



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



2023-3223
Officer Involved Critical Incident - 807 Alan Page Dr SE,
Canton, OH 44707

Investigative Activity: Search Warrant Verizon-Orbic cellular telephone
Activity Date: 1/22/2024
Activity Location: Summit County Court of Common Pleas
Authoring Agent: SA Jon Lieber #50

Narrative:

Search Warrant Obtained

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber (Lieber) drafted a search warrant for a Verizon-Orbic cellular telephone, black in color, possibly with SIM card, BCI crime scene item #5 relative to the officer-involved critical incident which occurred on December 5, 2023.

On Monday, January 22, 2024, SA Lieber met with Summit County Court of Common Pleas Judge Kelly McLaughlin (Judge McLaughlin). Judge McLaughlin reviewed the search warrant and search warrant affidavit. On January 22, 2024 at approximately 1231 hours, Judge McLaughlin signed / authorized the search warrant.

Search Warrant Executed

On Monday, January 22, 2024, at approximately 1428 hours, SA Lieber executed / served the aforementioned search warrant by submitting the cell phone to the BCI Richfield Cyber Crimes Section.

During the search, the following items of potential evidence were seized:

See attached inventory.

An inventory of the items seized was prepared with a copy provided to the Summit County Court of Common Pleas.

Search Warrant Returned

On Thursday, February 15, 2024, SA Lieber met with Judge Kelly McLaughlin. Judge McLaughlin reviewed and signed the search warrant return. On February 15, 2024, SA Lieber filed the original search warrant, search warrant affidavit, inventory, and search warrant return with the Summit County Clerk of Courts.

A copy of the search warrant documents, and search inventory are attached to this investigative report.

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.

STATE OF OHIO)

COURT OF COMMON PLEAS

COUNTY OF SUMMIT)

TAVIA GALONSKI) SS:

SEARCH WARRANT

2024 FEB 15 AM 11:00

CM 24-02-0057

TO: OHIO ATTORNEY GENERAL DAVE YOST, SPECIAL AGENT JON LIEBER #50, AND ANY BCI AGENTS, OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, AND ANY OFFICERS AS AUTHORIZED.

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, and incorporated herein, wherein the Affiant avers that he has probable cause to believe, and does believe, that evidence of violations of Ohio Revised Code: 2903.22 Menacing; 2903.11 Felonious Assault; 2923.12 Carrying Concealed Weapons, will be found within the item listed below:

- 1) Verizon Orbic cellular telephone, black in color, possibly with SIM card, BCI crime scene evidence item #5
- 2) Photographs of the phone are shown below:



There is known to be kept, concealed, and possessed the following:

- Data including emails, notes, photographs, images, video recordings, audio recordings, contacts, incoming/outgoing/missed calls, text messages, and social media correspondence. This data could also include location and global positional system (GPS) history.
- Any and all electronic data contained in the device's memory, or call history of the cell phone, to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages, images, voice memos, photographs, videos, audio recordings, personal settings and preferences established on the device such as but not limited to, internet favorites, email processing such as forwarding addresses, internet cache settings, calendars, notes and note taking, other preferences such as but not limited to, speed dialing assignments, voice

dialing assignments, ring tone assignments, internet sites, internet access, Wi-Fi information, documents or other information, contained in the devices' cellular phone internal, external, or removable memory devices, which may include SIM cards and micro SD cards.

- Any and all data contained on the devices cell phones or other storage devices which includes previously erased data that may be located may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.
- Said search may include production and examination of a duplicate memory card image, and/or the device cell phone image, or analysis files, which contain all the data on the reference devices cell phones and or storage media, said duplicates, files and data becoming the sole property of the Ohio Attorney General's Office, Bureau of Criminal Investigation or other law enforcement agency with jurisdiction or property authority in this matter.
- The law enforcement agency to which this warrant is issued is authorized to seize the above-described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

And any and all evidence of the offenses of Ohio Revised Code: 2903.22 Menacing; 2903.11 Felonious Assault; 2923.12 Carrying Concealed Weapons

I am satisfied that there is probable cause to believe that the above-described items are within the above-described premises, and that grounds for issuance of this search warrant exist.

THEREFORE: You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search the above-described items, forthwith for the property specified, with the necessary assistance, making a bit by bit, also known mirror images, mirror image copies thereof with any qualified and necessary assistance, and that once said mirror images are made, that affiant and/or other investigation officer/agents are authorized to search said mirror images for the above described information. The Court makes a further order for good cause shown that the three (3) day rule for execution of the said warrant is extended, to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement. If any of the above-described property or any part thereof be found there, you are commanded to seize it, prepare a written inventory of the property seized, return this warrant to the undersigned or any Judge of the Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given my hand this 22nd day of January, 2023 at 12:31 o'clock P.M.



