



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



2023-3023

Officer Involved Critical Incident - 6235 Hathaway Rd.,
Garfield Heights, Cuyahoga County, Ohio 44125

Investigative Activity: Laboratory Submission 1

Activity Date: November 17, 2023

Authoring Agent: Special Agent Cory Momchilov #64

On November 17, 2023, Ohio Bureau of Criminal Investigation Special Agent (SA) Cory Momchilov (Momchilov) submitted the following items to the Ohio BCI Laboratory for analysis:

- **Lab item 1**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#1
- **Lab item 2**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#2
- **Lab item 3**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#3
- **Lab item 4**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#4
- **Lab item 5**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#5
- **Lab item 6**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#6
- **Lab item 7**-Fired Cartridge Casing-Speer 9mm Luger-Located at northeast corner of basement floor-CS#7
- **Lab item 8**-Fired Cartridge Casing-Speer 9mm Luger-Located on pantry room floor of basement-CS#8
- **Lab item 9**-Fired Cartridge Casing-Speer 9mm Luger-Located on pantry room floor of basement-CS#9
- **Lab item 10**-Fired Projectile-Located on basement floor CS#10
- **Lab item 11**-Fired Projectile-Located on basement floor CS#11
- **Lab item 12**-Fired Projectile-Located on basement floor CS#12
- **Lab item 13**-Fired Cartridge Casing-Speer 9mm Luger-Located on pantry room floor of basement-CS#16
- **Lab item 14**-Fired Projectile-Fired projectile from BI 3.4 (Basement Couch)-CS#17
- **Lab item 15**-Fired Projectile-Fired projectile from BI 4.2-Brown chair in basement-CS#18
- **Lab item 16**-Fired Projectile from BI 2.4-Basement north wall-CS#19
- **Lab item 17**-Fired Projectile-Located on floor northwest corner of basement-CS#20

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.



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- **Lab item 18**-Smith & Wesson-M&P handgun-SN [REDACTED] 1 cartridge from chamber, Magazine containing 10 cartridges and two Magazines containing 17 cartridges-Belonging to [REDACTED] [REDACTED] CS#21
- **Lab item 19**-Smith & Wesson-M&P handgun-SN [REDACTED] Magazine containing 13 cartridges, two Magazines containing 17 cartridges -Belonging to [REDACTED] [REDACTED] CS#22
- **Lab item 20**-Taurus revolver-.38 caliber- Containing 6 unfired .38 cartridges-CS#23

The Ohio BCI Laboratory submission sheet is attached to this Investigative Report.

Attachments

Ohio BCI Laboratory Submission Sheet

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DAVE YOST

OHIO ATTORNEY GENERAL



Laboratory Evidence Submission				Date/Time Received: 11/17/2023 10:38 am Friday		BCI Case Number: 23-39875			
Received By: Kylie Manko				Agency Case Number: 2023-3023					
New Case <input checked="" type="checkbox"/>		ADD'L (If checked, provide BCI Case No)							
Case Type: Shooting Involving an Officer		Date of Offense: 11/14/2023		Location of Offense: Garfield Heights		County of Submitting Agency: Cuyahoga County			
Subject(s): (First Name)		MI	Last Name	BCI #	Race	Sex	DOB		
Victim(s): (First Name)		MI	Last Name	BCI #	Race	Sex	DOB		
Submitting Agency Name/ORI: Ohio Attorney General's Office OHBCI0000 Mailing Address: 30 E. Broad Street Columbus, OH 43215				Investigating Officer Name: S/A Joseph Goudy					
				Investigating Officer Phone: 614-208-3009					
				Submitting Officer: S/A Cory Momchilov					
				BCI Crime Scene Agent: Cory Momchilov		Crime Scene Case No: 2023-3023			
DNA <input type="checkbox"/>	Biology <input checked="" type="checkbox"/>	CODN <input type="checkbox"/>	Chemistry <input type="checkbox"/>	Documents <input type="checkbox"/>	Firearms <input checked="" type="checkbox"/>	NIBIN <input type="checkbox"/>	GSR <input type="checkbox"/>	Latent Prints <input type="checkbox"/>	Trace <input type="checkbox"/>

Test item submission establishes an agreement for testing between the submitting customer and the BCI laboratory. The laboratory employs standardized methods to fulfill customer test requests. Specific method selection, application and sequence are at the discretion of the laboratory, unless otherwise directed by the customer. Investigative information obtained as a result of the laboratory testing may be disseminated to other law enforcement agencies for the administration of justice. The BCI laboratory may subcontract testing to meet operational needs. Subcontracted work will be performed by a competent subcontractor and that work will be clearly identified to the customer.

Prior to the commencement of work, please review the submission receipt to ensure the items submitted and laboratory testing requested are correct. Signature signifies acceptance of the agreement specified above and accuracy of the submission receipt to the best of the signatory's knowledge.

Completed Laboratory reports, Notarized Statements, and Statements of Qualification are available for download from the OHLEG portal (www.OHLEG.org).

