



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



2023-2306

Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

Investigative Activity: Cursory OOCIC Video Review
Involves: Ohio Organized Crime Investigations Commission
Activity Date: 3/4/2024
Activity Location: BG Office
Authoring Agent: SA Chris Hamberg # 69

Narrative:

On Monday, March 04, 2024, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chris Hamberg (SA Hamberg) received the videos from the Axon evidence vault for Special Agent (SA) Matt Armstrong (SA Armstrong). The seven (7) videos were inside the folder identified Reference Item D-OOCIC video presentations of body cameras received from the Alliance Police Department (APD). OCIC was requested to perform various enhancements of the submitted video as detailed below.

SA Hamberg reviewed the documents from OCIC. The documents were:

1. OCIC Evidence Submission Form 23-00084

This document was the submission sheet created to submit the video recordings to OCIC. It also documented the creation of data disks by OCIC.

2. OCIC Chain of Custody Report 23-00084

This document was the chain of custody for OCIC.

3. OCIC Curriculum Vitae 23-00084

This document was the curriculum vitae for OCIC Analyst Loomis.

4. OCIC Forensic Video Analysis Report 23-00084

The report was authored by OCIC Analyst Loomis. Please refer to the report authored by Analyst Loomis. The report is attached to this report.

SA Hamberg reviewed the video presentations created by OCIC and noted the following:

The following videos had a timecode of 29.97 frames per second (fps).



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



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

The following video was from the OCIC video identified as 23-000-84 Rose-Timeline-Presentation.

At the 00:00:07:13-timecode, Officer Rose was at the entry door of the apartment and stated that Appleby had a knife to the female's throat and was retreating inside the apartment. Officer Rose began kicking in the back door. Officer Rose entered the residence at 00:01:19:21.





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



2023-2306

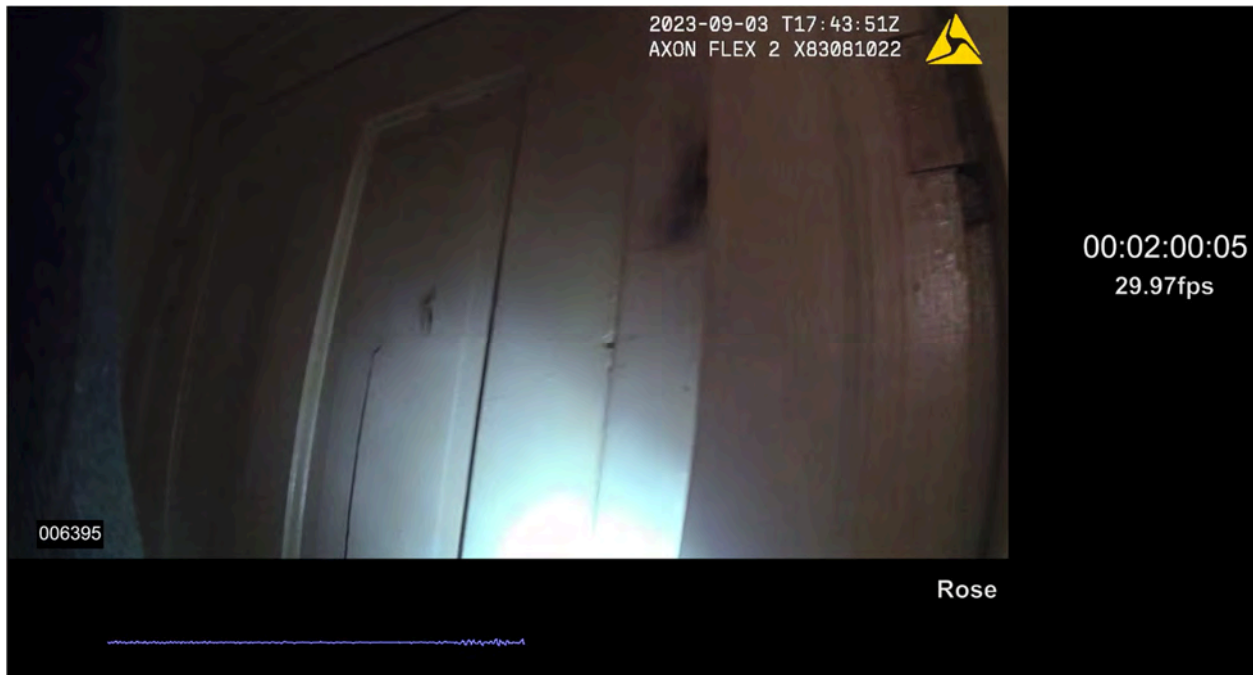
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:02:00:05-timecode, Officer Rose and other officers were at the bedroom door which was locked. Appleby and the female were on the other side of the door. Officer Rose instructed Appleby to open the bedroom door, which Appleby declined to do. Officers gave the following verbal commands to Appleby: unlock the door, open the door, drop the knife, and come up with your hands up. The above-mentioned verbal commands were given nineteen (19) times to Appleby.

Officers attempted to kick open the door when they realized the door opened out. Appleby stated, "if you walk away, I will quit." Officers then radioed they needed a Halligan bar.

At 00:05:49:13. Officers made entry into the bedroom and gave two (2) verbal commands for Appleby to put his hands up. At 00:05:54:11; two (2) shots were fired.

It was approximately four (4) minutes and thirty-five (35) seconds from when Rose entered the apartment until the shots were fired.



