



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

To: Kyle L. Stone, Stark County Prosecutor
Cc: Charles Moran, Special Agent Supervisor, Ohio BCI
From: Jon Lieber, Special Agent, Ohio BCI
Date: June 15, 2024
Involves: Zachary Fornash
Case Title: Officer-Involved Critical Incident - 807 Alan Page Drive SE, Canton,
Ohio, 44707
BCI Case Numbers: Investigations: 2023-3223
BCI Laboratory: 24-30543

Investigative Request

On Tuesday, December 05, 2023, Chief John Gabbard of the Canton Police Department (CPD) requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved shooting incident. The incident reportedly occurred on December 5, 2023 in the area of 807 Alan Page Drive SE, Canton, Ohio and resulted in the death of Zachary Fornash (Fornash).

Preface:

This report serves as a synopsis of the investigation into the December 5, 2023 officer-involved shooting in Stark County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

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Incident Summary/Overview

Zachary Fornash had been living with [REDACTED] ([REDACTED]) at the [REDACTED] [REDACTED] located at [REDACTED] Canton, Ohio 44707. [REDACTED] stated that she has been married to [REDACTED] [REDACTED] for three (3) years and this relationship has produced two (2) children. She and [REDACTED] have been separated since February of 2023 and living in separate residences.

[REDACTED] stated that she first met Zachary Fornash through her husband [REDACTED], and after the separation with [REDACTED] she provided a place for Fornash to stay as he was estranged from his wife also. Shortly after Fornash moved in, their relationship became sexual.

On Tuesday, December 5, 2023, [REDACTED] stated that she and Fornash were having a normal relationship day in which they would text and call each other throughout the day. As the day progressed, Fornash stopped calling [REDACTED] and after a few hours, the two reconnected and began to argue. During the argument, Fornash demanded to return to [REDACTED]'s apartment to retrieve his belongings. [REDACTED] stated that she advised Fornash that she had taken the laundry to her mother's home and she would need some time to go retrieve and sort what was his. According to [REDACTED] Fornash continued to be defiant and stated that he was coming over to get his things.

As [REDACTED] had been on the telephone with [REDACTED] earlier in the day, she called and advised him of the situation with Fornash and his persistent request. [REDACTED] asked [REDACTED] to come to the apartment as she didn't want any trouble with Fornash.

[REDACTED] stated that as [REDACTED] arrived at the apartment, she was outside to meet him when they observed Fornash coming across the lawn towards [REDACTED]'s vehicle. Once Fornash approached, he continued to demand his belongings and eventually brandished what [REDACTED] described as a black 9mm style gun and "cocked" (cycled) the slide. As [REDACTED] engaged Fornash in questions about the weapon, [REDACTED] began "laying on the horn." which attracted the attention of the Canton Police officer who was working a security detail at the apartment complex.

CPD Officer (Ofc.) Garrett Marino (Marino) stated that at around 2200 hours, he advised dispatch that he was working at the [REDACTED] apartment complex and will be in cruiser #73.

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

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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 (Zachary Fornash) 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.

Marino said that the male that originally flagged him down (██████████) told him "That dude just cocked a gun at my wife." Marino then called out on the radio that "I had a person with a weapon."

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.

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.

As Marino 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 struck a boulder in the grass. When this happened, the subject the got up and started running back to the way he came.

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 yelled out the following commands which were recorded on his body-worn camera (BWC):

"Get the fuck on the ground"

"Get on the ground you're gonna get shot"

"Get the fuck on the ground you're gonna get shot"

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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. Marino continued to give the following verbal commands:

"Get on the ground, show me your hands"

"Show me your hands now"

"Show me your hands now"

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 the following commands:

"Get on your hands on the grou"

"Put your hands on your head"

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." Marino gave the following commands as he continued to follow the subject:

"Put your fucking hands on your head"

"Put your hands on your head"

"Put your hands on your head"

"Put your hands on your head now"

"Get your hand"

The subject abruptly turned over his left shoulder. Marino said, "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 4 shots 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 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."

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After radioing dispatch that shots had been fired, Marino yelled, "Don't touch the gun, do not touch the gun." As Fornash was lying on the ground he replied, "It's a BB gun (unintelligible)."

CPD Ofc. Anthony Loparo (Loparo) was the first officer to arrive on scene. Loparo approached Fornash and removed a pistol from Fornash's right jacket pocket. Shortly after removing the pistol, Loparo identified it as a BB gun. Multiple other officers arrived on scene and began providing medical aid to Fornash.

Fornash was ultimately pronounced dead at Aultman Hospital.

Decedent

Zachary James Fornash

DOB: 07/18/1999



Medical Records

The autopsy report for the decedent (Zachary Fornash) was obtained from the Stark County Coroner's Office. A review of those documents revealed the following information:



The toxicology report indicated the following:

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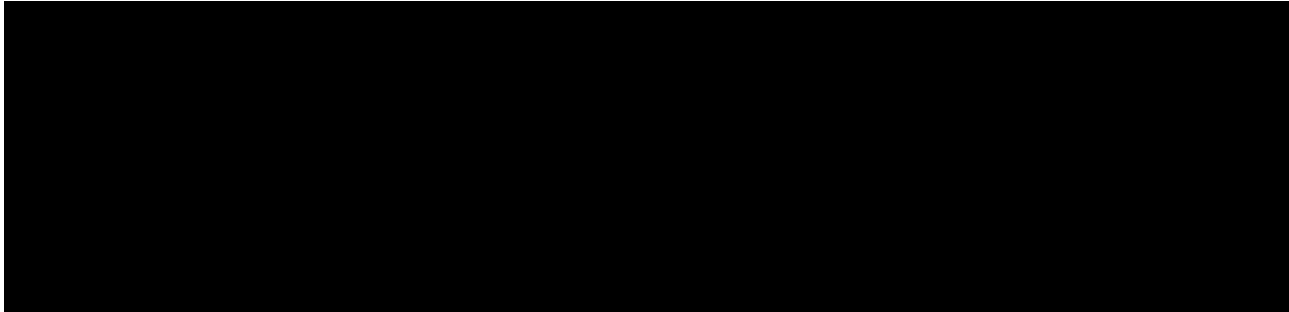


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Physical Evidence

The BCI Crime Scene Unit was requested to respond to the scene of the shooting in order to document and preserve any items of potential evidence. Multiple agents responded and processed the scene, to include photographing and mapping the area, as well as the search for, documentation, and collection of items of possible evidence. Detailed crime scene reports were completed with the below information only summarizing some of the more significant findings.

