1, serial number [REDACTED] one (1) manila envelope containing one (1) 223 Remington cartridge; and one (1) manila envelope containing one (1) magazine and twenty-four (24) 223 Remington cartridges.

Findings

Item Description	Comparison	Conclusion
Item #9 – Taurus pistol	N/A	Operable
	Item #8 – one (1) 9mm Luger fired cartridge case	Source Identification
	N/A	Operable



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Item #10 – Smith & Wesson pistol	Items #1 – 5 – five (5) 9mm Luger fired cartridge cases	Source Identification
Item #11 – Colt rifle	N/A	Operable
	Items #6 & 7 – two (2) 223 Remington fired cartridge cases	Source Identification

For further information, please refer to BCI Laboratory Firearms Report #22-39390.

Civilian Interviews

(Courtney Digenova – Ex-girlfriend to Everett Martin)

On September 28, 2022, Courtney Digenova (Digenova) was interviewed by SA Snyder and TCSO Lt. Adam Fisher. Digenova is the ex-girlfriend to Martin. Previously, Digenova filed for a Temporary Protection Order (TPO) against Martin due to the previous threats she received on September 17 and 18, 2022. The TPO was issued on September 19, 2022. On day of the incident (9-28-22), Digenova stated when she returned home at approximately 0900 hours with groceries, she went inside the residence (5611 East Third Street) to unload them. While inside the residence, Digenova stated she heard a knock at the door. Digenova stated, at this point, she realized it was Martin after seeing his blue truck in front of the residence.

After seeing Martin’s truck, Digenova stated she called the police. Digenova stated she did not answer the door or acknowledge Martin. Digenova further stated she did not hear Martin say anything other than his knocking at the door. At this point, Digenova stated she went up to the second story of the residence and remained there until TCSO arrived. Digenova stated Martin never entered the residence during the incident. Digenova stated while the incident was transpiring, she remained upstairs and on the phone with her friend, Kirby Van Fossen.

Digenova stated she saw two deputies standing near the front of the residence but did not see Martin. Digenova stated she did not hear what was being said between Martin and the deputies. Shortly thereafter, Digenova stated she heard the deputies yelling, “Going in the house,” and, “He’s got a weapon.” At that point, Digenova stated she heard a loud noise and thought Martin got into the residence. Digenova believed that she heard possibly eight gunshots fired during the incident. Afterwards, Digenova stated she still remained upstairs throughout the incident until she was advised to go to the door to speak with deputies.



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Prior to the incident, Digenova stated on September 22, 2022, after she returned to her residence, she started to clean. While doing so, she heard a noise and discovered Martin entered the residence. Digenova stated Martin was holding a credit card and said that was how he was able to get in without using a key. At this point, Digenova stated she was scared. Digenova stated Martin stayed in the house for approximately two hours. Digenova alleged that Martin stated if he couldn't have her, then no one could have her. Digenova also alleged that Martin stated he was going to kill himself and that he would kill her friend, Kirby Van Fossen. Martin also allegedly told Digenova, she ruined his life and that he threatened to kill her if she ever told anybody.

After that encounter with Martin, Digenova stated she immediately left the residence and had been staying at Kirby Van Fossen's residence out of fear. Digenova further alleged that Martin told her he was aware of the consequences of going to the residence and didn't care and that he would "go out in a body bag" and "was on a mission." Digenova believed that Martin was following her previously, due to seeing his truck nearby wherever she would be.

(For further details, please refer to the audio interview of Courtney Digenova.)

(Makayla Halverstadt and Noah Martin – Children of Everett Martin)

On Wednesday, September 28, 2022, SA Goudy and Special Agent-in-Charge Mark Kollar (Kollar) spoke with Makayla Halverstadt (Makayla) and Noah Martin (Noah), the children of Everett Martin. During the brief joint interview, Noah and Makayla stated they last saw their father the previous weekend on Saturday at Makayla's residence. Makayla stated he seemed okay during the visit. Noah stated they spoke with their father over the telephone the night before (9-27-22), at 2000 hours. That conversation consisted of Martin hearing that Noah went over to the house and asking if he (Noah) fixed the fence to prevent the dogs from getting loose. Noah stated he did not fix the fence, but that he retrieved Martin's mail for him.