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

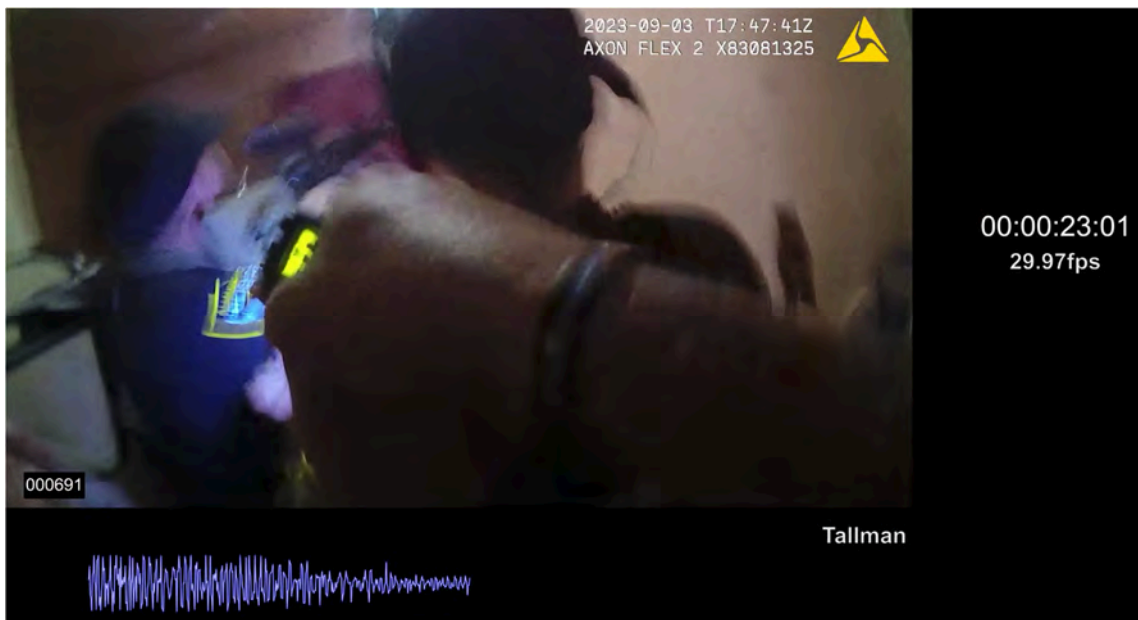


2023-2306

Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

The following video was from the OCIC video identified as 23-000-84 Tallman-Timeline-Presentation.

At the 00:00:23:01-timecode, Officer Toussant fired two (2) rounds at Appleby, after Apple refused the commands of officers to raise his hands.





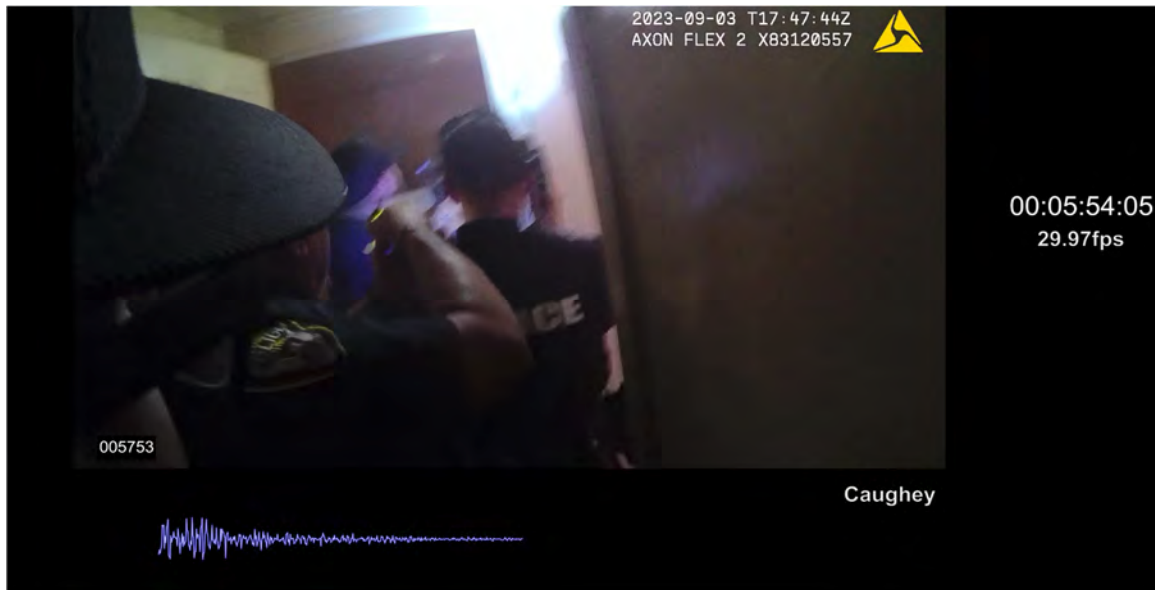
**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

The following video was from the OCIC video identified as 23-000-84 Caughey-Timeline-Presentation.

At the 00:05:54:05-timecode, Officer Caughey's camera showed officers yelling verbal commands "hands up" as they entered the bedroom, and two (2) shots were heard.





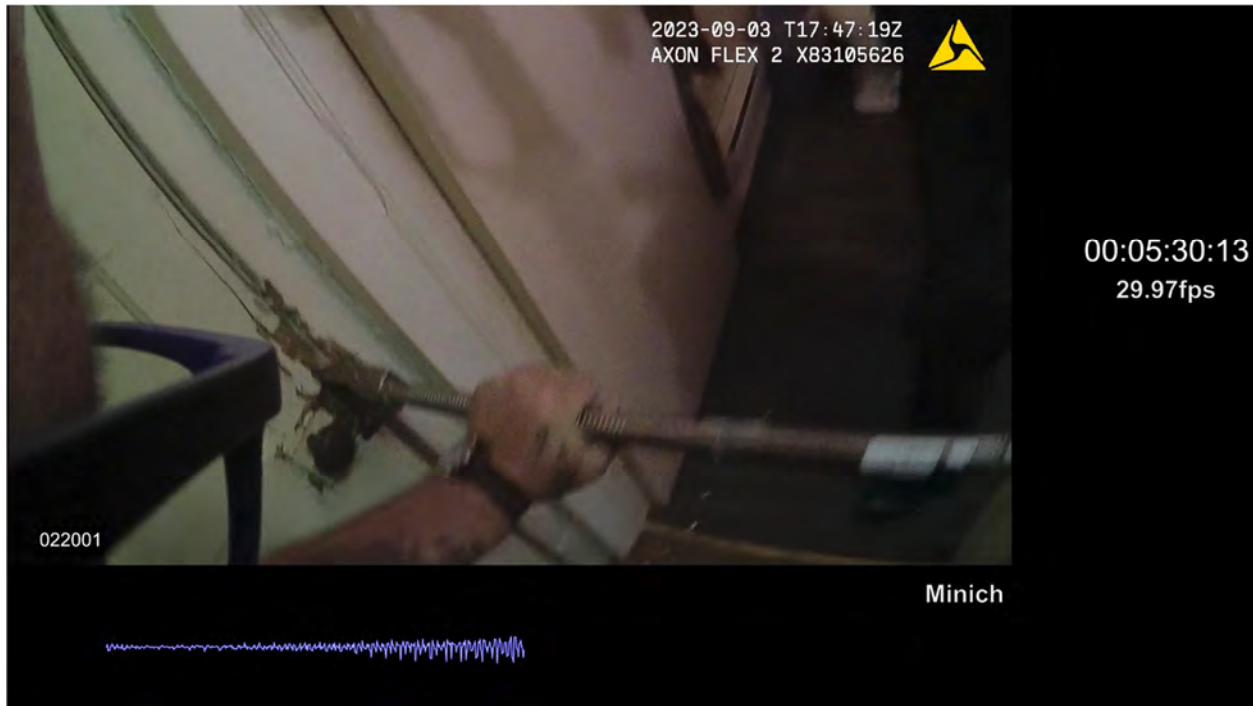
**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