Judge Kelly McLaughlin

Court of Common Pleas

I certify this to be a true copy of the original
Tavia Galorski, Clerk of Courts.



Deputy Clerk

STATE OF OHIO

TAVIA GALONSKI

COURT OF COMMON PLEAS

COUNTY OF SUMMIT

) SS:
)

AFFIDAVIT FOR SEARCH WARRANT

2024 FEB 15 AM 11:00

CM 24-02-0057

SUMMIT COUNTY CLERK OF COURTS AFFIDAVIT

Before me a Judge of the Court of Common Pleas, personally appeared the undersigned, Special Agent Jon Lieber #50, who being first duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation, Major Crimes Division, Special Investigations Unit, and is acting under a request for assistance from the Canton Police Department, and that his training and experience include the following:

Your Affiant, Jon Lieber, is a Special Agent with Bureau of Criminal Investigation. SA Lieber has been a law enforcement officer in the State of Ohio since 2002. The Affiant has successfully completed the Ohio Peace Officer Basic Training Academy where an intensive program of training was conducted regarding criminal investigations, interrogation techniques, crime scene investigations, as well as investigations of violations of other criminal laws in the Ohio Revised Code (ORC). Affiant has been trained and certified by the Ohio Peace Officer Training Academy (OPOTA). Affiant holds a Bachelor's Degree and Juris Doctor Degree. Affiant is an attorney licensed to practice law in the State of Ohio. Additionally, affiant has received in excess of 1,000 hours of training composed of topics such as criminal investigations, interviewing and interrogating suspects, instructor development, and general law enforcement operations.

Affiant states that he has probable cause to believe and does believe, that evidence of violations of Ohio Revised Code: 2903.22 Menacing; 2903.11 Felonious Assault; 2923.12 Carrying Concealed Weapons, will be found within the item listed below, more particularly described as:

- 1) Verizon Orbic cellular telephone, black in color, possibly with SIM card, BCI crime scene evidence item #5
- 2) Photographs of the phone are shown below:



There is known to be kept, concealed, and possessed the following:

- Data including emails, notes, photographs, images, video recordings, audio recordings, contacts, incoming/outgoing/missed calls, text messages, and social media correspondence. This data could also include location and global positional system (GPS) history.
- Any and all electronic data contained in the device's memory, or call history of the cell phone, to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages, images, voice memos, photographs, videos, audio recordings, personal settings and preferences established on the device such as but not limited to, internet favorites, email processing such as forwarding addresses, internet cache settings, calendars, notes and note taking, other preferences such as but not limited to, speed dialing assignments, voice dialing assignments, ring tone assignments, internet sites, internet access, Wi-Fi information, documents or other information, contained in the devices' cellular phone internal, external, or removable memory devices, which may include SIM cards and micro SD cards.
- Any and all data contained on the devices cell phones or other storage devices which includes previously erased data that may be located may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.
- Said search may include production and examination of a duplicate memory card image, and/or the device cell phone image, or analysis files, which contain all the data on the reference devices cell phones and or storage media, said duplicates, files and data becoming the sole property of the Ohio Attorney General's Office, Bureau of Criminal Investigation or other law enforcement agency with jurisdiction or property authority in this matter.
- The law enforcement agency to which this warrant is issued is authorized to seize the above described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

And any and all evidence of the offenses of Ohio Revised Code: 2903.22 Menacing; 2903.11 Felonious Assault; 2923.12 Carrying Concealed Weapons

Execution of this warrant will be during the daytime season.

The facts upon which affiant bases such beliefs are as follows:

- 1) On December 5, 2023, Canton Police Department (CPD) Officer (Ofc.) Garrett Marino (Marino) was working a part-time security job at the Skyline Terrance Apartments. At around 2200 hours, Marino advised his dispatch that he was working at the apartment and will be in cruiser #73.
- 2) Upon turning into the apartment complex on Alan Page Drive, Marino noticed a group of people near a vehicle parked in a parking lot. Marino said that he thought this was unusual due to it being approximately 10PM, cold outside (low 30's), and drizzling. Marino looked over and proceeded down the road. Marino then turned around at the end of Alan Page Drive and drove back the way he had come. Marino was then waved down by a white male subject with a beard. As Marino turned into the parking lot, he observed another male subject who was wearing a blue jacket abruptly turn and begin walking along the south side of one of the apartment buildings. At

this time, Marino noticed the male subject had his right hand in his jacket pocket and his left arm was swinging freely as he was walking.


