



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



2024-3649

Officer Involved Critical Incident - 6880 Sunset Strip Ave
NW, Room #220, North Canton, Ohio, 44720

Investigative Activity: Witness Officer Interview
Involves: Captain Lester Marino
Activity Date: 12/16/2024
Activity Location: BCI – Richfield Office
Authoring Agent: SA Matthew Armstrong

Narrative:

On Monday, December 16, 2024, at 1310 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Nicholas Valente (Valente) interviewed Canton Police Department (CPD) Captain and SWAT Commander Lester Marino (Marino). Captain Marino was accompanied by his attorney, Paul Siegfert Jr., from the Fraternal Order of Police. The interview took place in a conference room at the BCI Richfield Office located at 4055 Highlander Parkway, Richfield, Ohio. The interview was audio and video recorded. The audio recording has been attached to this report. The video recording has been stored as Reference Item I, in evidence.com

Captain Marino was identified as being a police officer who witnessed and/or had some level of involvement in the November 18, 2024, officer-involved shooting which occurred in the area of 6880 Sunset Strip Avenue NW, Room #220, North Canton, Ohio 44720. Captain Marino did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information about the incident known or observed by the officer. References to time stamps throughout the report correspond to the video recording.

Throughout the interview, Captain Marino provided the following information:

During the incident, his radio call sign was “five”. He wore level three tactical body armor with rifle plates, a ballistic helmet and gas mask. He was not under the influence of any substances that would have impaired his memory or judgement. He had viewed some video of the incident. That included video that aired on the news, the video recorded by the robot deployed during the incident and [REDACTED] body worn camera video which captured [REDACTED] being shot. He did not note a significant difference between his recollection of the incident and what he observed on the video recordings.

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Captain Marino had been a police officer for 29 years. He served as a Deputy with the Stark County Sheriff's Office for approximately six months. The remainder of his service was with the CPD. He had been part of the SWAT team for approximately 19 years. He previously completed the CPD 40-hour basic SWAT school and attended the monthly SWAT training throughout his time assigned to the SWAT team. He completed the Ohio Tactical Officer's Association (OTOA) Team Leader training in 2009 and again in 2011, and he graduated from the FBI National Academy in 2014.

Captain Marino was the uniform division commander at the CPD and had been the commander of the CPD Regional SWAT team since 2018. The team was part-time and consisted of approximately 30 officers. He was responsible for SWAT operations, training, and activation of the team. As the commander, he could perform the role of a SWAT Operator, but typically he was responsible for overseeing the operation.

SWAT Operators assigned to the team must initially complete a 40-hour basic SWAT school. The SWAT team also trained 16 hours per month in addition to a 40-hour training conducted annually. Precision marksmen assigned to the team train an additional 8 hours each month.

When he initially became involved with the SWAT team, the primary operation involved the execution of high-risk drug-related search warrants. Over the years, those types of operations have declined, and the resolution of barricaded subjects has become more predominant. Captain Marino estimated the team annually responded to 14 - 15 barricaded subject calls and executed approximately 5 - 6 search warrants.

When responding to barricaded subject situations, they try to resolve them without using any force or the least amount of force possible. First, they establish containment to prevent the subject from exiting the area by foot or by vehicle. He explained containment is important, especially with armed subjects, to prevent them from fleeing and having contact with the public who they could potentially harm. Then communication is set up with the incident commander from the agency with original jurisdiction. An immediate action plan can then be established, and officers are issued assignments or roles.

On November 18, 2024, CPD Officer Billy Lott, who was assigned to the U.S. Marshall's Task Force, called Captain Marino. Officer Lott informed him they were trying to serve an arrest warrant at the Roadway Inn and the subject pointed a weapon at one of the Marshals.

When they arrived, the Marshals on scene had contained the premises. The SWAT vehicle was positioned in front of the motel room, so announcements could be given

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over the public address system while an officer covered the room from the hatch on the SWAT vehicle. While getting set up, an officer told him he thought he heard a muffled gunshot from inside the room. At that moment, Captain Marino thought the subject may have taken his own life. He explained:

So, we wanted to confirm that, um, rather than send guys actually in there, the, um, the door was ajar. Uh, there was a small gap in the door, and it was being held by a hasp on the door. Uh, we also inserted chemical munitions. We launched, uh, 40-millimeter chemical munitions into the, uh, through the window to see if we get a reaction or some type of response from the subject inside. And, uh, when we did that, we did not get any reaction. Also, there was no, um, acknowledgement of the verbal commands to exit the apartment to come outside. Um, you know, we have placed 'It's the police department come outside.' Um, there was no reaction to those verbal commands at all (15:32).

They then decided to breach the door with bean bag rounds to release the hasp, which was holding the door closed. As a result, the door was successfully opened. Captain Marino said he wanted to get a drone into the room to determine if the subject had shot himself. The drone was then deployed. When the drone pushed the door open and entered the room, shots were fired. He could see the debris from the building material coming out of the north wall of the building, which he believed was the subject firing. He saw two shots come through the wall but could hear more than that being fired. Officer Volpe then radioed that the drone was down. At that moment, he believed the subject had shot the drone down.