The following video was from the OCIC video identified as 23-000-84 Minich-Timeline-Presentation.

At the 00:05:30:13- timecode, Sgt. Minich used the Halligan bar to open the bedroom door. At 00:05:55:22, Sgt. Minich backs up and other officers enter the bedroom. Officers yell “hands up”. At 00:05:54:07, two (2) shots were heard. Sgt. Minich’s camera does not cover the shooting incident.





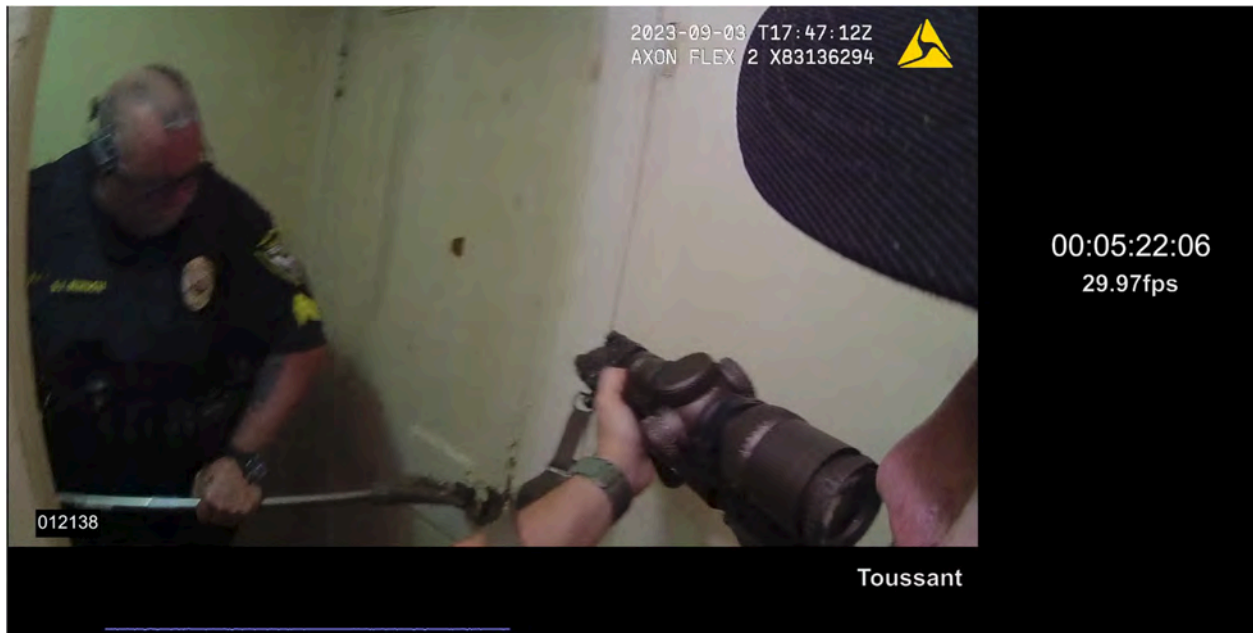
**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

The following video was from the OCIC video identified as 23-000-84 Toussant-Timeline-Presentation.

At the 00:05:22:06- timecode, Sgt. Minich used the Halligan bar to pry open the bedroom door, while Officer Toussant was off to the side of the door with his .223 rifle.





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



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:05:48:06- timecode, the bedroom door was pried open, and Sgt. Minich opened the door up.