On December 5, 2023, at approximately 2300 hours, Special Agent (SA) Larry Hootman responded to an officer-involved critical incident in Canton.

SA Hootman arrived on scene and spoke to Detective Jeff Weller who said Officer Garrett Marino reported he was in foot pursuit of a subject with a gun that was threatening people. Detective Weller said Officer Marino reported shots fired and requested assistance. Detective Weller said a responding officer arrived on scene and located a firearm near the subject, he collected the gun and placed it in his locked police vehicle that was on scene. There were several placards placed in the parking lot of the apartment complex near 4 cartridge casings. SA Hootman was also told they believed the subject had dropped his cell phone in another parking lot north of where the shooting took place.

Special Agent Supervisor (SAS) Ed Lulla and SA George "Ed" Staley arrived on scene. SAS Lulla was asked to take photographic documentation of the scene and place placards near the items of evidence to be collected. SA Hootman deployed the Leica BLK360 laser scanner for documentation of the scene and SA Staley was given the crime pad to log all items of evidence.

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SA Hootman learned Officer Marino was working an off-duty detail at the apartment complex and was flagged down by a male and female reporting the subject had a gun and was threatening them. Officer Marino gave chase to the subject, his marked police cruiser became disabled on a rock in the apartment complex, Officer Marino then began pursuing the subject on foot and ultimately fired several shots killing the subject.



(large rock under right front disabling police cruiser)

Items of evidence recovered included 4 Speer 9mm cartridge casings, the subject's clothing, a projectile recovered from the subject's clothing, and a cell phone.

The weapon found near the subject's clothing was given to agents by the officer that recovered it. The weapon was a Daisy PowerLine .177 caliber BB gun, serial number:

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14B02196, the magazine was empty and the weapon had reddish brown staining consistent with blood. These stains were not tested on scene. It was secured in a gun box and sealed with packaging tape.



SA Eric Lehnart returned to the scene from the Canton Police Department with Officer Marino's weapon that was discharged. Officer Marino's weapon was a Glock Model 17, serial number: [REDACTED]. The weapon had one cartridge in the chamber and fifteen cartridges in the magazine. These were packaged separately and secured in the gun box with the weapon. The magazine was an extended magazine that held 19 cartridges, the weapon reportedly was fired 4 times. The total round count was 16, the weapon would have a total of 20 rounds prior to the shooting when the magazine was topped off after charging the weapon. Officer Marino's other magazines were also collected by SA Lehnart and each contained 17 cartridges. These were packaged together and also placed in the gun box with the weapon.

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Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

The BCI Firearms Section performed an analysis of Ofc. Marino's firearm, as well as the firearm-related evidence collected from the scene and autopsy (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from the weapon, the following identifications were made:

4 fired cartridge casings, 1 projectile recovered from Fornash's clothing, and 1 projectile recovered during the autopsy of Fornash were all found to have been fired from the Glock model 17 pistol utilized by Ofc. Garrett Marino.

The BCI DNA Section performed an analysis of the pellet gun (Matrix item #008, CS #08, Lab #06) recovered from Fornash's jacket pocket. The DNA Section was also provided with a DNA standard from Zachary Fornash (Matrix item #015, Lab #08) which was collected during his autopsy.

The laboratory report noted that the swab obtained from the grip of the pellet gun, avoiding staining (6.2) was found to contain the DNA of Zachary Fornash with a frequency of occurrence of rarer than 1 in 1 trillion unrelated individuals.

The swab from the stain on the handle of the pellet gun (6.7) was found to contain the DNA of Zachary Fornash with a frequency of occurrence of rarer than 1 in 1 trillion unrelated individuals.

Witnesses

██████████

On Wednesday, December 6, 2023, at 0113 hours, SA Eric Lehnhart and SA John Tingley interviewed ██████████ relative to the officer-involved shooting which took place on Tuesday, December 5, 2023. The interview took place at the Canton Police Department located at 221 3rd Street SW, Canton, Ohio 44702. The purpose of the interview was to obtain all relevant information of the incident known or observed by this individual.

██████████ resides at ██████████ Canton, Ohio 44707, the ██████████ ██████████ stated that she has been married to ██████████ for three (3) years and this relationship has produced two (2) children. She and ██████████ have been separated since February of 2023, and living in separate residences.

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██████████ stated that she first met Zachary Fornash through her husband, and after the separation with ██████████ she provided a place for Fornash to stay as he was estranged from his wife also. Shortly after Fornash moved in, their relationship became sexual.

On Tuesday, December 5, 2023, ██████████ stated that she and Fornash were having a normal relationship day in which they would text and call each other throughout the day. As the day progressed, Fornash stopped calling ██████████ and after a few hours, the two reconnected and began to argue. During the argument, Fornash demanded to return to ██████████'s apartment to retrieve his belongings. ██████████ stated that she advised Fornash that she had taken the laundry to her mother's home and she would need some time to go retrieve and sort what was his. According to ██████████ Fornash continued to be defiant and stated that he was coming over to get his things.

As ██████████ had been on the telephone with ██████████ earlier in the day, she called and advised him of the situation with Fornash and his persistent request. ██████████ asked ██████████ to come to the apartment as she didn't want any trouble with Fornash.

██████████ stated that as ██████████ arrived at the apartment, she was outside to meet him when they observed Fornash coming across the lawn towards ██████████'s vehicle. Once Fornash approached, he continued to demand his belongings and eventually brandished what ██████████ described as a black 9mm style gun, and "cocked" (cycled) the slide. As ██████████ engaged Fornash in questions about the weapon, ██████████ began "laying on the horn." which attracted the attention of the Canton Police officer who was working at the complex in an off-duty status.

As the officer approached, Fornash ran from the officer. ██████████ stated that ██████████ told her to shut the car door and the two of them retreated to her northeast side apartment and locked the door. A short time later, she and ██████████ exited the apartment and walked back to the parking lot, where she was approached by other Canton Police officers who had arrived. Prior to being transported to the Canton Police Department for an interview, ██████████ struck a tree with her hand, causing minor scrapes.