He then directed the team to deploy more chemical munitions into the room, and he used the public address system to tell the subject that no one was hurt, and they wanted him to exit the room. He continued giving verbal commands over the public address system, and then a shot or shots were fired, and [REDACTED] was struck. Captain Marino was in the front passenger seat of [REDACTED] at that moment. He did not see it happen but overheard it.

At that point Captain Marino said,

Now, I, I had one of my officers, I, I, one of my officers was hit. Um, it was apparent to me that, uh, Mr. Vanest was intent on shooting police officers at that point and, um, using deadly force on us. So, we have to do what we have to do to stop his deadly force against us or anyone else (21:16).

Officers then requested to utilize suppressive gun fire to keep the subject from shooting at them while they extracted [REDACTED]. Captain Marino explained:

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I gave the go ahead to, um, engage with lethal force and, uh, several of our officers began engaging, uh, shooting in, into the, uh, motel room. And it was effective, uh, to my knowledge, Mr. Vanest did not shoot out of the room, um, when our officers were engaging. So [REDACTED] was extracted when he was treated, extracted. They got tourniquets on him and, uh, got him out of there. Um, shortly after, I know there were other shots fired by Mr. Vanest after, uh, [REDACTED] was extracted. Um, so then once [REDACTED] was out, I gave the, I, I don't think it needed to be said, but I was telling officers to make sure that they maintained cover (22:02).

After that, Captain Marino began devising a plan to keep the subject from shooting out into the parking lot. The Ohio State Highway Patrol (OSP) offered their assistance, and he confirmed the need for their response. He also activated the entire SWAT team.

[REDACTED] had taken over [REDACTED] rifle after [REDACTED] was shot. At one point, [REDACTED] radioed that he was being shot at. Captain Marino indicated that he gave [REDACTED] and the other SWAT officers the "green light" to engage the subject. He explained officers did not need his permission to fire, but it also did not require them to fire. Despite giving a "green light" to engage, officers know they are still required to use their judgement and operate within policy. He added an example of a subject who was obviously surrendering and said officers would know they would not be authorized to engage just because the Captain had given them a "green light."

Once OSP arrived, he and OSP Sergeant Castellanos decided to use OSP's armored vehicle to push the subject vehicle away from the front of the room so they could attempt to see inside the room. He also wanted an armored vehicle on the east side of the room to help block the subject's rounds from traveling across the parking lot and Interstate 77. They also decided Canton officers would operate from inside OSP's armored vehicle and could utilize the gun ports.

Once OSP's armored vehicle pushed the subject's vehicle out of the way and was positioned in front of the room, a trooper deployed 40 mm rounds of wood batons into the glass bay window to clear it out and create better visibility into the room. Captain Marino then heard gunfire followed by a Canton officer on the radio. The officer, who was in OSP's vehicle, radioed that the subject had presented himself, and pointed a gun at him and he had engaged the subject.

After that, there was no activity. Sergeant Castellanos then deployed flash bangs into the room to help assess if there was any response from the subject. After receiving no

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response, they deployed a robot to gain a visual assessment of the subject. Upon doing so, it appeared that the subject was incapacitated, but they could not determine whether he was conscious and just waiting for them. They then deployed an entry team to enter the room.

As the team entered, they deployed a flash bang as a diversion. They also immediately engaged the subject with a 40 mm less lethal impact round and received no response. They approached the subject and disarmed him. Medics were then brought in to evaluate the subject.

Captain Marino was asked if he authorized "directed fire" at other times during the incident and if that was a tactic the team was trained on. He said he knew he authorized directed fire while [REDACTED] was being extracted, and he may have authorized it at another point when the subject was actively shooting at them. He said the team had trained and participated in live fire drills where directed fire was used to extract an injured officer, hostage, or an innocent bystander. He added that the use of that tactic during the incident was consistent with their training and that he had confirmed that the motel had been evacuated before authorizing directed fire.

When asked how he felt throughout the incident he replied saying:

Initially I was fairly confident that the, uh, the situation was gonna be resolved with, uh, chemical munitions, uh, being, it was a confined, uh, room. Um, then once he actively started shooting and once [REDACTED] was hit, that is when I was, uh, I was scared for my guys, uh, 'cause he had shot [REDACTED] I assumed at that point that he had a rifle inside the room. Um, and I, like I said, I, I had thought that [REDACTED] was further away than I thought he had targeted him. And he was further away. 'cause I could not see him. I didn't, uh, have a visual on him. Um, so yeah, I was, uh, I was really nervous for my guys at that point. And when, uh, you know, to put the directed fire down, these are the, the things I was considering that the subject has a rifle at this point and he can engage, engage my guys at will with pretty accurate fire if he can hit [REDACTED] (38:37).

Captain Marino said he did not see any officers engage in any criminal activity during the incident. He did not recall any previous encounters with the subject.

The interview concluded at approximately 1350 hours.



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References:

Reference Item I – Officer Interviews

Attachments:

1. 2024-12-16 Audio Recorded Interview - Captain Lester Marino

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