



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



2021-1431

Officer Involved Critical Incident - 5714 South Park Boulevard, Parma,
OH 44134

Investigative Activity: Firearms Laboratory Report Review

Activity Date: December 1, 2021

Activity Location: Ohio BCI Richfield

Authoring Agent: SA Jared Prill #137

On June 16 & 17, 2021, Special Agent (SA) Justin Soroka (Soroka) and SA Andrew Harasimchuk (Harasimchuk) submitted 17 items to the Ohio Bureau of Criminal Investigation's (BCI) Crime Lab for analysis from the firearms division. These items included the following:

1. Envelope containing cartridge case
-One (1) fired 223 Remington cartridge case.
2. Envelope containing cartridge case
-One (1) fired 223 Remington cartridge case.
3. Envelope containing cartridge case
-One (1) fired 45 Auto cartridge case.
4. Envelope containing bullet from living room floor
-One (1) fired bullet jacket fragment.
5. Envelope containing bullet from hallway
-One (1) fired bullet jacket fragment.
6. Envelope containing bullet from bathroom floor behind door
-One (1) fired bullet.
7. One box containing firearm, Serial #MV33474P, with shotshells and chamber and tube
-One (1) Maverick 12 gauge pump-action shotgun, model 88, serial number MV33474P, and nine (9) unfired shotshells.
8. One box containing firearm, Serial #ARB25592, with cartridges from chamber and magazine with cartridges
-One (1) Bushmaster 223 Remington / 5.56x45mm semi-automatic rifle, model XM15-E2S, serial number ARB25592, one (1) magazine and thirty-eight (38) 5.56x45mm cartridges.
9. One box containing firearm, Serial #8D29457, with cartridge cases from cylinder
-One (1) Smith & Wesson 38 Special double action revolver, model 10-8, serial number 8D29457, and six (6) fired 38 Special cartridge cases.
10. One box containing firearm, Serial #302-14557, with cartridge from chamber and magazine with cartridges
-One (1) Ruger 9mm Luger semi-automatic pistol, model P85, serial number 302-14557,

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- one (1) magazine and eleven (11) 9mm Luger cartridges.*
11. One box containing firearm, Serial #L20633, with cartridges and cartridge case from cylinder
-One (1) Heritage 22 Magnum single action revolver, model Rough Rider, serial number L20633, one (1) fired 22 Magnum cartridge case and five (5) 22 Magnum cartridges.
 12. Envelope containing bullet from bathroom floor near toilet
-One (1) fired bullet.
 13. One box containing firearm, Serial #17717272
-One (1) Ruger 357 Magnum double action revolver, model GP100, serial number 177-17272.
 14. Envelope containing bullet fragments from OH/HPE 6071
-Three (3) lead fragments.
 15. One box containing firearm, Serial # [REDACTED] with cartridge from chamber and magazine with cartridges. (Belonging to Officer [REDACTED])
-One (1) PWS multi-caliber (223 Remington / 5.56x45mm) semi-automatic rifle, model MK I, serial number [REDACTED] one (1) magazine and twenty-six (26) 223 Remington cartridges.
 16. One box containing firearm, Serial # [REDACTED] with cartridge from chamber and magazine with cartridges. (Belonging to Officer [REDACTED])
-One (1) PWS multi-caliber (223 Remington / 5.56x45mm) semi-automatic rifle, model MK I, serial number [REDACTED] one (1) magazine and twenty-seven (27) 223 Remington / 5.56x45mm cartridges.
 17. One box containing firearm, Serial # [REDACTED] with cartridge from chamber and magazine with cartridges - **serial number found to be [REDACTED]** (Belonging to Officer [REDACTED])
-One (1) Heckler & Koch 45 Auto semi-automatic pistol, model USP, serial number [REDACTED] one (1) magazine and twelve (12) 45 Auto cartridges.



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18. Envelope containing cartridge case (Scene #2, Item #1)
-One (1) fired 223 Remington cartridge case.
19. Envelope containing cartridge case (Scene #2, Item #2)
-One (1) fired 223 Remington cartridge case.

