



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



2022-2016

Officer Involved Critical Incident - Everett Michael Martin (S)

Investigative Activity: Search Warrant
Activity Date: 9/28/2022
Activity Location: Tuscarawas County Court of Common Pleas
Authoring Agent: SA Jon Lieber #50

Narrative:

Search Warrant Obtained

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber (Lieber) drafted a search warrant for a 2009 Ford F-150 truck, blue in color, bearing Ohio license plate GEV 7534, registered to Everett Martin (DOB: 03/21/1979), located at 5611 E. Third Street, Mineral City, OH 44656, relative to the officer-involved critical incident which occurred on September 28, 2022.

On Wednesday, September 28, 2022, SA Lieber met with Tuscarawas County Court of Common Pleas Judge Elizabeth Thomakos (Judge Thomakos). Judge Thomakos reviewed the search warrant and search warrant affidavit. On September 28, 2022, at approximately 1545 hours, Judge Thomakos signed / authorized the search warrant.

Search Warrant Executed

On Wednesday, September 28, 2022, at approximately 1600 hours, SA Dan Boerner and SA Larry Hootman executed / served the aforementioned search warrant by searching the Ford F-150 truck.

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

One Blu brand cell phone located in a green duffle bag.

An inventory of the items seized was prepared with a copy provided to Makayla Halverstadt, the daughter of Everett Martin.

Search Warrant Returned

On Friday, October 21, 2022, SA Charlie Snyder (Snyder) met with Judge Thomakos. Judge Thomakos reviewed and signed the search warrant return. On October 21, 2022, SA Snyder filed the original search warrant, search warrant affidavit, inventory and search warrant return with the Tuscarawas County Clerk of Courts.

Copies of the search warrant documents and search inventory are attached to this Investigative Report.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.

STATE OF OHIO)

COUNTY OF TUSCARAWAS)

FILED
COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO
SS: 2022 OCT 21 AM 10:50
SEARCH WARRANT

JEANNE
CLERK OF COURTS

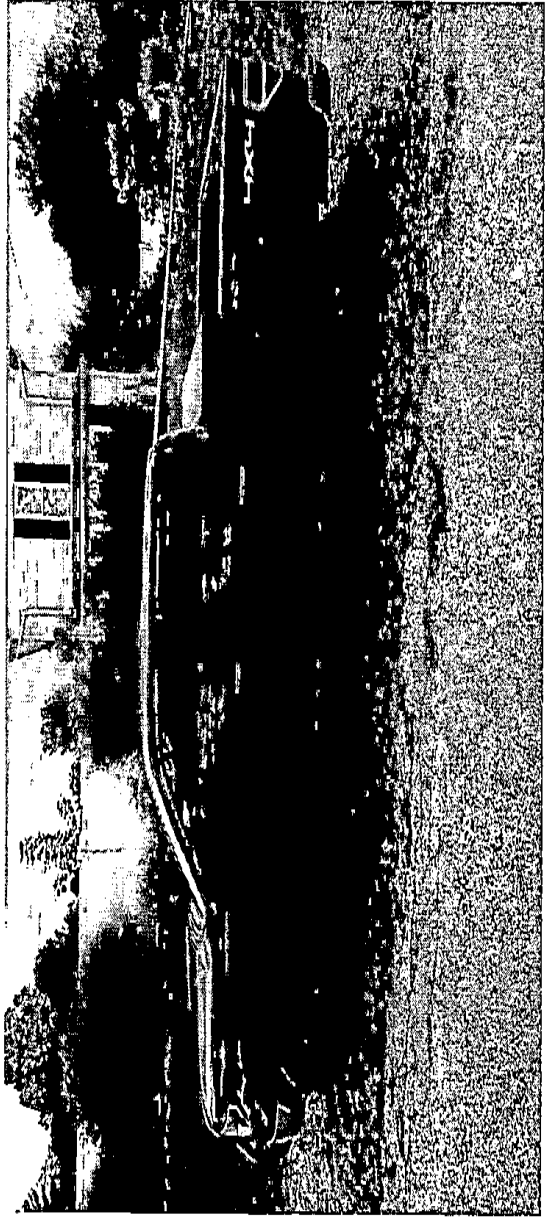
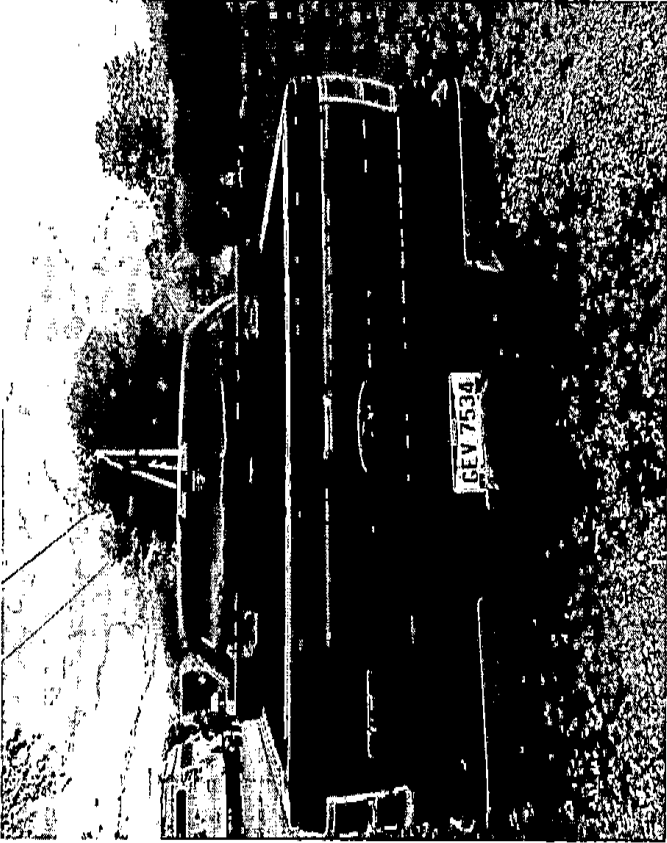
TO: OHIO ATTORNEY GENERAL DAVE YOST, SPECIAL AGENT JON LIEBER, BADGE #50, AND ANY BCI AGENTS, OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, AND ANY OFFICERS AS AUTHORIZED.

