



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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

To: Anthony Pierson and Micah Ault, Special Prosecutors
From: James Poole, Special Agent, Ohio BCI
Date: August 24, 2022
Involves: Major [REDACTED] and Sergeant [REDACTED]
BCI Case Numbers: 2022-1354

Investigative Request

On Friday June 24, 2022, Guernsey County Sheriff's Office (GCSO) requested the Bureau of Criminal Investigation (BCI) to investigate an Officer-Involved Critical Incident (OICI) that occurred near 135 Old National Rd, Lore City, OH 43755. Barnesville Police attempted a traffic stop on a vehicle that came back with Felony warrants on a female in Belmont County. The pursuit continued into the Old Washington area of Guernsey County. The female was stopped with stop sticks, but refused to exit the vehicle. GCSO Strategic Response Team (SRT) was deployed. During the incident the two involved deputies fired into the vehicle. After being taken to Southeastern Medical Hospital the female ultimately succumbed to her injuries.

Preface:

This report serves as a synopsis of the investigation into the June 24, 2022, officer-involved shooting in Guernsey 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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Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

Investigative Team

Lead BCI Special Agent:

- SA James Poole

Assisting Investigative BCI Special Agents:

- SA James Mulford
- SA James Gore
- SA Ryan Scheiderer
- SA Andrew Russell

BCI Crime Scene Special Agents:

- SA Shawn Rowley
- SA Chad Holcomb

BCI Investigative Supervisor:

- Special Agent Supervisor Kevin Barbeau

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 Major [REDACTED] and Sergeant [REDACTED] the deputies who discharged their weapons.
- Recorded interviews of Guernsey County Deputies Christopher Daymut, Ben Coblentz, Sergeant [REDACTED] [REDACTED] and Sheriff Jeffrey Paden, who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information.
- Recorded interviews of Ohio State Highway Patrol Troopers Drew Untied, Jonathan Sanborn, Jacob Rettenberger, Jacob Miller, Conner Nagel, and Kaden Miller, who were involved in the incident, at the scene, or otherwise deemed to potentially have relevant information.
- Neighborhood canvass of the area surrounding the scene.
- Interviews of Adam Dronebarger, Lee Campbell, and Robert Kramer civilian witnesses to the incident.

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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

- Interviews of EMT Steve Schubert and EMT Courtney Ryan, first responders or medical personnel.
- Obtained and reviewed post mortem examination (autopsy) and toxicology reports.
- Obtained and reviewed police reports of prior law enforcement contacts with the subject.
- Obtained and reviewed open and closed-source biographical information on the involved subjects, to include criminal history reports, OHLEG, driving records, etc.
- Review of all available dash cameras involved in the incident.
- Review of all available body cameras involved in the incident.
- 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.
- 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 the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement.
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings, and bullets
 2. Firearm operability testing
 3. Chemistry (drug identification)
 4. Gunshot residue testing (GSR)
 5. Fingerprint analysis
 6. DNA
- 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.

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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

- Enhancement of audio/video recordings through the assistance of the Ohio Organized Crime Investigations Commission.
- Obtained subpoenas for Southeast Regional Hospital.
- Reviewed medical records of those injured, obtained through subpoena
- Reviewed EMS records pertaining to their response and the treatment administered.
- Performed records 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.

Incident Summary/Overview

On Friday June 24, 2022, Guernsey County Sheriff's Office (GCSO) was requested by the Barnesville Police Department on a barricade situation involving Joy Graham (Graham) who had a felony warrant and was refusing to exit her vehicle at 135 Old National Rd., Lore City, OH 43755. Barnesville Police attempted a traffic stop on a vehicle that came back with Felony warrants on Graham in Belmont County. The pursuit continued into the Old Washington area of Guernsey County. Graham was stopped with stop sticks by Ohio State Highway Patrol (OSP) Troopers, and ultimately came to a stop. Graham refused to exit the vehicle. A Cambridge K-9 officer deployed his canine, but Graham brandished a pistol. GCSO SRT was dispatched. When arriving, they devised a plan to deploy a flash grenade in Graham's vehicle in order to distract her while a deputy used a Taser on Graham for deputies to extract Graham out safely. During the execution of the plan, the taser was not successful, allowing Graham to still move. Graham fired her weapon at Sergeant [REDACTED] and Major [REDACTED] causing Major [REDACTED] to fire one round in Graham's center mass. Graham then pointed her weapon at Sergeant [REDACTED] causing him to fire twice from the rear driver's door into Graham's center mass. A short pause allowed multiple deputies to command Graham to drop the weapon. Graham then pointed her weapon towards Sergeant [REDACTED] and Major [REDACTED] causing Major [REDACTED] to fire one round into Graham's head. Sheriff Paden was able to break open the driver's side window and extracted Graham out of the vehicle. In the body worn camera footage, it is noted that Sheriff Paden had to extract Graham's pistol from her right hand where her index finger was still in the trigger guard. After being taken to Southeastern Medical Hospital, Graham ultimately succumbed to her injuries.

Subsequent Investigation

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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

Post-Mortem Examination / Autopsy Report

The autopsy report for the decedent (Joy Graham) was obtained from the Guernsey County Coroner's Office. A review of those documents revealed the following information:

[REDACTED]

Physical Evidence and Laboratory Reports

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

The BCI Firearms Section performed an analysis of the officers' firearms, as well as the firearm-related evidence collected from the scene, vehicles, and autopsies (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 bullet fragments recovered were inconclusive and unsuitable to be tested by the labs.

Investigative Interviews

The following information comprises extremely abbreviated versions of the statements made by the witness and/or participants of this incident deemed by the author to be of most relevance to the overall understanding of the incident. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview, including those not synopsized below.