██████████ advised SA Lehnhart and SA Tingley that she didn't see or hear anything that was related to the officer-involved shooting that took place while she was in her apartment.

██████████
On Wednesday, December 6, 2023, at 0142 hours, SA Lehnhart and SA Tingley interviewed ██████████ relative to the officer-involved shooting which took

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place on Tuesday, December 5, 2023. The interview took place at the Canton Police Department. The purpose of the interview was to obtain all relevant information of the incident known or observed by this individual.

█████ resides at ██████████ Canton, Ohio 44705. ██████ stated that he has been married to ██████████ for three (3) years and this relationship has produced two (2) children and two (2) stepchildren. He and ██████ have been separated since February of 2023 and living in separate residences, although they are in the process of a reconciliation.

█████ stated that he and Zachary Fornash were childhood friends and after his separation with ██████ she provided a place for Fornash to stay as he also was estranged from his wife. ██████ was fully aware that his wife and Fornash were engaged in a sexual relationship.

Earlier in the day, ██████ contacted ██████ to talk with him about reconciliation of their relationship and inform him that Fornash was being difficult and wanted his belongings back immediately, even though most of his clothes were taken to be laundered. As the day went on and Fornash's behavior continued, ██████ asked ██████ to come over to her apartment as Fornash was on his way over and she didn't want any issues with him.

As ██████ arrived at the apartment complex, ██████ was outside near her vehicle. ██████ spotted Fornash coming across the lawn towards ██████'s vehicle. During the verbal confrontation with Fornash, ██████ advised that he heard a gun slide being manipulated by Fornash. ██████ stated that he didn't see a weapon, but as a concealed carry permit holder, he was familiar with firearms and he could not mistake the sound he heard as anything other than a gun.

█████ stated that during the disagreement with Fornash, ██████ began honking the horn on her vehicle. This noise caught the attention of the off-duty Canton police officer who was working at the complex.

As the officer approached, ██████ advised the officer that Fornash had a gun. Fornash then ran from the area with the officer chasing him. ██████ stated that he told ██████ to shut the car door and the two of them quickly headed for her apartment. ██████ stated that he heard something that sounded like "the cop hit something." ██████ stated that he did not hear any gunshots during the incident.

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Alexus Fornash

On December 7, 2023, SA Bansky conducted a phone interview with Alexis Fornash (Alexus). The interview was conducted as Alexus was identified as the wife of the deceased, Zachary Fornash.

Alexus Fornash reported the following information to SA Bansky.

She has been married to Zachary for the past year. Alexus and Zachary have three children, including two daughters and one son. One of the daughters is fathered by another man.

According to Alexus, Zachary has been having a sexual relationship with a person named [REDACTED] who resides in her apartment complex at [REDACTED] since last March. Alexus stated that she has been aware of her husband's relationship with [REDACTED] but has been putting up with it due to her children.

According to Alexus, on the night of the shooting, Zachary had a phone conversation with [REDACTED] about breaking up with her and wanting to pick up some of his clothing. Zachary then left and walked over to [REDACTED]'s apartment. Alexus stated she doesn't know what occurred after that.

Officer Interviews

The following paragraphs are abbreviated versions of each officer's account of his or her actions pertaining to this incident and/or discharging their weapon. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.

Ofc. Garrett Marino

Marino was identified as the police officer who discharged his duty weapon during an incident which occurred on December 5, 2023, in the area of 807 Alan Page Drive SE, Canton, Ohio.

Marino reported the following information to SA Bansky.

He stated on December 5, 2023, he was working a part-time security job at the [REDACTED] [REDACTED]. At around 2200 hours, Marino advised his dispatch that he was working at the apartment.

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.

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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 (REDACTED). As Marino turned into the parking lot, he observed another male subject who was wearing a blue jacket (Zachary Fornash) 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.

Marino said that the male that originally flagged him down told him "That dude just cocked a gun at my wife." According to Marino, "I wanted to make sure that he was talking about the guy who was walking away." 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."

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.

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.

As Marino 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.

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.

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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."

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."

While 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.

Marino stated that he has worked security at the [REDACTED] apartments approximately 2 days per week for several years.

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Ofc. Anthony Loparo

The report written by CPD Ofc. Anthony Loparo is shown below:

CANTON POLICE		Incident Number
Investigative Report	Title / Subject: SHOOTING	
<p> 12/06/2023 Car 22 CC WS 807 Alan Page Dr SE Officer Involved Shooting</p> <p>While on patrol in car 22 working afternoon shift, I responded to the 807 building on Alan Page Dr SE to assist U274 with an emergency.</p> <p>He originally called out that he had a person with a weapon in the parking lot that is between building 807 and 901. I ran to my cruiser and began to run code to his location. While driving there, I heard him say that they had both just ran into the 807 building as he was in a foot pursuit chasing him. I was at 11th St SE and Cherry Ave SE when I heard him say shots were fired and that he needed a supervisor. Dispatch called a 10-25 and all available officers responded. I arrived on scene and pulled into the parking lot that he had originally called out in. I looked to my left slightly up the hill and observed him standing with his service weapon pointing at something on the ground. I drove over the curb and pulled up next to him so my lights would show more of the area and so we could have some form of hard cover in case the suspect was still able to engage us.</p> <p>I got out of my cruiser and drew my service weapon asking if U274 was okay and then asked if he had me covered. I observed the bottom side of a handgun sticking out of the pocket of the suspect who was on the ground and bleeding. I removed it from his pocket and rendered it safe as other officers were arriving now and rendering aid to the suspect. While rendering the firearm safe and placing it in the back of my cruiser, I observed that it was not a real firearm and was a pellet gun of some sort. I placed it in the trunk of my cruiser and then grabbed crime scene tape. I began to tape off the area as directed by other officers on the scene and then began a crime scene log. All personnel who were entering and exiting the scene were documented and BCI did respond to take over the investigation. All was logged on the crime scene sheet and then it was tagged into evidence. The scene was cleared and there is nothing further at this time.</p> <p>Loparo #289</p>		

