



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 44656

Investigative Activity: Interview of Officer
Involves: Tuscarawas County Sheriff Sergeant [REDACTED] # [REDACTED]
Activity Date: November 15, 2022
Activity Location: Tuscarawas County Sheriff's Office
Authoring Agent: Special Agent Todd A. Clark #139

Narrative:

On October 19, 2022, at 1009 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy and SA Todd Clark interviewed Tuscarawas County Sheriff Sergeant [REDACTED] [REDACTED] at the Tuscarawas County Sheriff's Office (TCSO). [REDACTED] was accompanied by Fraternal Order of Police (FOP) attorney Tom Hanculak.

This report 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 interview. 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. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

[REDACTED] was the dayshift Sergeant for the TCSO. [REDACTED] worked 12-hour shifts (0600-1800 hours) with rotating days off. [REDACTED] was off Monday and Tuesday, worked Wednesday and Thursday, and off Friday, Saturday and Sunday. The other week, [REDACTED] worked Monday and Tuesday, off Wednesday and Thursday, and worked Friday, Saturday and Sunday.

On September 28, 2022, [REDACTED] was working 0600 hours to 1800 hours. [REDACTED] did not work any additional hours (secondary employment) prior to the start off his shift. On the day of the incident, [REDACTED] was wearing his TCSO uniform, duty weapon (Smith and Wesson M&P 2.0 9mm) with three extra magazines, ASP baton and fox spray. [REDACTED] duty weapon magazines each had a 17-round capacity. [REDACTED] said he loaded each magazine with 16 rounds. [REDACTED] indicated he was wearing a ballistic vest with an outer carrier, which looked like a uniform shirt. [REDACTED] stated he was carrying his back-up pistol (Smith and Wesson air weight revolver). [REDACTED] did not have a body camera. [REDACTED] did not utilize any audio or video recording devices during this incident.

[REDACTED] was a training officer on this day for Deputy [REDACTED] [REDACTED]. [REDACTED] was a passenger in [REDACTED]'s vehicle. [REDACTED] stated [REDACTED]'s vehicle was a Ford SUV, black in color, with TCSO markings, lights and siren. [REDACTED] indicated he believed [REDACTED]'s vehicle had a shotgun and patrol rifle. The vehicle was not equipped with an in-car camera. [REDACTED] indicated

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the primary radio channel was the TCSO channel. The vehicle was equipped with a Mobile Data Terminal (MDT). ██████ did not use the MDT.

██████ and ██████ received a call for a protection order violation in Mineral City (5611 East Third Street, Mineral City, Ohio). ██████ stated the violation involved Everett Martin (Martin). Dispatch advised them that the caller believed Martin was sitting outside of the house in his vehicle. ██████ indicated ██████ is in Phase 3 of his training. Phase 3 required ██████ to handle everything while ██████ observed. ██████ indicated ██████ tried to obtain additional information about the vehicle, which ██████ stated he already knew.

██████ indicated he was familiar with Martin from dealing with him before. ██████ issued the protection order to Martin 9 days prior to this incident. ██████ asked Martin about some guns ██████ believed Martin had at Martin's residence (5611 East Third Street, Mineral City, Ohio). ██████ eventually confiscated the guns from Martin at Martin's residence after serving the protection order. ██████ stated he was with Deputy Mason Milburn (Milburn) when the guns were confiscated. Milburn assisted ██████ with checking the weapons. ██████ stated Martin was fine during the interaction. Martin's mother was on scene and was present when ██████ explained what the protection order meant. Martin was concerned about property he wanted from the residence. ██████ told Martin he did not have time for him to get everything Martin wanted, but ██████ advised him that as the process continued, he would have an opportunity to get his things. ██████ stated Martin did not appear to be suicidal during the interaction.