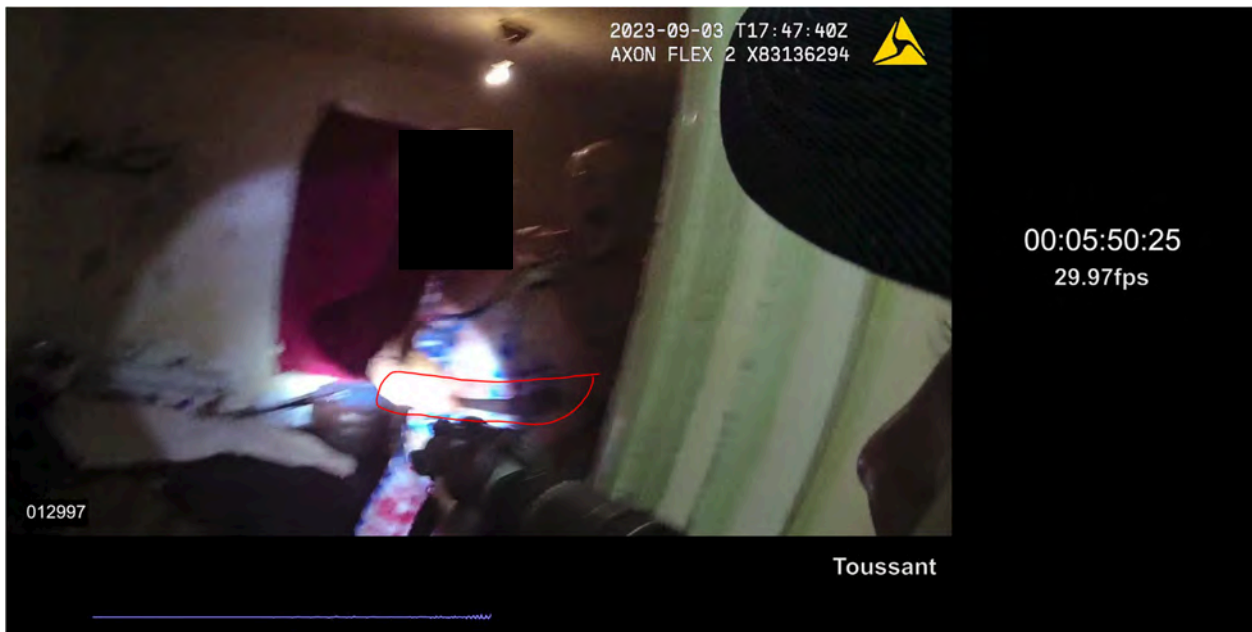
Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306

Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:05:50:25- timecode, Officer Toussant enters the threshold. Officers gave verbal commands, to put their hands up. Appleby was standing behind the female victim, and was holding her, with a large knife in his right hand that was near the stomach area of the female victim.



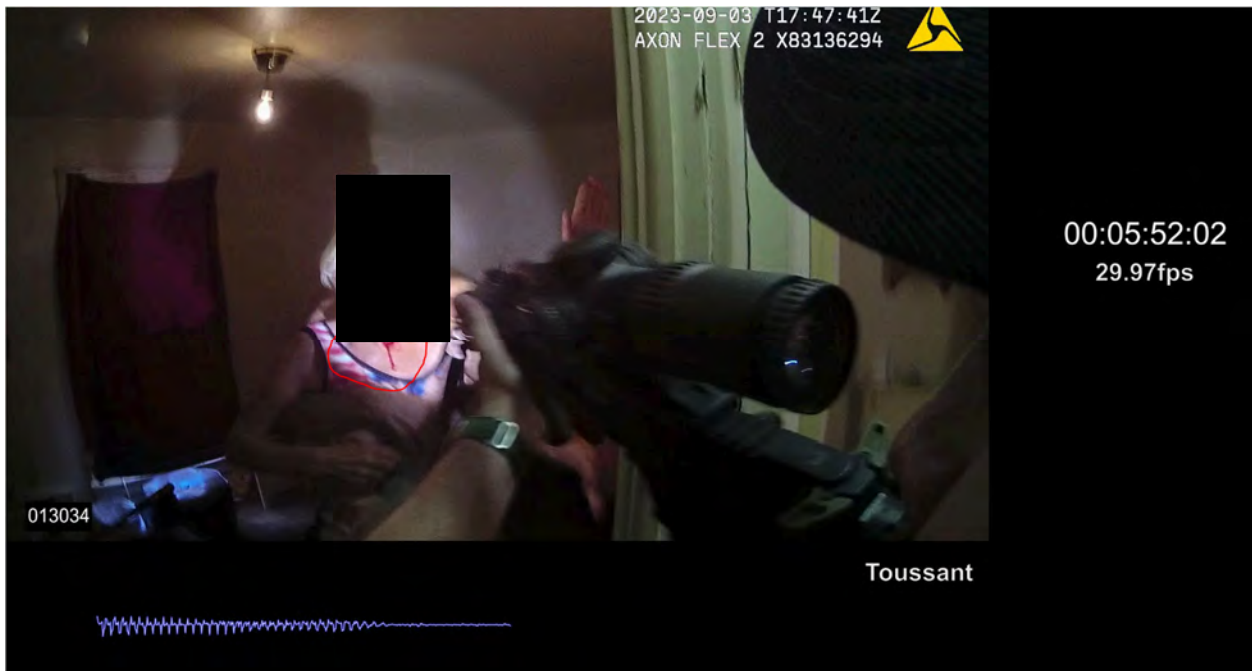


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:05:52:02- timecode Officer Toussant entered the threshold. Officers were giving verbal commands to put their hands up. The female victim had blood on the front of her neck.