Makayla and Noah stated that they thought Martin was staying at their grandmother's residence. When asked about the relationship between Courtney and Martin, Makayla stated they were together for a long time and that he was sometimes mean when he wanted to be. Furthermore, Makayla stated, "When he's not drinking he's great, but when he's drinking he's not great."

(For further details, please refer to the audio interview of Makayla Halverstadt and Noah Martin.)



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(Betsy Martin – Sister to Everett Martin)

On Wednesday, September 28, 2022, SA Lieber and SA Goudy spoke with Martin's sister, Betsy Martin (Betsy). Accompanying Betsy was their mother, Nancy Martin (Nancy). Betsy and Nancy were asked why Martin was upset. Betsy stated Martin was upset that Courtney had a new boyfriend and that he (Martin) was kicked out of the house due to his drinking problems. Betsy stated it was a couple weeks ago due to that being when he moved in with his mother Nancy. Betsy also mentioned a previous visit she made to Martin and Courtney's residence. Betsy stated Courtney told her if Martin didn't clean up his act and stop drinking alcohol, she was done with him.

Betsy stated, shortly after that visit, she didn't hear from Martin for two days and found out he was arrested for Domestic Violence and he was in jail. After Martin got out of jail, he went to stay with her (Betsy) and their mother, Nancy. Betsy stated Martin made the comment that he couldn't wait to get the "bracelet" off, so he could drink and get drunk. Betsy further stated that Martin told her when the cops show up, he wanted Betsy to take Nancy and the dog and leave because he wasn't going to go peacefully.

On the morning of the incident, Betsy stated she saw Martin briefly before he got into the shower. Betsy stated she asked him what he was doing and Martin stated he was going to go to work. Betsy stated Martin worked for an oil company but didn't know the name. Betsy believed it was sometime between 0700 to 0715 hours when Martin left the house. When asked about Martin's alcohol issue, Betsy stated Martin was a bad alcoholic, but he was doing good recently because he had the alcohol monitor on him.

Betsy stated Martin did not mention going to the Third Street house on 9-28-22. Betsy stated she believed the main issue between Courtney and Martin was his drinking issue and Courtney's new boyfriend. A couple nights prior, Betsy stated, Martin appeared to be jumpy and paranoid. Betsy stated she was able to smell marijuana on him and that she told him he couldn't have that in her house. Betsy also stated, many years ago, Martin had an addiction to crack but hasn't used it in years.

(For further details, please refer to the audio interview of Betsy Martin.)

Officer Interviews

The following paragraphs are abbreviated versions of each officer's account of his or her actions pertaining to this incident and/or discharging their weapon. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.



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Deputy ██████████

On the day of the incident, Dep. ██████████ was still in field training and he just started “Phase III.” Dep. ██████████ stated he was being trained by Sgt. ██████████ and they were assigned to TCSO marked unit # ██████████. Dep. ██████████ goes by the call sign of ██████████. While on patrol with his Field Training Officer (FTO), Sgt. ██████████ they were dispatched to 5611 East Third Street in Mineral City for a Temporary Protection Order (TPO) violation. When Dep. ██████████ and Sgt. ██████████ pulled up in front of the residence, Dep. ██████████ stated they first walked up to the blue truck, owned by Martin, to see if Martin was inside it. At this point, they realized he was not, and they began to approach the front of the house.