Item Number: 1

Packaging: Envelope containing
Item Description: - cartridge case (CS#1)

Item Number: 2

Packaging: Envelope containing
Item Description: - cartridge case (CS#2)

Item Number: 3

Packaging: Envelope containing
Item Description: - cartridge case (CS#3)

Item Number: 4

Packaging: Envelope containing
Item Description: - cartridge case (CS#4)

Subject in custody for this offense? <input type="checkbox"/>		Subject charged for this offense? <input type="checkbox"/>		Trial Date:		Grand Jury Date:	
BCI & I Bowling Green Office 750 North College Drive Bowling Green, OH 43402 Phone: (419) 353-5603		BCI & I London Office P.O. Box 365 London, OH 43140 Phone: (740) 845-2000		BCI & I Cambridge Office 1225 Woodlawn Ave Cambridge, OH 43725 Phone: (740) 845-2611		BCI & I Richfield Office 4055 Highlander Pkwy. Richfield, OH 44286 Phone: (330) 659-4600	
BCI & I Youngstown Office 20 Federal Plaza West Youngstown, OH 44503 Phone: (330) 659-4600		BCI & I Athens Office 86 Columbus Circle Suite 202 Athens, OH 45701 Phone: (740) 249-4378					

SHOULD THERE BE ANY CHANGE IN THE STATUS OF THIS CASE, INCLUDING TRIAL DATES, PLEASE CONTACT BCI IMMEDIATELY.



DAVE YOST

OHIO ATTORNEY GENERAL



Laboratory Evidence Submission		Date/Time Received: 11/17/2023 10:38 am Friday	BCI Case Number: 23-39875
Received By: Kylie Manko			
New Case <input checked="" type="checkbox"/>	ADD'L (If checked, provide BCI Case No)	Agency Case Number: 2023-3023	
Case Type: Shooting Involving an Officer	Date of Offense: 11/14/2023	Location of Offense: Garfield Heights	County of Submitting Agency: Cuyahoga County

Item Number: 5

Packaging: Envelope containing
Item Description: - cartridge case (CS#5)

Item Number: 6

Packaging: Envelope containing
Item Description: - cartridge case (CS#6)

Item Number: 7

Packaging: Envelope containing
Item Description: - cartridge case (CS#7)

Item Number: 8

Packaging: Envelope containing
Item Description: - cartridge case (CS#8)

Item Number: 9

Packaging: Envelope containing
Item Description: - cartridge case (CS#9)

Item Number: 10

Packaging: Envelope containing
Item Description: - bullet (CS#10)

Item Number: 11

Packaging: Envelope containing
Item Description: - bullet (CS#11)

Item Number: 12

Packaging: Envelope containing
Item Description: - bullet (CS#12)

Item Number: 13

Packaging: Envelope containing
Item Description: - cartridge case (CS#16)

Item Number: 14

Packaging: Envelope containing
Item Description: - bullet (CS#17)

Item Number: 15

Packaging: Envelope containing
Item Description: - bullet (CS#18)

Item Number: 16

Packaging: Envelope containing
Item Description: - bullet (CS#19)

Subject in custody for this offense? <input type="checkbox"/>		Subject charged for this offense? <input type="checkbox"/>		Trial Date:		Grand Jury Date:	
BCI & I Bowling Green Office 750 North College Drive Bowling Green, OH 43402 Phone: (419) 353-5603	BCI & I London Office P.O. Box 365 London, OH 43140 Phone: (740) 845-2000	BCI & I Cambridge Office 1225 Woodlawn Ave Cambridge, OH 43725 Phone: (740) 845-2611	BCI & I Richfield Office 4055 Highlander Pkwy. Richfield, OH 44286 Phone: (330) 659-4600	BCI & I Youngstown Office 20 Federal Plaza West Youngstown, OH 44503 Phone: (330) 659-4600	BCI & I Athens Office 86 Columbus Circle Suite 202 Athens, OH 45701 Phone: (740) 249-4378		

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Laboratory Evidence Submission		Date/Time Received:	BCI Case Number:
Received By: Kylie Manko		11/17/2023 10:38 am Friday	23-39875
New Case <input checked="" type="checkbox"/>	ADD'L (If checked, provide BCI Case No)	Agency Case Number: 2023-3023	
Case Type: Shooting Involving an Officer	Date of Offense: 11/14/2023	Location of Offense: Garfield Heights	County of Submitting Agency: Cuyahoga County

Item Number: 17

Packaging: Envelope containing
Item Description: - bullet (CS#20)

Item Number: 18

Packaging: One cardboard box containing
Item Description: - firearm (SN [REDACTED]) with magazine and cartridges (CS#21)

Item Number: 19

Packaging: One cardboard box containing
Item Description: - firearm (SN [REDACTED]) with magazine and cartridges (CS#22)

Item Number: 20

Packaging: One cardboard box containing
Item Description: - firearm (serial# 1143654) cartridges recovered from the scene (CS#23)

Comments: Case Synopsis: It was reported the Benard Russell called 911 from his residence, 6235 Hathaway Road, Garfield Heights, to ask for the phone number to the suicide hotline. Police Dispatchers attempted to ask Russell questions at which point he hung up the phone. Garfield Heights Police Officers were dispatched to Russell's residence for a welfare check. Russell was ultimately found in the basement of the residence, holding a firearm to his head. A Garfield Heights officer engaged Russell in conversation for approximately 10 minutes, attempting to get him to put the gun down. Based on body-camera footage, it appears that Russell pointed the firearm at officers, at which point two Garfield Heights police officers discharged their firearms striking Russell. Russell was later pronounced dead at the hospital.

Analysis Request Details: Please analyze and compare items 1 through 17 with items 18 and 19. Please swab and retain item 20 for possible DNA comparison in the future. Also, please check item 20 for operability.

Subject in custody for this offense? <input type="checkbox"/>		Subject charged for this offense? <input type="checkbox"/>		Trial Date:		Grand Jury Date:	
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BCI & I Youngstown Office 20 Federal Plaza West Youngstown, OH 44503 Phone: (330) 659-4600		BCI & I Athens Office 86 Columbus Circle Suite 202 Athens, OH 45701 Phone: (740) 249-4378		SHOULD THERE BE ANY CHANGE IN THE STATUS OF THIS CASE, INCLUDING TRIAL DATES, PLEASE CONTACT BCI IMMEDIATELY.			