



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



2022-2085

Officer Involved Critical Incident - 2347 East Waterloo Road, Akron, Ohio 44312, Summit County

Investigative Activity: Records Received; Document Review; Lab Report Received
 Involves: Jeremy McCracken (S), Sergeant Joe Gaffney (S), Chief Jack Simone (S), BCI (O)
 Activity Date: 11/28/2022
 Activity Location: BCI – 4055 Highlander Parkway, Richfield, OH 44286
 Authoring Agent: SA Nick Valente

Narrative:

On November 21, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Nick Valente (Valente) received Ohio BCI Laboratory report(s) for items of evidence submitted on October 14, 2022, for scientific analysis (laboratory case 22-39461). The report originated from the Firearms section of the laboratory and was authored by Forensic Scientist Joshua Barr. The report was dated November 10, 2022. SA Valente reviewed the BCI Lab report and noted the following:

LOCATION AT SCENE	C.S.U. ITEM #	MATRIX ITEM #	LAB ITEM #	DESCRIPTION	CONCLUSION
Backyard of 2347 East Waterloo Road, Springfield, Ohio	1	001	1	Ruger 45 Colt single-action revolver, New Model Blackhawk, serial number 46-04318, six (6) fired Colt cartridge cases	Operable <i>Subject's revolver</i>
Intersection of Margaret Street and Mohawk Trail	3	004	2	Seven (7) 45 Colt cartridges	Examined and found to be seven (7) Winchester brand 45 Colt Silvertip JHP cartridges
Backyard of 2347 East Waterloo	4	005	3	One (1) fired 45 Auto cartridge case	Source Identification (linked to

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Road, Springfield, Ohio					Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road, Springfield, Ohio	5	006	4	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road, Springfield, Ohio	6	007	5	One (1) fired 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road, Springfield, Ohio	7	008	6	One (1) fired Auto 45 Auto cartridge case	Source Identification (linked to Sergeant Gaffney's pistol)
Backyard of 2347 East Waterloo Road, Springfield, Ohio	8	009	7	One (1) fired 45 Auto cartridge case	Source Identification (linked to Chief Simone's pistol)
N/A Received from Detective Scherer	9	010	8	Smith and Wesson 45 Auto semi-automatic pistol, model: M&P45, serial number: [REDACTED] one (1) magazine and	Operable Source Identification (to lab item 7) <i>Chief Simone's pistol</i>

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				six (6) 45 Auto cartridges	
N/A Received from Detective Scherer	10	011	9	Springfield Armory 45 Auto semi-automatic pistol, model: Operator, serial number: [REDACTED] one (1) magazine and four (4) 45 Auto cartridges	Operable Source Identification (to lab items 3-6 – four (4) fired cartridge cases and lab item 10 - one fired bullet) <i>Sergeant Gaffney's pistol</i>
N/A Removed from subject, Jeremy McCracken, during autopsy	N/A	019	10	One (1) fired bullet	Source Identification (to lab item 9, Sergeant Gaffney's pistol)

SA Valente also noted lab item #10, the bullet removed from the subject's person, was identified as having been fired from lab item #9, the Springfield Armory 45 Auto pistol carried and used by Sergeant Gaffney during the incident on October 5, 2022.

Attachments:

1. BCI Lab Firearms Report



DAVE YOST

OHIO ATTORNEY GENERAL

Bureau of Criminal Investigation

**Laboratory Report
Firearms**

To: Ohio Attorney General's Office BCI Laboratory Number: 22-39461
Charles Moran
30 E. Broad Street Analysis Date: Issue Date:
Columbus, OH 43215 November 10, 2022 November 10, 2022

Agency Case Number: 2022-2085
BCI Agent: Dan Boerner

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

Submitted on October 14, 2022 by Charles Moran:

1. One box containing firearm (Serial# 46-04318) recovered from the scene (CS-1)
-One (1) Ruger 45 Colt single-action revolver, New Model Blackhawk, serial number 46-04318, six (6) fired 45 Colt cartridge cases.
2. Envelope containing cartridge case (CS-3) FOUND TO BE: cartridges.
-Seven (7) 45 Colt cartridges.
3. Envelope containing cartridge case (CS-4)
-One (1) fired 45 Auto cartridge case.
4. Envelope containing cartridge case (CS-5)
-One (1) fired 45 Auto cartridge case.
5. Envelope containing cartridge case (CS-6)
-One (1) fired 45 Auto cartridge case.
6. Envelope containing cartridge case (CS-7)
-One (1) fired 45 Auto cartridge case.
7. Envelope containing cartridge case (CS-8)
-One (1) fired 45 Auto cartridge case.
8. One box containing firearm with cartridge and magazine (Serial# [REDACTED] (CS -9)
-One (1) Smith & Wesson 45 Auto semi-automatic pistol, model M&P45, serial number [REDACTED] one (1) magazine and six (6) 45 Auto cartridges.
9. One box containing firearm with cartridge and magazine (Serial# [REDACTED] (CS-10)

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

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

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

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

-One (1) Springfield Armory 45 Auto semi-automatic pistol, model Operator, serial number [REDACTED] one (1) magazine and four (4) 45 Auto cartridges.

10. Brown paper bag containing bullet (CS-19)
-One (1) fired bullet.

Findings

Item Description	Comparison	Conclusion
Item #1 – Ruger 45 Colt revolver	N/A	Operable
Item #8 – Smith & Wesson 45 Auto pistol	N/A	Operable
	Item #7 – one (1) fired cartridge case	Source Identification
Item #9 – Springfield Armory 45 Auto pistol	N/A	Operable
	Items #3-6 – four (4) fired cartridge cases	Source Identification
	Item #10 – one (1) fired bullet	Source Identification

Remarks

Two (2) BCI supplied cartridges were used for testing Item #1.

Two (2) of the submitted cartridges were used for testing Item #8.

Two (2) of the submitted cartridges were used for testing Item #9.

The fired cartridge cases from Item #1 were found in the cylinder of the revolver and therefore, not examined.

Item #2 was examined and found to be seven (7) Winchester brand 45 Colt Silvertip JHP cartridges.

Test fired specimens from revolvers and law enforcement firearms are not entered into the NIBIN database. Therefore, Items #1, #8 and #9 were not entered.

All evidence will be returned to the submitting agency.

Analytical Detail

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



Joshua Barr
Forensic Scientist
(234)400-3649
joshua.barr@OhioAGO.gov



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

Your feedback is important to us! Please complete our Laboratory Satisfaction Survey at: <https://www.surveymonkey.com/r/Q9VQHL5>

Comparison Conclusion Scale

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

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

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

We invite you to direct your questions to:
Abby Schwaderer, Quality Assurance Manager
(740) 845-2517
abby.schwaderer@ohioattorneygeneral.gov