As Dep. ██████████ and Sgt. ██████████ approached the house, Dep. ██████████ stated they noticed Martin on the right side of the residence toward the rear. At this point, Dep. ██████████ stated they made contact with Martin. While doing so, Dep. ██████████ noticed Martin’s right hand in his coat pocket. Dep. ██████████ asked Martin to remove his hands from his pockets on a few occasions. Martin refused to comply with Dep. ██████████’s orders. At this point, Dep. ██████████ stated, Martin began to make the statements of, “I’m gonna die in this backyard today.” After hearing that statement, Dep. ██████████ stated he began to utilize the Crisis Intervention Training (CIT) he received in an attempt to de-escalate the situation. During this time, Dep. ██████████ stated Sgt. ██████████ requested additional units to respond.

Dep. ██████████ stated once he realized he was not able to get through to Martin, Sgt. ██████████ took over negotiations. While Sgt. ██████████ was attempting to de-escalate the situation by talking to Martin, Dep. ██████████ stated Martin continued to make suicidal statements about “killing himself,” “slitting his throat” and “lying down to die.” Dep. ██████████ stated, while Sgt. ██████████ was speaking to Martin, additional units arrived on scene. Dep. ██████████ stated during the initial negotiations with Martin, he denied having a gun on him and that he only had a knife. When Sgt. ██████████ asked Martin again if he had a gun due to a suicidal statement of “blowing his brains out,” Dep. ██████████ stated Martin denied having one and said he meant to say, “slit his throat.”

Dep. ██████████ stated, while Sgt. ██████████ was talking to Martin, additional units arrived and went around the rear of the residence. Dep. ██████████ stated he heard the units in the backyard yelling, “Show us your hands.” At this point, Dep. ██████████ stated Martin turned around and began to go toward the door of the residence. As Martin went towards the door, Dep. ██████████ stated he heard the less-lethal bean bag round fired at Martin. Dep. ██████████ further stated that the less-lethal round had no effect on him. Immediately after the less-lethal round struck Martin, Dep. ██████████ stated he saw Martin turn around and say, “Really!”

After the less-lethal round was fired, Martin sat down on the ground behind the chain-link fence and began to reach into his waistline. Dep. ██████████ stated, Martin then produced a handgun at



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“low-ready.” At this point, Dep. ██████ stated, Sgt. ██████ yelled out, “Gun! Gun! Gun!” After seeing the gun, Dep. ██████ drew his firearm from his holster and pointed it at Martin. Dep. ██████ then stated Martin raised his gun in his and Sgt. ██████’s direction. Dep. ██████ then stated he remembered seeing the muzzle flash from Martin’s gun but did not hear the gunshot. Dep. ██████ stated he then fired five rounds at Martin. Dep. ██████ stated he was told later after the incident that he hit Martin three times. After Dep. ██████ fired his duty-issued handgun, Martin immediately fell to his left side. Dep. ██████ then holstered his weapon and moved forward to secure him.

(For further details, please refer to the audio interview of Deputy ██████)

Deputy ██████

On the day of the incident, Dep. ██████ was assigned to TCSO patrol unit # ██████ and had a call sign of # ██████. Just prior to the incident, Dep. ██████ stated he was dispatched to a welfare check. While on his way to that call, Dep. ██████ heard dispatch say that Sgt. ██████ and Dep. ██████ were out at a TPO violation call and that additional assistance was requested. At that point, Dep. ██████ stated he immediately disregarded the welfare check and responded to Mineral City to assist Sgt. ██████ and Dep. ██████. Dep. ██████ stated he heard Sgt. ██████ say, over the radio, that Martin had a knife and was threatening suicide. Dep. ██████ stated he asked over the radio if they had a less-lethal bean bag shotgun available. Dep. ██████ stated Lt. ██████ advised that he had one available and was on his way.