- 3) Marino said that the male that originally flagged him down told him "That dude just cocked a gun at my wife." Marino confirmed with the male that the guy walking away was the subject in question. Marino then called out on the radio that "I had a person with a weapon."
- 4) Marino then drove to the northwest corner of the building, which he believed was 901, onto the sidewalk and grass. As Marino was driving around the building, he observed the subject wearing the blue jacket in a "sprint" running towards building 807. As Marino was in pursuit, he rounded the southeast corner of the building and observed the subject opening the door of the apartment and he advised dispatch that the male subject had just ran into building 807.
- 5) According to Marino, he observed the subject running down some steps, looking back at him as he was exiting his cruiser. Marino got back into his cruiser, drove around the building through the grass to where he believed the subject would be exiting the building.
- 6) As Marion was driving, he observed the subject running into a parking lot between buildings 807 and 901, "He still had his hand in his jacket pocket and his left arm was still swinging freely." At this time, both Marino and the subject entered a wet grassy area. Marino watched the subject slip and fall to the ground. While the subject fell Marino noticed that the subject put his left hand out but kept his right hand in his jacket pocket. During this chase, Marino's cruiser hit something. He later learned that it was a boulder in the grass. When this happened, the subject the got up and started running back to the way he came.
- 7) Marino exited his vehicle, drew his weapon, and turned on his weapon light. He observed the subject running southwest through the parking lot toward the corner of the building. Marino started yelling out commands to get on the ground "I think I warned him that uh he may be shot." As Marino continued pursuing the subject on foot, he rounded the corner of the building and observed the subject slowing down and walking away from him.
- 8) According to Marino, "I gave uh more commands, um something to the effect of, show me your hands or get on the ground." Marino continued to give verbal commands while he oriented his gun on the subject. Marino said that the subject turned around facing him still with his hand in his jacket pocket. Marino said that this caught him off guard. Marino continued to give verbal commands. The subject then turned away from Marino. At this time Marino stated "As he was turning away from me, I uh remember seeing the baseplate of a magazine uh inside his right jacket pocket as he was turning away. And I knew for a fact that he had the gun in his jacket pocket."
- 9) Marino continued to follow the subject as he was walking in a southwest direction through the parking lot and a grassy area. Marino continued giving commands. The subject then abruptly turned over his left shoulder. "I believed at that time that he was turning to shoot at me to uh be successful in getting away essentially." As the subject was turning, Marino fired at the subject. Marino stated that "I fired at him until he no longer appeared to be uh turning back to shoot at me. And then I then called out on the radio uh that shots had been fired. Uh I changed my position on him so that I wouldn't have been in the last spot where he had saw me at in case he

was still able to uh shoot me with that gun, and then began calling out uh to him to pull his hands out of his jacket, and not bring out the gun with it basically, not to bring out the gun with his hand. Um, I called for medics and then the first officer on scene was Loparo.”


- 10) While Ofc. Loparo was coming to help out, the subject was able to pull his hand out from his jacket. Marino said “and when he did that, I saw there was the gun um like kinda came out with it, but not, he didn’t have it in his hand uh when he was pulling his hand out.” Loparo then went and retrieved the gun from the jacket pocket. Approximately four or five additional officers arrived and began rendering aid to the subject and securing the area.
- 11) Ultimately, Zachary Fornash died as a result of the injuries he sustained.
- 12) A cellular telephone was located in the parking lot not far from where the shooting incident took place. The cellular telephone is identified as a Verizon, Orbic cellular telephone, black in color, BCI Crime Scene item #5. It is believed that this cellular telephone belongs to Zachary Fornash.
- 13) Based on your Affiant’s training and experience, people use cellular phones to communicate through phone calls, text messages, chat and instant message features, video and audio recordings, emails, social media, and other electronic means. During criminal incidents and mental health incidents, people often use their cellular phones to communicate or record portions of the event. People also utilize their cellular phones days, weeks, and months in advance to communicate to others their mental health status, potential suicidal threats, and possibly their criminal behavior. Examination of the cellular phone could provide additional details about criminal activity and about any mental health and physical health situations involving Zachary Fornash.

Your Affiant avers to that on the above, he has probable cause to believe, and does believe that additional evidence of the offenses of Ohio Revised Code: 2903.22 Menacing; 2903.11 Felonious Assault; 2923.12 Carrying Concealed Weapons, will be found within the above-described item, and that it is therefore necessary to search the items and recover said evidence.