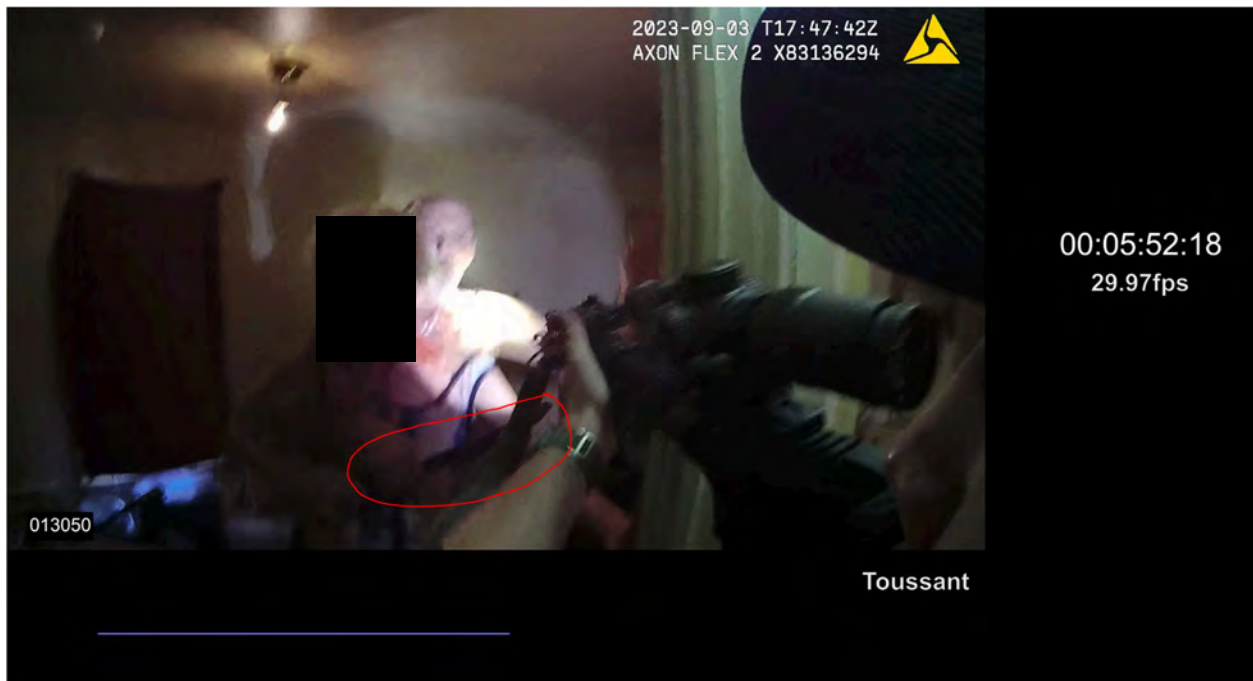


Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:05:52:18- timecode, Appleby is moving the large knife upward toward the female victim and was ignoring the verbal commands given by the officers, for Appleby to put his hands up.





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



2023-2306

Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:05:53:16- timecode, Officer Toussant was about to fire two (2) rounds with his .223 rifle at Appleby.



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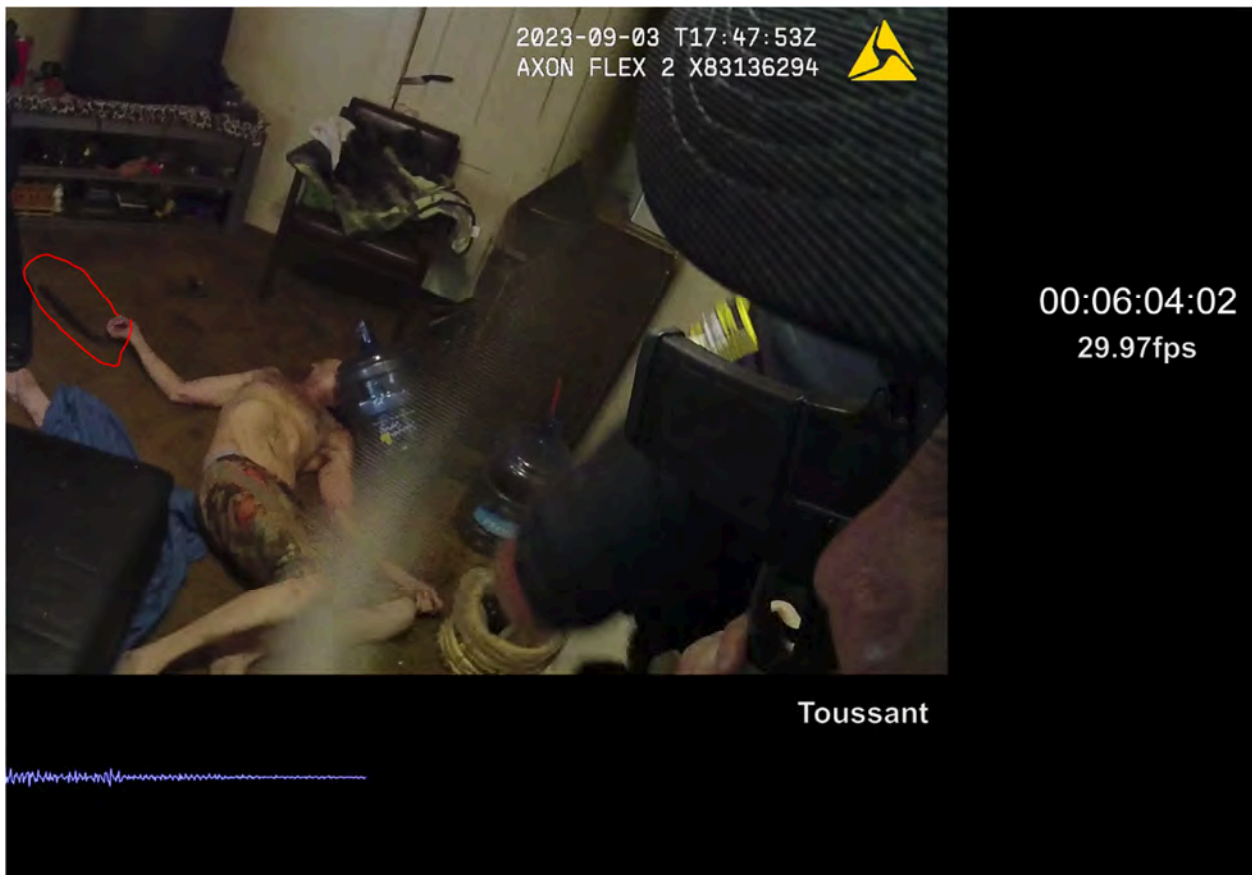


**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2023-2306
Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

At the 00:06:04:02- timecode, Appleby, after being shot fell to the bedroom floor, with the large knife being adjacent to his right hand.





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



2023-2306

Officer-Involved Critical Incident- [REDACTED]
Ave., Alliance, OH 44601, Stark County

ADDITIONAL FACTORS FOR EVALUATING THE VIDEO RECORDINGS

There are numerous other factors that need to be considered when reviewing and evaluating the videos and audio recordings of this incident. Those factors are:

A. Video recording devices record within the video and sound capabilities available, and they record objectively. Video recordings lack the history, perspective, and interest of the people involved. The positions, angles, obstacles, lighting, and distance from the incident are also factors that need serious consideration.

B. Video recording devices also record more information about a particular scene or incident than the person(s) involved in the incident can process during the critical incident. Video recording devices rarely record an event from the same perspective of the officer. It captures the action but not the perception, decision making, focus, or intent of the officer. Video recordings often miss tactile cues or other actions of a subject.