When Dep. ██████ arrived on scene, Lt. ██████ already had the less-lethal bean bag shotgun and Dep. ██████ was to be his lethal cover with his patrol rifle. While Sgt. ██████ was talking with Martin, Dep. ██████, Dep. Cox and Lt. ██████ made their way toward the rear of the property around the outer edge of the fence. Dep. ██████ stated when they reached what appeared to be an opening in the fence that was blocked with stacked trusses, he and Lt. ██████ were able to climb over and into the backyard. Dep. ██████ stated once they made it over the fence, he and Lt. ██████ ran over to take cover behind a large tank that was converted into a homemade grill.

Once they were in position, Dep. ██████ stated they were approximately seven to ten yards away from Martin as he [Martin] had his back to them. At this point, while Martin was still talking with Sgt. ██████, Dep. ██████ stated Lt. ██████ leveled his less-lethal shotgun and yelled out, “Let me see your hands!” At this point, Dep. ██████ stated Martin pulled his hands into his body where he couldn’t see them as he was looking over his shoulder. Lt. ██████ then fired the less-lethal round and struck Martin on the left backside, just above the beltline. Dep. ██████ stated the round had little to no effect on Martin.



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At this point, Dep. ██████ stated Martin turned and tried to ram his shoulder into the door to enter the house. Soon after, Dep. ██████ stated Martin turned to face Sgt. ██████ and Dep. ██████. While doing so, Dep. ██████ noticed Martin's shoulder roll forward as he was extending both arms outward as if he was presenting a gun. At this point, Dep. ██████ heard Sgt. ██████ yell, "gun, gun, gun." It was at this point, Dep. ██████ stated he then fired two to three rounds at Martin. Soon after firing his rifle, Dep. ██████ noticed Martin slumped down against the door. As Dep. ██████ began to close the distance on Martin, he noticed a black handgun lying on the ground near Martin.

(For further details, please refer to the audio interview of Deputy ██████.)

Lieutenant ██████

On the day of the incident, Lt. ██████ heard over the radio that Sgt. ██████ was at a residence for a call pertaining to a Temporary Protection Order. Lt. ██████ stated, as he was listening to the radio traffic, he heard Sgt. ██████ ask for another unit to respond. At this point, Lt. ██████ stated it was unusual for Sgt. ██████ to ask for another unit, due to him being able to handle most situations on his own. Lt. ██████ then stated he responded to that location. As Lt. ██████ was driving to the location, he heard Sgt. ██████ say over the radio that the male is threatening suicide with a knife. Lt. ██████ stated, after he heard that, he decided he would use his less lethal to end the incident quickly.

When Lt. ██████ arrived on scene, he grabbed his less-lethal shotgun and went over to speak with Sgt. ██████. While speaking with Sgt. ██████, Lt. ██████ noticed Sgt. ██████ and Dep. ██████ talking with the individual; at which time, Lt. ██████ stated the male appeared to be "up and down." Lt. ██████ stated Sgt. ██████ advised him that there is a fence around the entire backyard.

As Lt. ██████ walked around the perimeter of the fence to try and get into the backyard, he noticed a large woodpile. Lt. ██████ told Dep. ██████ that he was to be his (Lt. ██████) lethal cover when they get over the fence and into the backyard. After Lt. ██████ got into the backyard, he and Dep. ██████ ran toward the house to get closer to the male. Lt. ██████ stated, when they got closer, he and Dep. ██████ took cover behind a "hog roaster," which was approximately 15 yards away from where the male was standing. Lt. ██████ stated, as they were moving up to take cover, Sgt. ██████ was still talking to the male to get him to comply; in which, Lt. ██████ stated Sgt. ██████ did an excellent job.

Soon after Lt. ██████ and Dep. ██████ took up their positions, Lt. ██████ stated he told the male, "Sir, turn around and show me your hands." After the male turned around to look at Lt. ██████, he tried to enter the residence through the door next to him. Lt. ██████ stated, at this



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point, he thought it would be a bad situation if the male was able to get into the residence. Lt. [REDACTED] then shot the male with a bean bag round. After the male was struck with the bean bag round, Lt. [REDACTED] stated the male turned toward him and said something to the effect of, “Really?”

