



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



2022-2016

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

Investigative Activity: Officer Interview Report
Involves: Deputy ██████████
Activity Date: 10/19/2022
Activity Location: Tuscarawas County Sheriff's Office
Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Wednesday, October 19, 2022, at 1216 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy) and SA Todd Clark interviewed Tuscarawas County Sheriff's Office (TCSO) Deputy (Dep.) ██████████ (██████), who was accompanied by his attorney, Tom Hanculak, from the Fraternal Order of Police. The interview took place at the TCSO. The interview was audio recorded. Prior to the interview, Dep. ██████████ read, understood and signed the BCI Criminal Investigation Notification form.

Dep. ██████████ stated he has been in law enforcement for approximately three months overall. At the time of the incident, Dep. ██████████ started day one of "Phase III" of his Field Training Program. Dep. ██████████'s Field Training Officer (FTO) was Sergeant (Sgt.) ██████████ (██████). Dep. ██████████ has been with the TCSO since July of 2022, when he graduated the Ohio Highway Patrol Basic Peace Officer Academy on July 7, 2022. He is currently assigned to day shift, 6 AM to 6 PM, with rotating days off. Dep. ██████████ was working the 6 AM to 6 PM shift at the time of the incident. Dep. ██████████ goes by call sign ██████████ and utilized that number while communicating with dispatch.

On the day of the incident, September 28, 2022, Dep. ██████████ was assigned to TCSO marked unit ██████████. Dep. ██████████ described the unit as having visible Buckeye State Sheriff's Association (BSSA) markings around the entire vehicle, along with operable overhead emergency lights and sirens. At the time of the incident, Dep. ██████████ stated the lights and sirens were working and utilized.

When asked about the uniform Dep. ██████████ was wearing on the day of the incident, he described it as the standard BSSA uniform pants and shirt with TCSO deputy sheriff patches, along with an external vest containing his sheriff star badge and nameplate. Dep. ██████████ stated he was well represented as a law enforcement officer on the day of the incident. Dep. ██████████ stated he carried an assortment of equipment on his duty belt, to include: three spare magazines for his duty issued Smith and Wesson 2.0 9mm handgun, asp and radio. When asked about the ammunition Dep. ██████████ had available to him, he stated each magazine has a 17-round capacity.



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Dep. ██████ went on to say that he only carries 16 rounds in each magazine, totaling 64 rounds, plus the one round in the chamber to make 65 total rounds.

Dep. ██████ stated that prior to the incident, he and his FTO, Sgt. ██████ were dispatched to 5611 East Third Street for a Temporary Protection Order Violation (TPO). When they arrived on scene, Dep. ██████ stated he observed Everett Martin's (Martin) truck parked in front of the residence. Dep. ██████ stated when he exited his patrol vehicle, he walked up to the truck to see if Martin was inside, in which, he was not. Dep. ██████ stated when he and Sgt. ██████ began to approach the front of the residence, they noticed Martin on the right side of the house toward the rear.

After Dep. ██████ made contact with Martin, Martin told Dep. ██████ and Sgt. ██████ to not come any closer, while raising his left hand. Dep. ██████ stated, at this point, he noticed Martin's right hand concealed in his right coat pocket. Dep. ██████ asked Martin to remove his right hand from his right coat pocket a few times, but he refused. Dep. ██████ stated, around this time, Martin made the statement of "I'm gonna die in this backyard today." At this point, and due to the nature of the statements being made by Martin, Dep. ██████ stated he began to fall back on his Critical Incident Training (CIT) in an attempt to alleviate the situation. Dep. ██████ stated, while trying to speak with Martin, Sgt. ██████ called for additional units to arrive for further assistance.

Dep. ██████ stated, due to his not being able to get through to Martin, Sgt. ██████ took over communications with Martin, due to having a reprieve with him after dealing with him a week prior. While Sgt. ██████ was speaking with Martin, Martin continued to make statements of "killing himself." Dep. ██████ stated they asked Martin if he had a gun on him; Martin said he did not, but he had a knife and that he was going to "lie down and die." Immediately after, Martin was heard saying he was going to blow his brains out. Dep. ██████ stated, at this point, they asked Martin, again, if he had a gun and Martin denied having a gun. Dep. ██████ stated Martin denied having a gun and said he meant to say he was going to "slit his throat."

While Sgt. ██████ was speaking with Martin, Dep. ██████ stated additional units arrived and went around the rear of the residence. Dep. ██████ heard the units in the backyard saying, "Show us your hands." At this point, Dep. ██████ stated that Martin turned around and began to go toward the door of the residence. Dep. ██████ stated he then heard the less-lethal shotgun fired at Martin. At this point, Dep. ██████ stated the less-lethal bean bag round had no effect on Martin. Dep. ██████ stated, right after the less-lethal round was fired at Martin, he saw Martin turn around and say, "Really!"



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Soon after Martin reacted to the less-lethal round, Dep. [REDACTED] stated Martin began to reach in his waistline. At this point, Martin sat down on the ground, behind the chain link fence. While Martin was sitting on the ground, Dep. [REDACTED] observed, through the chain link fence, Martin with a firearm in his hand at low ready. Sgt. [REDACTED] yelled out, "Gun! Gun! Gun!" At this point, Dep. [REDACTED] stated he drew his firearm from his duty holster and pointed it at Martin. Dep. [REDACTED] stated Martin then pointed his gun at him and Sgt. [REDACTED] s position. Dep. [REDACTED] then stated he remembered seeing the muzzle flash from Martin's weapon but did not hear it, which resulted in Dep. [REDACTED] firing five rounds from his weapon at Martin. Dep. [REDACTED] further stated, he was told later that he hit Martin with three rounds. Shortly thereafter, Dep. [REDACTED] stated Martin fell to his left side. Dep. [REDACTED] then holstered his duty weapon and moved toward Martin to secure him. EMS arrived on scene immediately thereafter.

When asked how many rounds Dep. [REDACTED] fired, he stated he fired his weapon five times, striking him at least three times. The interview concluded at approximately 1252 hours.

The interview was audio recorded. The audio recording was attached to this report. The signed BCI Criminal Investigation Notification form is also attached to this report. Please see the attachments for further details.



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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]
Printed Name of Interviewee

10-19-2022 1218 HRS
Date / Time

[Redacted]
Signature of Interviewee

SA Joseph Goudley
BCI Agent (Printed)

[Handwritten Signature]
BCI Agent (Signature)