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, designated as Exhibit A, and incorporated herein, wherein the Affiant avers that he has probable cause to believe, and does believe, that evidence of violations of Ohio Revised Code: Felonious assault in violation of ORC 2903.11; Domestic Violence in violation of 2919.25; Menacing in violation of ORC 2903.22, Violation of Protection Order in violation of ORC 2919.27, will be found within the vehicle located at 5611 E. Third Street, Mineral City, OH 44656, its curtilage, more particularly described as a 2009 Ford F-150 truck, blue in color, bearing Ohio license plate GEV 7534, registered to Everett Martin (DOB: 03/21/1979) (photos of the vehicle incorporated herein). There is known to be kept, concealed and possessed the following:

- Weapons and ammunition, including but not limited to firearms, handguns, rifles or any other weapon as defined by Ohio Revised Code section 2923.11.
- Any controlled substance as defined by Ohio Revised Code Section 3719.41 to include alcohol and prescription drugs.
- Any documentation tending to show mental state, motive, planning, and/or malice aforethought.
- Any documentation establishing ownership of firearms, weapons, and/or ammunition. Any container or packaging used to store firearms, weapons, or ammunition.

- Electronic devices including but not limited to cellular phones, tablets, computers. All electronic data (allocated and unallocated) including but not limited to all media, any number(s) allowing access to the above-described cell phone so that it may be searched; all subscriber information; all electronic data tending to establish the identity of the person(s) in control of the cell phone and/or ownership of the cell phones including incoming and outgoing call logs, records and content of text messages sent to and from the device as well as cell phone tower locations of phone calls made to and from the device and/or use of the phone number provided; all electronic data tending to establish the identity of the person(s) in control of the cell phone related to purchase use of the phone; the system passwords; any and all electronic data and/or digital evidence and communications including but not limited to text messages, email messages, instant messages, phone and contact logs, photographs, videos, notes, internet records, voice recordings, short messaging service (SMS), multimedia messaging service (MMS), social media, and any other electronic records, documents, correspondence stored and/or exchanged in electronic form to and from the cell phone including any contact or digital transmissions between this cell phone and others, and/or the physical memory whether volatile or non-volatile. The above based evidence is stored in electronic and machine-readable media which is not readable by this Affiant in its present state. Authorization is requested by searching officers to seize, search, listen to, read, review, copy, operate, and/or maintain the above-described property and to convert it to human-readable form as necessary. Authorization is requested to make human-readable copies or recordings of this data at the search location in order to preserve and protect the information and to thereafter seize, search, read, listen to, copy, and/or maintain the described property.
- Any and all evidence of the offenses of Ohio Revised Code (ORC): Felonious assault in violation of ORC 2903.11; Domestic Violence in violation of ORC 2919.25, Menacing in violation of ORC 2903.22; Violation of Protection Order in violation of ORC 2919.27.