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Ofc. Jacob Dryden

The report written by CPD Ofc. Jacob Dryden is shown below:

CANTON POLICE		Incident Number
Investigative Report	Title / Subject: SHOOTING	[REDACTED]
<p>[REDACTED]</p> <p>Dryden 172 12/5/23 800 BLK Alan page dr SE Shooting</p> <p>On 12/5/23 U212 and myself were in cruiser 33 for our patrol shift. Around 2210 hours U274 called out with a person with a weapon call in the 800 BLK of Alan page dr SE and that he needed more units to assist. While en route to back up U274, he called out shots were fired.</p> <p>Upon our arrival with multiple other units, U274 was standing in a small grass field on the north side of Alan page in the 800 BLK. There was a white male that was laying on the ground in front of him. Other units and myself began to check for weapons and begin first aid to the male. While checking the male for weapons another unit found what appeared to be a black handgun in one of the subjects pockets.</p> <p>The male was found to have three gunshot wounds to the chest (both armpits and the center of the chest), another was located on his left leg, and a possible wound to the right arm. I assisted with first aid on the subject. Soon medics arrived and transported the male to the hospital. Once I was done with first aid I helped ensure the scene of the incident was secure and looked for additional evidence. Throughout my time on scene multiple other officers arrived on scene for detectives to supervisors.</p> <p>END Dryden 172</p>		

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The report written by CPD Ofc. Scott Wohlheter is shown below:

CANTON POLICE		Incident Number
Investigative Report	Title / Subject: SHOOTING	[REDACTED]
<p>[REDACTED]</p> <p>Shooting 12/5/23 800 BLK Alan page Dr SE Assignment: Afternoons ES, Car 33 Officer: Wohlheter 212</p> <p>On December 5, 2023 while working Afternoons east side in car 33, we did respond to the 800 block of Alan Page Dr SE for a person with a weapon called out by Officer Marino. I did hear Officer Marino state that the suspect ran into the 807 building, as we were enroute Officer Marino called out shots fired.</p> <p>Upon arrival we located Officer Marino holding cover on a male laying on the ground to the west of the 807 building they were both north of the roadway and south of the parking lot. We approached with other officers to secure the male. I did observe the male laying on his back with his head pointing south and feet pointing northward. The male was not responding so we then approached to secure the male, as we made contact with the male I did observe what appeared as a firearm in the males right sweatshirt pocket and Officer Loparo secured that. Due to the male not being responsive instead of handcuffing him I did begin attempting to provide medical aid. I did use medical shears and cut the males sweatshirt off where we located multiple chest wounds and attempted to place chest seals on the wounds. Once we placed chest seals on the wounds we checked for any more wounds on the torso and Officer Huber began giving chest compressions. I then cut the males right pant leg off passed the shears to Officer Colecchi and began assessing the males right leg for any wounds. Officer Colecchi did locate a wound on his left leg and a tourniquet was applied. Shortly after this medics did arrive on scene and I assisted in loading the male on to the cot so he could be transported for further treatment.</p> <p>I then began helping finish taping off the area with crime scene tape specifically the southside of the roadway. After I was complete with that I did assist in locating and marking casings found in the parking lot to the west of the 807 building. After this I then held scene security awaiting BCI.</p> <p>Wohlheter 212</p>		

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Dispatch-Related Information

Computer aided dispatch (CAD) records revealed the following information:

10:14:48 PM	ZACHARY FORNASH 07/18/1999	Griffis,Ashley	CANCOMCAD3
10:14:14 PM	195 CLEAR FOR THE MEDICS.	McCartney,Wendy	CANCOMCAD6
10:13:46 PM	CHEST SEAL APPLIED	McCartney,Wendy	CANCOMCAD6
10:12:50 PM	PER 185 NEED ANOTHER MEDIC BAG	McCartney,Wendy	CANCOMCAD6
10:12:21 PM	NO ANSWER FOR E2	Marino,Mackenzie	CANCOMCAD2
10:12:09 PM	MAKE ROOM FOIR SQUAD PER U198	McCartney,Wendy	CANCOMCAD6
10:11:57 PM	NO OFFICERS HIT	McCartney,Wendy	CANCOMCAD6
10:11:44 PM	ATTEMPTED TO CALL E2 X3	Marino,Mackenzie	CANCOMCAD2
10:11:24 PM	E2 NOT ANSWERING PHONE	Marino,Mackenzie	CANCOMCAD2
10:11:22 PM	SET UP PERIMETER	McCartney,Wendy	CANCOMCAD6
10:10:44 PM	M2 ADV	Marino,Mackenzie	CANCOMCAD2
10:10:15 PM	U27 ADV	Griffis,Ashley	CANCOMCAD3
10:09:53 PM	SEND SUPERVISOR	Griffis,Ashley	CANCOMCAD3
10:09:43 PM	SHOTS FIRED	Griffis,Ashley	CANCOMCAD3
10:09:03 PM	RAN INTO 807 BUILDING	McCartney,Wendy	CANCOMCAD6
10:08:54 PM	SEND SOME CARS	Griffis,Ashley	CANCOMCAD3
10:08:46 PM	MALE TOOK OFF RUNNING WB	Griffis,Ashley	CANCOMCAD3

Dispatch audio recordings revealed the following information that was deemed by SA Lieber to be most relevant.

174_CCPD_Dispatch_76_2023_12_05_22_08_28_by_Start_Time_desc

A person, believed to be CPD Ofc. Garrett Marino says, "Person with a weapon 900 block Alan Page."

172_CCPD_Dispatch_76_2023_12_05_22_08_36_by_Start_Time_desc

The dispatcher says, "10-4 any car close 900 block of Alan Page person with a weapon."

169_CCPD_Dispatch_76_2023_12_05_22_08_51_by_Start_Time_desc

Marino says, "Straight into the 807 building."

167_CCPD_Dispatch_76_2023_12_05_22_08_54_by_Start_Time_desc

"Copy ran into the 807 building. Any other car responding (unintelligible)."

160_CCPD_Dispatch_76_2023_12_05_22_09_05_by_Start_Time_desc

Marino says, "Give me the air."

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159_CCPD_Dispatch_76_2023_12_05_22_09_13_by_Start_Time_desc

Marino says, "Air he's got a gun."