These items were recovered as evidence related to an officer-involved shooting that occurred on June 14, 2021, between the Southeast Enforcement Bureau (SEB) and Kevin Giesel at his residence of 5714 South Park Boulevard in the city of Parma, Ohio.

The 19 items were examined by forensic scientist Jonathan Gardner (Gardner), starting on October 19, 2021, under BCI's laboratory case #21-36006 and received by SA Prill on November 1, 2021. A review of forensic scientist Gardner's findings revealed the following information related to the ownership/relationship of the discharged weapons and their fired cartridges:

Firearm evidence related to Kevin Giesel:

Item #13 - Ruger 357 magnum revolver (Serial #177-17272) 357. Found underneath the body of Kevin Giesel during the execution of a search warrant at 5714 South Park Boulevard after the shooting with law enforcement. This revolver was found during the examination to be operable. It is further known that this firearm had six empty cartridges inside the cylinder when collected by SA Soroka (Soroka).

Item #9 - Smith and Wesson 38 special revolver (Serial #8D29457). This firearm was found by SA Soroka on the bed of Kevin Giesel. This firearm was found with six Hornady 38 special cartridge cases in the cylinder and determine by forensic scientist Gardner to be operable.

Item #10 - Ruger 9mm semi-automatic pistol (Serial #302-14557). This pistol was discovered by SA Soroka in the kitchen sink of 5714 South Park Boulevard. This pistol was found to have a round in the chamber at the time of discovery and eleven 9mm rounds in the seated magazine. This pistol was determined to be operable by the forensic scientist.

Item #7 - Maverick 12 gauge pump-action shotgun (Serial #MV33474P). This shotgun was found by SA Soroka in the master bedroom of 5714 South Park Boulevard. Next to this firearm were fired shotgun shells. Upon being discovered, SA Soroka documented a live round was

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started into the chamber but not fully seated. This shell and eight additional shells were removed from the shotgun, and the nine total rounds were submitted to firearms. The forensic scientist determined this firearm to be operable.

Item #11 - Heritage 22 Magnum single action revolver (Serial #L20633) with one fired .22 magnum cartridge case inside the cylinder and five live rounds. This firearm was discovered by SA Soroka in an open gun safe in the master bedroom of 5714 South Park Boulevard and determined by forensic scientist Gardner to be operable.

Item #8 - Bushmaster multi-caliber (223 Remington & 5.56X45mm) semi-automatic rifle with a magazine loaded with 38 rounds of 5.56X45 mm cartridges and one in the chamber. This rifle was found on the bed in the master bedroom of 5714 South Park Boulevard by SA Soroka. Forensic scientist Gardner determined to be operable, however, Gardner noted it was missing components.

Firearm items connected to Officer [REDACTED]

Item #16 - PWS multi-caliber (223 Remington / 5.56X45mm) semi-automatic rifle (Serial # [REDACTED]). This firearm was found to be operable and connected to items #18 & 19; the 223 Remington cartridge cases discovered by SA Harasimchuk inside the armored personnel carrier.

Firearm items connected to Officer [REDACTED]

Item #17 - Heckler & Koch USP 45 auto semiautomatic (Serial # [REDACTED]). This firearm was found to be operable and connected to the shell casing identified as item #3; a Federal 45 Auto cartridge case collected on the sidewalk outside of 5714 South Park Boulevard. This was the only 45 auto cartridge recovered from the scene.

Item #6 - 45 auto jacketed hollow-point bullet was recovered by SA Soroka during his search of the residence. This round exhibited six-sided polygonal rifling with a right twist direction and heavy abrasion damage. It is known that Officer [REDACTED] fired the only 45 caliber weapon associated with the scene.



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Firearm items connected to Officer [REDACTED]

Item #15 - PWS multi-caliber (223 Remington / 5.56X45mm) semi-automatic rifle (Serial # [REDACTED]). This rifle was found operable and connected to items #1 & 2; the 223 Remington cartridge casings collected by SA Soroka on the sidewalk and tree lawn of 5714 South Park Boulevard.