Execution of this warrant will be during daytime hours.



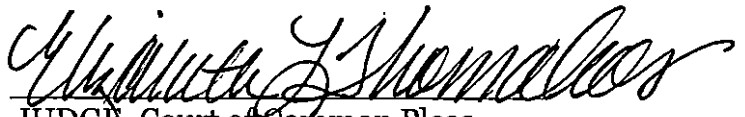
I am satisfied that there is probable cause to believe that the above described items are within the above-described premises, and that grounds for issuance of this search warrant exist.

THEREFORE: You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search the above-described vehicle located at 5611 E. Third Street, Mineral City, OH 44656, its curtilage, forthwith for the property specified. If the named property or any part thereof be found within this premises, you are commanded to seize it, leaving a copy of this warrant and a receipt for the property taken, to prepare a written inventory of the property seized, to return this warrant to the undersigned or any Judge of the Tuscarawas County Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

With regard to electronic evidence you are commanded to make a true and accurate copy that is a representation of the original evidence, also known as a forensic copy, and that once said copy is made, that affiant and/or other investigation officer/agents are authorized to search said forensic copy for the above described information. The Court makes a further order for good cause shown that the three (3) day rule for execution of the said warrant is extended, to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement. If any of the above-described property or any part thereof be found there, you are

commanded to seize it, prepare a written inventory of the property seized, return this warrant to the undersigned or any Judge of the Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given my hand this 28th day of September, 2022 at 3:45 o'clock P.M.


JUDGE, Court of Common Pleas
Tuscarawas County, Ohio

FILED
COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

EXHIBIT A

2022 OCT 21 AM 10:52

COURT OF COMMON PLEAS

STATE OF OHIO

JEANNE)
CLERK OF)
COURT)

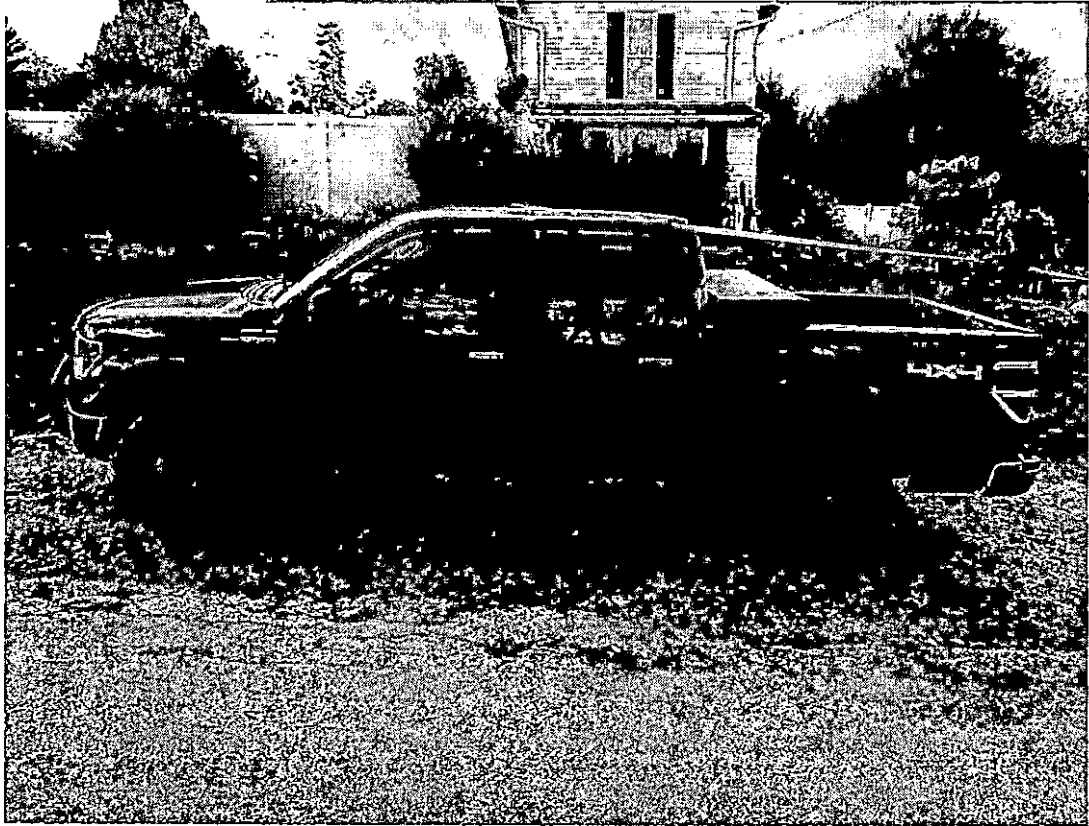
COUNTY OF TUSCARAWAS)