After Lt. [REDACTED] fired the bean bag round, he noticed Sgt. [REDACTED] through the bushes and heard him yell, “He’s got a gun.” Immediately after Lt. [REDACTED] fired his bean bag round, he dropped his shotgun, turned and then heard gunfire. Lt. [REDACTED] stated, as soon as the gunfire went off, he then heard the deputies yell, “He’s down.” When asked if Dep. [REDACTED] fired his weapon, Lt. [REDACTED] stated that he did.

(For further details, please refer to the audio interview of Lieutenant [REDACTED])

Deputy Megan Cox

On the day of the incident, Dep. Cox stated she arrived on scene the same time as Lt. [REDACTED] and Dep. [REDACTED]. After Dep. Cox exited her vehicle, she stated Lt. [REDACTED] had the less-lethal shotgun, while Dep. [REDACTED] was his lethal cover. Dep. Cox stated, when they arrived, Sgt. [REDACTED] gave them directions to where an opening in the fence was located to enter into the backyard of Martin’s property. After they spoke with Sgt. [REDACTED] Dep. Cox stated she, along with Lt. [REDACTED] and Dep. [REDACTED] went around the fence to the backyard where Sgt. [REDACTED] advised them about the opening in the fence.

When they reached the opening, Dep. Cox stated Lt. [REDACTED] and Dep. [REDACTED] went over the fence and entered into the backyard. Dep. Cox stated it was at this point when Lt. [REDACTED] realized he was having issues with his less-lethal shotgun. Due to the issue with his less-lethal shotgun, Dep. Cox gave Lt. [REDACTED] her less-lethal shotgun to use. Dep. Cox stated she was instructed to stay on the outside of the fence, while Lt. [REDACTED] and Dep. [REDACTED] made their way through the backyard.

Dep. Cox stated she heard Lt. [REDACTED] telling Martin to “Show me your hands, bud.” Soon after Lt. [REDACTED] instructed Martin to show his hands, Dep. Cox stated Lt. [REDACTED] then fired his less-lethal round at Martin. From Dep. Cox’s point of view, she could not see Martin or the other deputies in the front yard. Dep. Cox stated, soon after the bean bag round was fired, she heard Sgt. [REDACTED] yell out, “He’s got a gun!” two times. At this point, Dep. Cox stated she heard gunshots fired but was not able to tell who fired them or where they came from. Dep. Cox stated she ducked down when the gunfire began.

Soon after the gunfire ended, Dep. Cox stated she stood up and stayed where she was to prevent walking into a crossfire. Afterwards, Dep. Cox stated she retrieved her “med bag” from her



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patrol vehicle and assisted with first aid on Martin. Dep. Cox stated she did not fire her duty weapon during the incident.

(For further details, please refer to the audio interview of Deputy Megan Cox.)

Sergeant [REDACTED]

On the day of the incident, Sgt. [REDACTED] was a field training officer for Dep. [REDACTED]. Sgt. [REDACTED] stated he was the passenger of the vehicle, as Dep. [REDACTED] was the driver. Sgt. [REDACTED] stated Dep. [REDACTED] was in Phase III of his training, which entailed Dep. [REDACTED] handling everything while Sgt. [REDACTED] observed. Sgt. [REDACTED] stated they received a call for service to 5611 East Third Street, in Mineral City, for a protection order violation. Sgt. [REDACTED] indicated he is familiar with this location and Martin, due to the fact that he served Martin with the protection order 9 days prior and confiscated all of Martin's guns, as ordered by the court. During that interaction, Sgt. [REDACTED] stated Martin fully cooperated and was fine.