Sergeant [REDACTED] stated, "The four of us approached the passenger side of Ms. Graham's vehicle. Deputy Daymut broke the front passenger-side window and I deployed the distraction device. Sergeant [REDACTED] deployed the Taser. When I looked back towards Sergeant [REDACTED] I did not see an opening for me to get into the vehicle so I immediately went around the back of Ms. Graham's vehicle to the driver's side front door. As I was moving to the driver's side, I could hear verbal commands being given for Ms. Graham to drop the gun. I also heard a loud (pop)." "When I got to the driver's side, I noticed that Ms. Graham had rolled the window up. I reached for the door handle and that was when I saw a small black handgun pointing in my direction. I immediately fired two rounds from my Glock 17 Gen 5 handgun,

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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

aiming at her center mass. The backdrop at the time I fired the rounds was a sloping hill. When I fired my rounds, the weather was warm and clear and there was light from cruisers, and streetlights in the area.

Major [REDACTED] stated, "At this point, I was standing directly in the front passenger-side window off the right shoulder of Sergeant [REDACTED] [REDACTED]. I immediately noticed that full neuro-muscular override was not achieved and Ms. Graham was still able to move her arms."

"I start yelling at Ms. Graham several times to drop the gun. She did not comply. She raised the firearm, pointed it at Sergeant [REDACTED] [REDACTED] and me, and began to actively fire her weapon. As I saw her raise her handgun and fire it, which created a flash from the barrel, I engaged Ms. Graham with one (1) round from my duty rifle, aiming at her center mass. I initially thought I fired three (3) rounds, but upon review of the body cam footage from the incident, it appears that I only fired one (1) round. When I fired this round, the backdrop was an upward sloping hill. The weather was clear and there was sufficient ambient lighting from the cruiser spot lights and from houses in the area."

"At this point, something hit me in the chest and knocked me to the ground. As I was falling to the ground, I felt something hit me on the forehead on my helmet. I immediately got back to my feet, got a visual of Ms. Graham and noticed that she was wounded, but still had the handgun in her right hand. Sergeant [REDACTED] [REDACTED] was back in the front passenger-side door window with me and I was once again off his right shoulder. I gave more commands to Ms. Graham to drop the gun. Again, she did not comply. I then saw that she began to tense her hand around the handgun and bring the handgun back up in the direction of Sergeant [REDACTED] [REDACTED] and myself. At this point, I fired one (1) additional round, aiming at her head, in order to stop her from killing me or Sergeant [REDACTED] [REDACTED]."

Sergeant [REDACTED] [REDACTED] stated, "We approached Ms. Graham's vehicle from the passenger side. I heard Sheriff Paden yelling to Ms. Graham and I could see her head turn towards him, as he was on the driver's side of her vehicle."

"Deputy Daymut then struck the front passenger-side window of her vehicle twice with an extendable baton, which broke out the window. I then saw Ms. Graham turn to the passenger side of her vehicle as I heard the pin of the flash bang pulled and saw Sergeant [REDACTED] [REDACTED] toss the flash bang through the broken window into the passenger-side cabin area of the vehicle. I turned my head away to shield my eyes from the flash. After I heard the flash bang go off, I tactically approached the front passenger-side window and utilized the pillar that holds the front-passenger seatbelt ("B pillar") as cover. I then pointed the taser at Ms. Graham, saw the red dot aimed at her lower right torso area, and deployed the taser. I saw Ms. Graham was

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Bureau of Criminal Investigation
Investigative Report



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

holding a black handgun in her right hand with her index finger on the trigger. I started giving loud, repetitive commands to Ms. Graham to drop the gun.”

“I then saw Ms. Graham begin to start pointing the handgun over her left shoulder towards Sergeant [REDACTED] and Sheriff Paden. I then heard an exchange of gun shots, consisting of approximately four (4) rounds. I took cover by going low and behind the passenger-side B pillar of Ms. Graham’s vehicle. I regained my position at the front passenger-side window of Ms. Graham’s vehicle. I initially thought that I was holding my taser at this time, but upon review of body camera footage of the incident, I realize I dropped my taser and changed over to my back-up weapon, my rifle.”

“I then re-observed Ms. Graham and saw that she was still holding her handgun in her right hand with her index finger on the trigger and the barrel of the handgun pointed up towards the roof of her vehicle. The prior deployment of the taser seemed to have had little, to no effect, on Ms. Graham. I next loudly announced to other officers that Ms. Graham’s finger was still on the trigger. At this time, I felt light body contact on my right side and observed Major [REDACTED] pointing his rifle at Ms. Graham. I then watched as Ms. Graham began to point the barrel of her handgun, still in her right hand with her index finger on the trigger, towards the front passenger-side window where Major [REDACTED] and I were standing. Next, I heard a gunshot that appeared to originate from Major [REDACTED]’s rifle. I saw Ms. Graham’s head shift towards her left shoulder and did not see any other movement from her.”

Summary

All persons known to have relevant information regarding this investigation have been interviewed (or attempted), and all known pertinent records and evidence have been obtained and reviewed. BCI will continue to offer investigative assistance into any newly identified witnesses or information relative to this criminal investigation. BCI’s investigation into this officer-involved critical incident is concluded unless such new information/witnesses is/are identified through grand jury or other means.

Agents remain available for consultation and/or to perform any additional investigation, analysis, processing and/or other assistance/involvement you might deem to be necessary.

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

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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

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 James Poole. SA Poole can be reached via email at James.Poole@OhioAGO.gov or by telephone, at 614-370-4820.



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



2022-1354

Officer Involved Critical Incident - 135 Old National Rd, Lore City (L)

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