Non-Tested or Inconclusive Items:

Items #4, #5 and #14 were collected copper jackets and lead fragments.

Items #9 & #11 - Fired cartridge cases from the revolvers.

Item #12 - Bullet, recovered from the bathroom of the residence at 5714 South Park, was excluded from being connected to item #16, the rifle of Ofc. [REDACTED] and inconclusive as being connected to item #15, the rifle belonging to Ofc. [REDACTED]. These were the only two weapons known to fire 223 Remington rounds during the shooting.



DAVE YOST

OHIO ATTORNEY GENERAL

Bureau of Criminal Investigation

**Laboratory Report
Firearms**

To: Ohio Attorney General's Office BCI Laboratory Number: 21-36006
 SA Jared Prill
 30 E. Broad Street Analysis Date: Issue Date:
 Columbus, OH 43215 October 19, 2021 October 26, 2021

Agency Case Number: 2021-1431
 BCI Agent: Justin Soroka

Offense: Shooting Involving an Officer
 Subject(s):
 Victim(s):

Submitted on June 16, 2021 by S/A Justin Soroka:

1. Envelope containing cartridge case
-One (1) fired 223 Remington cartridge case.
2. Envelope containing cartridge case
-One (1) fired 223 Remington cartridge case.
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-One (1) fired 45 Auto cartridge case.
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7. One box containing firearm Serial #MV33474P with shotshells and chamber and tube
-One (1) Maverick 12 gauge pump-action shotgun, model 88, serial number MV33474P,
and nine (9) unfired shotshells.
8. One box containing firearm Serial ARB25592 with cartridges from chamber and magazine
with cartridges
-One (1) Bushmaster 223 Remington / 5.56x45mm semi-automatic rifle, model XM15-E2S,
serial number ARB25592, one (1) magazine and thirty-eight (38) 5.56x45mm cartridges.

Please address inquiries to the office indicated, using the BCI case number.

BCI -Bowling Green Office
 750 North College Drive
 Bowling Green, OH 43402
 Phone:(419)353-5603

BCI -London Office
 1560 St Rt 56 SW P.O. Box 365
 London, OH 43140
 Phone:(740)845-2000

BCI -Richfield Office
 4055 Highlander Pkwy. Suite A
 Richfield, OH 44286
 Phone:(330)659-4600

- 9. One box containing firearm, Serial # 8D29457, with cartridge cases from cylinder
-One (1) Smith & Wesson 38 Special double action revolver, model 10-8, serial number 8D29457, and six (6) fired 38 Special cartridge cases.
- 10. One box containing firearm Serial # 302-14557, with cartridge from chamber and magazine with cartridges
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-One (1) Heckler & Koch 45 Auto semi-automatic pistol, model USP, serial number [REDACTED] one (1) magazine and twelve (12) 45 Auto cartridges.

Submitted on June 17, 2021 by S/A Andrew Harasimchuk:

- 18. Envelope containing cartridge case (Scene #2, Item #1)
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- 19. Envelope containing cartridge case (Scene #2, Item #2)
-One (1) fired 223 Remington cartridge case.

Findings

Item Description	Comparison	Conclusion
Item #7: Maverick shotgun	N/A	Operable
Item #8: Bushmaster rifle	N/A	Operable^

Item Description	Comparison	Conclusion
Item #9: Smith & Wesson revolver	N/A	Operable
Item #10: Ruger pistol	N/A	Operable
Item #11: Heritage revolver	N/A	Operable
Item #13: Ruger revolver	N/A	Operable
Item #15: PWS rifle (SN# [REDACTED])	N/A	Operable
	Items #1 & 2: Each cont. one (1) fired 223 Remington cartridge case	Source Identification
	Item #12: One (1) fired bullet	Inconclusive*
Item #16: PWS rifle (SN# [REDACTED])	N/A	Operable
	Items #18 & 19: Each cont. one (1) fired 223 Remington cartridge case	Source Identification
	Item #12: One (1) fired bullet	Source Exclusion
Item #17: H & K pistol	N/A	Operable
	Item #3: One (1) fired 45 Auto cartridge case	Source Identification
	Item #6: One (1) fired bullet	Inconclusive*

^ Test fired with primer-only cartridge cases (bullets pulled, gunpowder removed)

*Similar class characteristics but insufficient corresponding individual characteristics to identify or exclude.

