



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



2022-2016

Officer Involved Critical Incident – 5611 East Third Street, Mineral City, OH, Tuscarawas County, 44656

**Investigative Activity:** Information Provided/Obtained, Initial Briefing, Case Status  
**Involves:** Tuscarawas County Sheriff's Office (O)  
**Date of Activity:** 09/29/2022  
**Activity Location:** – 5611 East Third Street, Mineral City, OH 44656, Tuscarawas County  
**Author:** SA Charles H. Snyder, #90

**Narrative:**

On Wednesday, September 28, 2022, at approximately 1038 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent Supervisor (SAS) David Posten (Posten) contacted Special Agent (SA) Charlie Snyder (Snyder) by cellular telephone. SAS Posten dispatched SA Snyder to an officer-involved critical incident at 5611 Third Street, Mineral City (Tuscarawas County), involving Tuscarawas County Sheriff Office (TCSO) personnel. SAS Posten advised additional BCI personnel were en route also to the scene. SA Snyder departed the East Akron area, proceeding post-haste to the indicated location, arriving on scene at 1129 hours with BCI Crime Scene Unit SA Larry Hootman.

The incident scene was found to be a two-story frame house with white vinyl siding, located on the north side of Third Avenue NE; second structure west of Fairview Road NE (Township Road 109). Fairview Road travels northbound from Lindentree Road NE (Township Road 110) and is approximately 7/10 mile east of State Route 800 – South High extension. The GPS location of the residence/scene is approximately 40°36.1453 N/81°20.9229 W.

On arrival at scene, SA Snyder met Tuscarawas County Coroner Investigators Kathy Clark (Clark) and Todd Stanley and TCSO Detective Lieutenant Adam Fisher (Fisher). The immediate scene was found marked-off with yellow crime scene/barricade tape and TCSO personnel were stationed to control and document access. Clark advised decedent was still at the scene and provided tentative identification information for him as Everett Michael Martin and identifiers.

At approximately 1133 hours, SA Snyder contacted SAS Posten and provided update information on scene and location.

Fisher briefed SA Snyder on what had occurred. The decedent, Everett Martin (Martin), was

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recently issued a temporary protective order through the New Philadelphia Municipal Courts and was restricted from harassing or contacting his estranged domestic partner, Courtney D. Digenova (Digenova). Fisher indicated Digenova returned to the residence earlier this morning; and, after Martin came to the house and knocked on the door, contacted the TCSO, who responded. Six TCSO personnel arrived on scene and encountered Martin at the rear/east side door. Martin indicated he was armed with a knife and attempted to enter the residence, when a less-than-lethal munition was deployed against him. Martin reportedly turned, produced a handgun and discharged multiple rounds; at which time, two TCSO personnel discharged weapons at Martin, striking and fatally wounding him. No TCSO personnel were struck by Martin's gunfire. Fisher advised all TCSO personnel, who fired on decedent, were taken to the local hospital for drug testing; and, along with witnessing personnel, would be made available at the TCSO for further investigation. Fisher further advised that Martin's weapon, at this time, was secured inside Fisher's vehicle.

At approximately 1144 hours, SA Snyder conducted a brief initial audio-recorded interview with Betsy Martin, identified as sister to decedent. Also present, but not involved in the interview, was decedent's mother, identified as Nancy A. Martin. This interview is to be documented in separate reporting.

At approximately 1211 hours, Fisher and SA Snyder contacted Courtney D. Digenova, who had remained inside the incident/residence location and participated in an audio-recorded interview. The Digenova interview will be documented in separate reporting.

At approximately 1252 hours, following direction from SAS Posten, SA Snyder left the incident scene and drove to the TCSO (2295 Reiser Avenue, SE, New Philadelphia, Ohio 44663). BCI SA Arvin Clar (Clar) met SA Snyder there. SA Snyder had been instructed to collect evidentiary photographs of the involved personnel's clothing; conduct round counts on involved weapons and collect them for evidence.

On arrival at the TCSO, SA Snyder was met by the following personnel, whose incident involvement was learned:

- TCSO Deputy ██████████ ██████████ – Fired rifle, possibly two rounds.
- TCSO Deputy ██████████ ██████████ – Fired handgun, possibly five rounds.
- TCSO Lieutenant ██████████ – Fired less-than-lethal munition, one round.
- TCSO Sergeant ██████████ – Law enforcement officer witness.
- TCSO Deputy Megan Lanay Cox – Law enforcement officer witness.
- TCSO Detective ██████████ – Law enforcement officer witness.

Public safety information indicated Martin fired shots believed to have traveled from the incident location in a southeast direction. All TCSO fired shots were believed to have struck Martin and/or the residence. Other than shots fired by Martin, there was (believed) little potential for collateral injury or damages.

██████████'s handgun was discovered to be a Smith and Wesson, M&P 9 mod 2.0, 9mm caliber, serial number "██████████" black in color, equipped with a Streamlight TLR-1 light, serial number "357952A 1010." This weapon was found to have been previously unloaded by

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unknown parties and laying inside a cardboard handgun evidence box. Also inside the box was one unsealed, clear, plastic specimen bottle with screw cap, containing one unfired/live "Hornady" brand 9mm round/cartridge, reportedly having been previously removed from the weapon's chamber. Also, one Smith and Wesson pistol magazine, containing 11 unfired/live "Hornady" brand 9mm rounds/cartridges, was located inside the box. ██████ also surrendered three Smith and Wesson magazines from his service belt pouches; each contained 16 unfired/live "Hornady" brand 9mm rounds/cartridges, totaling 48 from these magazines. A total round count of all collected unfired/live "Hornady" brand 9mm rounds/cartridges was 60.

██████ also pointed out staining on his left pantleg, believed to have been caused by accidental blood transfer during first aid and handcuffing of decedent Martin. Photographic images of the indicated stains were also acquired. The staining was located on and below the knee, on the outside of the pantleg. ██████ indicated he believed the staining occurred when attempting to provide immediate first aid and cuffing of Martin.

██████'s rifle was discovered to be a Colt AR16-A1 lower, serial number "██████" with a "BCM" upper, equipped with an Eotech -EXPST red-dot sighting device, as well as a laser emitter sighting device and a green cloth sling and a "PMG" 30-round capacity magazine in black plastic, containing 25 "Hornady" .233 caliber unfired/live rounds/cartridges. The topmost round in the magazine, according to ██████ had been chambered in this weapon following the incident and was removed from the chamber. ██████ indicated he replaced the chambered round into the top of this magazine. A total round count of all collected "Hornady" brand .233 unfired/live rounds/cartridges was 25.

Note: The less-than-lethal weapon was not available or at the TCSO at this time.

SA Snyder collected, packaged and prepared ██████ and ██████'s weapons and ammunition for analysis and evaluation.

At approximately 1535 hours, SA Clar and SA Snyder departed from the TCSO with the indicated evidence items and returned to the incident scene, where the collected evidence was provided to BCI Crime Scene Unit SA Dan Boerner for transportation to and entry into temporary evidence at the BCI Richfield office.

At approximately 1700 hours, SA Snyder secured from the scene.