C. The speed of the incident is remarkable. The speed and complexity of rapidly evolving situation(s) that occur during use of force encounters are difficult concepts to comprehend by only watching the video.

The documents received from OCIC were submitted to the electronic BCI case file and were attached to this report. The videos received from OCIC were submitted to the physical BCI case file as Reference Item D.



**Ohio Organized Crime
Investigations Commission**

Evidence Submission Form

Submission Date 09/25/2023	Priority Code	Due Date
OOCIC Case Number 23-00084	Shelf Location	
(OOIC Evidence Tech will complete this section) Refer to OCIC Submission Number for Inquires		

Submitting Agency (or OOCIC Task Force Number) BCI Richfield		Case Investigator Name: S/A Matthew Armstrong	Submitting Investigator: S/A Matthew Armstrong
County: Summit		Agency Case Number: 23-2306	Court Date:
Telephone Number: 234-400-3395	Cell Phone Number 330-523-0869	FAX Number: 866-218-0993	
Mailing Address: 4055 Highlander Pkwy Richfield, OH 44286		E-Mail Address: matthew.armstrong@ohioago.gov	

Submitted Items: (OOIC Evidence Tech will complete this section)

Item #	Description	Make	Model	Lot Number
1	Flash Drive/Jump Drive/Thumb Drive 16 GB Black SanDisk Thumb Drive			
W.P. 1.1	Flash Drive/Jump Drive/Thumb Drive 1 8GB Flash Drive.			

Requested Services: (Check all that apply)

Video Analysis	Video Duplication	Digital Photographs	Audio Analysis	Audio Duplication	Audio Reconst./Repair	Video Reconst./Repair	Audio Redaction	Video Redaction

Subject Information: (Complete as much as possible)

Offense: Officer Involved Shooting	Date of Offense: 09/03/2023	Location : (City, County) [REDACTED]
----------------------------------------------	---------------------------------------	------------------------------------------------

Additional information: (Data from Time Date Generator / Type of System / Court Date / Special Instructions. etc.)
See attached memo.

Submitted By:

S/A Matthew Armstrong

Evidence Tech:

Nissa Low



Ohio Organized Crime Investigations Commission

P.O. Box 968
Grove City, OH 43123
Telephone: (614) 277-1000
Facsimile: (614) 277-1010

Chain of Custody Report

Lab Case 23-00084
Department Name: BCI Richfield
Incident Number 23-2306

Item # 1 Description : Flash Drive/Jump Drive/Thumb Drive 16 GB Black SanDisk Thumb Drive

<u>Date</u>	<u>Time</u>	<u>Custody Of</u>	<u>Location / Person</u>	<u>Transaction By</u>
09/25/2023	8:03	Clerical/Evidence	Nissa Low	Nissa Low
09/25/2023	8:46	Evidence Storage	Shelf A4	Nissa Low
10/18/2023	9:00	Clerical/Evidence	Nissa Low	Nissa Low
10/18/2023	9:01	Analyst	David F. Loomis	Nissa Low
10/31/2023	11:53	Clerical/Evidence	Nissa Low	Nissa Low
10/31/2023	12:02	Evidence Disposal	Returned to Department	Nissa Low

Item # W.P. 1.1 Description : Flash Drive/Jump Drive/Thumb Drive 1 8GB Flash Drive.

<u>Date</u>	<u>Time</u>	<u>Custody Of</u>	<u>Location / Person</u>	<u>Transaction By</u>
10/31/2023	11:40	Analyst	David F. Loomis	Nissa Low
10/31/2023	11:53	Clerical/Evidence	Nissa Low	Nissa Low
10/31/2023	12:02	Evidence Disposal	Returned to Department	Nissa Low



**Ohio Organized Crime Investigations Commission
Forensic Video Analysis**

Written November 6th, 2023

To: BCI Richfield OCIC Case Number: 23-00084
S/A Matthew Armstrong
4055 Highlander Pkwy
Richfield, OH 44286

Type of Offense: Officer Involved Shooting
Location of Offense: [REDACTED]
Ave.
Alliance, OH

Agency Case Number: 23-2306

On September 25th, 2023, Special Agent Matthew Armstrong of BCI submitted one flash drive for the purpose of forensic video analysis. Special Agent Armstrong requested video presentations be created from video files contained on the drive. The item submitted will be referred to as ITEM ONE throughout the body of this report. The process, as it pertains to this case, is as follows:

- Inspect ITEM ONE to ascertain that no physical damage exists
- Generate and save a working copy of the contents of ITEM ONE
- Utilize software to create synchronized video presentations as requested
- Produce a flash drive containing requested video presentations

On October 18th, 2023, ITEM ONE was checked out of the evidence room by Senior Analyst David Loomis.

ITEM ONE was a SanDisk Ultra 16GB flash drive with no label. ITEM ONE was inspected for damage and no damage was found. The contents of ITEM ONE were copied and verified via SHA256 hash using Quick Hash 3.0.4.

ITEM ONE contained five .mp4 video files with a display resolution of 1920 pixels by 1080 pixels using the H264 video codec, with audio at a 24000 hertz sample rate, stereo, using the MP4A audio codec:

Det. Toussant - Axon Video(wenseld@alliancepolice.com).mp4

Ptl. Caughey AXON_Flex_2_Video_2023-09-03_1345(wenseld@alliancepolice.com).mp4

Ptl. Rose AXON_Flex_2_Video_2023-09-03_1340(wenseld@alliancepolice.com).mp4

Ptl. Tallman AXON_Flex_2_Video_2023-09-03_1347(wenseld@alliancepolice.com).mp4

Sgt. Minich AXON_Flex_2_Video_2023-09-03_1335(wenseld@alliancepolice.com).mp4



**Ohio Organized Crime Investigations Commission
Forensic Video Analysis**

Written November 6th, 2023

The five .mp4 video files from ITEM ONE were imported into the Adobe Premiere CC 2024 video analysis software for review and the creation of the synchronized timeline. A new timeline was created and the five video files were synchronized based upon audio cues.