When Sgt. [REDACTED] and Dep. [REDACTED] arrived on scene, Sgt. [REDACTED] stated he noticed Martin in the backyard with his hands in his pockets. Sgt. [REDACTED] told Martin to remove his hands from his pockets. Sgt. [REDACTED] heard Martin say, "This is my backyard and I am going to die here today." At this point, Sgt. [REDACTED] stated he asked for additional assistance over the radio. It was also at this point, Sgt. [REDACTED] stated Martin was upset and agitated with Dep. [REDACTED]. Due to Dep. [REDACTED]'s inability to gain a rapport with Martin, Sgt. [REDACTED] stated he began to speak with Martin.

While Sgt. [REDACTED] engaged Martin in conversation, Martin was heard again saying, "This is my backyard and I am going to die here today." When Sgt. [REDACTED] asked Martin if he had any guns, Martin replied that he did not, due to them being taken away previously. When Sgt. [REDACTED] asked Martin how he was going to kill himself, Martin replied that he had a knife and he was going to slit his throat. As Sgt. [REDACTED] attempted to reason with Martin, Martin replied, "Well, my family already knows what's gonna happen. This is the deal. I am going to die here in the backyard and every time she (Courtney Digenova) comes outside she is going to know I died right here in the backyard. Fuck her, she will have to live with this the rest of her life."

Sgt. [REDACTED] stated he believes the entire conversation lasted approximately 25 minutes. Sgt. [REDACTED] stated he was approximately eight yards away from Martin with only a chain-link fence separating them. At this point, Sgt. [REDACTED] believed Martin to only have a knife and that he felt tactically comfortable to be as close as he was. As the other deputies arrived on scene and were attempting to get into position, Sgt. [REDACTED] stated he began to move closer to Martin. When Martin realized Sgt. [REDACTED] was getting closer to him, Martin told him to take two steps back, which Sgt. [REDACTED] did.



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When the other deputies got into position, Sgt. [REDACTED] stated he knew Lt. [REDACTED] had the less-lethal bean bag shotgun and believed that Dep. [REDACTED] was with him as lethal cover. Sgt. [REDACTED] stated he heard Lt. [REDACTED] tell Martin, “Hey bud, show me your hands.” Sgt. [REDACTED] stated, at this point, Martin rolled his eyes and started to walk towards the house. Sgt. [REDACTED] believed that Martin was trying to get inside the house. At this point, Sgt. [REDACTED] stated the bean bag round was fired but had not effect on Martin. As soon as the less-lethal round was fired, Sgt. [REDACTED] stated Martin reached into his pockets with his hands and pulled out a handgun.

At this point, Sgt. [REDACTED] stated he yelled, “Gun, gun, gun!” Sgt. [REDACTED] stated Martin, who briefly had his back to him, turned around and pointed the gun through the chain-link fence. Martin was in a crouched position. At this point, Sgt. [REDACTED] saw the muzzle flash from Martin’s gun. Immediately after Martin fired his handgun in Sgt. [REDACTED]’s direction, there was additional gunfire. Sgt. [REDACTED] stated it was during this point, he pushed Sgt. [REDACTED] towards the corner of the residence to avoid a crossfire. Sgt. [REDACTED] stated initially he was not sure who fired at Martin but found out later it was Deputies [REDACTED] and [REDACTED]. After the gunfire stopped, Sgt. [REDACTED] ran up to where Martin was lying and saw the handgun lying underneath him.

(For further details, please refer to the audio interview with Sergeant [REDACTED])

Sergeant [REDACTED]

On the day of the incident, Sgt. [REDACTED] was driving evidence to BCI Richfield to submit it to the lab for analysis. While Sgt. [REDACTED] was driving, he heard Sgt. [REDACTED] over the radio call out for additional units and that the male, Martin, was making suicidal threats. Sgt. [REDACTED] immediately turned around and began to head towards Sgt. [REDACTED] and Dep. [REDACTED]’s location to assist.

