



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



2023-1626
Officer Involved Critical Incident – 439 E Mulberry Street,
Lebanon, Ohio 45036 (L)

Investigative Activity: Search Warrant, Review of Records

Date of Activity: 07/07/2023

Author: SA David Hornyak, #112

Narrative:

On July 7, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent Dave Hornyak delivered a search warrant to the Miami Valley Hospital ordering the release of Dione Kellum's medical records related to his treatment directly following an Officer-Involved Critical Incident that occurred in Lebanon, Ohio, in June 2023.

On July 24, 2023, the medical records were received and reviewed.

Attachments:

- Attachment # 01: KELLUM – Med Records 1
- Attachment # 02: KELLUM – Med Records 2
- Attachment # 03: KELLUM – Med Records 3
- Attachment # 04: KELLUM – Med Records 4
- Attachment # 05: KELLUM – Med Records 5
- Attachment # 06: KELLUM – Med Records 6
- Attachment # 07: KELLUM – Med Records 7

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law – a statute, an administrative rule, or any rule of procedure.

Exhibit 1

OHIO BCI
David Hornyak
1560 STATE ROUTE 56 SW
LONDON, OH 43140-8623

000047

435 pgs

0435000047K00



ATTENTION
Confidential Information enclosed.
To be viewed by authorized persons only.

If you have questions regarding any information you have requested,
please call the phone number on the enclosed invoice.

This information has been disclosed to you from records that may be protected by federal confidentiality rules (42 CFR part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see 42 CFR § 2.31). The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at 42 CFR §§ 2.12(c)(5) and 2.65.

If the enclosed record pertains to HIV/AIDS, it has been disclosed to you from records whose confidentiality is protected by federal and, perhaps, state law, which prohibits you from making any further disclosure of such information without the specific consent of the person to whom such information pertains or as otherwise permitted by state law. A general authorization for this release of health or other information is not sufficient for this purpose.

This is confidential and privileged information. If it contains mental health information, it is for professional use only.



328592300

Ciox Health - PAYMENTS ONLY

P.O. Box 409822
Atlanta, GA 30384-9822
Fed Tax ID 58 - 2659941
1-800-367-1500

Date
07/14/2023
Request ID #
0423237438

Ship To:

David Hornyak
OHIO BCI
1560 STATE ROUTE 56 SW
LONDON, OH 43140-8623

Requested By: OHIO BCI
Patient Name: KELLUM DIONE

DOB : 11/13/1966

Records From:

MIAMI VALLEY HOSPITAL
1 WYOMING STREET
DAYTON, OH 45409

e 2574585
223033031

SEARCH WARRANT

In The Matter Of The Search Of:

6/23 IP

- Miami Valley Hospital; medical records for Dione E. KELLUM.

STATE OF OHIO, MONTGOMERY COUNTY: ss DAYTON MUNICIPAL COURT

To the Sheriff of Montgomery County, Ohio, and the Superintendent of the Ohio Bureau of Criminal Investigation - Greetings:

WHEREAS, there has been filed with me an affidavit for a search warrant, having been made under oath by Special Agent Dave Hornyak, a State of Ohio Peace Officer of the Ohio Bureau of Criminal Investigation, Badge #112, a copy of which is attached hereto and incorporated herein, these are, therefore, to command you in the name of the State of Ohio, to execute a search of:

Miami Valley Hospital, located at 1 Wyoming Street, Dayton, Ohio, 45409:

- Medical Records including lab toxicology reports for Dione E. KELLUM, Social Security Number: [REDACTED], Date of Birth: 11/13/1966, including those generated as a result of medical treatment initiating on June 18, 2023.

And that said items are concealed or maintained in violation or related to the investigation of Section(s) § 2903.11 Felonious Assault of the Ohio Revised Code.

I am satisfied that there is probable cause to believe that the property so described will be found at the premises described above and that the foregoing grounds for application for issuance of the search warrant exists.

You are further ordered to bring the same, or any part thereof, found on such search, forthwith before me, or some other Judge or Magistrate of the County having cognizance thereof, to be disposed of and dealt with according to law.

Given under my hand this 7th day of July 2023
(1:00) AM/PM. 

JUDGE
DAYTON MUNICIPAL COURT



David M. Hornyak II
SENIOR SPECIAL AGENT,
SPECIAL INVESTIGATIONS UNIT
BCI



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London, OH 43140
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Mobile: 614-657-4419
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www.OhioAttorneyGeneral.gov

Premier Health

Atrium Medical Center
 Good Samaritan Hospital (closed 7/23/18)
 Miami Valley Hospital
 Upper Valley Medical Center,

Affidavit of Custodian of Medical Records

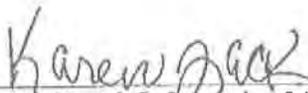
(Section 2317.422 ORC)

I certify that I am the duly authorized custodian of the medical record of Dione Eric Kellum and have the authority to certify these records and to state:

1. To the best of my knowledge, the copy of the medical record attached to this affidavit is a true copy of the records.
2. These records are prepared by the personnel of this hospital, its Medical Staff and/or persons acting under their control, in the ordinary course of hospital business at or near the times of the acts or events.
3. Variances may occur in subsequent copies of the electronic medical record due to spacing, font size changes, and additional print groups.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

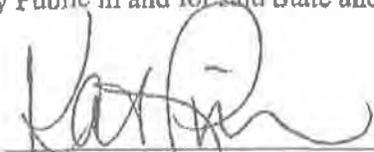
July 12, 2023
Date


Health Information Management

223-03-30-31
Medical Record Number

State of Ohio
County of Montgomery

Sworn to and subscribed before me, a Notary Public in and for said State and County on this 12th date of July, 2023.


Notary Public
My Commission expires:



Kathlene Finson
Notary Public, State of Ohio
My Commission Expires:
June 29, 2027



Atrium Medical Center
Health Information
Management Services
P.O. Box 8810
Middletown, OH 45042
(513) 974-5200

Miami Valley Hospital
Health Information
Management Services
One Wyoming St.
Dayton, OH 45409
(937) 208-3060

Upper Valley Medical Center
Health Information
Management Services
3130 N. County Rd., 25A
Troy, OH 45373
(937) 440-4650

Premier Health

Confidential Health Information Enclosed

Records Protected by State and Federal Law

If this information includes federal drug and alcohol records, as defined in 42 CFR Part 2, this information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client. Any person who violates this law may be prosecuted under federal law.

To the extent that this information includes HIV test results or diagnoses, such information has been disclosed to you from confidential records protected from disclosure by Ohio State law. You shall make no further disclosure of such information without the specific, written, and informed release of the individual to whom it pertains or as otherwise permitted by State law. A general authorization for the release of medical or other information is not sufficient for the purpose of the release of HIV test results or diagnoses. See Ohio Revised Code Section 3701.243(e).

To be viewed by authorized person only.