154_CCPD_Dispatch_76_2023_12_05_22_09_37_by_Start_Time_desc

Marino says, "Shots fired, shots fired. Give me a supervisor."

152_CCPD_Dispatch_76_2023_12_05_22_09_50_by_Start_Time_desc

Marino says, "Give me medics."

Video Recordings

Ofc. Garrett Marino

Ofc. Marino's BWC video is 9 minutes and 10 seconds in duration. A detailed video analysis was performed by Special Agent Supervisor (SAS) Charles Moran. It should be noted that SAS Moran's analysis ended shortly after the shooting incident. SA Lieber reviewed and reported on the post-shooting portion of the video in a separate report.

During the review, SAS Moran noted the following:

Frames	0-935
Time	Not calculated
Notes	There was no audio heard during these frames. Officer Marino was in the driver seat of his police cruiser and was driving in the area.

Frames	936
Time	Not calculated
Notes	This was the approximate frame when the audio stream started. Officer Marino was in the driver seat of his police cruiser and was driving in the area.

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Frames	1308
Time	Not calculated
Notes	Officer Marino continued driving his police cruiser. He radioed, "Just ran into the 807 building." A few frames later, Officer Marino appeared to begin to exit his cruiser but then stopped and began driving his cruiser again.

Frames	1684
Time	Not calculated
Notes	Officer Marino continued driving his police cruiser. He radioed, "Give me the air."

Frames	1792
Time	Not calculated
Notes	Officer Marino exited his cruiser and began saying, "Get the fuck on the ground!"

Frames	1931
Time	4.63 seconds elapsed from frame 1792
Notes	Officer Marino was running and he had his pistol in his right hand. He radioed, "Give me the air. He's got a gun."

Frames	2016
Time	2.83 seconds elapsed from frame 1931
Notes	Officer Marino continued running and yelled, "Get on the ground or you're gonna get shot!" Officer Marino had his pistol in his right hand with his right arm extended in front of him. It was likely that Zachary Fornash was observed on the BWC video near the corner of a building with his back toward Officer Marino.

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Frames	2079
Time	2.1 seconds elapsed from frame 2016
Notes	Officer Marino continued running and yelled, "Get the fuck on the ground! You're going to get shot!" Officer Marino had his pistol in his right hand with his right arm extended in front of him. Zachary Fornash was not in the BWC view and moved around the corner of the building.

Frames	2153
Time	2.47 seconds elapsed from frame 2079
Notes	Officer Marino ran around the corner of the building and said, "Get on the ground! Show me your hands!" Officer Marino had his pistol in his right hand with his right arm extended in front of him. Zachary Fornash was running away from Officer Marino.

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Frames	2198
Time	1.5 seconds elapsed from frame 2153
Notes	Officer Marino continued moving toward Zachary Fornash and said, "Show me your hands now! Show me your hands now!" Officer Marino had his pistol extended outward with both hands (shadow on ground). It appeared that Zachary Fornash partially turned to his left to look behind him in the direction of Officer Marino. Zachary Fornash's hands appeared to be near his waist.



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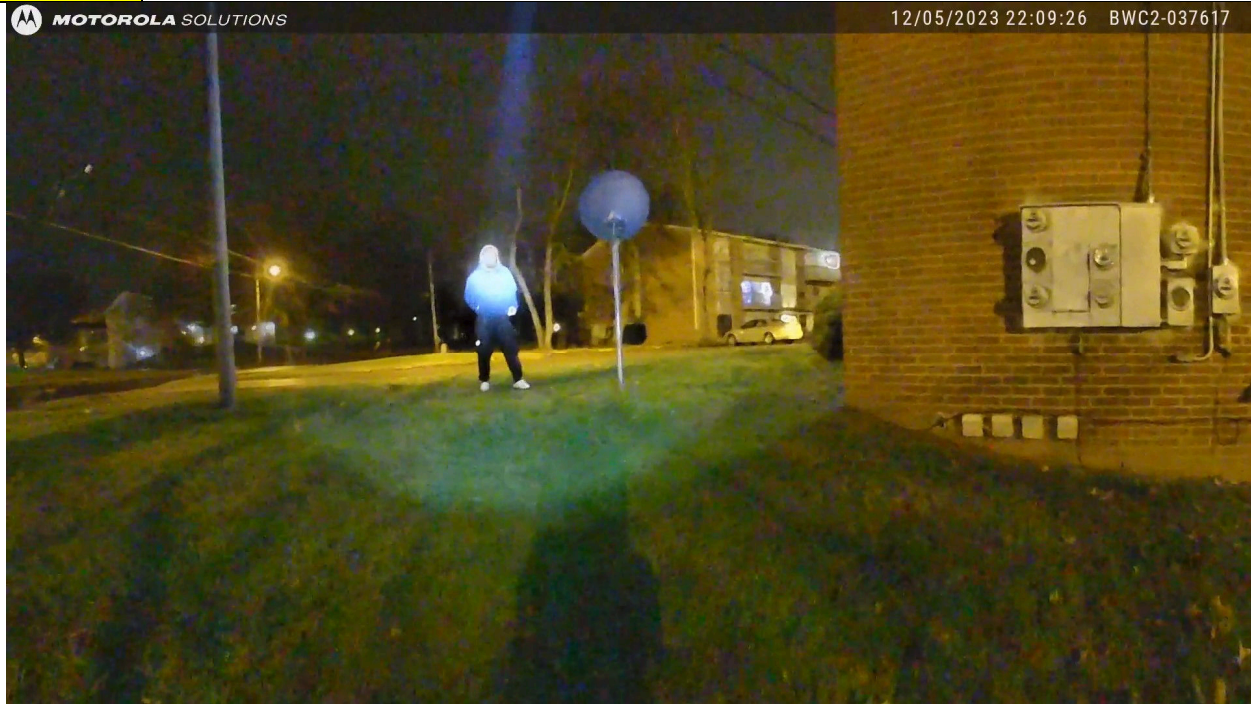


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Frames	2291
Time	3.1 seconds elapsed from frame 2198
Notes	Officer Marino approached Zachary Fornash and said, "Put your hands on your head!" Officer Marino had his pistol extended outward with both hands (shadow on ground). Zachary Fornash was now facing Officer Marino. It appeared that his right hand was concealed in his right front jacket pocket and his left hand was near his left waist/jacket pocket.