██████ stated they were close to the house (when the assignment was dispatched) and didn't have to use lights and siren to get to the location. Upon their arrival, ██████ observed Martin's blue pickup truck at the location. After ██████ parked, they got out and located Martin standing in the backyard. Martin was standing on the corner of the house with his hands in his pocket. ██████ asked Martin to take his hands out of his pockets. ██████ stated he heard Martin say, "This is my backyard and I am going to die here today." After ██████ heard what Martin said, he got on the radio and asked for another unit to assist them. ██████ stated Martin was "mother fucking Andy" ██████ and was very agitated. At some point, ██████ looked at ██████ which ██████ perceived as asking for assistance. ██████ engaged Martin in conversation. Martin told ██████ "This is my backyard and I am going to fucking die here today." ██████ asked Martin if he had any guns on him; to which, he replied, he didn't because you [the police] took all of his guns from him because of the protection order. ██████ asked how Martin planned on killing himself; to which, Martin stated he had a knife on him and was going to slit his throat with it. ██████ indicated Martin told him that he was not drinking but was smoking marijuana because it calmed him down. ██████ stated he saw Martin lighting what he believed was marijuana, while he was talking to him. ██████ attempted to reason with him by talking about how his mother

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would react to him killing himself or how his kids would react to him killing himself; to which, he 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 (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." It should be noted Digenova was the person the Protection Order was issued against Martin for. ██████ stated he continued to try and reason with Martin. ██████ believed the conversation (prior to the shooting) lasted approximately 25 minutes. ██████ believed Digenova was in the house during this time.

██████ was standing on the opposite side of a chain-linked fence that enclosed the yard. ██████ believed there was approximately eight yards in between them. ██████ stated the fence was between him and Martin. The rest of the fence was a privacy fence around the rest of the house. ██████ stated he was standing by the chain-link fence side, where he could see Martin. ██████ was trying to keep Martin calm and wait for back up. ██████ was concerned Martin would leave the area and he would lose sight of him. ██████ believed Martin had a knife, so he felt comfortable tactically by keeping the fence in between them.

At some point, Sergeant ██████ (██████) arrived on scene. ██████ could see other people arriving on scene as well. ██████ believed the other officers on scene at this point were Lieutenant ██████ (██████), Deputy ██████ (██████) and Deputy Megan Cox (Cox). At some point, Martin asked ██████ "Where did all the monkeys that jumped out of that van (██████'s vehicle) go?" ██████ told Martin they were in the front yard, and they were trying to get him to end the situation peacefully. ██████ stated, while this was going on, ██████ and Cox were trying to get over the fence. ██████ stated Martin began to walk away from him, which he believed was because he heard the other officers trying to get over the fence. ██████ stated he began moving closer to Martin. When Martin realized ██████ was moving towards him, he told him to "take two steps back," which ██████ did. ██████ stated ██████ had a less-lethal shotgun. ██████ stated all of the TCSO shotguns are less lethal, so he believed ██████ had to have someone with lethal cover with him. ██████ believed ██████ was with ██████ although he did not remember seeing ██████

██████ told Martin, "Hey bud, show me your hands." ██████ said Martin rolled his eyes and started walking towards the house. ██████ thought Martin was trying to go inside the house. ██████ stated ██████ fired the bean bag shotgun. ██████ stated he saw the wad from the shotgun after it was fired. ██████ stated the bean bag shotgun had no effect on Everett (Martin). As soon as the bean bag round was fired, Martin went into his pocket, pulled out a gun and put his back towards the door. ██████ yelled, "Gun, gun, gun!" ██████ stated he had his pistol out (at the high ready) at some point and ducked when he saw the gun. After ducking, ██████ asked Martin if he

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had a gun. [REDACTED] stated Martin (who had his back turned towards him) turned around and pointed the gun through the fence. Martin was in a crouched position near the door when he pointed the gun at him. [REDACTED] saw the flash from Martin's gun when Martin fired his weapon at him. [REDACTED] stated he was in a crouched position. After Martin shot at him, [REDACTED] stated there was a barrage of gunfire. As he heard gunshots, [REDACTED] pushed [REDACTED] towards the corner of the house because he was unsure if they were in a crossfire. [REDACTED] stated he was unsure who shot Martin at the time, but learned later [REDACTED] and [REDACTED] were the officers who fired their weapons. Once the gunshots stopped, [REDACTED] ran up (towards where Martin was) and saw Martin lying on the ground near the door and the pistol lying underneath him. [REDACTED] heard [REDACTED] yelling for Martin to show his hands, but [REDACTED] realized Martin was deceased and informed everyone. At this point, a squad was called to the scene.

[REDACTED] indicated the actions taken by TCSO deputies were consistent with their training.

[REDACTED] indicated no one asked him to lie or influence his statement.

The audio recording of this interview is attached to this report for review.

Attachment:

Sgt. [REDACTED] – Audio interview