Remarks

Two (2) submitted shotshells were used for testing Item #7. Two (2) submitted cartridges were used for testing Item #8. Two (2) BCI-supplied cartridges were used for testing each of Items #9 – 11 and 13. Four (4) submitted cartridges were used to test each of Items #15 – 17.

Item #8, the Bushmaster rifle, was observed to be missing the following parts from the lower receiver: buffer, buffer tube, buffer retainer, buffer retainer spring, butt stock, castle nut, end plate, takedown pin detent and takedown pin spring. As a result of its' condition, Item #8 was test fired for operability purposes with primer-only cartridge cases for safety purposes.

A test fired cartridge case from Item #10 has been entered and searched in the NIBIN database. If investigative information becomes available, your agency will be notified.

Test fired specimens from revolvers, pump action shotguns or law enforcement duty weapons are not entered into the NIBIN database.

Item #6 was examined and determined to be a 45 Auto caliber jacketed hollow point bullet, exhibiting six-sided polygonal rifling with a right direction of twist. Heavy abrasion damage was observed.

Item #12 was examined and determined to be a 223 Remington / 5.56x45mm caliber bullet, exhibiting six (6) land and groove impressions with a right direction of twist. Three (3) of the six (6) land impressions were obscured with damage.

No pertinent findings were made with respect to the cartridges from Items #10 and 11.

The fired cartridge cases from Items #9 and 11, as well as the copper jacket / lead fragments from Items #4, 5 and 14 were not examined.

Analytical Detail

Analytical findings offered above were determined using visual and microscopic examinations / comparisons.



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Forensic Scientist
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Based on scientific analyses performed, this report contains opinions and interpretations by the analyst whose signature appears above. Examination documentation and any demonstrative data supporting laboratory conclusions are maintained by BCI and will be made available for review upon request.

Your feedback is important to us! Please complete our Laboratory Satisfaction Survey at: <https://www.surveymonkey.com/r/Q9VOHL5>

Comparison Conclusion Scale

The following lists the conclusions a Forensic Scientist may reach when performing comparisons. In reaching a conclusion, a Forensic Scientist considers the similarities and dissimilarities and assesses the relative support of the observations under the following two propositions: the evidence originated from the same source or from a different source.

A Forensic Scientist may utilize their knowledge, training, and experience to evaluate how much support the observed similarities or dissimilarities provide for one conclusion over another. A conclusion shall not be communicated with absolute certainty. It is an interpretation of observations made by the Forensic Scientists and shall be expressed as an expert opinion.

1	Source Identification	The observations provide extremely strong support for the proposition that the evidence originated from the same source and the likelihood for the proposition that the evidence arose from a different source is so remote as to be considered a practical impossibility.
2	Support for Same Source	The observations provide more support for the proposition that the evidence originated from the same source rather than different sources; however, there is insufficient support for a Source Identification. The degree of support may range from limited to strong or similar descriptors of the degree of support. Any use of this conclusion shall include a statement of the factor(s) limiting a stronger conclusion.
3	Inconclusive	The observations do not provide a sufficient degree of support for one proposition over the other. Any use of this conclusion shall include a statement of the factor(s) limiting a stronger conclusion.
4	Support for Different Source	The observations provide more support for the proposition that the evidence originated from different sources rather than the same source; however, there is insufficient support for a Source Exclusion. The degree of support may range from limited to strong or similar descriptors of the degree of support. Any use of this conclusion shall include a statement of the factor(s) limiting a stronger conclusion.
5	Source Exclusion	The observations provide extremely strong support for the proposition that the evidence originated from a different source and the likelihood for the proposition that the evidence arose from the same source is so remote as to be considered a practical impossibility; or the evidence exhibits fundamentally different characteristics

We invite you to direct your questions to:
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