Upon his arrival, Sgt. [REDACTED] observed Dep. [REDACTED] and Sgt. [REDACTED] standing on the walkway, near the patio of the residence. Sgt. [REDACTED] stated Sgt. [REDACTED] and Dep. [REDACTED] were speaking with Martin. Sgt. [REDACTED] stated he and Martin grew up together but were not friends. Sgt. [REDACTED] was familiar with Martin’s background. Sgt. [REDACTED] stated he thought about trying to speak with Martin but decided against doing so, due to Sgt. [REDACTED] doing a good job trying to de-escalate the situation.

While Sgt. [REDACTED] was speaking with Martin, Sgt. [REDACTED] stated he was looking around the fenced-in property to see if there was a way to enter into the backyard. Sgt. [REDACTED] stated he was able to locate an area where someone could get over the fence. At this point, Sgt. [REDACTED] relayed the information to Lt. [REDACTED]. Sgt. [REDACTED] stated Lt. [REDACTED] had a less-lethal shotgun for the incident. Sgt. [REDACTED] stated he felt a less-lethal shotgun was good to have in this situation involving a potential suicidal individual.



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After showing Lt. [REDACTED] the area of the fence that they could get up and over, Sgt. [REDACTED] stayed in the front yard with Sgt. [REDACTED]. Sgt. [REDACTED] stated he heard someone yelling, which he believed to be Lt. [REDACTED] but couldn't make out what he was saying at the time. At this point, Sgt. [REDACTED] stated he heard a "pop go off," which he believed to be the less-lethal shotgun being fired. As Sgt. [REDACTED] began to move towards Sgt. [REDACTED] he heard Sgt. [REDACTED] say, "He has a gun! He has a gun!" As Sgt. [REDACTED] began to move to get a better viewpoint, he heard gunfire. Sgt. [REDACTED] believes it was approximately one to five seconds between the time the less-lethal shotgun was fired and when actual lethal gunfire occurred.

Sgt. [REDACTED] was not able to see what Martin was doing prior but believes rounds were being fired towards him. After the gunfire stopped, Sgt. [REDACTED] stated he began to give Martin commands to not move. Sgt. [REDACTED] stated he observed bullet holes in Martin's head. Sgt. [REDACTED] stated, when he retrieved his medical bag to provide emergency medical assistance to Martin, he believed Martin was deceased at that point. Even though Sgt. [REDACTED] had his duty weapon drawn, he did not fire his duty weapon.

(For further details, please refer to the audio interview of Sergeant [REDACTED])

Dispatch-Related Information

911 Calls

9:24:50 AM – Dispatch Channel 12651975 – Female caller identified as Courtney Digenova called to report her ex-husband, Everett Martin, is at her house (5611 East Third Street, in Mineral City). Digenova stated she has a protection order against him and that his truck is parked out in front of her house.

DISPATCH: "Do you know how long it's been out there?" **DIGENOVA:** "I just got back, I worked and went to Walmart and Giant Eagle, and I literally just unloaded the groceries, locked the door behind me and I just see a blue truck out in front of my house, he drives a blue truck. I don't know if he's watching me or what he's doing because I don't know how he knew I just got home." **DISPATCH:** "Okay, you are sure it's his truck?" **DIGENOVA:** "Yea, he knocked on my door, I was afraid to look out the window." I don't know what he's doing out there, I'm too afraid to look." **DISPATCH:** "Is this the first time he's done anything like this?" **DIGENOVA:** "UNINTELLIGIBLE...order, yea." **DISPATCH:** "His vehicle is still sitting in front of your house? Right?" **DIGENOVA:** "Yea, yes, right now, in between my blinds I see the blue." **DISPATCH:** "Okay... and does it look like he's in his vehicle?" **DIGENOVA:** "I don't know..." "I just don't know why he'd be here to break in knowing he would get in trouble." **DIGENOVA:** "That's the last thing I want anyone to do is get in trouble."

Call lasted for 3 minutes and 44 seconds.