FURTHER AFFIANT SAYETH NAUGHT.


AFFIANT, Special Agent Jon Lieber #50
Ohio Bureau of Criminal Investigation

Sworn to before me and subscribed in my presence this 22nd day of January, 2023.


Judge Kelly McLaughlin
Court of Common Pleas
Summit County, Ohio

I certify this to be a true copy of the original
Tavia Galonski, Clerk of Courts.

Deputy Clerk

STATE OF OHIO

) COURT OF COMMON PLEAS

COUNTY OF SUMMIT

TAVIA GALONSKI

) SS:

) SEARCH WARRANT RETURN

2024 FEB 15 AM 11:00

CASE NUMBER: CM 24-02-0057

SUMMIT COUNTY
CLERK OF COURTS

IN THE MATTER OF SEARCH OF:

TO: Judge Kelly McLaughlin of the Common Pleas Court, Summit County, Ohio.

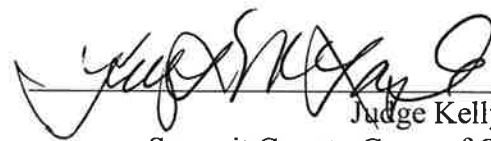
- 1) Verizon Orbic cellular telephone, black in color, possibly with SIM card, BCI crime scene evidence item #5

On January 22, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber received this warrant and on January 22, 2023, BCI SA Lieber served a copy of the warrant and executed the search on the Verizon Orbic cellular telephone at the BCI office located at 4055 Highlander Parkway, Richfield, Summit County, OH 44286. As a result of the search, agents did receive the following item of evidence as listed on the attached inventory report.

S/A J.L. #50

Jon Lieber, Special Agent
Ohio Attorney General's Office
Bureau of Criminal Investigation

The warrant, affidavit, and inventory was returned to the Court on this 15th day of February, 2024.



Judge Kelly McLaughlin
Summit County Court of Common Pleas

I certify this to be a true copy of the original
Tavia Galonski, Clerk of Courts.

WUW Deputy Clerk



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



2023-3223

Officer Involved Critical Incident – Unknown, Zachary James
Fornash, Garrett Marino (S)

CM 24-02-0057

Investigative Activity: Cell Phone Analysis and Review
Involves: Zachary James Fornash (S)
Date of Activity: 01/28/2024
Author: Natasha Branam

SUMMIT COUNTY
CLERK OF COURTS
2024 FEB 15 AM 11:00
TANIA GALONSKI

Summary:

On January 22, 2024, Special Agent Jon Lieber of the Ohio Bureau of Criminal Investigation received a warrant to search the contents of the below listed item. This item was to be analyzed for evidence relating to the crimes of Menacing, Felonious Assault, and Carrying Concealed Weapons regarding the subject Zachary Fornash.

Submitted Items:

005 – Mobile Phone – Orbic Joy – RC608L

Details:

Item 5: Item 5 is an Orbic manufactured mobile phone model RC608L (Joy). The International Mobile Equipment Identity (IMEI) number associated with Item 5 is 350529110410739 and the serial number is 8654c9ba. Item 5 has an advertised internal storage capacity of 32 Gigabytes (GB) and is capable of additional storage through the use of a micro Secure Digital (SD) card. No additional storage was submitted with Item 5. Item 5 was placed into airplane mode to suspend wireless communications. Item 5 is locked with an unknown passcode. The device was connected to a forensic tool capable of determining the passcode on the device. The passcode for the device is 1379. The device was connected to a forensic tool capable of obtaining a file system extraction from the device. The extraction was then loaded into Cellebrite Physical Analyzer, a software package that converts the data to an easily readable format.

Item 5a: Item 5a is a Verizon branded Subscriber Identity Module (SIM) card bearing the Integrated Circuit Card Identifier (ICCID) 8914800009618474219.

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.

Findings:

Item 5: The passcode recovered for Item 5 is 1379. The Google accounts associated with Item 5 are zforash828@gmail.com, forashzach101@gmail.com, and zachforash15@gmail.com. Attachment A contains one (1) Cellebrite UFDR file. In order to view the content of the UFDR file double-click the CellebriteReader.exe and the UFDR will auto populate. Once the Cellebrite Reader is open the content can be examined and any additional reports can be generated. It is necessary to note that Item 5 has a last recorded factory data reset time of November 5, 2023 4:40 PM.

Item 5a: The phone number associated with Item 5a is 330-418-9152.

Conclusion:

Attachment A can be found upon the thumbdrive (provided by the agency), provided for further review by the case investigator.

A copy of the Attachments will be maintained in the case file.