



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



2023-2307

Officer Involved Critical Incident - I-75 Southbound at Mile Marker 110

Investigative Activity: Interview with Trooper Scott Mershman
Activity Date: September 26, 2023
Activity Location: Lima Post of the Ohio State Highway Patrol
Authoring Agent: SA Chris Hamberg #69

On September 26, 2023, Special Agent Chris Hamberg (SA Hamberg) and Special Agent Tiffany Najmulski (SA Najmulski) of the Ohio Bureau of Criminal Investigation (BCI) interviewed Trooper Scott Mershman (Mershman) of the Ohio State Highway Patrol (OSP). The purpose of the interview was to ascertain what actions Mershman took and what he may have witnessed during the pursuit/shooting incident of Danny Berry (Berry) that occurred on September 3, 2023.

The interview took place in a conference room at the Lima Post of the OSP. The interview was digitally recorded. The audio file is attached to the case file.

Mershman is assigned to the Lima Post (Post 2) of the OSP.

Mershman was asked how the events unfolded on September 3, 2023, with the pursuit and shooting incident. Mershman stated he overheard on the radio that Chicago PD was pinging the cell phone of the subject wanted in a possible homicide in the city of Chicago. Mershman stated that the area was around the Wood County area near a mile marker. Mershman stated that Lieutenant Slates (Lt. Slates) located the vehicle (green Chrysler Pacifica) and the pursuit initiated.

Mershman said he used to be assigned to the Findlay Post and was very familiar with the area and contacted Sgt. Nick Boes (Boes) and told him where the best place on I-75 would be to place the stop sticks down. Mershman added that it was just into Hancock County and was near US 235. Mershman stated there was an underpass and a cement barricade area. Mershman stated that he was on the west side of I-75 and Boes was on the east side of I-75. Mershman stated that he and Boes both placed their stop sticks on the interstate and the subject vehicle (SV) struck the stop sticks with all four (4) of the tires.

Mershman stated that he gathered up both his and Boes' stop sticks and then got back into his cruiser and caught up with the other Troopers in the pursuit, and he was in the back of the pack. Mershman stated he observed Staff Lieutenant Crow (STL Crow) in the pursuit and knew that STL Crow was the highest-ranking personnel in the pursuit and was in-charge of the incident.

Mershman told agents that after the pit maneuver, the SV ended up in the median next to the cable fence barrier, and he exited his cruiser with his shotgun. Mershman said he took cover behind his cruiser on the left rear corner and noticed that the SV was smoking a lot from the pursuit.

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Mershman stated that the subject was sitting inside the vehicle for a while, while the vehicle was smoking. Agents were told that several verbal commands were given for the subject to get out of the vehicle, which the subject failed to comply with. Mershman stated that the vehicle was fully engulfed when the driver side door opened up. Mershman stated he observed a revolver on the dashboard and that message was conveyed to everyone, that there was a "61", (which is a gun) was observed, and it was put out on the radio also.

Agents were told that the subject finally got out of the vehicle with the gun in his hand and the subject was holding the gun by the trigger guard, "dangling" the gun. Mershman stated that he and several other Troopers were giving verbal commands for the subject to drop the gun. Mershman added that he heard the subject state that the subject was not going to shoot the Troopers, but he (subject) was going to shoot himself. Mershman stated just a few seconds later, the subject grabbed the gun by the grip and pointed the gun to his (subject) head and then was facing the Troopers.

Mershman stated the subject then began walking southbound on I-75 when LT. Slates used his SUV cruiser as a moving barricade and was driving southbound. Mershman stated he, along with several other Troopers were walking along the side of Slates' cruiser, and he (Mershman) was walking along the right rear passenger side. Mershman stated that Trooper Kiefer (Kiefer) was to the left of him, with Trooper Tirado (Tirado) being to the right of him. Mershman stated that both Kiefer and Tirado had rifles, while he had his shotgun.

Mershman told agents the longer this went on he noticed the subject getting more agitated, with the subject turning around more frequently and facing the Troopers and then turning around to walk away from them as he was walking southbound, with the gun pointed to the subject's head the entire time. Mershman added he knew, because of the training he has had, that the subject could have easily moved the gun from his head and pointed it directly at them.

Mershman stated the subject was walking southbound at a fairly good pace and their concern was that the subject was getting closer to the stopped civilian traffic they had in the northbound side of I-75 near the wooded area. Mershman stated he could not remember if it was Staff Lieutenant Crow or someone else in command that gave the order if the subject turns around again, to take him out and end this, or something along those lines was said.

Mershman stated that he moved slightly away from Lt. Slates' cruiser, and broke cover, so he would have a direct sight line on the subject in the event he needed to discharge his gun. Mershman stated he observed the subject turn around again and face them and the subject had the gun up to his right temple area. Mershman stated at this time, he heard a "crack" and observed blood spatter on the

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subject's right side and face area, with the subject spinning around backward, dropping the gun, and falling to the ground. Mershman stated he and the other Troopers ran up and began rendering medical aid to the subject. Mershman added while first aid was being administered, the subject stated, "Did I do myself?"

SA Hamberg asked Mershman if there was some discussion of crossfire with the rifles as they were proceeding down I-75 and getting closer to the civilian motorists, and if verbal commands were being conveyed to the subject. Mershman stated there was discussion of the crossfire and all the Troopers were giving verbal commands for the subject to stop, drop the gun, and get on the ground.

Mershman stated he did not have anything additional to share on the incident and the interview concluded at approximately 1309 hours.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the audio recording. Further, this report was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions or responses. It is suggested that the reader refer to the audio recording in its entirety.

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