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Frames	2336
Time	1.5 seconds elapsed from frame 2291
Notes	Zachary Fornash turned around to his left and began walking away from Officer Marino. It appeared that his right hand was concealed in his right front jacket pocket and his left hand was near his left waist/jacket pocket. Officer Marino yelled, "Put your fucking hands on your head!"



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Frames	2518
Time	6.07 seconds elapsed from frame 2336
Notes	Officer Marino yelled, "Put your hands on your head now!" In the previous frames, Officer Marino said this command three times. Zachary Fornash continued walking away and to the left of Officer Marino. His right hand was not visible and was on the right side/front of his body near his right waist/pocket. His left hand near his left waist/jacket pocket.



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Frames	2568
Time	1.67 seconds elapsed from frame 2518
Notes	Officer Marino yelled, "Get your hands..." Officer Marino held his pistol in front of him with both hands. Zachary Fornash turned to his left and his left side was facing Officer Marino. He continued walking away from and to the left of Officer Marino. Zachary Fornash also turned his head and was looking in the direction of Officer Marino. Zachary Fornash's right hand was not visible and was likely on his right side. His left hand was near his left waist/jacket pocket. His right foot was on the ground and his left foot was in the air.



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Frames	2571 and 2573
Time	0.17 seconds elapsed from frame 2568
Notes	<p>These frames were approximately when the first gunshot was fired by Officer Marino. 2571 was the visual frame and 2573 was the frame when an audio spike was visually observed on the waveform.</p> <p>Zachary Fornash turned to his left and his left side was facing Officer Marino. He continued walking away from and to the left of Officer Marino. Zachary Fornash also turned his head and was looking in the direction of Officer Marino. Zachary Fornash's right hand was not visible and was likely on his right side. His left hand was near his left waist/jacket pocket. His right foot was on the ground and his left foot was in the air.</p> <p>(Note: The gunshots were primarily noted due to visual cues. It was difficult to audibly determine when the gunshots were fired. There seemed to be a large amount of echo and reverberation. It is unknown why, but it could be due to a variety of reasons including: the sudden and extremely loud sounds of gunshots, echo/reverberation from the surrounding environment and buildings, the physical size and technological capabilities of the BWC microphone, etc.)</p>



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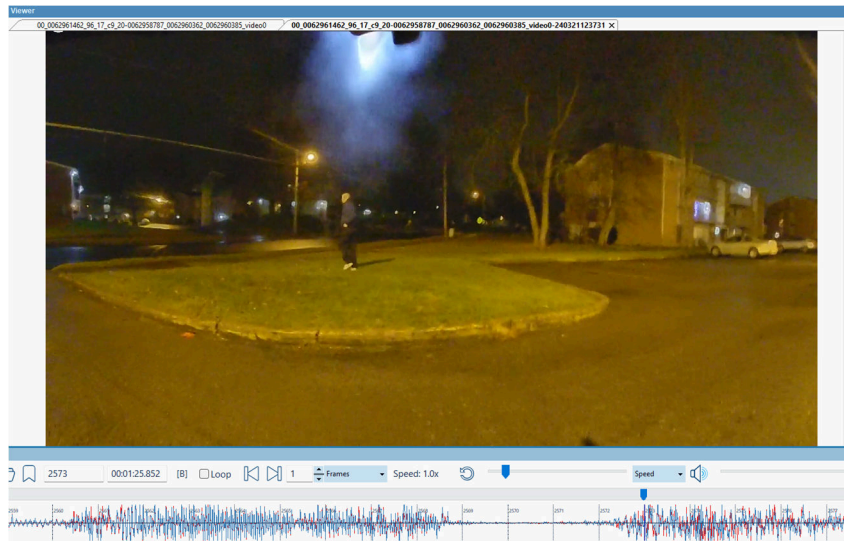
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Gunshot 1 - Audio Waveform (snipping tool)

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Frames	2581
Time	0.27 seconds elapsed from frame 2573
Notes	<p>This was the approximate frame of the second gunshot fired by Officer Marino.</p> <p>Zahcary Fornash continued moving away from and to the left of Officer Marino. His left foot was on the ground and his right foot was bent on the ground (in stride). He was looking in the direction of Officer Marino. Zachary Fornash's right hand was not visible and was likely on his right side. His left hand was near his left waist/jacket pocket.</p> <p>(Note: The gunshots were primarily noted due to visual cues. It was difficult to audibly determine when the gunshots were fired. There seemed to be a large amount of echo and reverberation. It is unknown why, but it could be due to a variety of reasons including: the sudden and extremely loud sounds of gunshots, echo/reverberation from the surrounding environment and buildings, the physical size and technological capabilities of the BWC microphone, etc.)</p>



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Frames	2589
Time	0.27 seconds elapsed from frame 2581
Notes	This was the approximate frame of the third gunshot fired by Officer Marino. Zachary Fornash began to fall forward and to his right toward the ground. He was bent at the waist and his left arm/hand were extended outward. His right hand was not visible. (Note: The gunshots were primarily noted due to visual cues. It was difficult to audibly determine when the gunshots were fired. There seemed to be a large amount of echo and reverberation. It is unknown why, but it could be due to a variety of reasons including: the sudden and extremely loud sounds of gunshots, echo/reverberation from the surrounding environment and buildings, the physical size and technological capabilities of the BWC microphone, etc.)



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Frames	2596
Time	0.23 seconds elapsed from frame 2589
Notes	This was the approximate frame of the fourth gunshot fired by Officer Marino (pistol movement in shadow). Zachary Fornash completed the process of falling to the ground and was on his front/right chest. His left hand was visible, but his right hand was still not visible. (Note: The gunshots were primarily noted due to visual cues. It was difficult to audibly determine when the gunshots were fired. There seemed to be a large amount of echo and reverberation. It is unknown why, but it could be due to a variety of reasons including: the sudden and extremely loud sounds of gunshots, echo/reverberation from the surrounding environment and buildings, the physical size and technological capabilities of the BWC microphone, etc.)