The Premiere timeline was imported into the Adobe After Effects CC 2023 video analysis and compositing software for the creation of the video presentations. The video files were edited to the scope of the event requested by Special Agent Armstrong. A new composition was created and the five camera views were scaled to fit the composition. Frame counters, audio waveform effects, and a timecode effect were added to the composition. The composition was duplicated and a presentation of shorter scope was created to show the event of interest in half-speed and original-speed views. A presentation was also created for each individual camera view of the scope requested by Special Agent Armstrong. Title slates were added and the seven total video presentations were rendered out as universal .mp4 video files for demonstrative purposes.

The seven .mp4 video presentations were placed onto an 8GB flash drive as work product.

On October 31st, 2023, the 8GB flash drive was released to evidence for shipping, along with ITEM ONE.

David F. Loomis
Senior Forensic Audio & Video Analyst
614-277-1000
David.Loomis@OhioAGO.gov



Matt S. Hilbert
Supervisor Approval

DAVID F. LOOMIS – CURRICULUM VITAE

The Ohio Organized Crime Investigations Commission
P.O. Box 968, Grove City, Ohio 43123
(614) 277-1000 / (614) 277-1010 fax / David.Loomis@OhioAGO.gov

Professional Experience

Senior Forensic Audio/Video Analyst

March 2019 – *Present*
Columbus, Ohio

The Ohio Organized Crime Investigations Commission
Office of the Ohio Attorney General

- Provides general supervision of the OOCIC Audio/Video laboratory
- Implements policy and procedures
- Reviews case files and lab testing practices
- Provides recommendations on training and equipment
- Assists in the hiring process of new Analysts
- Performs all other duties of Forensic Audio/Video Analyst (as listed below)

Forensic Audio/Video Analyst

August 2014 – March 2019
Columbus, Ohio

The Ohio Organized Crime Investigations Commission
Office of the Ohio Attorney General

- Performs forensic analysis of audio, video, photographic, and other evidence, whether analog or digital in nature, for investigation and court presentation
- Attends training, workshops, and seminars to maintain current working knowledge of trends and developments in the Forensic Audio/Video field
- Conducts testing and preparation of audio, video, and photographic evidence
- Clarification of evidentiary audio and video recordings
- Clarification of digital images
- Performs audio and video transcoding
- Forensic 2D and 3D animation
- Extraction of video from Digital Video Recorders
- Carves video data from various digital sources
- Duplication and digitization of audio and video recordings
- Repairs damaged audio and video tapes for evidentiary purposes
- Makes presentations to task force investigators and law enforcement agencies

Graphic Artist

April 2010 – June 2014
Pittsburgh, Pennsylvania

Educational Outfitters

- Created various designs for email marketing campaigns, customer logos, t-shirts, store signage, and fliers
- Prepared media for use in email marketing campaigns, various printing and production processes
- Responsible for installation and maintenance of design software packages
- Designed and digitized artwork for embroidery

Freelance Photographer / Videographer

Sept 2003 – April 2010
Denver, CO and Pittsburgh, PA

Self-Employed

- Family and portrait photography
- Digital photo editing and digital photo restoration

- Video recording, editing, and DVD presentations

Forensic Animation Intern

July 2003 – Sept 2003

Knott Laboratory

Denver, Colorado

- Assisted a team of animators and engineers to create accident reconstruction animations for legal proceedings
- 3D modeling, animation, compositing, and video editing
- Use of photogrammetry and camera matching to reconstruct scenes
- 3D cut-away views of mechanical processes

Lead Network Transport Planner

Nov 2000 – Nov 2001

Qwest Communications International, Inc.

Denver, Colorado

- Quarterly planning of nationwide wavelength services network (10 gigabit and 2.5 gigabit line system)
- Optimized the network plan using various equipment vendor and third-party software tools
- Calculated budgetary requirements for entire planned wavelength services network over various time periods
- Conducted studies of new nationwide network architectures, impacts of large customer deals, and potential fiber optic routes
- Utilized knowledge of various equipment interfaces (Nortel Preside / Ciena Wavewatcher) along with internal databases and the Microsoft Office suite to constantly improve processes, monitor planning progress, and analyze trends
- Tested and evaluated various vendor-specific and third party planning software
- Supported deployment planning of network transport technologies

Senior Network Transport Planner

June 1999 – Nov 2000

Qwest Communications international, Inc.

Denver, Colorado

- Assisted with development of and updates to quarterly SONE T network plans
- Actively supported planning efforts concerning new, changes to, and life cycle management / retirement of currently deployed network transport technologies
- Supported deployment planning of newly installed network assets
- Involved with scenario analysis concerning plan assumption changes / timing
- Utilized knowledge of Visual Basic for Excel to streamline current network data extraction from several weeks by many planners to minutes by a solo planner
- Awarded Letter of Recognition from VP for outstanding work in streamlining operations

Space Communications Systems Controller

June 1995 – June 1999

United States Air Force

Schriever AFB, Colorado

22d Space Operations Squadron

50th Space Communications Squadron

- Responsible for operating and troubleshooting communication and computer resources valued at over \$440 million to support the Air Force Satellite Control Network (AFSCN)
- Directed and implemented fault isolation, testing, troubleshooting, and analysis of transmission links, including T1 through T3, to ensure proper operations
- Provided worldwide connectivity across seven Department of Defense space programs, NASA, and NOAA
- Maintained a 99% efficiency rating on over 4,000 satellite communications mission supports, directly contributing to work center's 93.3% success rate on satellite mission contacts
- Handpicked to assist contractors with implementation and test procedures on a \$7 million project to link new satellite operations center with resources located at Schriever Air Force Base

- Awarded Senior Airman Below the Zone (promoted to E-4 six months early)
- Awarded the National Defense Service Medal and Air Force Good Conduct Medal
- Decorated – Awarded the Air Force Achievement Medal for Meritorious Service