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9:28:09 AM – Dispatch Channel 12651980 – A male caller, called on behalf of his girlfriend, Digenova, stating her ex, Everett Martin, is at her house in violation of the protection order filed against him.

CALLER: “Yea my girlfriend just called me she has a protection order against her ex-man, he is in her house.” **DISPATCH:** “Okay, what is the address?” **CALLER:** “The address is Third Street in Mineral City. Her name is Courtney Digenova. The guy with the protection order is Everett Martin.” **DISPATCH:** “You don’t, you don’t know the house numbers?” **CALLER:** “There’s like eight houses on Third Street in Mineral City.” **CALLER:** “It’s on record, there’s a protection order you guys should be able to look it up.” **DISPATCH:** “Alright, and you, what was her name again?” **CALLER:** “Courtney Digenova.” **DISPATCH:** “Okay and she’s there as well?” **CALLER:** “She is there, she just called me and said, Everett’s here! Everett’s here!” **DISPATCH:** “Okay, was there any kind of fighting or anything?” **CALLER:** “I didn’t hear no fighting in the background or nothing, I just know he is there!” **DISPATCH:** “Okay, and actually, somebody else is already calling in about it as well, so we are getting them up there. What is your name sir?” **CALLER:** “Kirby Van Fossen.”

Call lasted for 1 minutes and 24 seconds.

Radio Traffic Recordings

CFS22-39492

09:34:05 – Ch12652055 – █████ (Sgt. █████ : “████ Central, send me another unit.” (Talking in background unintelligible.)

09:34:11 – Ch12652056 – DISPATCH: “Central to units, being requested 5611 East Third Street, 5611 East third Street, Mineral City.”

09:34:29 – Ch12652058 – █████ (Lt. █████ : “████ Central, I’ll be out.”

09:34:47 – Ch12652063 – █████ (Dep. █████ : “████ Central, I’m gonna divert and go to that.”

09:38:49 – Ch12652107 – DISPATCH: “Central █████ 40 check-up.”

09:38:54 – Ch12652108 – █████ (Sgt. █████ : “We’re 2, he has a 40 A.” (knife)

09:39:03 – Ch12652111 – DISPATCH: “Central to units responding, be advised, subject has a 40 A on him. They’re at a level 2 at this time.”

09:39:22 – Ch12652113 – █████ (Sgt. █████ : “████ central, he’s threatening 58.” (suicide)

09:39:32 – Ch12652114 – █████ (Dep. █████ : “You guys have a bean bag?”



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09:39:40 – Ch12652115 – [REDACTED] (Lt. [REDACTED] : “[REDACTED] s enroute, UNINTELLIGIBLE drive, I have bean bags.”

09:45:19 – Ch12652143 – [REDACTED] (Sgt. [REDACTED] : “[REDACTED] to units, UNINTELLIGIBLE those sirens, [REDACTED] is speaking to the subject making 58 comments.”

09:56:10 – Ch12652194 – [REDACTED] (Sgt. [REDACTED] : “[REDACTED] central, shots fired, shots fired!”

09:56:37 – Ch12652203 – (Unknown): “Send me a squad UNINTELLIGIBLE right now!”

09:57:14 – Ch12652216 – [REDACTED] (Lt. [REDACTED] : “[REDACTED] central shots fired, uh, subject is down, get me that 29 (EMS) in here now.”

09:57:40 – Ch12652223 – [REDACTED] (Sgt. [REDACTED] : “[REDACTED] central, you want to let her know to stay inside the house.”

Video Recordings

No video recordings were available of the incident.

Conclusion

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this use-of-force incident. As unbiased collectors of fact, the Ohio Bureau of Criminal Investigation has not, and will not, render an opinion of legality of the officers’ actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the Tuscarawas County Prosecutor’s Office and/or the Tuscarawas County Grand Jury.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Joseph Goudy. SA Goudy can be reached via email at Joseph.Goudy@OhioAGO.gov or by telephone at 234-400-3396.