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Frames	2652
Time	1.87 seconds elapsed from frame 2596
Notes	Officer Marino moved forward and radioed, "Shots fired! Shots fired! Give me a supervisor." Zachary Fornash rolled to his right and onto his back. His left hand was observed near his hand. His right hand was not visible and appeared to be concealed in his right front jacket pocket.

Frames	2823
Time	5.7 seconds elapsed from frame 2652
Notes	Officer Marino approached Zachary Fornash and said, "Do not touch the gun! Do not touch the gun!" Zachary Fornash was laying on the ground on his back. His left hand was extended on the ground above his head. His right hand was not visible and appeared to be concealed in his right front jacket pocket.

Frames	2861
Time	1.27 seconds elapsed from frame 2823
Notes	Zachary Fornash said, "It's a BB gun."

Frames	3171
Time	10.3 seconds elapsed from frame 2861
Notes	Officer Marino radioed, "Get me medics." Officer Marino said, "Get your hand slowly out of your pocket! Do not grab the gun out from there!"

Frames	3318
Time	4.9 seconds elapsed from frame 3171
Notes	Officer Marino yelled, "Slowly out of your pocket! Do not touch the gun!"

Frames	3538
Time	7.3 seconds elapsed from frame 3318
Notes	Officer Marino yelled, "Slowly out of your pocket! Do not bring the gun out with your hand!"

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Frames	3752
Time	7.13 seconds elapsed from frame 3538, 7.17 seconds elapsed if including frame 3752
Notes	Officer Marino yelled, "Do not bring the gun out with your hand! Slowly!"

Additional Timing Estimates Summary

SAS Moran used the "Timing and Action Summary" spreadsheet to calculate several significant activities noted during the video review. They were:

EVENT FRAMES	ACTIVITY DESCRIPTION	FRAMES	FPS	TOTAL TIME	ROUNDED
2198 to 2573	Marino moved toward Fornash and provided verbal commands and Fornash looked behind toward Marino (Fornash in view of BWC) to 1st gunshot fired by Marino.	375	0.03333333	12.49999875	12.5
2291 to 2573	Marino approached Fornash and provided verbal command and Fornash facing Marino to 1st gunshot fired by Marino.	282	0.03333333	9.39999906	9.4
2336 to 2573	Fornash turned around to his left and began walking away from Marino, Fornash's right hand concealed in jacket pocket, to 1st gunshot fired by Marino.	237	0.03333333	7.89999921	7.9
2518 to 2573	Marino provided three verbal commands to Fornash, Fornash continued walking away, right hand not visible, to 1st gunshot fired by Marino.	55	0.03333333	1.83333315	1.83
2568 to 2573	Marino started a verbal command, Fornash turned to his left and in direction of Marino, Fornash's right hand not visible, to 1st gunshot fired by Marino.	5	0.03333333	0.16666665	0.17
2573 to 2596	1st gunshot to 4th gunshot fired by Marino.	23	0.03333333	0.76666659	0.77
2198 to 2596	Total of above activities.	977	0.03333333	32.56666341	32.57

Ofc. Garrett Marino body camera review post-shooting incident

SA Lieber reviewed Marino's BWC video beginning at 22:10:08. The times referenced will be using the embedded timestamp on the video.

Additional officers begin to arrive on scene as Loparo approaches Fornash. At 22:10:39, Loparo says "Gun's out." At 22:10:53, Marino says "Hey, initial complainant was two blocks down that way. Said he had a gun." At 22:11:06, as multiple other officers are providing medical care to Fornash, Marino is told to move away from the scene. Marino begins to walk down the street toward police vehicles with another officer. At 22:11:18, Marino says "Fuck." The other officer says, "You alright." Marino

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says "Dude, I gave him so many fucking commands to not fucking come out with that gun dude." At 22:11:53, Marino sits in the passenger side of an unmarked police vehicle.

At 22:12:14, a plain clothes officer asks Marino public safety questions. Those questions relate to the need to set up a perimeter for any outstanding suspects, and the location of complainants and witnesses. At 22:16:17, Marino is alone in the unmarked vehicle. Marino says "God damn, why the fuck wouldn't he just put his fuckin hands on his head, oh my god, why would you fuckin. Why the fuck, why on earth (pause) would you be grabbing a fucking gun when a cop is right in front of you. That is so fucking dumb." At 22:17:16, an officer approaches the vehicle and tells Marino to turn his body camera off and to hand the camera to him. Marino then turns the camera off and the video ends.

Ofc. Anthony Loparo

SA Lieber reviewed the video recordings of Ofc. Anthony Loparo's body-worn camera (BWC) and vehicle dash camera. The following was noted:

[00_0067560849_96_18_a0_42-0067196922_0067542272_0067542292_video0.mp4](#)

This video is 2 hours, 34 minutes, and 48 seconds in duration. The video is recorded by the body-worn camera of CPD Ofc. Anthony Loparo. The time stamp at the beginning of the video is 12/05/2023 at 22:08:25.

The video begins showing the inside of a building and a television screen. At 22:08:32, Loparo stands up and proceeds outside to a marked police cruiser. At 22:08:56, sound can now be heard. At this time Loparo is driving his cruiser and sirens are heard. At 22:10:21, Loparo begins to exit his vehicle. At 22:10:25, Loparo's BWC shows Ofc. Marino pointing his pistol at Zachary Fornash. Fornash is lying on the ground.

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As Loparo approaches he draws his pistol and asks, "You got him, you got him?" See screenshot below taken at 22:10:30.



Loparo then says "Where's it at? I see it hold on. You got cover?" Loparo then holsters his pistol and approaches Fornash.

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At 22:10:36, the grip of a handgun can be seen in the pocket of Fornash's shirt. See screenshot below. It should be noted that two additional CPD officers are also approaching Fornash. They can be seen at 22:10:34 on the right side of the video.



At 22:10:38, the handgun can clearly be seen. See screenshot below. At 22:10:39, Loparo says "Gun's out."