SEARCH WARRANT

Before me a Judge of the Court of Common Pleas, personally appeared the undersigned, Special Agent Jon Lieber, Badge #50, who being first duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation, Major Crimes Division, Special Investigations Unit, and that his training and experience include the following: Affiant states that he is a Special Agent in the Major Crimes Division, Special Investigations Unit of the Ohio Attorney General's Office, Bureau of Criminal Investigation, acting under a request for assistance from the Tuscarawas County Sheriff's Office. Affiant has been a law enforcement officer in the State of Ohio since 2002. The Affiant has successfully completed the Ohio Peace Officer Basic Training Academy where an intensive program of training was conducted regarding criminal investigations, interrogation techniques, crime scene investigations, as well as investigations of violations of other criminal laws in the Ohio Revised Code (ORC). Affiant has been trained and certified by the Ohio Peace Officer Training Academy (OPOTA). Affiant holds a Bachelor's Degree and Juris Doctor Degree. Affiant is an attorney licensed to practice law in the State of Ohio. Additionally, affiant has received in excess of 1,000 hours of training composed of topics such as criminal investigations, interviewing and interrogating suspects, instructor development, and general law enforcement operations.

Affiant states that he has probable cause to believe and does believe, that evidence of violations of Ohio Revised Code: Felonious assault in violation of ORC 2903.11; Domestic Violence in violation of ORC 2919.25; Menacing in violation of ORC 2903.22, Violation of Protection Order in violation of ORC 2919.27, will be found within the vehicle located at 5611 E. Third Street, Mineral City, OH 44656, its curtilage, more particularly described as a 2009 Ford F-150 truck, blue in color, bearing Ohio license plate GEV 7534, registered to Everett Martin (DOB: 03/21/1979) (photos of the vehicle incorporated herein).





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

- Weapons and ammunition, including but not limited to firearms, handguns, rifles or any other weapon as defined by Ohio Revised Code section 2923.11.
- Any controlled substance as defined by Ohio Revised Code Section 3719.41 to include alcohol and prescription drugs.
- Any documentation tending to show mental state, motive, planning, and/or malice aforethought.
- Any documentation establishing ownership of firearms, weapons, and/or ammunition. Any container or packaging used to store firearms, weapons, or ammunition.
- Electronic devices including but not limited to cellular phones, tablets, computers. All electronic data (allocated and unallocated) including but not limited to all media, any number(s) allowing access to the above-described cell phone so that it may be searched; all subscriber information; all electronic data tending to establish the identity of the person(s) in control of the cell phone and/or ownership of the cell phones

including incoming and outgoing call logs, records and content of text messages sent to and from the device as well as cell phone tower locations of phone calls made to and from the device and/or use of the phone number provided; all electronic data tending to establish the identity of the person(s) in control of the cell phone related to purchase use of the phone; the system passwords; any and all electronic data and/or digital evidence and communications including but not limited to text messages, email messages, instant messages, phone and contact logs, photographs, videos, notes, internet records, voice recordings, short messaging service (SMS), multimedia messaging service (MMS), social media, and any other electronic records, documents, correspondence stored and/or exchanged in electronic form to and from the cell phone including any contact or digital transmissions between this cell phone and others, and/or the physical memory whether volatile or non-volatile. The above based evidence is stored in electronic and machine-readable media which is not readable by this Affiant in its present state. Authorization is requested by searching officers to seize, search, listen to, read, review, copy, operate, and/or maintain the above-described property and to convert it to human-readable form as necessary. Authorization is requested to make human-readable copies or recordings of this data at the search location in order to preserve and protect the information and to thereafter seize, search, read, listen to, copy, and/or maintain the described property.

- Any and all evidence of the offenses of Ohio Revised Code: Felonious assault in violation of ORC 2903.11; Domestic Violence in violation of ORC 2919.25, Menacing in violation of ORC 2903.22, Violation of Probation order in violation of 2919.27.

Execution of this warrant will be during daytime hours.