Education

Bachelor of Arts

Media Arts and Animation

*The Art Institute of Colorado
Denver, Colorado*

- Instruction in animation, video production, editing, and compositing, and audio production and editing
- 3.9 GPA
- Alpha Beta Kappa National Honor Society
- Portfolio Voted “Best Book” by AiC instructors at graduation

Journeyman

Communications, Computer Systems Operations

*USAF Technical Training School
Biloxi, Mississippi*

- Honor Graduate (98% average)

Undergraduate Studies

Fine Art, Liberal Arts, Mathematics

*Ohio University
Athens, Ohio*

Certifications

LEVA Certified Forensic Video Technician

June 2016 - Present

Training

LEVA Level 1 – Forensic Video Analysis and the Law (40 Hours)

April 2015

- Principles of CCTV Systems
- Non-Linear Editing
- Data Authentication and Integrity
- Video Compression
- Scientific Method
- Video and the Law
- Infrared Light

Issues of Bias in Forensic Science (8 Hours)

May 2015

- Defining Bias as it Applies to Scientific Fields
- Overview of Decision Making and How We Think
- Discussion of Methods to Counter-act Bias

Introduction to Forensic Audio Analysis (24 Hours)

September 2015

- Science and Physics of Sound
- Fundamentals of Recording and Playback Devices
- Audio Processing Techniques
- Critical Listening
- Best Practices

- Hands-on Audio Clarification
- LEVA Level 2 – Processing Digital Multimedia Evidence (40 Hours) June 2016
- Compression Theory
 - Digital Video Acquisition
 - Screen Capture Utilities
 - Video File Formats and Video Containers
 - Integrating Hashing into Workflow
 - Technical Report Writing
 - Legal Aspects of Digital Multimedia Evidence
 - TCP/IP Networking
 - Analytical Report Writing
- NW3C CI 100 – Identifying and Seizing Electronic Evidence (2.5 Hours) July 2016
- Identifying sources of electronic evidence
 - Preserving electronic evidence for analysis
 - Best practices for seizure of electronic evidence
- NW3C CS 100 – Introduction to Computer Networks (2.75 Hours) August 2016
- Networking overview
 - OSI Model
 - TCP/IP
- NW3C CI 102 – How Computers Work and Store Data (3 Hours) July 2018
- Hardware and storage configurations
 - Number systems (Decimal, Hexadecimal, Binary)
 - Partitioning drives
 - Identifying volumes
 - File systems
- U.S. Department of Homeland Security - Cyber Security Investigations (9 Hours) August 2018
- Overview of cybersecurity incident response and forensic analysis
 - Digital forensic concepts, forensic media preparation
 - Digital evidence collection
 - Triage process and analysis
 - Suspicious trace analysis
 - Data carving
- LEVA Level 3 – Video Contrast and Comparison (40 Hours) September 2018
- Philosophy and principles of video contrast and comparison
 - Scientific method
 - Class Characteristics vs Individual Characteristics
 - Effects of lighting, aspect ratio, resolution, and compression on video analysis
 - Analytical report writing
 - Types of bias in forensic video analysis and how to reduce them
- LEVA Courtroom Testimony for Expert Witnesses (24 Hours) May 2019
- Trial procedure

- Report writing techniques
- Effects of bias
- Moot court

iNput Ace Video Evidence Training Symposium (15 Hours)

June 2020

- Video Analysis with iNput Ace
- Trends in video analysis
- Issues with timing in video
- Digital video evidence recovery

LEVA Level 4 – Advanced Forensic Video Analysis and the Law (40 Hours)

December 2020

- Advanced video analysis techniques
- Creating demonstratives for court
- Preparation for advanced certification

iNput Ace Video Evidence Training Symposium (12 Hours)

March 2021

- Video evidence narrative techniques
- Issues with video timing
- Video evidence workflow

Amped Authenticate Training (20 Hours)

June 2021

- Image and video authentication techniques

Amped FIVE Training (25 Hours)

December 2021

- Forensic Video Analysis theory
- Workflow in Amped FIVE
- Digital image and video clarification techniques

iNput Ace Video Evidence Training Symposium (12 Hours)

March 2022

- Video investigation training
- Bias in video forensics
- Video compression refresher

Court Testimony

State of Ohio vs Thaddeus Bumgardner

June 29th, 2016

Common Pleas Court of Meigs County

14 CR 117

- Expert Witness Qualification
- Testified concerning forensic audio analysis of evidence in a felonious assault trial

State of Ohio vs Tony Cohen

December 1st, 2017

Common Pleas Court of Summit County

2016-11-3966

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in an aggravated robbery trial

State of Ohio vs Mark Mabry

October 16th, 2018

Common Pleas Court of Richland County

2018-CR-0255R

- Expert Witness Qualification
- Testified concerning deleted file recovery and forensic video analysis of evidence in an aggravated assault trial

State Medical Board of Ohio vs Atta Asef, D.P.M.
State Medical Board of Ohio

August 21st, 2019
18-CRF-0038

- Expert Witness Qualification
- Testified concerning video authenticity in a State Medical Board adjudication hearing

State of Ohio vs Warriayre Armond Roundtree
Franklin County Common Pleas Court

December 11th, 2019
18-CR-01669

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in an aggravated murder trial

State of Ohio vs Andrew Kirk Mitchell
Franklin County Common Pleas Court

April 7th, 2022
19-CR-01662

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in a murder trial

State of Ohio vs Andrew Kirk Mitchell (Retrial)
Franklin County Common Pleas Court

April 13th, 2023
19-CR-01662

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in a murder trial

State of Ohio vs Bria Kaye-Paige Henslee
Franklin County Common Pleas Court

May 17th, 2023
21-CR-01524

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in a murder and assault trial

State of Ohio vs Tylan Chance Sims
Franklin County Common Pleas Court

June 6th, 2023
21-CR-00595

- Expert Witness Qualification
- Testified concerning forensic video analysis of evidence in a murder and felonious assault trial

Professional Memberships

Law Enforcement and Emergency Services Video Association

August 2014 – Present

High Technology Crime Investigation Association

August 2018 - Present