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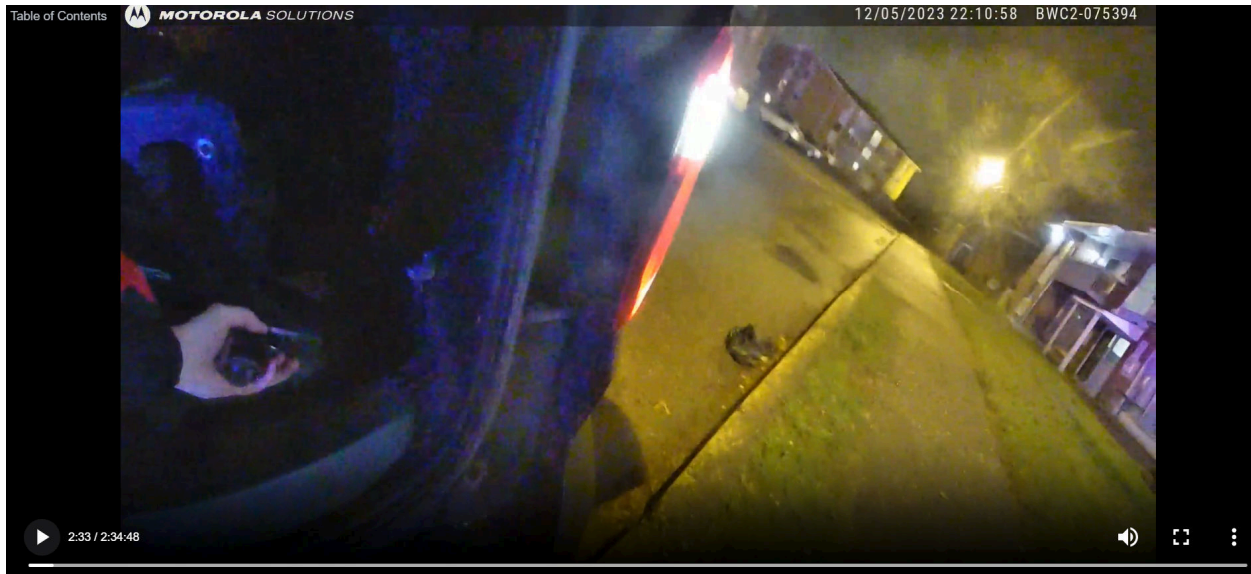


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At 22:10:44, Loparo says "It's a BB gun, it's fake." Loparo then walks to his cruiser and places the gun in the rear cargo area of the vehicle. See screenshot below.



Loparo then closes the rear hitch of his vehicle and walks back toward where Fornash was lying on the ground. See screenshot below taken at 22:11:05.



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Loparo returns to his vehicle, retrieves crime scene tape, and begins to tape off the area.

[tick331602470-tick331631184-video1.mp4](#)

This video is 3 hours, 59 minutes, and 17 seconds in duration. The video is recorded by the vehicle dash camera of Ofc. Loparo. There is no time stamp on this video. As a result, any times referenced below will be the elapsed time of the video.

The video begins showing the vehicle parked and facing a building. At 0:22, Loparo crosses in front of the camera and enters the vehicle. The vehicle begins to drive, and the red and blue emergency lights appear to have been activated. Sound can be heard on the video beginning at 0:32. At 1:55, Ofc. Garrett Marino can be seen. Zachary Fornash can also be seen lying on the ground. See screenshot below.



See screenshot below taken at 1:59. At this time Loparo's vehicle is stopped.

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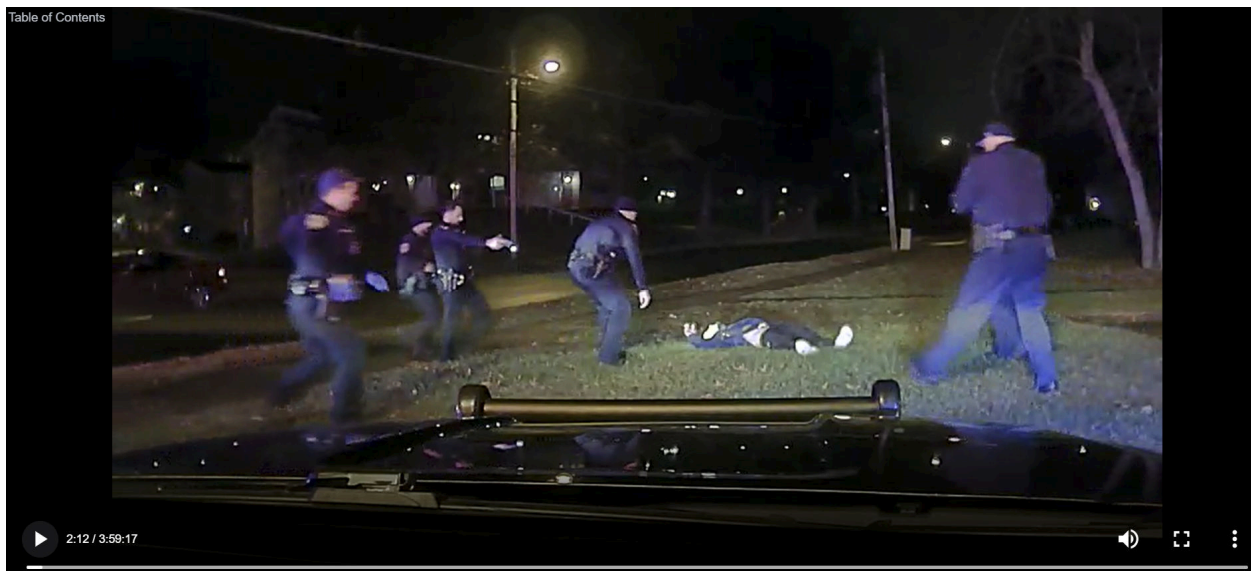
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As Loparo approaches Fornash, multiple other officers also appear on the video. See screenshot below.



At 2:14, Loparo grabs an item from the right jacket pocket of Fornash (later determined to be a .177 caliber pellet pistol). See screenshot below taken at 2:15. The pistol can be seen in Loparo's hand.

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Multiple officers provide aid to Fornash. See screenshot below.



At 7:55, a Canton EMS vehicle arrives on scene. EMS personnel aid Fornash and he is placed on a gurney. At 9:26, Fornash is taken away by EMS personnel, and he is no longer visible on this dash camera.

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Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved shooting incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Jon Lieber. SA Lieber can be reached via email at Jonathan.Lieber@OhioAGO.gov or by telephone at (234) 400-3607.

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