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

1. On September 28, 2022, the Ohio Bureau of Criminal Investigation was requested to investigate an officer-involved shooting that occurred at 5611 E. Third Street, Mineral City, OH 44656.
2. On September 28, 2022 at approximately 0925 hours, Tuscarawas County Sheriff's Office (TCSO) deputies were dispatched to 5611 E. Third Street, Mineral City, OH 44656 for a report of a protection order violation.
3. The caller Courtney Digenova, stated that her ex-boyfriend, Everett Martin (DOB 03/21/1979) was outside of the residence. Courtney said Everett's vehicle, Ford F-150 truck bearing Ohio license plate GEV 7534, was parked outside of the residence and that he knocked on the door of the residence.

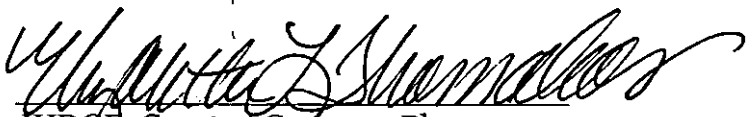
4. The protection order originated from an incident that occurred on September 18, 2022 involving Everett sending threatening text messages to Courtney. Everett was arrested on September 18, 2022 for threatening domestic violence.
5. The protection order was issued, as a result of the above referenced incident, on September 19, 2022 in New Philadelphia Municipal Court.
6. Deputies arrived on scene and began to communicate with Everett. After approximately 30 minutes, Courtney heard multiple gunshots.
7. During the confrontation with deputies, Everett was in possession of a handgun. It is believed that Everett fired the handgun twice before he was shot by deputies.
8. Medical aid was provided to Everett, however, he died of his injuries while on scene.
9. Everett's vehicle is currently parked on the property of 5611 E. Third Street, Mineral City, OH.

Based on the information contained in the affidavit, Affiant's training and experience as a law enforcement officer, participation in the investigation relative to this affidavit, conversations with participating law enforcement officers, corroborated facts and information supplied by named sources and any oral testimony incorporated herein, Affiant avers that based on the above, he has probable cause to believe, and does believe that additional evidence of the offenses of Ohio Revised Code: Felonious assault in violation of ORC 2903.11; Domestic Violence in violation of ORC 2919.25; Menacing in violation of ORC 2903.22, Violation of Protection order in violation of ORC 2919.27, will be found within the above-described vehicle, and that it is therefore necessary to search the items and recover said evidence.

FURTHER AFFIANT SAYETH NAUGHT.


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

Sworn to before me and subscribed in my presence this 28th day of September, 2022.


JUDGE, Court of Common Pleas
Tuscarawas County, Ohio

STATE OF OHIO

COURT OF COMMON PLEAS

COUNTY OF TUSCARAWAS

FILED
COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

) SS:

SEARCH WARRANT RETURN

2022 OCT 21 AM 10:59

CASE NUMBER: _____

JEANNIE STEPHENS
CLERK OF COURTS

IN THE MATTER OF SEARCH OF:

TO: Judge Elizabeth Thomakos of the Common Pleas Court, Tuscarawas County, Ohio.

- 1) 2009 Ford F-150 truck, blue in color, bearing Ohio license plate GEV 7534, registered to Everett Martin (DOB: 03/21/1979)

On September 28, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber received this warrant and on September 28, 2022, BCI SA Lieber served a copy of the warrant and executed the search on the 2009 Ford F-150 truck located at 5611 Third Street NE, Mineral City, OH 44656. As a result of the search, agents did receive the following item of evidence as listed on the attached inventory sheet.

SIAJ #50

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

*please email
Mr. Snyder
A stamped
copy of
everything
thanks!*

The warrant, aff
2022.

is returned to the Court on this 19th day of October,

Elizabeth Thomakos
Judge Elizabeth Thomakos
Tuscarawas County Court of Common Pleas

7 Evidence Receipt for Case #: 2022-2016



Agency:
 Prepared By: Special Agent Boerner (#135)
 Case Date: Sep 28, 2022
 Offense(s): Officer Involved Critical Incident
 Victim(s):
 Witness(es):
 Suspect(s):
 Scene #: 2
 Scene Address: Blue Ford F-150 OH/GEV7534

Evidence #	Item Description	Location	Collected By	Date/Time
1	Envelope containing Cell Phone – Quantity: 1; Blu tracfone; Cell phone found in green duffle bag		Dan Boerner	Sep 28, 2022

Released By	Released To	Date/Time
Special Agent Boerner (#135) <i>SA D B #135</i>	BCI Temp Locker 40	Sep 28, 2022 18:05